

Regulations for LINKs

Briefing note on the consultation

September 2007

Summary

The Government believes that health and social care services will get better if they listen and respond to the needs of the people who use them.

To-date, one of the main tools the NHS have used to help listen to patients, has been patient and public involvement forums. Every local NHS Trust has one of these groups, many of which have played an important role in helping to improve front-line treatment.

However, forums have also suffered from limitations that have stopped them being as effective as they could be. The ability of citizens to influence what local health and social care services are provided and how they are run needs to be strengthened.

The *Local Government and Public Involvement in Health Bill*, which is currently before Parliament, plans to replace forums with Local Involvement Networks (LINKs) from 1st April 2008.

A LINK will be a network of local people and organisations who are funded and supported to (a) find out about and then

represent the views of the community and then (b) hold publicly funded care services to account.

To help LINKs carry out their work, the Bill gives the Secretary of State a power to make regulations imposing specific duties on commissioners and certain providers of health and social care services. These duties include responding to a LINK when they request information or make recommendations, as well as allowing LINK representatives to enter and view certain health and social premises under certain conditions.

To ensure that LINKs are able to work as effectively as possible, the Government have launched a consultation on these regulations. This briefing explains more about LINKs, the consultation and how people can have their say.

LINKs explained

A LINK will be funded by Government and supported by an independent organisation to hold commissioners and providers of care services to account. There will be a

LINK in every local authority area that have social services responsibility. LINKs will cover any health or social care service that is funded by the taxpayer.

The role of a LINK will be to:

- > give everyone the chance to say what they think about their local health and social care services – what is working well and what is not so good
- > give people the chance to check how those services are planned and run
- > provide feedback on what people have said about services, so that things can change for the better.

The work of LINKs will be backed by legislation to ensure that commissioners and service providers have specific duties towards LINKs. LINKs will be able to:

- > make reports and recommendations and get a reply within a set period of time
- > ask for information and get a reply within a set period of time
- > go into some types of health and social care premises to see what they do
- > refer issues to the local overview and scrutiny committee (OSC) and get a response.

More about the legislation

As well as abolishing Patient Forums, the Bill:

- > Requires each local authority with social services responsibilities to contract an organisation to set up and then support each LINK
- > Sets out a LINKs' core activities such as a) promoting and supporting people's involvement in the commissioning, provision and scrutiny of health and social care services; b) enabling people to monitor and review the

commissioning and provision of health and social care services; c) obtaining people's views about their needs for, and their experiences of, health and social care services; and d) presenting people's views to those responsible for health and social care services, as well as making reports and recommendations on how services can be improved.

- > Gives the Secretary of State a power to make regulations imposing duties on commissioners and certain providers of health and social care services.

The Government have published a document called ['Have your say - Consultation on the regulations for Local Involvement Networks'](#). This document includes drafts of the regulations covering the duty of commissioners and providers when it comes to responding to LINKs and allowing entry to services. The document also explains how the Government proposes to take forward the duties relating to requests for information made by a LINK and the referral of matters to an overview and scrutiny committee.

Some stakeholders have raised fears about a previous proposal requiring LINKs to inform relevant regulators in advance of any intention to visit a health or social care premises. Concerns were expressed that this 'gatekeeper' role for health and social care regulators and the loss of the ability to conduct 'spot checks' would hamper the work of LINKs. After listening to these views, the Government have removed this proposal from the draft regulations.

The draft regulations only relate to the public sector, so do not cover independent

sector health and social care providers. The Government intend to deal with the independent sector through separate legislation (Directions to health and social care commissioners) to ensure that there are necessary measures in place for all publicly funded care – no matter in what setting it is provided to them.

Taking part in the consultation

The consultation document, in addition to explaining the duties some organisations and bodies will have towards LINKs and outlining the regulations, also includes a questionnaire that organisations and individuals can fill in to explain their views to Government. The consultation will end on the **21st December 2007**

To download the document and access accompanying resources visit

www.dh.gov.uk/consultations

Further information

To find out more about Links

Visit:

www.dh.gov.uk/PatientPublicInvolvement

To get more Patient and Public Involvement resources

Visit: www.library.nhs.uk/ppi

To find out more about current patient involvement practice or the LINKs early adopter sites visit:

www.cppih.org or

www.nhscentreforinvolvement.nhs.uk