

The future of Supporting People is in the balance

An announcement is expected to be made by the government later in November about the future of the Supporting People programme.

The announcement is expected to include funding levels for the next 3 years and confirmation as to whether the ring fence will be retained or not. If the ring fence were removed local authorities would be able to decide how much to spend on housing support within the limits of their overall budget.

Ministers have the power to keep the ringfence, to lift it completely or to phase in its lifting. Ministers could decide to lift it in some areas to give the government an opportunity to carry out an evaluation before deciding how to proceed in other areas.

The SP Enabling Unit is aware that many service providers have concerns about the ring fencing being lifted at this stage of the programme. There are concerns that less intense housing support services which have a preventative focus would be at risk as well as services aimed at less popular sections of society such as those using drugs or alcohol. These concerns are shared by Duncan MacNaughton of Perth and Kinross Council who recently stated that 'In Perth and Kinross, as in a great many local authority areas in Scotland, the Supporting People grant has been used to fund a rich variety of services. There is a healthy balance of external and council provided

services.

The people who use housing support services are often those who have hitherto been somewhat neglected: not only people with addictions and people with mental health problems but also those who don't necessarily fall into any specific client group but who are simply finding it very hard, for whatever reason, to maintain their tenancies. Providers have been able, through Supporting People, to deliver sustained support, albeit in small doses of a few hours per week. This support has been enabling and empowering. It has performed a key preventative function.

Our main worry, in Perth and Kinross, about the possibility that the ring fencing of the SP budget will be lost is that the money could be diverted away from helping this type of person through preventative support, and into the traditional types of community care service for the traditional community care client groups, involving large amounts of direct personal care. A related issue is that there would be the potential for resources to be channelled away from external agencies and re-directed to council provided services.

These developments would mean that much of the progress that housing support providers have made over the last few years in sustaining individuals and communities would be undone.'

It is important that whatever happens to ringfencing steps are taken to build on what has been achieved under SP.

Future of Supporting People

Vetting and Barring

Crerar Review

Care Commission Inspection

Procurement

Information Commissioner

To ensure you keep up to date on the latest news on SP make sure you have subscribed to the Units electronic news service by subscribing on our home page at: www.cccpscotland.org/spunit



Service Review

Providers state service reviews need to have outcomes.

At a local level there remains uncertainty for many providers of housing support as to future funding levels and whether or not they will be asked to enter into a full contract by their local authority. Progress with service reviews appears to be slow in some areas despite local authority returns to the government stating that 80% of service reviews had been completed by March 2007.

This can be a difficult and disappointing situation for providers and makes the task of delivering services all the more difficult in some areas. There are a few issues that service providers could consider if they find themselves in this situation:

1. The government expects councils to conduct reviews in a fair, objective and transparent way whilst maintaining good communication with providers and showing sensitivity to service users. Where there are concerns about the service review process then it is worth letting the local authority know and at the very least ask for confirmation as to the stage the review has reached and the timescale for a decision.

2. Where a final decision has been made but you do not feel happy with it then you might want to consider making an appeal on the grounds of the process used. The government requires councils to have an appeals process.

3. If a council is considering withdrawing funding from a service it is obliged by the government to report this to councillors even where the final decision is delegated to an officer. It is important to find out which committee is dealing with SP issues and at which meeting the future of your service is being considered.

If you are having difficulty with this the Unit's website might help or contact one of the team at the Unit.

4. Some providers are finding it useful to contact councillors to alert them to the difficulties they face. This can be particularly useful where a service is generally respected and the need for it is not in question.

In some areas providers are concerned that local authorities have decided to tender existing services but have not communicated this yet. This may be the case but local authorities should not feel compelled to go down the tendering route. The guidance issued by the government earlier this year stated 'Whilst the procurement regulations have been introduced since the original SP guidance was produced, it is still possible, depending upon the outcome of the service review to enter into full contracts.' This is reassurance for councils that they can legitimately move from service reviews to full contracts.

It may be worth having a look at your council's standing orders to find out how they intend to treat existing services. In Highland Council's standing orders, for instance, there is an acknowledgement that housing support services fall within Part B services and therefore do not have to go through tendering processes before entering into a contract this can be found at: www.highland.gov.uk/socialwork/commissioningandcontracting

It is the case that as some local authorities come to the end of their service reviews they are concluding that they would like to reduce the number of providers of some sorts of services. If this is the case providers should be advised as part of the outcome of the service review.

Despite the uncertainties that local authorities face about future funding levels for housing support it is really important that clear lines of communication with service providers are maintained and wherever possible providers are involved in discussions about the future role of housing support services in the area.

Questions and Answers

Q. Prior to 2002 the service was registered as a care home. During the time of THB the organisation was deregistered and service users gained their own tenancies.

Recently we have been told to expect a large cut to its SP funding. This will mean that more funding will come from care than from SP. Does that mean we have to go back to being a registered care home?

A. No. The Care Commission registers services and they are interested in what a service does rather than how it is paid for. A service can be considered housing support even if it has no element of SP funding.

Q. Tenants in sheltered housing which I manage are being sent bills from the council for housing support services for the first time. Many of these have been backdated. Not surprisingly I am being asked if there is an appeals process that tenants can go through. Is there a right to an appeal?

A. Yes. The SP Guidance states that local authorities should have an appeals process through which service users can challenge housing support charges. The legal basis for this is the Social Work (Scotland) Act 1968 and the National Health Service and Community Care Act 1990. This is covered in section 9.4 of the guidance www.scotland.gov.uk/Topics/Housing/Housing/supportpeople/CFA. There is further guidance about how councils should go about processing complaints in a circular SWSG 5/96 www.scotland.gov.uk/Topics/Housing/Housing/supportpeople/Page222

Q. My council says that all tenants have to go through a financial assessment and may be charged for housing support even where they were tenants in 2003 before SP and paying for services through rent. I am surprised by this because I thought there was some form of protection for people in this situation. The costs of the warden service were included in the rent and so it seems unfair if people are paying an additional bill to cover what they are already paying for (even if the amount they pay now has not kept up with inflation).

A. Yes, back in 2003 landlords who had pooled their rents benefited from gaining SP to cover housing support costs and continued to charge rents that

covered these costs. This was referred to as a 'windfall' at the time and landlords were asked to make provision to cover the costs of housing support for those tenants who were not on Housing Benefit.

It may be that your organisation has entered into an arrangement to give back to the council SP money to cover the costs for those who were not claiming HB at the time. You may find you want to talk to any staff who were involved with THB and SP back in 2003 to find out what steps they took to ensure this group of people would not be asked to pay a charge for housing support.

The relevant part of the the SP Guidance can be found at:

www.scotland.gov.uk/Topics/Housing/Housing/supportpeople/RentPooling

If you go to 2.8 Charges for Housing Support Services after April 2003 you will see how that those tenants using a housing support service before April 2003 should not be asked to pay housing support costs because they are protected and you may find it useful to look at Annex 1 Example of Protected Tenants' rebate.

Q. What is happening to Communities Scotland?

A. The Scottish Government has announced that Communities Scotland is to be disbanded by April 2008.

Communities Scotland is the Scottish Government's housing and regeneration agency and has responsibility for:

- registering and inspecting social landlords
- distributing grants for community regeneration
- promoting affordable housing

Responsibility for awarding grants and promoting affordable housing will be taken over by the Scottish Government. The staff currently working in this area for Communities Scotland will be redeployed within the Scottish Government and it is not expected that redundancies will take place.

How housing will be registered and inspected in the future is currently under discussion and decisions about this will be made following consultation with the housing sector and other stake holders.

Care Commission Inspection

The Care Commission is changing the way it carries out inspections of housing support services. From April 2008 the Care Commission will use a self assessment grading system which they hope will focus on the people who use services and their carers.

The Care Commission is currently conducting a pilot of the new system to test how well it works in practice.

40 providers from across Scotland are involved in the pilot including Queens Cross Housing Association.

Queens Cross Housing Association is a Registered Social Landlord within Glasgow. In addition to providing general mainstream housing it offers via its Community Services Department a range of other services including housing support to the elderly living within their sheltered housing complexes, as well as to young people vulnerable to homelessness and those with mental health issues. The provision of housing support being regarded as crucial to these vulnerable adult groups in enabling them to maintain and sustain a home within their local community.

Queens Cross HA was invited by the Care Commission to take part in the pilot inspection process and found it to be a valuable and interesting exercise. Jillian Dougall of Queens Cross HA said "There were four key areas under review within the self assessment process. We had to self assess how we performed in each of the areas and provide evidence to back up the quality statements we had made. The process was extremely interesting and reminded us just why we work the way we do."

Once Queens Cross HA had agreed to take part in the pilot the Care Commission sent them information and details of the self assessment framework. The Care Commission also visited Queens Cross to go through the process and

associated paper work as it was seen from the beginning as very much a joint effort. Jillian Dougall said "This approach was new to us but it was also new for the Care Commission Officer so we had to learn about it together".

The four themes of inspection were to do with quality of:

- Life
- Information
- Staffing
- Management & Leadership

The self assessment process included quality statements such as "I respond to people's care and support needs using a person centred approach" with the provider having to give evidence of how this statement could be justified for their organisation.

Jillian Dougall said, "Gathering the evidence for self assessment inspection was a big job but very worthwhile. We sampled 10% of our tenants within our sheltered housing complexes which meant we completed 47 interviews, each interview taking about 30 minutes to complete. Although this was time consuming it was seen as a good investment and useful because it helped us pinpoint areas of good practice as well as areas for development and staff training over the coming year

Once we completed the self assessment and associated paper work the Housing Support Manager and I discussed and confirmed our view of how we felt we had performed within each of the key areas under review, allocating a grade against each. This from our perspective was one of the most challenging parts of the process. We also had taken significant account of our tenant's views of how we had performed and hence used both perspectives to try and determine the appropriate grades we should award ourselves."

Care Commission Inspection

“In addition to us gathering and collating information the Care Commission Officer met separately with some of our staff and tenants. This allowed them to gain a separate and independent insight to our service and acted as a further check on the information that we were submitting as evidence.”

“Our submissions were done electronically. This was not straightforward and we were grateful that Queens Cross HA has dedicated IT support. A smaller organisation might have struggled”.

“Following on from the electronic submission the Care Commission got in touch and asked us to have supporting information we had referred to available for the inspection day.

The last part of the inspection process was undertaken by our Care Commission Officer who spent half a day verifying the self assessment paperwork and going through other supporting documents.

Following this both the Housing Support Manager and I were given immediate verbal feedback. At this stage we also discussed supporting evidence which had been submitted and agreed with the Care Commission Officer our grading within each area. Fortunately we easily reached agreement within all

areas. Had this not been the case then our Care Commission Officer advised she would have sought input from her Team Leader to help determine what the appropriate grade should be. What was interesting and something we need to do in future is to ensure we do not understate what we achieve and how we perform. We are now waiting for our inspection report which should be prepared within the next few weeks.”

Overall Queens Cross HA found the self assessment inspection process to be very positive and an improvement on the current inspection system.

Queens Cross HA was also clear that self assessment does require resources in terms of staff time and this requires to be recognised by funders saying “The system of regulating the housing support sector is changing. This will affect all areas of housing support and should be reflected in the contract values that are awarded by funders.”

More information on inspection and the self assessment forms and paperwork are now available on the Care Commission's website at: www.carecommission.com/index.php?option=com_content&task=view&id=5268&Itemid=1

Stages and timing of the pilot process

April 2007 agreed to participate in the pilot inspection process

Early July 2007 received information on how self assessment inspection works and went through this in detail with a Care Commission Officer

July/August 2007 Queens Cross HA gathered evidence for the self assessment paperwork

Mid August 2007 Care Commission Officer undertook focus group with service users and interviewed staff

Mid August 2007 Care Commission contacted 4 members of the tenant focus group to find out how the evaluation system had been for them

Mid August 2007 Queens Cross HA service manager went through all the self assessment paper work and graded each aspect of their service

September 2007 Queens Cross HA submitted their assessment electronically

Mid-September 2007 the Care Commission officer requested a number of policies and procedures to be made available

Mid-September 2007 The Care Commission visited Queens Cross HA and verified the information they had been given previously and gave verbal feedback

October 2007 Queens Cross HA received their **draft** inspection report

Vetting and Barring

Protection of Vulnerable Groups (Scotland) Act 2007: Consultation on secondary legislation

The Scottish Government will soon publish its consultation on policy proposals for the secondary legislation required to implement the vetting and barring scheme, introduced through the Protection of Vulnerable Groups (Scotland) Act 2007 (PVG Act). The consultation will be available on the Scottish Government's website shortly and printed copies will be available on request.

16 November, Murrayfield Stadium Conference Centre, Edinburgh
20 November, Albert Halls, Stirling
28 November, Ramada Jarvis, Inverness
29 November, Hilton Treetops, Aberdeen
06 December, Hilton, Dundee
13 December, Hilton, Glasgow

To complement the written consultation, open events for all those with an interest in the vetting and barring scheme will be held on the following dates:

Each event will run from 9.30am until 3.30pm and lunch will be provided. For full details please see www.protectingvulnerablegroups.com

The Crerar Review

Over the past year Professor Lorne Crerar has been investigating how public service organisations are scrutinised.

Following on from this work Professor Crerar has written a report which includes a number of recommendations as to how audit, regulation and complaint handling could be improved.

Professor Crerar argues that while external regulators do have a role in scrutinising the work of organisations the primary responsibility for standards and performance lies with service providers. Therefore inspection should be based on self assessment amongst service providers.

Professor Crerar suggests that regular cyclical inspection may not be necessary (except in the case of financial audit) and should only be done if no other option is satisfactory. Where cyclical inspections are necessary they would take into account the needs of the public and all reports should be written in a way that is easily understood by the general population.

Professor Crerar is concerned at the number of regulatory bodies there are in Scotland and suggests that at times they duplicate each others' work. He has a number of suggestions to combat this:

1. A bench marking exercise should be carried out to assess the cost/benefit of different scrutiny bodies
2. Regulatory bodies should work in a more strategic way and where their interests overlap one body should take a lead in scrutinising and then share that information with the other.

3. Where the work of regulatory bodies often overlap consideration should be given to amalgamating the bodies.
4. Existing scrutiny should be scaled back if new scrutiny is introduced and no new scrutiny body should be created unless it is replacing an old one.

Professor Crerar's long term proposal is that one single national scrutiny body could take on responsibility for scrutinising services in Scotland. The Scottish Government has received the report and is considering its content. Once the Scottish Government has had time to digest the content it will announce its response. The Crerar Review limited the scope of its investigation to looking at external scrutiny bodies that inspect services such as the Care Commission and Social Work Inspection Agency. It did not look at the work of bodies that regulate professional workers such as the SSSC. Nor did it include aspects of contract compliance such as Supporting People service review. This means that the recommendations do not include any ideas about how scrutiny and monitoring from these bodies could be streamlined or worked in a more strategic way.

The full copy of the Crerar Review: The report of the independent review of regulation, audit, inspection and complaints handling of public services in Scotland is available on the Scottish Government's website at www.scotland.gov.uk/Resource/Doc/82980/0053065.pdf or from Blackwell's Bookshop, 53 South Bridge, Edinburgh EH1 1YS telephone order line 0131 622 8283.

Procurement

The Scottish Procurement Directorate (SPD) issued guidance in October 2007 for public bodies about how they can legitimately consider social issues when developing a procurement procedure. In its introduction the SPD also states the guidance is 'intended to remind purchasers that only companies with acceptable standards of conduct and business ethics/practices should be considered as suitable to be awarded public contracts.'

The sort of social issues highlighted include standards of conduct and business ethics and practice as well as considering wider social benefits and the provision of supported employment opportunities.

This guidance acknowledges that small and medium sized enterprises, social enterprises and voluntary organisations tend not to take part in tendering exercises conducted by public bodies. The guidance suggests steps that public bodies such as local authorities should take to address this reluctance. These steps include organising events to meet potential providers and considering how best to make

information available about the contract and tendering process given that some organisations will not have had previous experience of taking part in such processes.

[Www.scotland.gov.uk/Topics/Government/Procurement/PublicProcurement/policy-notes/sppn062007socialissues](http://www.scotland.gov.uk/Topics/Government/Procurement/PublicProcurement/policy-notes/sppn062007socialissues)

Further guidance is being developed on community benefits in procurement which will consider in greater detail issues around wider social benefits or 'social added value'.

Whilst the SPD is considering broader contracting issues than simply housing support this new guidance is nevertheless significant because it seeks to reinforce previous statements that public bodies should not simply be awarding contracts on the basis of lowest cost. This guidance states that the organisation and how it goes about delivering a service is also important and something the government expects public bodies, such as local authorities, to consider before awarding contracts.

Information Commissioner

Framework code of practice for sharing personal information - October 2007

The Information Commissioner's Office has recently developed a framework code of practice for sharing personal information. In his forward Richard Thomas, Information Commissioner, acknowledges that sharing information 'can help make sure that the vulnerable are given the protection they need, that organisations can co-operate to deliver the care that those with complex needs rely on.' The framework has been developed to assist with managing the risks associated with information sharing particularly around personal privacy and public trust.

The framework is designed to encourage organisations to develop their own code of practice in order to approach information sharing in a

consistent manner and to help decisions about information sharing to be made in a confident and professional manner.

The framework deals with situations where there are various agencies sharing information with each other. In this sort of case the Information Commissioner suggests that one code of practice be adopted to prevent any possible contradiction between individual codes.

The framework is divided into sections covering issues such as maintaining the security of confidential information once it is shared, the developing of Fair Process Notices to alert individuals how information about them is to be used as well as points to remember when asking for consent by an individual in order for information to be shared.

For Your Noticeboard

Supporting People Providers' Forum

The SP Enabling Unit is running a series of regional events for service providers across all sectors (i.e. voluntary and private sectors and registered social landlords). The aim of these events is to consider national and local developments on Supporting People particularly with regard to the comprehensive spending review and the future of Supporting People. In addition to this the events will consider workforce registration issues and other aspects of housing support.

Speakers will include:

Local authority commissioners
Wendy Johnston, Scottish Social Services Council
Stephen Sandham, Scottish Government
SP Enabling Unit

Each event will start at 1.30 pm and will take place on the following dates:

17 January 2008 Edinburgh
24 January 2008 Glasgow
29 January 2008 Dundee
14 February 2008 Dumfries

There is no charge for attending the events but places must be booked in advance. To book a place please contact Laura Turnbull on 0131 346 3146 or by emailing sp.unit@ccpscotland.org

Highland & Moray Regional Event

The next Supporting People Enabling Unit regional event will be held in Inverness at **1.30 pm on Monday 26 November 2007**

The meeting which is jointly hosted by Moray and Highland Council, will include information and updates on the Outcomes Framework and Care Commission Self Assessment. It will also give providers a chance to hear the latest

developments in the Supporting People programme and exchange views and experience.

There is no charge for attending but places must be booked in advance by calling Laura Turnbull on 0131 346 3146 or by emailing sp.unit@ccpscotland.org

Contacting the Unit:

Supporting People Enabling Unit
9 Ellersly Road
Edinburgh
EH12 6HY

Yvette Burgess, Director yvette.burgess@ccpscotland.org
Moira Weir, Information and Development Officer moira.weir@ccpscotland.org
Laura Turnbull, Administration Assistant Sp.unit@ccpscotland.org

Telephone: 0131 346 3144
Website: www.ccpscotland.org/spunit