

**Report by the Head of Housing Need and Environmental Health**

**Supporting People Update**

**1.0 Summary**

1.1 The report provides members with the requested six monthly update on Supporting People (SP) and its implications for Adur. This time it also seeks a member nominee to serve on the Supporting People Commissioning Body, as Councillor Carol Eade will be stepping down from the Council in May.

**2.0 Recommendation**

2.1 The Committee are recommended to:

- i) agree in principle that the future member representative on the West Sussex Supporting People Commissioning Body from May 2008, be the relevant Cabinet member or appropriate Policy Advisor, or to nominate a representative now if this is preferred;
- ii) note the contents of the report in respect of the various issues raised; and
- iii) to consider how in future they wish to be kept updated and advised of issues arising from the Supporting People programme in future.

**3.0 Background**

3.1 Members have received a regular six-monthly progress report from officers on matters relating to the Supporting People programme in West Sussex, which is responsible for funding supported housing across the county. The last such report was to the October 2007 Committee.

3.2 As well as the need to appoint a new member representative, there have been a number of developments which may be of interest to members of the Committee, and which are outlined below in the report with the implications for the authority, and supported housing services in the district, as they presently appear. These are:

- Inflationary uplift on contract sums for 2008/09 and beyond;
- Proposed recontracting schedule for all services and its likely impact;
- Financial projections for 2008-11;
- The impact of Supporting People grant being included in the Area Based Grant (ABG) as administered through the Local Area Agreement (LAA) by the Public Service Board (PSB)

#### **4.0 Member representation on the West Sussex Supporting People Commissioning Body**

- 4.1 The SP Commissioning Body is the multi-agency decision-making body which oversees the work of Supporting People in the county, and meets five times a year. The County Council is the “Administering Authority” for SP and as such is responsible for the £15 million annual budget and the officer team. All seven District Councils, the County Council, West Sussex Primary Care Trust (PCT) and the National Probation Service (Sussex Area) are partners on the Commissioning Body, and the Councils are represented by an officer (in Adur’s case the Head of Housing Need and Environmental Health as the Council’s lead officer for SP) and a member.
- 4.2 The Terms of Reference for the Commissioning Body are attached to this report as Annex A for information, although members are advised that the Commissioning Body is considering the degree to which it needs to play a wider role in linking supported housing with other social care and health funding streams, in order to provide a more co-ordinated and informed approach to matters which will come under the Local Area Agreement (LAA) for West Sussex.
- 4.3 As Councillor Carol Eade, the present incumbent, will not be standing for election again in May, there is a need to appoint a member representative to the Commissioning Body, who will be empowered by the Council to participate in decision-making, advised by the lead officer.
- 4.4 As this is the last meeting of the Committee pending the change to the Cabinet system, it is recommended that the Committee agree in principle to the new member representative on the Commissioning Body being the relevant Cabinet member with the housing portfolio, or a policy advisor if appropriate.

#### **5.0 Finance issues**

- 5.1 At its last meeting on 14<sup>th</sup> February 2008, the SP Commissioning Body approved the adoption of a 1.9% inflation uplift on all contract sums, effective from April 2008. It is intended that this figure be set at 1.9% per annum for three years across the board, subject to overall levels of grant remaining at indicated levels (see below).
- 5.2 All contract figures paid to the council for services provided directly, covering sheltered housing support costs, some community alarm provision and Adur Care and Repair, will thus be increased by 1.9%. Where charges are made to tenants, these will be increased by the same amount. Members may recall from the last meeting that authorisation for this was delegated to the Head of Housing Management Services and Head of Financial Services once the SP inflationary uplift was known.
- 5.3 Indicative budgets for the county overall have been set by the government for the next three years: for 2008/09 and 2009/10 the budget is fixed at £15.049 million, reducing to £14.836 million in 2010/11. While this is very much less of a cut than was originally feared, nevertheless it does represent a cut in real terms over the three years, and still makes it difficult for the Commissioning Body to develop new services in response to newly-identified need, without the loss of something else to pay for it.

5.4 At present there is a deliberate underspend of the grant in the county, achieved largely through contract negotiations over the last two years, and through careful management. This underspend will help dampen the effect of the relative cut in funding, but will have been absorbed by the end of 2010/11 at present costs.

## **6.0 The Local Area Agreement (LAA) and Area Based Grant (ABG)**

6.1 Effective from April 2009, the whole of the £15.049 million Supporting People grant will come under the Area Based Grant (ABG) regime which is the responsibility of the Public Service Board (PSB) to distribute to meet the aims of the Local Area Agreement (LAA). This means that in theory the ring fence which presently exists around the SP grant will no longer be there and the PSB can choose to spend it as it sees fit.

6.2 In practice, all SP-funded services are subject to a contract between SP and the provider and therefore it will not be straightforward to use the SP grant for other purposes. Nevertheless the new regime will raise questions about how grant is spent in future, particularly in relation to targets in the LAA where SP and other services contribute to particular outcomes. Indeed in future it may mean that other funding streams can be aligned with SP in order to more efficiently serve joint clients or client groups, or vice versa.

## **7.0 Retendering for services**

7.1 All SP-funded services are currently subject to a contract, of which there are currently over 400 across the county. In 2003, when SP came into existence, these were "interim" contracts, and the idea was that following the service reviews which took place on all services between 2003 and 2006, these would be negotiated and agreed as "steady state" contracts for a period of three years, as long as the services were satisfactory and met a strategic need. It was then the intention that future contracts would be subject to a competitive tendering process.

7.2 However, because of a variety of reasons, including the increasing uncertainty over what the government's long term financial intentions were with SP grant, on completion of the service review process the contract negotiations were very drawn out affairs. This coupled with a staffing shortage at the SP team and the demands of an Audit Commission inspection of the service meant that the renegotiating timetable was much longer than expected, with only about 40 of the 400 plus contracts in the county actually converted to a steady state contract at the time of writing.

7.3 As Administering Authority for Supporting People, the County Council's legal advice is now that the original intention to convert existing interim contracts into steady state ones with the same providers, providing minimum standards were met, is no longer appropriate. In order to ensure that procurement rules are fully complied with it is therefore considered necessary to put a full retendering process into effect for all services which currently do not have a steady state contract in place.

7.4 However, this will take a considerable period of time to put into practice, as strategic reviews are required in the first instance in order to determine exactly what is required and what form the tender should take, etc. The Commissioning Body have

therefore agreed to a timetable over the next three years which groups all SP-funded services into three groups, Disability, Homelessness, and Older People. For each of these groups of services there is an anticipated twelve month strategic review process, followed by a nine month period to prepare tenders and evaluate the bids. In the meantime, all existing contracts, whether interim or steady state, will be extended on existing terms and conditions, with the appropriate inflationary uplift, until the strategic review of the service is completed.

- 7.5 The first group will be Disability related services, including those for people with a learning difficulty, followed by the Homelessness group, also including services for groups such as ex-offenders, and finally by services for Older People, which will include the support element of sheltered housing services. The indicative timetable suggests a start to the process, including consultation with stakeholders, as follows:

Disability group: Review start April 2008; New contract start January 2010

Homeless group: Review start April 2009; New contract start January 2011

Older people's Group: Review start April 2010; New contract start January 2012

- 7.6 The Council's directly-provided services which are funded or part-funded by Supporting People fall into the latter category (ie sheltered housing support services, the Community Alarm service, and Adur Care and Repair), although clearly there are services in Adur provided by other partners for other client groups which may be put out to tender earlier. Members are reminded that the Council's in house Homelessness Support service was taken over by the Southdown HA Signpost service, which is working successfully in both Adur and Worthing.

- 7.7 A separate report is on the agenda for this meeting regarding how the changes proposed may affect the sheltered housing service provided by the Council.

## **Local Government Act 1972**

### **Background Papers:**

Report to Housing and Central Services Committee 3<sup>rd</sup> October 2007

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## **Appendix**

### **1.0 Council Priority**

- 1.1 Protect and enhance core services to the community: modernising how we work and increase accessibility to services;
- 1.2 Contribute to the implementation of partnership initiatives where possible

### **2.0 Specific Targets**

- 2.1 Corporate Plan: Address the housing needs of the residents of Adur  
Housing Strategy: Key priority 5: Supported housing: meet the needs of vulnerable groups in partnership with the Supporting People programme

### **3.0 Sustainability Issues**

- 3.1 Matter considered and no issues identified

### **4.0 Equality Issues**

- 4.1 Support for vulnerable individuals to live as independently as possible is a key point of the Supporting People programme

### **5.0 Community Safety issues (Section 17)**

- 5.1 Support to vulnerable people helps prevent them being potential victims and also potentially perpetrators of crime.

### **6.0 Human Rights Issues**

- 6.1 Matter considered and no issues identified

### **7.0 Financial Implications**

- 7.1 Contained in the report

### **8.0 Legal Implications**

- 8.1 Contained in the report

### **9.0 Consultations**

- 9.1 Matter considered and no issues identified

### **10.0 Risk assessment**

- 10.1 Matter considered and no issues identified

## **11.0 Health & Safety Issues**

11.1 Matter considered and no issues identified

## **12.0 Procurement Strategy**

12.1 Matter considered and no issues identified for Adur District Council

## **13.0 Partnership working**

13.1 The Council is a member of the West Sussex Supporting People Partnership

## West Sussex Supporting People Partnership

### TERMS OF REFERENCE

#### The Supporting People Commissioning Body

#### 1. Definitions

In these terms of reference

Term	Means
Administering Authority	West Sussex County Council or other authority designated for the purpose of administering the Supporting People Grant
Administering Officer	The person appointed under paragraph 4.4 to provide secretarial and support services to the Commissioning Body
Administration Grant	The grant made available by the Office of the Deputy Prime Minister to the Administering Authority specifically for the administration costs of the Supporting People programme.
Commissioning Body	The Supporting People Commissioning Body for West Sussex
Constituent Body	The Bodies that constitute the Commissioning Body
County Council	West Sussex County Council
District council	A district or borough council in West Sussex
Grant	The Supporting People Grant made under section 93 of the Local Government Act 2000 in respect of the provision of welfare services
Local welfare services	Those welfare services to be delivered locally as may be determined by the Commissioning Body. These will normally be referred to as housing support services
Programme	The Government's Supporting People Programme delivered through section 93 of the Local Government Act 2000
Strategy	The Supporting People Strategy adopted by the Commissioning Body
Supporting People Team	The team of officers employed by the Administering Authority charged with the day-to-day management of contract formation, monitoring and reporting in relation to the provision of welfare

	services
Welfare services	Welfare services within the meaning of section 93 of the Local Government Act 2000
Working Group	The Supporting People Working Group. The group of officers appointed to advise the Commissioning Body

## **2. Purpose**

- 2.1 The Commissioning Body has strategic responsibility for the local management and delivery of the Programme. It will take decisions in relation to the Strategy, the commissioning and decommissioning of local welfare services, the use of the Grant and other matters affecting the delivery of the Programme.
- 2.2 The Commissioning Body will provide a forum for the development of the Strategy and the strategic commissioning of local welfare services based on an equal partnership between the district and borough councils, the county council, The Probation Service, Sussex and the primary care trusts.

## **3. Role and Responsibilities and functions**

- 3.1 The actions and decisions of the Commissioning Body are governed section 93 of the Local Government Act 2000, directions or conditions and have regard to any guidance issued pursuant to section 93 of the Local Government Act 2000 (grants for welfare services).
- 3.2. The Commissioning Body will determine the Strategy after having consulted the Constituent Bodies and other relevant person and bodies. It will agree and monitor the performance in achievement of the strategic commissioning objectives set out in the Strategy and associated plans together with the financial commitments necessary to deliver the Strategy.
- 3.3 The Administering Authority acting through the Supporting People Team will on behalf of the Commissioning Body receive and administer the Grant and enter into, manage and report on the contracts for local welfare services.
- 3.4 The Commissioning Body will direct the Administering Authority through the Strategy and associated plans, on the use and application of the Grant.
- 3.5 The Commissioning Body will delegate the day-to-day management of the Programme and the implementation of the Strategy to the Supporting People Team working under the direction of the Supporting People Working Group

## **4. Membership and Administration**

- 4.1 The Commissioning Body shall comprise one duly authorised representative (who in the case of a local authority may be a member or an officer) from each of the following Constituent Bodies:

- § Arun District Council
- § Chichester District Council
- § Crawley Borough Council
- § Horsham District Council
- § Mid Sussex District Council
- § Worthing Borough Council
- § West Sussex County Council
- § The Probation Service, Sussex
- § Western Primary Care Trust (representing all 5 P.C.T.s in West Sussex)

- 4.2 Each Constituent Body shall notify the Administering Officer of the names of its representative(s) and of any substitute as soon as practicable after the representative's appointment.
- 4.3 The nominated representative(s) from each organisation shall have the necessary authority to take decisions.
- 4.4 The Commissioning Body shall appoint an Administering Officer.
- 4.5 The Commissioning Body shall be advised by the Working Group comprising one officer from each of the Constituent Bodies.
- 4.6 The manager of the Supporting People Team will be an advisor to the Commissioning Body.
- 4.7 The Housing Corporation will be consulted about the Strategy where there is a requirement for capital funding and any such commitments are specified in the Strategy.
- 4.8 A chairman and a vice-chairman of the Commissioning Body shall be elected annually.
- 4.9 In the event of a nominated person being unable to attend a meeting of the Commissioning Body the organisation will provide a substitute.
- 4.10 The Commissioning Body will meet five times per year, avoiding meetings in August and December. The venue for meetings will rotate between the Constituent Bodies or be held at other locations by agreement. The quorum for such meetings shall be six.
- 4.11 The provisions of schedule 12 paragraphs 4, 5, 39-45 to the Local Government Act 1972 (conduct of business) shall apply to the proceedings of the Commissioning Body as they apply to a principal council.
- 4.12. The provisions of Part VA of the Local Government Act 1972 (access to information) shall apply to meetings of the Commissioning Body and the proper officer for those purposes shall be the Administering Officer
- 4.13. A member of the Commissioning Body (if a councillor) shall be bound by his or her appointing Constituent Body's Code of Members' Conduct.

- 4.14. The Commissioning Body will invite the Service Provider Forum to send a representative to attend meetings of the Commissioning Body. The role of the representative is to represent the views and interests of service providers. The representative will not have voting rights.

## **5. Decision making**

- 5.1 The Commissioning Body will take executive decisions in relation to the formulation and approval of the Strategy, the commissioning of contracts and generally on the local implementation of the Programme having regard to the advice of the Working Group.
- 5.2 Wherever possible the Commissioning Body will seek to make decisions by consensus without the need for voting.
- 5.3 Where a matter requires a vote in order for a decision to be taken each Constituent Body through its representative shall have one vote. Decisions of the Commissioning Body shall be made by unanimous vote.
- 5.4 Decisions will have been made on the basis of evidence, and needs information where available, submitted by the Working Group, Administering Authority and others, and therefore decisions can only be reviewed if additional information comes to light that was not previously available or was not considered at the time of the original decision.
- 5.5 The Commissioning Body will delegate responsibility to the Chair of the Commissioning Body to agree any urgent decisions on behalf of the Commissioning Body between formal meetings. The Chair will in advance of the decision, circulate a paper with recommendation, to the Commissioning Body members to express their views. The Chair will take in to consideration the views gathered from Commissioning Body members before casting the deciding vote. If the Chair has not received views before the decision is required, the Chair will make the decision in the absence of these views.

## **6 Financial and other matters**

- 6.1 The expenses of the Commissioning Body shall be borne out of the Administration Grant.
- 6.2 The Administering Authority will be accountable to Office of the Deputy Prime Minister for the Grant and shall make all necessary returns and supply all necessary information required by the Office of the Deputy Prime Minister and any other Government Department within the proper timescales.
- 6.3 The Administering Authority will provide financial advice to the Commissioning Body in relation to the use of the Grant. This advice will include monitoring the level of funding committed through Supporting People contracts against the value of the Grant including future years' projections. The Commissioning Body shall not instruct the Administering Authority to enter into contractual commitments that exceed the value of the Grant.

- 6.4 Where any decision raises financial or legal compliance matters regarding the functions of the Administering Authority the Commissioning Body shall not take a decision that is incompatible with advice on that matter from the Administering Authority.
- 6.5 The Administering Authority shall provide promptly all information reasonably necessary to enable the Commissioning Body properly and fully to make decisions and for the Working Group fully and properly to advise the Commissioning Body.
- 6.6 The Administering Authority shall provide promptly to Constituent Bodies all necessary information to enable Constituent Authorities to handle any questions from the Standards Board for England, Members of Parliament, Ombudsman, other regulators and members of the public exercising their rights of freedom of information.

## **7. Conflict of Interest**

- 7.1 At the beginning of each meeting Commissioning Body representatives will declare any interests that they may have in relation to any matter being considered by the Commissioning Body.
- 7.2 It is recognised that some Commissioning body representatives may be representing Constituent Bodies that hold contracts to provide Supporting people services. Where this is the case the representative is representing the Constituent Body as a strategic partner not as a service provider.
- 7.3 A Commissioning Body representative will not be permitted to vote on a matter where they have declared an interest.

## **Nominated Representatives to the West Sussex Supporting People Commissioning Body**

Adur District Council	Cllr. Carol Eade Paul Spedding
Arun District Council	Cllr. Robin Brown Frank Hickson
Chichester District Council	Cllr. Melva Bateman Helen Burton
Crawley Borough Council	Cllr. Brenda Burgess Diana Maughan
Horsham District Council	Cllr Andrew Baldwin Carolyn Antill
Mid Sussex District Council	Cllr Christopher Snowling Lynne Standing
Worthing Borough Council	Cllr Joan Bradley Amanda Lowes
West Sussex County Council	Patrick Ellis Cllr Pat Arculus
National Probation Service (Sussex Area)	Nick Smart
Western Primary Care Trust (Representing all 5 P.C.T.s in West Sussex)	Jane McDonald