



Leicester
City Council

WARDS AFFECTED
All Wards

DECISION TIMETABLE:
Cabinet

4th August 2003

Arrangements Between the Supporting People Commissioning Body and Leicester City Council

Report of the Corporate Director of Social Care and Health

1. Purpose of Report

1.1 The purpose of this report is to confirm the arrangements for the formation of a Commissioning Body for Leicester to oversee the strategic aspects of the Supporting People programme. The Council is required to set one up in line with ODPM guidance.

2. Summary

2.1 This report describes the functions and required composition of the Commissioning Body for Supporting People in Leicester (in accordance with the direction and grant conditions issued by the Office of the Deputy Prime Minister (ODPM)) and recommends that the parties to the Commissioning Body enter into a Memorandum of Understanding to establish the Commissioning Body as described in the Supporting Information

3. Recommendations

3.1 It is recommended that the Cabinet should:

- (a) note the requirement to set up a Commissioning Body for Supporting People;
- (b) note that the Commissioning Body is established as a consortium, by virtue of a memorandum of understanding, which will be signed by the Probation Board, the Leicester City West and Eastern Leicester Primary Care Trusts, in addition to Leicester City Council.
- (c) delegate authority to the Head of Legal Services in consultation with the Supporting People Manager to agree a form of memorandum of understanding with the other commissioning parties.
- (d) Note that the Corporate Director of Social Care and Health has invited representatives to the Commissioning Body as follows
 - one, on behalf of the probation board for Leicester

- one representative each from the Leicester City West and Eastern Leicester Primary Care Trusts
- (e) confirm that the Council's representative to the Commissioning Body be the Director of Social Care and Health and that this representative be authorized in all respects by Leicester City Council for the purposes of the functions of the Commissioning Body.

4. Financial and legal Implications

Legal

- 4.1 Supporting People is a funding scheme for paying grants to local authorities towards expenditure incurred by them in providing or contributing to the provision of welfare services as determined by the ODPM. ODPM has made a half-year grant determination for the period 1st April 2003 to 30th September 2003. This is subject to conditions and directions as to how the grant is to be administered. These require that the Council has to use its best endeavors to set up a Commissioning Body, whose membership, functions and procedural rules are also set out (see Supporting Information).

Financial

- 4.2 Leicester City Council became responsible for managing the new SP grant in April 2003. The initial grant settlement is £10.7 million (full year figure). However, this is likely to grow as growth figures are added for the period between December 2002 and end of March 2003. The grant is based on current revenue funding streams that will support a range of existing housing related support schemes.
- 4.3 Future grant allocation may be based on an allocation formula, which is being developed by the ODPM. Individual Interim Contract values will combine to the total grant allocation from ODPM in the first year 2003/04
- 4.4 Leicester City Council (the administering authority) will receive and administer the grant under section 93 of the Local Government Act 2000 for the provision of welfare services determined by the Secretary of State. The administering authority will be accountable to the Commissioning Body for the grant.
- 4.5 The report provides an overview of the arrangements for overseeing strategic aspects of the Supporting People Programme. There are no direct financial implications arising from the content. (Rohit Rughani, Principal Accountant, Social Care and Health – tel. 0116 252 8802).

5. Report Author/Officer to contact:

Legal Content: Joanna Bunting, Assistant Head of Legal Services, Resources, Access and Diversity: Tel 252 6450

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DECISION STATUS

Key Decision	No
Reason	N/A
Appeared in Forward Plan	No
Executive or Council Decision	Executive (Cabinet)



WARDS AFFECTED
All Wards

FORWARD TIMETABLE OF CONSULTATION AND MEETINGS:
Cabinet

4th August 2003

Arrangements between the Supporting People Commissioning Body and Leicester City Council

SUPPORTING INFORMATION

1. Report

- 1.1 The purpose of this report is to confirm the arrangements for the formation of a Commissioning Body for Leicester to oversee the strategic aspects of the Supporting People programme.

2 Background

- 2.1 As part of the grant determination the ODPM has issued directions and conditions of grant, which set out the framework of the Supporting People funding scheme as a whole.
- 2.2 The framework envisages two distinct roles.

Firstly the “**Administering Authority**” whose role is: -

- to consult widely to obtain views on any Supporting People strategy or annual plan: in order to provide the Commissioning Body with information to inform its discussions before adopting such strategy or plan
- to establish a body to be known as the Commissioning Body and to enter a memorandum of understanding with that body which describes how they will allocate and co-ordinate Supporting People work
- to use its best endeavors to ensure that the Commissioning Body has the power to agree the strategy and annual plan, considers significant changes and to review the approved strategy, and to ensure or procure “through the memorandum of understanding” that the Supporting People Services are reviewed and monitored

- to administer the Supporting People programme
- to maintain records of cross authority access to services within the area of the Commissioning Body
- to make payments to service providers
- to advise the Commissioning Body of cross authority issues
- to advise the Commissioning Body on financial and compliance matters affecting the Supporting People Grant
- to assist the Commissioning Body in preparing its strategy and annual plan
- to refer any proposed significant changes to the strategy or plan to the Commissioning Body
- to develop a Supporting People service review and monitoring programme (an assessment of the role of Supporting People services to be included in particular in best value reviews) and to provide reports to the Commissioning Body
- to provide reports to the Secretary of State and to attend meetings with the Secretary of State.

Secondly the “**Commissioning Body**” whose role is

- (as ensured by the administering authority) to agree a Supporting People strategy and annual plan (the Secretary of State has reserve powers to impose a strategy “that reflects the interests of all the parties”
- (as ensured by the administering authority) to consider any significant changes to the same
- (as ensured by the administering authority) to review the approved Supporting People strategy
- receive advice from the administering authority (see role of administering authority) and (presumably) to agree or disagree with that advice, except that in financial or compliance matters it cannot make a decision which is incompatible with advice from the administering authority
- (presumably) to approve (or otherwise) the Supporting People service review and monitoring programme
- (through the memorandum of understanding) to ensure or procure that Supporting People services are reviewed and monitored by an appropriate person/body
- to receive a report and recommendations for each review (from the administering authority)
- to receive from the administering authority periodic reports on the finding of its service monitoring programme
- to approve charging rules.

2.3 The administering authority for the local government area of Leicester City will be the Council.

2.4 The rules on the composition of the Commissioning Body are precise.

- the administering authority shall provide a representative
- the administering body shall request one representative from each district authority within its area (we have none), one representative on behalf of all the local probation boards in its area and one representative on behalf of all the strategic health authorities and Primary Care Trusts (PCTs) in its area

- if the PCTs propose to send more than one representative and in the opinion of the administering body it is appropriate, the administering authority may request that those bodies send two representatives to the Commissioning Body
- where a request for a representative fails the administering authority has to notify the Secretary of State
- Each representative shall have one vote, and the vote of each representative carries equal weight .
- Decisions of the Commissioning Body have to be unanimous.

2.4 There is nothing specific in the framework about the legal form of the Commissioning Body, the only description of it is that it has to be a “body” – in other words any association of persons, whether having “corporate” or “incorporate” status (in other words it does not have to be a legal person in itself, such as a limited company) The guidance indicates that the place of the “Commissioning Body” is to ensure the agreement and involvement of the interested public sector parties. The guidance debates three suggestions,

- Joint committee (in our case this would not be possible– although an advisory panel could be set up on the Scrutiny side of our processes)
- Advisory Board/consultative body – the body could agree the strategy that would be adopted by the administering authority, the administering authority would be the ultimate decision making body it would be informed by the advisory body
- A Health Act partnership – the guidance advises (and I agree) that this raises “powers” issues, and would not accommodate Probation, and can therefore be ruled out.

2.5 There could be other models such as a limited company (unlikely to be appropriate because the “Board” would be “representatives” and not “nominees” and cannot act in some cases in disagreement with the administering authority and its constitution is governed by directions which may be inconsistent with the requirements of the Companies Act) or an unincorporated organisation or even a limited liability partnership. In my view the setting up of these “separate entities” may inhibit, in terms of organisation, the “collaborative” and “partnership” ethos of the issued guidance.

2.6 The directions/grant conditions clearly require a “memorandum of understanding” between the parties as to how they will allocate and co-ordinate Supporting People work. This of course cannot take away the responsibilities of the administering authority and in my viewpoints to how the “commissioning body” is to be set up. In other words the parties will act in collaboration, whilst retaining their own power, but the necessary undertakings can be mutually given so as to ensure compliance with the Supporting People directions/conditions. Such a model is typical of consortia/joint ventures in which the parties can agree to set up a representative meeting with a remit, which would cover the sort of functions, which would meet the requirements in this case for a commissioning body. This model would effectively provide a form of collaboration outside Council committee structures and is more representative of “partnering”.

3. Other Implications

OTHER IMPLICATIONS	YES/NO	Paragraph References Within Supporting information
Equal Opportunities	Yes	The SP Programme contributes to the overall strategy for social inclusion. Housing related support services enable vulnerable people to maintain a home and participate in their communities fully. Better planning arrangements will identify hidden needs of all vulnerable groups including BME and hard to reach groups. All providers must ensure anti-discriminatory and culturally sensitive service delivery.
Policy	Yes	The SP Programme drives forward the preventative and social inclusion agenda and will enable the authority to achieve delivery of other strategic objectives.
Sustainable and Environmental	Yes	The SP Programme enables a more structured approach to addressing support needs, which will help vulnerable people sustain themselves in communities and become fully contributing members of society. This will contribute to making Leicester's communities more sustainable.
Crime and Disorder	Yes	The SP Programme facilitates development of services that address the support needs of people who offend or are likely to offend. Assistance with maintaining a home in the community is one of the factors of reducing offending behaviour.
Human Rights Act	Yes	The Supporting People provisions and arrangements will be required to conform to Article 8 (right of privacy and family life) and Article 14 (freedom from discrimination)
Elderly/People on Low Income	Yes	The SP Programme drives forward the preventative and social inclusion agenda for <i>all</i> vulnerable client groups including elderly people and people on low income in need of support.

4. Background Papers – Local Government Act 1972

Grant Directions & Conditions and Statutory Guidance issued by ODPM
Memorandum of Understanding

5. Consultations

Core Strategic Development and Commissioning Group – 10 October 2002
Commissioning Body - 4 January, 10 March and 30th June 2003

6. Report Authors

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SP Programme Content

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