

LINks and Children and Young Peoples Participation

The Participation National Advisory Group¹ has two significant concerns about the current proposals for regulations of LINks (see Appendix: background) . These are that there is,

1. No reference or recognition that children and young people MUST be included in the activity of LINks regarding the commissioning and delivery of health services. Experience indicates that unless there is a specific reference to the inclusion of children and young people common practice will only include adults and elders. PNAG requests that children and young people are named with regard to health services.
2. A specific exclusion of children with regard to children's social care services from the duty of services-providers to allow entry by LINks and for the right of a LINK to receive a response to reports and recommendations.

Local children and young people must be enabled to hold services to account and to influence service provision in both health and social care. They are significant users of both.

The reasons for this position are

- Children and young people require equal opportunities to influence decision making as adults. The omission of children and young people from these regulations is unacceptable.
- LINks are the voice of local people holding their local commissioners to account to them as local citizens. In contrast, Ofsted inspects and regulates service provision against set criteria and timescales. The commissioning of local service provision used by children and young people should be just as accountable and responsible to children and young people as adult service commissioning is to adults. The consultation document
- The consultation document conflates the role of a participatory service user body (LINks) and that of a Government backed regulator and inspection body (OFSTED). They are not necessarily accessing the same user views as each other.
- The statutory duty on Ofsted to listen to children accessing services outside of school is not clear. PNAG are aware that the Children's Rights Alliance for England are seeking a probing amendment as to the applicability of the legislation to different services.²

¹ The Participation National Advisory Group (PNAG) on children and young people's participation aims to bring together children and young people's sector partners concerned with the effective and inclusive participation of children and young people to debate issues, celebrate differences and develop consensus to champion the wider adoption and delivery of participation. PNAG promotes inclusion and challenges inequalities.

² Section 117, Education and Inspection Act 2006

- The Children's Rights Director has a specific role limited to children living away from home. LINKs will affect services much broader than those affecting children living away from home
- LINKs will have significant funding (approx. £83 million over the next three years) and support mechanisms in place to ensure their success. Their ability to champion issues affecting children and young people will be severely restricted by the proposed regulations.
- Whilst there are regulations which place a duty on local authorities to engage with children in the development of Children and Young Peoples Plans³ there is no corresponding duty to involve them in the monitoring, feedback and evaluation processes. LINKs will be a crucial element of these processes. Research into what works in participation has stressed the need to engage children and young people at all levels and stages of decision making in addition to consultation on the development of services.

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³ Section 7 (1) (a), Children and Young People's Plan (England) Regulations 2005

Appendix: Background

The NHS Reform and Health Care Professions Act (2002) established a Patient and Public Involvement Forums for every NHS Trust (Acute Trusts, Foundation Trusts, Primary Care Trusts, Mental Health Trusts and Ambulance Trusts etc). Supported by the Commission for Patient and Public Involvement in Health (CPPIH) there are currently around 400 Patients' Forums. Each Patients' Forum has on average 10/11.

The Local Government and Public Involvement in Health Act (2007) abolishes CPPIH and Patient and Public Involvement Forums. Instead it establish 150 Local Involvement Networks (LINKs). These will be network of local people and organisations, supported by an independent organisation (funded by government through local authorities) to hold commissioners and providers of care services to account. LINKs covers any health or social care service that is funded by the taxpayer. The Government claim that 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.

Consultation on the regulations for Local Involvement Networks (LINKs)

The Department of Health has issued a consultation on regulations for Local Involvement Networks.⁴ The proposed regulations give a number of powers to LINKs including:

- Option to make reports and recommendations and receive a response within a specified timescale from commissioners of health and social care services (PCTs and local authorities);
- Enabling authorised representatives of LINKs to enter certain premises and view certain health and social care services;
- To request information from health and social care bodies and receive a response within a specified timescale (to be covered by FOI Act); and
- To refer health and social care matters to the relevant Overview and Scrutiny Committee and receive a response.

⁴ Department of Health (2007) *Have your say Consultation on the regulations for Local Involvement Networks (LINKs)*