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STATUTORY INSTRUMENTS

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**2008 No. 528**

**The Local Involvement Networks Regulations 2008**

**PART 2**

Local involvement networks

**Local authority arrangements**

2.—(1) The arrangements made by a local authority under section 221(1) of the Act must require that the local involvement network arrangements made pursuant to those local authority arrangements include provision that a local involvement network must—

- (a) before making any relevant decisions, have and publish the required procedures;
- (b) if any amendments are made to a required procedure, as soon as practicable publish the required procedure as amended;
- (c) comply with the required procedures as may be amended from time to time;
- (d) within a reasonable time after a relevant decision has been made, publish a written statement of that decision and the reasons for that decision; and
- (e) comply with the requirements about authorised representatives in regulation 3.

(2) For the purposes of this regulation a “relevant decision” is a decision of a local involvement network as to—

- (a) how the local involvement network is to undertake the relevant section 221 activities;
- (b) which care services in relation to which those activities are to be carried out;
- (c) the spending of amounts in relation to the local involvement network’s section 221 activities;
- (d) whether to request information from a services-provider;
- (e) whether to refer a report or a recommendation to a services-provider;
- (f) which premises owned or controlled by a services-provider an authorised representative is to enter and view and when those premises are to be visited;
- (g) whether to refer a matter to an overview and scrutiny committee of a local authority; or
- (h) whether to report a matter concerning one or more of the section 221 activities to another person.

(3) In this regulation—

- (a) “Host” means the person with whom the local authority has made local authority arrangements pursuant to which the local involvement network is carrying on section 221 activities;
- (b) “relevant section 221 activities”, in relation to a local involvement network, means the section 221 activities that the local involvement network is to carry on pursuant to local authority arrangements;
- (c) “required procedures” means—

- (i) a procedure for making relevant decisions, including provisions as to who may make such decisions; and
- (ii) a procedure for dealing with breaches of the procedure referred to in sub-paragraph (i).

(4) The procedure referred to in paragraph (3)(c)(ii) must include provision setting out the circumstances in which the breach must be referred by the local involvement network to the Host or the relevant local authority

### **Arrangements for authorised representatives for the purposes of entering and viewing**

3.—(1) The requirements referred to in regulation 2(1)(e) are that a local involvement network must—

- (a) have and publish a procedure for the making of decisions by the local involvement network about who may be an authorised representative;
  - (b) if any amendments are made to the procedure referred to in sub-paragraph (a), as soon as practicable publish the procedure as amended;
  - (c) comply with the procedure referred to in sub-paragraph (a) as may be amended from time to time;
  - (d) maintain and publish a list of individuals authorised by that local involvement network as authorised representatives;
  - (e) provide each authorised representative with written evidence of that individual’s authorisation; and
  - (f) ensure that only an individual to whom paragraph (2) applies may be an authorised representative.
- (2) This paragraph applies to an individual if—
- (a) a criminal records certificate under section 113A of the Police Act 1997<sup>(1)</sup> has been obtained in respect of that individual;
  - (b) a person nominated by the local involvement network (“nominated person”) has considered that certificate; and
  - (c) the nominated person is satisfied that the individual to whom that certificate refers is a suitable person for the purposes of entering and viewing, and observing the carrying-on of activities on, premises owned or controlled by a services-provider.

(3) For the purposes of paragraph (2), the nominated person must not be the individual to whom the certificate refers.

### **Notification requirements**

4.—(1) Subject to paragraph (2), a local involvement network must notify in writing the relevant local authority of the date when that person first carries on one of the section 221 activities pursuant to arrangements made by the relevant local authority.

(2) Paragraph (1) applies only where a local involvement network first carries on one of those activities before 30th September 2008.

(3) A notification under paragraph (1) must be sent as soon as practicable after the duty imposed by paragraph (1) applies.

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(1) 1997 c.50; section 113A was inserted by section 163(2) of the Serious Organised Crime and Police Act 2005.

## **Duties of services-providers to respond to reports and recommendations by local involvement networks**

5.—(1) Subject to regulation 6, this regulation applies where a local involvement network has, in the carrying-on of section 221 activities pursuant to arrangements made under section 221(1) of the Act, made a report or recommendation to a services-provider.

(2) Where a report or recommendation (whether an original or a copy) is received for the first time by a relevant services-provider that services-provider must within 20 working days beginning with the date of receipt of that report or recommendation—

- (a) acknowledge receipt to the referrer; and
- (b) provide an explanation to the referrer of any action it intends to take in respect of the report or recommendation or an explanation of why it does not intend to take any action in respect of that report or recommendation.

(3) Where a report or recommendation (whether an original or a copy) is received by a services-provider, other than a relevant services-provider, for the first time that services-provider must within 20 working days beginning with the date of receipt of that report or recommendation—

- (a) acknowledge receipt to the referrer;
- (b) provide a copy of the report or recommendation to any other services-provider which appears to it to be a relevant services-provider; and
- (c) inform the referrer if no other services-provider appears to it to be a relevant services-provider.

(4) A relevant services-provider is a services-provider who was responsible for commissioning any of the care services to which the report or recommendation relates.

(5) This paragraph applies where the relevant services-providers in respect of a report or recommendation agree that one of those services-providers may act on their behalf in relation to a report or recommendation made by a local involvement network in accordance with paragraph (1).

(6) Where paragraph (5) applies—

- (a) the duty in paragraph (2)(b) does not apply; and
- (b) the services-provider acting on behalf of the relevant services-providers must, within 20 working days of the latest date on which the report or recommendation was received by one of those services-providers, provide to the referrer—
  - (i) an explanation of any action any of the relevant services-providers intends to take in respect of the report or recommendation; or
  - (ii) an explanation of why none of the relevant services-providers intends to take any action in respect of that report or recommendation.

(7) If a relevant services-provider receives a report or recommendation from a local involvement network it must send a copy of the report or recommendation to any other relevant services-provider which appears to it not to have received that report or recommendation, or a copy of it.

(8) If a relevant services-provider receives a copy of a report or recommendation from a services-provider it must send a copy to any other relevant services-provider which appears to it not to have received a copy of that report or recommendation.

(9) In this regulation “the referrer” means the local involvement network who made the report or recommendation.

(10) Where a services-provider is required to acknowledge receipt, provide an explanation or inform the referrer, that services-provider must do so in writing.

**Excluded services**

- 6.—(1) Regulation 5 does not apply where a report or recommendation relates wholly to—
- (a) excluded activities; or
  - (b) excluded services.
- (2) Where a report or recommendation relates partly to—
- (a) excluded activities; or
  - (b) excluded services,

then regulation 5 applies only to that part of the report or recommendation that does not relate to those activities or services.

(3) In this regulation “excluded services” means services which are not care services in respect of which the local involvement network who made the report or recommendation is carrying-on activities in pursuance of arrangements made under section 221(1) of the Act.