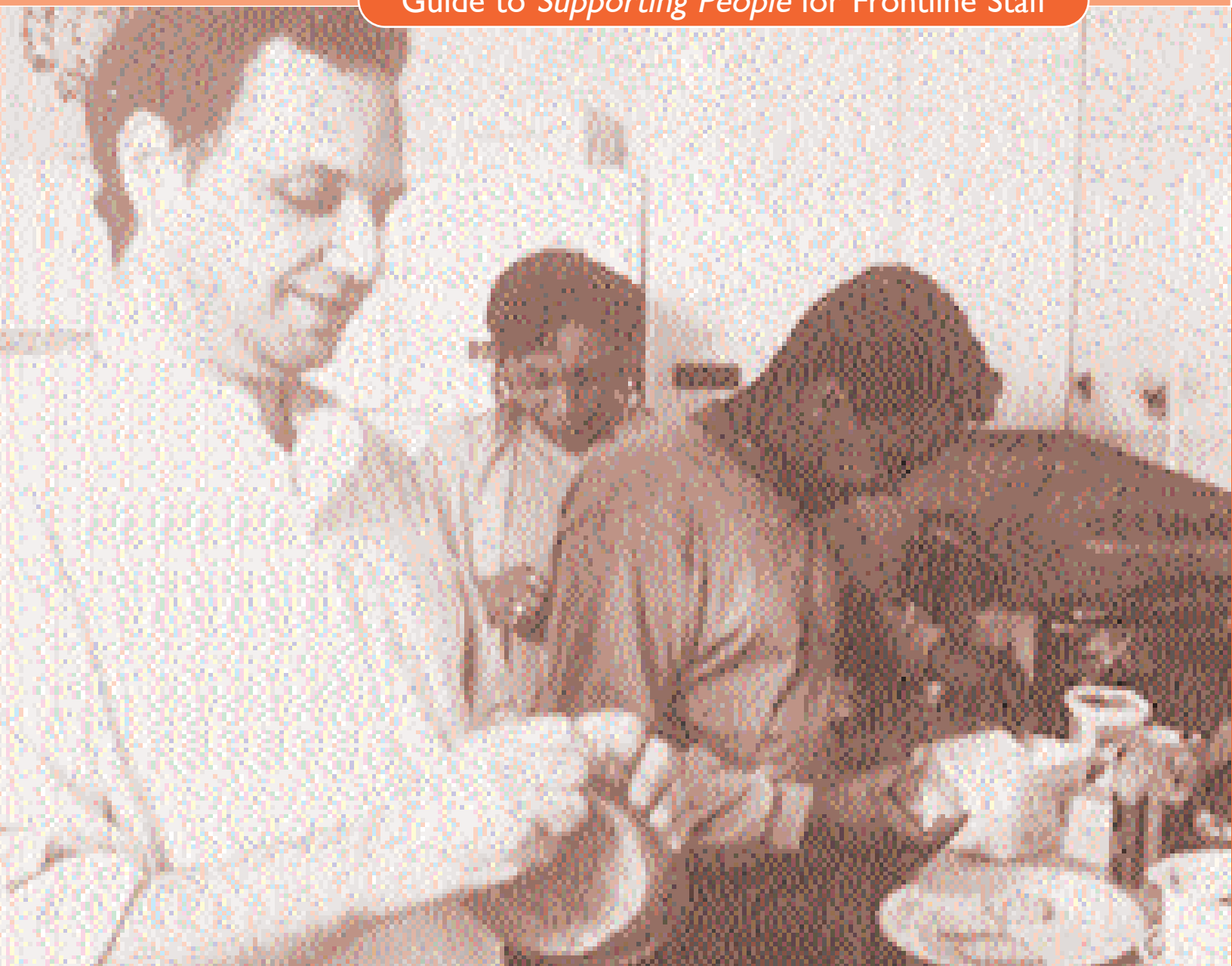


SITRA

# briefing

Guide to *Supporting People* for Frontline Staff



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# Supporting People guide for front line staff

This guide provides a general overview of the key aspects of *Supporting People* for frontline staff working in housing and/or support organisations.

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## Glossary of Terms

### ODPM

Office of the Deputy Prime Minister

### Administering Authority (AA)

Is the local authority or two tier authority responsible for implementing *Supporting People*.

### Transitional Housing Benefit Scheme (THB)

THB was introduced in October 1999 and ended at the beginning of 2003/4. It allowed tenants who receive support as a condition of their tenancy to claim housing benefit to cover their support costs.

### Supported Housing Management Grant (SHMG)

Housing Corporation revenue grant payable on a staff to resident ratio for activities known as 'intensive housing management' i.e. assistance with managing a tenancy, lifeskills etc.

### Housing Revenue Account (HRA)

This is the ring fenced housing account used by local authority and former local authority (i.e. LSVT housing associations) housing providers. It used to be common practice for such providers to 'pool' some element of support costs in this account.

### Legacy funding sources

SHMG, PAGs, DSS Resettlement grant, income support, job seekers allowance, the unpooled element of the HRA and the support element of housing benefit.

### The Housing Corporation

The body that regulates and funds housing associations. Although it no longer controls the SHMG budget, it will continue to provide one of the main sources of capital funding for supported housing.

### Steady state

Refers to the period after April 1 2003 when *Supporting People* is in force.

### HUB

Is the proposed national IT framework and will link authorities, providers, referral agents, service users and government.

### Further Information

ODPM *Supporting People* website [www.spkweb.org.uk](http://www.spkweb.org.uk)

NHF website

[www.housing.org.uk](http://www.housing.org.uk)

SITRA website [www.sitra.org.uk](http://www.sitra.org.uk)

### Other resources

- Policy into Practice, SP Grant Directions 2003
- Essential Pack Interim contract
- ODPM contract guidance
- ODPM charging work book
- FLAP and Federation briefing

*SITRA would like to thank the ODPM who funded the guide and Fahmeeda Gill who wrote it.*

# What is *Supporting People*?

*Supporting People* is a government initiative aimed at enabling people with housing related support needs to live independently in the community. Without this support, a person might be unable to manage their accommodation on their own. Housing related support includes a wide range of activities such as assistance with lifeskills, budgeting, managing a tenancy and/or dealing with a neighbour dispute.

*Supporting People* is targeted at vulnerable people including the homeless, people with mental health problems and/or substance misuse problems, people with learning difficulties, older people, young people, rough sleepers, women fleeing domestic violence, ex-offenders and a number of other needs groups. There is also an emphasis placed on identifying the needs of Black and Minority Ethnic people who are often disproportionately represented across many of these client groups. People may be living in their own homes - owner-occupiers, housing association or private tenants or in specialist accommodation i.e. a hostel, a refuge, a foyer, sheltered housing, a residential care home and/or in supported lodgings.

A range of support services can be provided according to the needs of the individual. The support may consist of a home visit for a short period each week, an on-site full time support worker or scheme co-ordinator, advice on home improvement and/or accessing a community alarm service. It can be permanently attached to a particular tenancy or property or be 'floated' in and out in accordance with the fluctuating needs of particular individuals.

Support services may also be classified as 'short' term or 'long' term according to their aims and objectives. Short term schemes have a maximum intended duration of up to two years with the intention of moving people onto independent living and/or increasing the ability to live independently, even if complete

independence isn't always a realistic aim. Support provided in long term services will be either open ended or on a permanent basis. It is the intention of any scheme which matters: government recognises that not everyone passing through 'short term services always increases their ability to live independently inside two years.

Support services are free for all short term service users. Charges will only be applied to people in long stay services who can afford to pay following an assessment of their financial circumstances. Those people who cannot afford to pay i.e. on low income and/or on benefits will be entitled to claim subsidy from the local authority to cover the cost of their support charges.

## ODPM

The Office of the Deputy Prime Minister (ODPM) is responsible for *Supporting People* nationally. They allocate support funding (*Supporting People* grant) to local authorities and monitor their performance. Comprehensive guidance and information on *Supporting People* is available on their website.

## Administering Authorities

Administering Authorities (AAs) are the local authorities responsible for implementing the programme locally. AAs contract with providers for *Supporting People* services. Initially, these contracts are for services that received funds subsumed into the *Supporting People* budget (the legacy

funding) at the beginning of 2003/4. All services will be periodically reviewed and in time the distribution of these contracts will be based on an assessment of support needs and housing/support provision in their locality (the *Supporting People* Strategy).

## Commissioning Body

Above the AA sits the Commissioning Body - a partnership of local housing, social care, health and probation statutory agencies. It is the Commissioning Body that approves the *Supporting People* strategy.

## Implications for your work

As frontline staff, you should be able to:

- explain the main changes to your service users
- assess the housing related support needs of existing and prospective service users as part of your selections and allocations policy and ongoing support planning work
- demonstrate that you carry out housing related support tasks. This may mean being more explicit about these services in your written policies and procedures and your tenancy/support agreements
- define your service (s) as either short term or long term. This should also be clear in your written aims and objectives

# The nature of the funding shift

*Supporting People started at the beginning of 2003/4. The major initial change concerned the funding and contracting arrangements for support services.*

Previously, support services were funded through many different sources. The funding any organisation received was sometimes a bit of a lottery based on haphazardly acquired knowledge of different funding rules, and the ability to maximise this or that revenue source. This resulted in the ad hoc development of many supported and sheltered housing projects. Services were often monitored in different ways by each funder or not at all as in the case of services funded solely by housing benefit.

Some funding was only available to organisations with particular legal status - the Housing Corporation could only legally fund housing associations for instance. Only landlords could introduce tenancy clauses making support costs eligible for housing benefit. But sometimes the best agency to provide the support was neither a housing association nor any kind of landlord. So such bodies were forced to act as the sub-contractors, or managing agents, of social landlords. Managing agents working with several housing associations often had to undergo multiple monitoring. The previous system was messy and administratively costly.

*Supporting People* simplified these arrangements by bringing together into one budget support paid for by housing benefit, Supported Housing Management Grant (SHMG), Probation Accommodation Grant (PAGs), DSS Resettlement grant, income support, Home Improvement grant and the Housing Revenue Account (HRA) for local authorities ex-local authority stock. *Supporting People* monies can be

paid to any kind of provider, not just housing associations or other landlords.

The largest single element of the funding transfer concerned support costs paid via housing benefit. Such costs first had to be identified: traditionally, many tenants and indeed landlords were uncertain about what proportion of their overall charge was for support. So a special, time limited set of Transitional Housing Benefit regulations were introduced as a precursor to *Supporting People*. These ended at the start of 2003/4 and now housing benefit is only payable for housing costs. One side effect of this now defunct scheme was to make it easier to develop new supported housing than it had traditionally been. So the sector went through an unprecedented growth. The initial *Supporting People* budget was much bigger than government had expected.

## Managing the changeover

Government wanted to avoid causing disruption to existing service at the point of changeover to this new system. So existing providers - or at least their managing agents who were actually doing the work under the old system - were guaranteed continued funding at existing levels, pending a formal service review. Such reviews have to be scheduled for some point in the first three years after SP Day. Originally, the promise was all providers got a promise of 12 month post review continuation funding at existing levels to allow change to happen in a planned way. However, the much larger than expected initial budget, and the pressure to make savings,

have led many Administering Authorities to shorten the period for which existing funding is guaranteed after review.

Other immediate changes are as follows and will be covered in more detail later:

- Tenants will receive less housing benefit as it will only cover their eligible housing costs
- New tenants in long-term services will undergo a financial assessment in line with the local charging policy of a local authority
- Contractual agreements between housing associations and managing agents, landlords and tenants and support providers and service users have been revised
- New residential care schemes will no longer be eligible for SP grant

### Action

#### You should:

- find out if your local authority has begun contract negotiations and be clear of their expectations
- be aware of the date of your service review so you can prepare
- obtain a copy of your AA's charging policy so you can notify tenants who will be liable for charging in the future
- familiarise yourself with the new contractual agreements

# Understanding the formal structures

## Role of Administering Authority

The Administering Authority (AA) is the 'legal' body responsible for delivering *Supporting People* (SP). The AA is the council - in a unitary authority, the County in a two-tier authority, or a Borough council in London. The SP team is normally part of a housing, social services or Chief Executive's department. The responsibilities of the AA are set out in the SP Grant Conditions 2002 issued by ODPM under Section 93 (9) of the Local Government Act 2000. The AA has to:

- set up administrative structures and processes for delivering SP
- establish a Commissioning Body (CB) and produce the SP strategy
- ensure full compliance with the grant conditions

## Administrative structures

These include:

- SP team - headed by a Lead Officer and responsible for implementing the detail of SP such as drawing up strategy, making links across other government programmes; consulting with stakeholders and monitoring and contracting with providers
- Inclusive Forum - where providers and users develop the SP strategy
- Core Strategy
- Development Group - Officers of the LA (& any district authorities), health and probation who oversee the work of the SP team and set priorities for work
- CB - LA Chief Officers (& any district authorities), health and probation agree SP strategy
- Elected Members - Cabinet mem-

bers or Committee members approve final SP strategy

## The responsibilities of the AA

The AA will:

- establish the administrative and IT systems for contracting, monitoring and reviewing providers, payment of grants and collection of any charges
- pay the grant amounts as agreed by the Commissioning Body (CB) and regularly report to the CB on:
  - financial matters
  - constraints/ risks to the programme
  - the provision of cross authority services against baseline targets
  - the outcome of service reviews
  - any proposed changes to services
  - any decisions which may be in breach of SP grant conditions
- provide monitoring returns, financial information, audit reports to ODPM and attend meetings as requested by the Secretary of State.

## The Commissioning Body

The AA will enter into a Memorandum of Understanding with the CB setting out how they will allocate and co-ordinate SP work. The CB will have a constitution and rules with all parties having an equal vote and with decisions ratified unanimously. The CB will:

- agree any changes or review of the SP strategy and annual plan;
- decide upon the performance indicators that will be collected
- agree the local charging policy
- seek advice from the AA on financial matters and grant compliance

Where an AA and CB can't agree, they will refer the matter to the Secretary of State.

## SP Strategy and Annual Plan

The AA should have a shadow SP strategy and annual plan for 2003/4 in place as well as a five-year strategy by Autumn 2003 which includes:

- the vision of SP and the planning approach
- the results of the supply & needs analysis with comparison to ODPM supply profiles
- identification of BME client and provider needs
- future plans for SP services with details of capital & revenue sources
- a risk assessment of the programme and appropriate contingencies
- evidence of wider strategic links
- details of cross authority services and high cost projects
- the timetable for service reviews
- the rules regarding charging in respect of payment of subsidy, under/overpayments and appeals.

The annual plan provides financial information on the allocation of SP grant across each service category, cross authority services and high cost projects and the details/processes/implications of any proposed changes in the year.

## Implications

Providers should:

- make sure you have a contact for your Lead Officer
- have seen the local shadow *Supporting People* strategy and know where your service (s) fits in
- try to attend an Inclusive Forum
- inform your service users about any relevant Fora

# The interim contract for support

## Interim

All providers are required to enter into an Interim Contract for Support Services with the AA. It is called 'interim' as it is intended to be an instrument through which services make a smooth transition to the full *Supporting People* (SP) system. It remains in place up until an AA carries out a service review, there is a breach of agreement or if both parties agree. The service review aims to assess the strategic relevance, quality, efficiency and cost effectiveness of a provider and their service(s) and will enable an AA to decide if they wish to continue to fund the services(s). Depending on the outcome of the service review, the contract will either be renewed with a steady state contract, refunded at a different level, refunded on the basis of a programme of remodelling services or terminated.

## Standard model

A standard interim contract was drawn up in conjunction with providers and local authorities. ODPM strongly urged local authorities and providers to adopt the standard interim contract to ensure consistency of practice. However, they had no legal powers to compel its usage and many local authorities have introduced local clauses, particularly around post review termination periods. ODPM indicated that variations to some of the clauses may be expected with specialist/BME providers and/or small providers but it is unclear how common this has been. The standard contract was not designed to cover leasehold schemes, Home Improvement Agencies, providers that are individuals or adult placement schemes.

## Start date

The original hope had been that all

services would be covered by a correctly priced signed interim contract in time for the beginning of 2003/4. This did not happen universally, so ODPM made clear that AAs could legally make temporary payments outside the terms of a formal contract. But some kind of contract had to be in place by July 31 2003, otherwise the AA would be expected to move to immediate review of the service concerned.

More generally, AAs are expected to identify any risks to the programme early on and take appropriate action. Concerns about a provider may have arisen as part of collecting SP data to inform the shadow SP strategy or through information received from other stakeholders. This may be exacerbated if a provider does not furnish all the necessary documentation.

## Contract types

There are two main types of contract depending upon the nature of the support services.

- Short term services operate under block gross contracts. These contracts are priced to cover the entirety of the *Supporting People* services provided. So there is no need for the provider to charge the service user for support
- Long term services such as sheltered housing generally operate under block subsidy contracts. These are priced variably, depending on how many people receiving the support services qualify for subsidy at any given point. The price paid to the provider by the AA can vary month by month, depending on void levels and the personal circumstances of a changing group of service users.

The AA and provider will agree a local protocol to deal with any errors, over/underpayments or fraud. The provider must ensure they have placed a contractual obligation on the user to pay for support even if they don't qualify for subsidy.

## Implications

You should be aware of the main expectations of the contract. A provider has to:

- appoint a Contract Manager who is responsible for the contract
- keep the AA informed of any substantial changes in the service, staff and/or service users etc
- comply with requirements for information/records, policies and procedures and service reviews
- submit quarterly data on three service performance indicators and complete client record forms
- give appropriate access to the AA to inspect services
- notify the AA in the event of any regulatory inquiry or withdrawal of registration status and/or being found to be unlawfully discriminatory
- have all staff checked by the Criminal Records Bureau
- have appropriate insurance provisions in place
- be clear of the provisions for disputes and termination

# Cross authority arrangements

Some service users need to be provided with housing related support outside the area in which they are normally resident, or where they have no local connection under housing or social services legislation and guidance. Special arrangements have been made for what is called 'cross authority' access - for services meeting needs outside local boundaries.

To some extent all client groups could be involved in cross authority movement but there is a core of clients whose need for immediate cross authority access requires special arrangements. These include:

- homeless people
- substance misusers
- ex-offenders
- women fleeing domestic violence

In the past, services for these clients were based on national rather than local funding streams. Referral and access mechanisms responded directly to demand. For example there are a large number of direct access hostels for homeless people in London which serve not just people who become homeless in London but also homeless people who travel to London.

Under *Supporting People* the responsibility for planning, commissioning, monitoring, and reviewing services for these clients is at a local level. The purpose of the cross authority arrangements is to ensure that local authorities take a regional or national perspective over certain planning and funding decisions. Providers have always felt that these arrangements are vital to protect much needed services that may lose out because of competing local demands. The existence of Cross Authority groups provides an additional check so that services for clients without a local connection do not lose funding because they do not meet local priorities.

## Cross Authority in the regions

Cross Authority Groups are made up of a group of authorities who believe that, across their area there is a coherent pattern of demand and supply for services. They are made up of a lead officer from each Commissioning body, representatives from health, probation providers and can include 'expert non voting representatives' e.g. in homelessness or domestic violence. The role of the group is to plan and monitor provision. The host authority (where the scheme is located) will fund, monitor and review the service reporting to the Cross Authority group

## London

In London a more structured approach has been taken. The Association of London Government (ALG) manages a *Supporting People* team that works with Boroughs to identify needs, and develop a strategy. There is input from a London *Supporting People* Forum and a London Core Strategy Group both of which have provider representation. The strategy is agreed by the ALG Leaders Committee, comprising Councillors from all London Boroughs.

Funding for all services will come from the local authority in which a scheme is based.

## Review

Schemes cannot be altered without agreement both by the cross authority group covering the area where the scheme is based, and by the

ODPM as part of their monitoring of future plans.

## Planning

The ODPM will review provision on a regional and national basis, and develop a picture of the movement of service users. They will then provide guidance and incentives to local authorities, and vet local strategies. The ODPM will also set targets for access to local provision by service users from outside the area. In order to achieve these targets, contracts with all providers will have to include an indication of the maximum / minimum proportion of cross-authority clients they should accept.

The ODPM has undertaken a survey to establish baseline figures for cross authority access and is expected to issue further guidance on cross authority access. In addition the movement of service users will be monitored through a client record form which is completed by providers for all new clients.

## Implications for providers

- If you do not already do so, ensure you complete client record forms for all new clients
- Consider the implications (if any) for your service of people from outside the area



# Service reviews

All providers will have to undergo a service review in the first three years of *Supporting People (SP)*. Administering Authorities (AAs) will assess the performance of a provider based on the information collected through contract monitoring, the summary QAF assessment, previous monitoring reports/contact with other stakeholders and/or service users, accreditation, client record forms, performance indicators and management information which may also include assessing the impact of SP services on other social and health care services.

Each service will be assessed against the following criteria:

- Strategic relevance
- Meeting identified current and future demand for the service
- Provision of a quality service which effectively meets the needs /preferences of service users and potential users
- Efficiency and effectiveness; and cost effectiveness.

In addition, the provider will need to demonstrate that it is likely to remain in business in the foreseeable future. The AA will also:-

- Assess continuous improvement;
- Risk assess services to inform the future level of monitoring and frequency of validation visits; and
- Highlight whether significant changes should be considered

The service review will initially be a desktop exercise. Where an AA has any concerns about the performance of a provider, they will want to carry out a validation visit to the service where they will verify the information they have received and seek views of stakeholders including service users.

The review should result in a mutually agreed action plan. Where there are still concerns, the action plan may be tied into a short-term contract.

## Outcome of a service review

The following are possible outcomes

of a service review:

- Renewal of contract, including negotiations over the contract terms and conditions
- An action plan to improve performance, linked to service changes
- An agreement to remodel the service, and working with the provider to carry out the remodelling
- Changing the provider and retaining the existing service (for instance where the provider has not been re-accredited); or
- Closure of the service and the activities involved with closure (including consulting with service users, addressing the future use of a building where the service is accommodation based etc).

The AA will need to take account of wider factors in decision making, including the diversity of provision and the needs of BME users. Where a decision has been made to substantially change (i.e. remodel) a service, it will be subject to regular contract monitoring to ensure that the service is making progress. Detailed monitoring will not be required until the date of the next service review.

## Appeals

A provider may wish to appeal the decision of an AA. An appeal will only be considered where:

- The AA has failed to consider all the relevant facts at service review

- The AA has failed to adhere to the service review procedures; or
- The AA has not taken account of wider strategic considerations for the service.

A senior officer of the AA will meet with the provider to discuss the appeal and any final decision will need to be ratified by the Commissioning Body.

## Implications

Providers need to:

- Make sure you know the timetable for your services review(s)
- Be clear of the need for your service and make sure you can provide evidence of demand i.e. through monitoring enquiries, referrals, waiting lists, low voids, the absence of similar services in your locality, user consultation exercise to show the service is supported and to identify areas for change or opportunities for new developments etc.
- Start to understand your support services costs and compare them with similar organisations. Identify where you can make savings and consider setting up a benchmarking club
- Consider how to evaluate your effectiveness through user feedback surveys, talking to stakeholders and by demonstrating the effect of your services in addressing wider social health/care agendas

# Monitoring requirements

*Supporting People* has introduced a new set of scheme monitoring and quality assurance requirements. Staff need to understand how all these requirements fit together and the implications for their work.

## Key performance indicators (KPIs)

Providers will need to provide AAs with the following KPIs annually:-

- Service users supported to establish and maintain independent living
- Service users moving onto more temporary accommodation
- Fair access to SP services.

At this stage, it is not a mandatory requirement and is subject to piloting in 2003.

## Service performance indicators (SPIs)

Providers must collect data on the following three SPIs for the interim contract on a quarterly basis:

- Utilisation levels
- Service availability
- Staffing levels

This information may be submitted electronically or using a standard paper return from ODPM. The remaining SPIs are intended for use for steady state contracts:

- Service users moving on through put (quarterly)
- Price of services (contract)
- Support plans (annually)
- Review of support plans (annually) and
- Complaints (annually)

Two excel workbooks have been

developed to test the full range of Pls and to inform final definitions and any future guidance.

## Local performance indicators (LPIs) and targets

Providers may also have to supply local Pls. AAs will be responsible for agreeing targets for LPIs and SPIs with service providers.

## Management information

Providers may be required to supply additional information from April 2004. This will be in relation to the reasons for a service ceasing; the reasons for and destination of users who leave short stay services.

## Client record form

Providers will need to complete a client record form each time they provide a *Supporting People* service to a new client. Certain types of services are excluded for at least the first year. These are: very sheltered housing, sheltered housing, almshouses, peripatetic wardens, leasehold schemes, Home Improvement Agencies, and community alarms. If providers require further guidance on any aspect of the client record form, they should contact the Client Record Helpdesk on 01334 461765, or e-mail sphelp@st-andrews.ac.uk.

## Inspections

Providers will need to make their services available for inspection by the Housing Inspectorate as and when necessary.

## Quality Assessment Framework

Providers will have to self-assess their

performance against the national support standards contained in the Quality Assessment Framework (QAF) and develop mechanisms for continuous improvement and user involvement. Services registered with the National Care Standards Commission are exempt from QAF. Sheltered housing providers that have already been accredited with the Centre for Sheltered Housing can be passported through some parts of the QAF. The AA may also consider other quality frameworks that enable a provider to be passported through elements of the QAF. The QAF relates to the organisation and the service. The service will need to be agreed with the AA when they carry out a service review.

The QAF is divided into core and supplementary service objectives. There are four core objectives that must be satisfied at the interim contract service review. These are:

- Needs Assessment and Support Planning
- Security, Health and Safety
- Fair access, Diversity and Inclusion
- Protection from Abuse

The provider will also need to demonstrate that they have adequate risk assessment processes in place.

There are eleven supplementary objectives which are expected to be met at the steady state contract service review or as soon as one is ready. These are divided into four groups:

- Empowerment - Informing Service Users, Consulting and Involving Service Users, Empowerment and

Supporting Independence, Participation in the Wider Community

- Rights and Responsibilities - Privacy and Confidentiality, Rights and Responsibilities and Complaints
- Service - Description, Choice, Sensitivity and Responsiveness, the Living Environment
- Organisation and Management - Leadership and Accountability and Management Systems, Continuous Improvement and Staff Recruitment, Management and Development

### How does QAF work?

Providers have to work through each service objective and provide clear evidence to show how they meet each of the standards. It is recognised that there will be some standards that may not be relevant to every type of service. It may be better to have a staff member who is not based at a service and/or an external partner organisation carrying out an assessment to give a level of objectivity. Some of the standards will require the involvement of service users. Alongside each service standard is a checklist with pointers to demonstrate that a standard has been met. The checklist is in the form of a maturity matrix to enable a provider to evaluate their performance as they go along. The matrix has four levels:

- A - excellence - established a culture of continuous improvement
- B - good practice - work towards level A
- C - met the required minimum standard but scope for improvement - work towards level B
- D - below the level required to receive *Supporting People* grant - work towards level C

The matrix operates cumulatively. That is, you have to meet all the requirements of level D before you can consider moving to level C. Performance at level D will require an action plan to bring performance

up to level C. At service review, the action plan and appropriate timescales for meeting level C will need to be agreed with the AA.

A summary QAF has been drawn up for providers to record their findings and submit them to the AA at the time of their service review.

### Level D

If you score level D for Security, Health and Safety, Protection from Abuse and the Living Environment, immediate action must be taken to meet level C. If level C is not achieved in a short timescale, it may be necessary to consider temporary closure of a service. Services that score level D are likely to trigger a more in depth service review. Those services that are unable to score level D may be earmarked for immediate review and/or inspection by the AA.

### Accreditation

All providers will need to meet the accreditation criteria if they are to be awarded a steady state contract. AAs can consider passporting providers who have been accredited by another AA or by another framework that meets the SP accreditation criteria. Accreditation is not a requirement for interim contracts but may be considered if an AA has concerns about a provider. The criteria for accreditation is that providers:

- are financially viable
- have competent administrative procedures that are able to properly handle and account for *Supporting People* grant
- have effective employment policies to cover staff development, staff supervision and the health and safety of both staff and service users
- have sufficiently robust management procedures to provide *Supporting People* services and
- are able to demonstrate a track record of competence to deliver services

If a provider does not meet the cri-

teria, the AA is expected to extend the contract for up to a year to enable the provider to meet the criteria. If at the end of this period, the provider has not met the criteria, no further contract will be issued.

ODPM guidance on accreditation is provided but it is not mandatory. AAs may develop their own processes. Accreditation will have to be renewed every three years before a contract can be re-issued.

### Implications

Your organisation will need to:

- ensure that you are given time and appropriate support/training to comply with the SP monitoring requirements
- familiarise itself with the QAF and ensure that everyone understands How it works
- compare any existing quality assurance system with the QAF
- focus on the four core objectives including risk assessment and try to draw up an action plan and identify areas for improvement as soon as possible. It is likely that for some organisations, formal support planning processes and protection from abuse policies will be new
- obtain copies of other organisation's policies and any good practice materials
- identify service users who are willing to take part in a review
- make sure staff know what to expect at a validation visit
- check whether or not you are due to be accredited
- establish an internal system for recording the performance information
- appoint a lead person responsible for quality assurance and innovation and for chasing staff for performance information

# Landlord/agent relations

The provision of housing and support is a major part of the work of Registered Social Landlords (RSLs) and Voluntary Organisations. They often work together through a variety of partnership arrangements to provide housing and support to a range of people in need. *Supporting People (SP)* changed the partnership arrangements between these organisations and meant that RSLs and Support Providers had to enter into new agreements. Model agreements and associated guidance was published by a working party called FLAP2 (the Financial Legal Advisory Panel) a group consisting of RSLs, Managing Agents, the Housing Corporation, Local Authorities, the National Housing Federation (The Federation) and SITRA.

## Management agreement

This is the most common arrangement and it sets out the responsibilities of the housing association (HA) and managing agent where the agent delivers an integrated housing and support service to tenants.

Under SP, the agent directly contracts with the AA to receive SP grant. They will have a support contract with the AA setting out their respective responsibilities. The management agreement with the HA will only refer to housing management duties carried out on behalf of the HA by the managing agent. The HA will need to monitor the agent's housing management service in line with Housing Corporation rules, but not their support functions.

Rent and other occupancy charges paid by tenants belong to the landlord, even if collected by an agent. The agent will have to hand over a portion of the rent to the landlord HA, minus an agreed fee for carrying out housing management and maintenance duties on its behalf.

With the introduction of rent restructuring, HAs are having to set the rents in all their properties and seek to bring their rent levels to a target rent over a period of ten years. The Government introduced rent restructuring to establish affordable rents across housing association and local authority housing. HAs, not agents, calculate the rents charged to tenants.

Managing agents will retain a fee to provide the housing management. There are three models of calculating the agents' fee paid from the rent. Each has different implications depending on the result of rent restructuring:

**Variant A** - The HA sets a price for housing management services which the agent carries out. The agent will be unaffected by any rise/fall in rent.

**Variant B** - The HA deducts actual costs from the rent. In this instance, if rents fall, the agent will have less income to cover their own costs. If rents rise, they will gain extra income.

**Variant C** - The HA sets a standard percentage of rent to cover their costs. If rents fall/rise, both the agent and HA will lose/gain respectively.

Both parties will need to be fair in negotiating the fee to ensure that their respective costs can be met.

## Separately managed schemes

This is where the HA provides the housing management service and a support provider provides a support service to the tenants. This model is likely to be more common under SP. A service level agreement is necessary between the two parties as there is no exchange of money, but there is still a requirement for joint working and for good communication and liaison. There will be areas of common interest mainly in relation to allocations, move on, maintenance and health and safety, confidentiality and a breakdown in tenancy/support.

Sharing monitoring information will be important in case there are any real concerns about the performance or viability of either party that will impact on the overall service.

## Floating support

There are many current arrangements where a support provider provides a service to tenants across different landlords and there is no formal agreement between the parties. A model agreement has been drawn up to assist joint working between the parties in relation to needs assessment, risk management and confidentiality.

## Fully subcontracted agreements

This is where the HA has the support contract with the AA and employs a managing agent to provide both the housing management and support service. This will be similar to a management agreement before SP.

## Implications

You will need to:

- Check which agreement is appropriate for your service
- Understand your responsibilities under the terms of any agreement
- Understand the responsibilities of the other party under the terms of the agreement
- Ensure you comply with monitoring and information requirements.

## Partnership arrangements and types of agreement post April 2003

Table I below sets out the range of models and the types of agreements that will be necessary to manage the services.

Table 1

### The Range of Possible Landlord/Support Provider relationships under Supporting People

Model	Support contract held by	Necessary agreements	Name
Joint Provision of housing & support by agent holding direct support contract	Support Provider	<ul style="list-style-type: none"> <li>Occupancy agreement between landlord &amp; service user</li> <li>Support contact between SP Administering Authority &amp; Support Provider</li> <li>Management Agreement between landlord &amp; Support Provider acting as landlord's agent for housing management</li> <li>Joint working protocol between three parties</li> </ul>	Agency Managed Scheme
Scheme Specific Separated Provision; Landlord does housing management at specified site, an Agent provides support	Support Provider	<ul style="list-style-type: none"> <li>Occupancy agreement between landlord &amp; service user</li> <li>Support contact between SP Administering Authority &amp; Support Provider</li> <li>Service level agreement between landlord &amp; Support Provider</li> <li>Joint working protocol between three parties</li> </ul>	Separately managed scheme (described as jointly managed in the SP3 form issued by the Local Authority SP team)
Floating Support – support not permanently tied to specific premises, so can be more than one landlord	Support Provider (could be landlord of some properties with people with support needs)	<ul style="list-style-type: none"> <li>Occupancy agreement between landlords &amp; service user</li> <li>Support contact between SP Administering Authority &amp; Support Provider</li> <li>Floating support agreement or service level agreement between landlord &amp; Support Provider</li> <li>Joint working protocol between three parties</li> </ul>	Floating Support
Joint Provision of Housing management & support by an organisation other than landlord on sub-contract basis	Landlord	<ul style="list-style-type: none"> <li>Occupancy agreement between landlord &amp; service user</li> <li>Support contact between SP Commissioning Body &amp; landlord</li> <li>Management agreement for both housing &amp; support services between landlord &amp; Support Provider</li> </ul>	Fully Sub Contracted Scheme.

# The charging structure

**In schemes offering long term support, such as almost all sheltered housing, service users are subject to charging, although many will receive 100% subsidy. Where a service offers both short and long term support, service users will be assessed for charging on an individual basis.**

For a charge to be made a contractual relationship must exist with the service user, under which they are guaranteed a support service and agree to pay for it.

## Charging policy

Each AA is responsible for drawing up a local charging policy and deciding which services will be chargeable. This is expected to comply with statutory guidance on fairer charging for home care. The AA must adhere to the following ODPM guidance:

- Short term services are exempt
- Service users in long term services will be liable for charging
- Service users on housing benefit (HB) will get 100% subsidy
- Service users who are not eligible for HB can apply for a financial assessment based on the local fairer charging assessment
- No discrimination on grounds of tenancy or provider type

## How charging works under Supporting People

Service users on HB are passported to free support services. They receive an individual subsidy payment to cover their support charge. This subsidy payment is paid to the support provider under a block subsidy contract and must be credited to an individual's rent or support account.

Service users who are not in receipt of HB can apply for help with paying for support services (financial assessment). The outcome of the financial assessment may be that a service user

pays no support charge, a partial charge or a full charge. AAs have some flexibility on how quickly they introduce the financial assessments for people not receiving HB.

Where a service user is also in need of home care services, a single financial assessment should be carried out. The service user pays a joint support and home care charge. This provision is not available for tenants who have been passported via HB

## Schemes formerly in receipt of SHMG

Service users in these schemes were not subject to charging for any support services paid from this income. This will continue until service review.

## Changes in HB entitlement

When support charges were removed from the rent in April 2003, a number of people lost entitlement to HB. They are now entitled to transitional protection from charging which should continue until the first scheme review

## Block subsidy contract

If the support provider has a direct contractual relationship with a service user, then they receive payment for all subsidised individuals from the AA under the terms of a block subsidy contract. Such a relationship is initially most likely to be established through an existing tenancy agreement where support charges are already tied into the agreement. It is also possible to establish a separate support contract. The AA and provider need to

exchange information on people moving in and out of subsidy entitlement and agree how to deal with overpayments and underpayments.

## Block gross chargeable contracts

It is possible to use a block gross contract for long term services. In this instance, a provider is paid the full contract price irrespective of actual occupancy and the financial circumstances of tenants. The AA is responsible for collection of charges and must establish a separate contractual arrangement. A provider may collect charges on behalf of the AA for a fee.

Some AAs have used block gross chargeable contracts across the board in long term schemes and a wider number have used them for a small number of individual schemes.

## Implications

Providers have to:

- Ensure service users are under a contractual obligation to pay for support services
- collect charges from tenants that they are liable to pay
- claim subsidy for eligible service users and credit individual accounts with any subsidy received
- review your accounting systems
- verify the monthly subsidy schedule sent by the AA setting out the number of eligible service users and the level of the subsidy payments
- notify the AA of any change of circumstances or of any suspected cases of fraud

# Tenancy changes

*Supporting People* broke the previous automatic link between tenure and support. It is therefore possible to operate separate tenancy and support contracts. This is likely to prove an increasingly popular option as *Supporting People* beds down. There will still need to be links between the two agreements in the event of a support package breaking down and/or in the event of a tenancy breach which may impact on the support delivered and vice versa. NHF have produced a series of new model tenancy agreements which facilitate this.

In some chargeable services the contractual obligation to pay for support will remain in the tenancy, at least initially. This is least likely to be true in agency managed stock.

## Implications for existing agreements

At SP day, landlords were using tenancy agreements, perhaps amended by a Deed of Variation, which obliged tenants to pay for support as this was a requirement of the THBS.

## Long stay services

There was no need to immediately change the tenancy agreement where the Landlord is also the support provider. In the event of a breach, where a tenant no longer wants the support service or is in arrears, a Landlord can still use the normal provision of housing law to recover monies due.

It should be noted that there is a question about whether it is possible to enforce compliance with support where the tenant has security of tenure. Legal advice suggests that a successful possession action for non co-operation with support is unlikely. Landlords may have to consider the provision of suitable alternative accommodation under Ground 9 if the only remedy for non co-operation was to remove the service user from their accommodation.

A few providers of long term supported housing have begun separating out their contractual relationships

around housing and support. This was especially useful in agency managed long term support schemes. It meant the agency could hold the block subsidy SP contract and collect any non-subsidised charges via the provisions of a separate support contract. The landlord was thus relieved of any involvement in providing or monitoring support. If the obligation to pay support charges remained in the tenancy, then the money remained legally due to the landlord, even if the agency collected it, so it is hard to see how the agent could hold the block subsidy contract without substantial additional legal complexities.

## Short term services

The situation in short stay schemes required a different approach after SP Day. The lack of charging meant existing occupancy agreements had to be amended to show zero support charges, or the clauses around payment for support removed.

If the occupier rejects the support or ceased to co-operate with the service it is possible to move the occupier. Many occupiers will be licensees or will be Assured Shorthold Tenants. In either case, the occupancy can be ended by notice followed by proceedings to recover possession. In those proceedings the landlord does not need a specific reason and the court will be required to grant possession.

## Support contract

A model support contract has been produced by SITRA and is available on

its website. It sets out the respective responsibilities of the support provider and service user. In the event of non-payment of a support charge, the provider could pursue the debt through a small claims court. This is unlikely to arise in practice given that it is preferable to work with the tenant as far as possible and it is arguable that it may be cost ineffective given that the amount of support charge to be collected is likely to be so small.

SITRA have also published a non-contractual 'support agreement' for use in schemes where there is no obligation on the service user to pay for support. This is similar in form to the support contract, but has no charging clauses. So there is no 'exchange of considerations' and it does not constitute a legal contract. Hence, it is a statement of service standards.

## Implications

### Providers should

- ensure you have understood the changes that will be made to tenure
- ensure you are clear of how support agreements work
- examine the links between a breakdown in support and/or tenure
- understand the impact of losing funding/change of provider on tenure and support agreements

# Service user consultation

**Providers need to keep service users informed of the most relevant aspects of *Supporting People* (SP) and not bombard them with unnecessary information. This should begin with a broad explanation of what SP is and what support services are eligible to be funded.**

You need to be sensitive to the needs of your client groups and use a range of appropriate methods to convey the impact of SP. A leaflet through the door is perhaps not the best way to tell a resident that they are to be charged for SP. It will be preferable to have a face-to-face meeting with residents as well as providing written information.

If you are working with residents with learning difficulties and/or mental health problems, additional considerations will need to be taken. This equally applies where you are working with residents where English is their second language.

## What do existing users need to know

Providers should have prepared residents for the changeover on April 1 2003. The amount of information given will depend on the nature of the service, the support needs of the residents and the culture of an organisation.

Where there is already a highly developed level of resident participation, it may be appropriate to encourage residents to attend Inclusive Fora if they can represent their client groups' interests adequately and inform the development of the SP strategy. You should explain to BME tenants that the strategy has to reflect their needs and aspirations as well.

Not all residents will have the time or be interested and they may feel

excluded by professionals and the SP 'jargon'. For the majority of residents, the SP planning process is perhaps not the best introduction to SP. They are more likely to be interested in the impact of SP on their day-to-day lives. It may be better to keep to the main messages in respect of the funding and tenure changes.

## Short stay services

All residents need to know that they will not be charged for SP services. This means many people who are working or studying are likely to be better off than under the previous system. If they claim housing benefit, they need to know that their benefit entitlement will reduce due to SP and the shortfall will be paid by the AA to the provider. Any changes in their occupancy agreement will need to be explained clearly. This could be in the form of a notice explaining the funding changes, reassuring residents that their service will continue and outlining any variations to the agreement.

Where residents are in a scheme managed by a managing agent, they will need to understand that the support provider has a separate contract with the AA for the support services they deliver.

Complaints policies may need to reflect these changes where a resident wants to complain about an agent to the HA or AA. They may need to know about the introduction of more formal support planning and risk assessments.

## Long stay services

Residents need to know that they could be charged for support charges. They should be told that they:

- will not be any worse off than before SP at least until after the first service review
- can be passported for free services if they are in receipt of housing benefit or transitional protection where a service had SHMG or where their eligible rent has reduced
- may be eligible for relief/subsidy and can request a financial assessment from the AA and the outcome may be that they pay no charge, a partial charge or a full charge. It will be helpful to highlight that their earned income will be disregarded and that although their Attendance allowance and Disability Living Allowance will be treated as income, their Disability Expenditure will be accounted for
- are entitled to welfare benefit advice
- can appeal if they are unhappy with the outcome of the financial assessment
- will be obliged to pay for support either through an existing tenancy agreement or a separate support agreement
- have a duty to notify you and the



AA immediately of any change of circumstances and fraud will be taken seriously. The local charging protocol should be clearly outlined to them

- will be entitled to subsidy but it will be paid to the provider
- will continue to have a rent and support account
- will be liable for non-payment of support charges

### Prospective residents

They should be told about *Supporting People* in the written information they receive and in face-to-face meetings with a provider. In particular, they may need to know why residents are paying different support charges. For example, they may be paying more than their next-door neighbour who may be under transitional protection.

They may also need to be told that they may have two agreements - one for support and one for their housing. They may also have to undergo a more comprehensive needs and risk assessment process. This could be off putting to some client groups and will need to be managed sensitively.

The provider will also need to disclose that they will complete a client record form for every new resident.

Providers may need to update their policies and procedures in light of SP, highlighting key changes for residents. The main policies likely to need change are allocations, support, risk assessment, protection from abuse, confidentiality, arrears and complaints. It will be important to emphasise that information will need to be shared with the AA around charging but will be done with the user's consent. There will be other instances in which information may need to be shared between a landlord, support provider and a commissioner. This should be explained clearly.

### Service reviews

It will be important to explain how

the service review process will impact upon them. Most importantly, there will be more transparency and accountability than in the past and a uniform and central monitoring system for all users in receipt of support services. This should drive quality up and that there is a greater emphasis on user involvement. They need to be aware of:

- The frequency of service reviews and how it will determine whether or not the provider continues to get a support contract
- The introduction of QAF and the focus on four core objectives or adaptation of existing quality systems. This will require their input in evaluating the quality of the services
- The performance framework, the key performance indicators and client record forms which providers have to collect
- The AA may carry out a validation visit and seek user feedback on a service
- Changes to the service depending on the outcome of a service review but they will be kept informed at every stage. It will be important to explain that the service may have to change or could lose funding or could be closed. Residents must be reassured that even if there is closure or a change of provider, they will be rehoused and/or continue to get the service if appropriate
- The Housing Inspectorate may visit the service as part of a Best Value inspection

### Development of future services

Residents should be told about how services will be commissioned under *Supporting People* in the future. The fact that it will be more structured than in the past and in accordance with local supply and needs mapping.

### Cross authority

It may also be important to explain

the key elements of the cross authority arrangements to service users. It will affect:

- Homeless rough sleepers
- Women fleeing domestic violence
- Ex-offenders
- People with substance misuse problems

The purpose of cross authority arrangements is to safeguard the interests of those services that provide accommodation and support to people who do not necessarily have a local connection and ensure that they will continue to get adequate funding. A cross authority baseline survey has taken place and in future years, ODPM will monitor the change in services to assess the changes in provision as a result of SP.

### Guide to user involvement

The *Supporting People* Quality and Monitoring framework stresses the importance of involving service users.

A guide to user involvement for organisations providing housing related support was published by the ODPM in May 2003.

The guide discusses how users and the support provided to them are seen as an important part of the *Supporting People* strategy. When implemented effectively user involvement can lead to the development of independent skills, ensure services reflects the needs and wishes of the client group, and help guarantee a better quality of service.

Additionally the guide looks at how support provider organisations including RSL and Local Authorities can involve service users in all aspects of housing related support services.

The guide is packed full of positive examples of user involvement and is a useful tool for service providers. It can be downloaded free from the *Supporting People* website at [www.spkweb.org.uk](http://www.spkweb.org.uk)

# SITRA Conferences & Training

## Do you need someone to organise a conference for your organisation?

In the last twelve months, SITRA have organised and run over thirty conferences covering all aspects of emerging supporting housing policy and practices. This has included coordinating many of the ODPM's rolling programme around *Supporting People* as well as cross authority events, inclusive forums and provider events. *Why not let SITRA plan, organise and deliver your event.*

### We can offer

- A wide experience and expertise in running conferences of various sizes for Government departments, Local Authorities and providers
- Project management from inception through to the smooth running of the event on the day
- Project management skills in mapping and running conferences
- An existing information network and resource of existing venues, SITRA speakers and courses
- Excellent value for money with discounts for members

For more information about how SITRA can help you with your conference needs please call Andy Lawson, Conferences Officer on 020 7793 4710 or e-mail him at [andy@sitra.org](mailto:andy@sitra.org)

### SITRA training

We have expanded our open programme so that it is now delivered at five locations around the country: Newcastle, Birmingham, Bristol, Exeter and London. We offer over 60 different courses covering the full spectrum of legislative, policy, management, key working and personnel skills required by the supported housing sector. Call for our current brochure.

### In-house training

We also provide training specifically tailored for your staff and delivered at a place/venue and time of your choosing.

### We can offer

- A wide choice of courses from our open programme training guide
- Specific tailor-made courses which meet your particular requirements
- Training for 6-16 staff at a time and at a location of your choice
- Excellent value for money with possible discounts for multiple bookings
- A wide range of experienced trainers with specialist knowledge in supported housing and its related fields

If you want to find out more about how SITRA can work with you for your in-house training requirements, and for details of our rates please call David McDaid, Training Officer on 020 7793 4710 or e-mail [davidm@sitra.org](mailto:davidm@sitra.org)

The logo for SITRA, featuring the word "SITRA" in a bold, white, sans-serif font. The letters are set against a dark background. Below the text, there is a horizontal line that tapers at both ends, resembling a stylized wave or a bridge.

Approximately 550 organisations are members of SITRA country wide. Members have access to all SITRA's services and assist in the formulation of policy for the agency.

If you would like to join SITRA please contact the Membership Administrator on 020 7793 4711 and ask for an application form. SITRA provides the following services:

### Advice

SITRA provides telephone advice and answers correspondence on all matters relating to the development and management of specialist housing services.

### Information

SITRA publishes this Bulletin on a monthly basis as well as regular information leaflets, briefings and publications.

### Training

SITRA offers a comprehensive training programme and can also develop in-house training to meet the particular needs of supported housing projects.

### Consultancy

SITRA will work with an agency on a consultancy basis to resolve a particular issue, either on a long- or short-term basis.

### Policy

SITRA runs seminars on a variety of policy issues. SITRA works with local and central government to ensure that the needs of its members are recognised, understood and met by resource providers.

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**SITRA believes all individuals have a right to the housing, support and personal care services appropriate to their needs, delivered according to their own preferences. Such services should be easy to access, of the highest possible quality, and equitably reflect the diversity of user needs.**

**To this end, our mission is to:**

- Seek to influence those with the power to affect the quality and affordability of housing and support provision**
- Provide policy makers and practitioners with accurate, up to date and timely information, guidance and practical support on relevant technical and policy issues to maximise the chances of people with housing and support needs receiving an affordable, high quality service**
- Contribute to the baseline professional standards that typify the sector through the provision of training**
- Promote best practice in the design, commissioning, delivery, monitoring and evaluation of services**