

## **South Gloucestershire Local Involvement Network**

### **Procedures for Enter and View Activities – Regulation 3 of the Local Involvement Networks Regulations 2008**

South Gloucestershire LINK have accepted the National Centre for Involvement Code of Conduct relating to visits to enter and view as their policy of good practice and this document has been written to identify and publish the procedures for decisions required of the LINK

To enable South Gloucestershire LINK to carry out their activities effectively there will be times when it will be helpful to undertake an observation of the delivery of either health or social care services and collect the views of people whilst they are directly using those services.

As part of the Local Government and Public Involvement in Health Act 2007 the Government has introduced duties on certain commissioners and providers of health and social care to allow authorised representatives of LINKs to enter premises that providers own or control to observe the nature and quality of services. In the context of the duty to allow entry the organisations or persons concerned are:

- NHS Trusts including Primary Care Trusts
- NHS Foundation Trusts
- Local Authorities
- A person providing medical services (e.g.GP's)
- A person providing dental services (i.e. dentists)
- A person providing ophthalmic services (i.e. opticians)
- A person providing pharmaceutical services (e.g. community pharmacists)
- A person who controls premises where ophthalmic and pharmaceutical services are provided

- Bodies or institutions which are contracted by Local Authorities or NHS Trusts, Primary Care Trusts or Strategic Health Authorities to provide care services

There are some exceptions:

- If a LINK visit compromises either the effective provision of a service or the privacy or dignity of any service user ;
- If the premises where the care is being provided is a person's own home (this does not mean that an authorised representative cannot enter when invited by residents – it just means that there is no duty to allow them to enter);
- Where the premises are non-communal parts of care homes;
- Where health and social services are not provided at the premises (such as offices) or where they are not being provided at the time of the visit (for example when facilities and premises are closed);
- If, in the opinion of the provider of the services being visited, the authorised representative, in seeking to enter and view its premises, is not acting reasonably or proportionately; and or
- If the authorised representative does not provide evidence that he or she is authorised in accordance with regulation 4 of the LINKs (Duty of services Providers to Allow Entry) Regulations 2008
- The duty does not apply to observing any activities which relate to the provision of social care services to children.

Under the legislation, certain individuals can be authorised to enter and view and observe health and social care activities being carried out – authorised representatives.

A CRB policy was agreed at the meeting on 7<sup>th</sup> November 2008 and within that policy South Gloucestershire LINK have a nominated person to consider the CRB certificates and who will be satisfied that the person is suitable to carry out visits. South Gloucestershire LINK will as part of the 'proposed' Training Strategy devise a training support programme for all

authorised representatives reflecting the National Centre for Involvement Code of Conduct.

South Gloucestershire LINK have several participants experienced in entering and visiting activities gained through their work with the Patient and Public Involvement Forum and the LINK wants to build on that experience recognising that there are now differences within the remit of what the LINK is being asked to do.

An authorised representative for South Gloucestershire LINK will be a LINK participant with an involvement in the work of the LINK who is willing to put themselves forward to undertake the enter and view activities and undergo the CRB check and training that will reflect the National Centre for Involvement Code of Conduct relating to visiting to enter and view services. The pool of authorised representatives should ideally reflect the population of South Gloucestershire and its communities, cultures, ethnicities, age grouping, sexual identities and disabled people.

The South Gloucestershire LINK authorised representatives for enter and view will be participants:

- Aged over 18 years
- With good interpersonal skills that will include good communication and listening skills;
- A commitment to equality and diversity;
- Respect for others;
- An understanding of confidentiality;
- And a participant who is accountable to others for their own actions;
- Willing to undergo a CRB check in line with section 113A of the Police Act 1997;
- Prepared to contribute to the enter and view activities of the LINK;

- Has knowledge and understanding of health and / or social care;
- Has good observational skills;
- Experienced in writing up the findings
- Has knowledge of the South Gloucestershire LINK Code of Conduct for enter and view activities and the Nolan Principles
- Has undertaken training in enter and view

Each authorised representative will become part of a pool of participants that can be called upon to undertake a visit when requested. Prospective participants wanting to become an authorised representative on behalf of South Gloucestershire LINK will be asked to fill out an application form stating the above criteria and participants will sign this if they agree they can meet the criteria. A CRB form will then be sent to them for processing.

Each authorised representative will have written authority and an identity badge issued to them.

The South Gloucestershire LINK authorised representatives are:

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### **Rationale for enter and view visits**

There must be a rationale for each visit to a health or social care provider this will have come to the LINK through an issue or concern brought to the LINK by an individual or community group. This issue will form part of the LINK work plan and as such a decision to enter and view will be discussed at the interim steering group (core management group) and agreed within the group and the rationale minuted. This information will provide an evidence base on which to set the priorities and make the decision to enter and view services. The visit to enter and view will only be carried out if it can be shown that gathering intelligence in this way will help the LINK to either resolve the issue or concern or give the LINK sufficient information to pass the issue or concern on to those who commission the service and / or

the Overview and Scrutiny Committees (Health and Scrutiny Select Committee and the Care and Community Housing Select Committee). The service to be visited should be consulted before the visit to establish that the enter and view activity is not duplicating a part of inspection from the Care Quality Commission or the commissioning agent (The Local Authority or the NHS South Gloucestershire). A report on the enter and view activity will be produced after the visit by the authorised representative noting what has been observed and fed back to the LINK interim steering group (core management) for a decision on what will happen next remembering that South Gloucestershire LINK's role is to work as a critical friend with local services to consider the standard and provision of services and how they may be improved (NCI code).

The rationale should include:

- the key purpose for the visit identified through the work plan
- The objectives of what is to be achieved through a visit
- Key issues such as planning the authorised representatives appropriate to visit
- The date, day and timing of the visit, the length of time required for the visit and the reason for the length of time
- Information required by the service provider i.e. we will send the Code of Conduct and information on the authorised representative stating they had CRB clearance
- Support needs that may be required of the Host when the authorised representative writes up the report
- A list of any requirements or materials such as a letter of authorisation and badge and /or prompts of what to observe
- The host will contact other agencies prior to the visit –to check if an inspection by another organisation is being planned

Announced visits will be arranged through letter or email to the service to agree the proposed date and time of the visit and will include the outline of why the visit is taking place. Also included will be the names of the authorised representatives that will visit and confirmation of their CRB checks along with a copy of the Code of Conduct and include the host details for any last minute cancellations or changes. A copy of the letter / email will also be sent to the commissioner of the service if appropriate.

Unannounced visits should not normally be carried out and LINKs have these powers to use only in exceptional circumstances, good practice would give at least 2 hours notice.

If there is a refusal of entry on any visit the authorised representatives should ask for a clear outline of the problem, if necessary leave with dignity and report the refusal to the host and service provider who can investigate why a refusal was implemented. If the matter continues it can be taken up with the appropriate Overview and Scrutiny Committee.

During a visit if there is any concern about a child or an adults' safety this should be reported to the host who will contact the Local Safeguarding Officer.

One way in which the rationale for a visit may work might be feedback from a community engagement activity that suggests there are common concerns in the community about the performance or aspects of a service or provision.

LINK authorised representatives must always work to the good practice within the Code of Conduct and not act in any way that compromises the effective provision of care services or the privacy or dignity of any person. If an authorised representative is judged to be behaving inappropriately during the visit and a complaint is made to the LINK about the conduct or behaviour of the authorised representative South Gloucestershire LINK will investigate both sides and if necessary use the 'proposed' Complaints Policy with which to deal with any misconduct.

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