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East Sussex Supporting People: Contract monitoring and review policy

June 2007



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1 Introduction

The Supporting People programme funds and regulates housing-related support services that help vulnerable adults to live independently. East Sussex County Council is the administering authority for the programme.

The purpose of this policy is to set out the East Sussex approach to monitoring and reviewing contracts for Supporting People funded services from 2007.

Our overall approach to contract monitoring and review is proportionate to risk. We will monitor all Supporting People funded services but our work will be concentrated on services where ongoing contract monitoring highlights concerns or non-compliance with the contract. Where possible, we aim to limit any extra administrative burden on providers.

The main aims of the contract monitoring and review process are to:

- promote ongoing continuous improvement of Supporting People services;
- achieve contract compliance for Supporting People services;
- improve the outcomes for people who use Supporting People services; and
- make sure that services continue to be strategically relevant and meet the commissioning aims of partner agencies.

The policy has been developed in consultation with Supporting People service providers and the Supporting People Core Strategy Group. It was approved by the East Sussex, Health, Housing, Social Care and Probation Strategic Forum (Strategic Forum) on 15 June 2007. The Strategic Forum is the Supporting People Commissioning Body.

The policy updates the East Sussex Supporting People Monitoring and Review Policy which was first issued in 2003. It will be regularly reviewed in line with new grant conditions and other relevant national and local policy changes.

2 Supporting People Grants (England) Conditions 2007-08

East Sussex County Council receives Supporting People Grant from the Department for Communities and Local Government (CLG) and is bound by the Supporting People Grants (England) Conditions. The grant conditions for 2007-08 state that:

- 4 (1) An administering authority shall ensure that arrangements are in place so the each *Supporting People* service is routinely monitored for compliance with the agreement under which it is provided and acceptable performance and quality

4 (2) An administering authority shall ensure that such arrangements require that regular feedback from service recipients is sought and taken account of.

3 Contract framework

We reviewed all Supporting People funded services between 2003 and 2006 according to central government guidance and our local monitoring and review policy. Service reviews have now been replaced by contract reviews and individual services will be reviewed as part of a contract review.

All Supporting People service providers have been issued with fixed term contracts for their Supporting People funded services from April 2007. Contracts are for either one, two or three years depending on the assessed risk for the contract in terms of quality for the service user and cost to East Sussex Supporting People.

3.1 Roles and responsibilities in the Supporting People team

All Supporting People service providers are assigned to a named contracts officer who is responsible for monitoring their contracts and dealing with any issues that come up. If the named contracts officer is not available to deal with initial queries they will be dealt with by the contracts manager or other appropriate member of the Supporting People team.

Contracts officers will:

- carry out contract price negotiations with the contracts manager or other appropriate member of the Supporting People team;
- make recommendations regarding the contract;
- make judgements such as the value for money rating (see section 7.4); and
- validate the quality assessment framework self-assessment scores (see section 6.4).

These will then be agreed by the contracts manager.

Recommendations to de-commission or re-commission services will be taken to the Core Strategy Group for consideration. Final decisions will be made by the Strategic Forum.

4 Cross Authority Group common approach to monitoring and review

East Sussex is part of the Cross Authority Group (CAG) which is made up of East Sussex, West Sussex, Brighton and Hove, Kent, Surrey and Medway Administering Authorities. The authorities have worked together to develop and agree a common approach to monitoring and review from April 2006.

This approach was agreed by the Strategic Forum on 18 May 2007. The main points can be seen in Appendix 1.

The Cross Authority Group has also developed an information sharing protocol which was agreed by the Strategic Forum on 29 January 2007. This can be seen in Appendix 2.

5 Accreditation

The purpose of accreditation is to establish that the provider organisation or individual is fit to deliver housing-related support services. All providers of Supporting People funded services must be accredited. To achieve accreditation, providers must be able to demonstrate that they:

- are financially viable;
- have competent administrative procedures that are able to properly handle and account for the 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
- have a track record or competence to deliver services.

We will issue accreditation certificates for between three and five years. If, within the period of accreditation, concerns arise from external sources such as the Housing Corporation or Charity Commission or from contract monitoring then accreditation may be reconsidered.

5.1 Exceptions

- Statutory organisations are exempt from the accreditation process.
- Small providers, sole traders and organisations providing alarm services will be accredited using the national accreditation 'lite' guidance¹.
- If an organisation has received accreditation by another local authority or accreditation framework they will usually receive Supporting People accreditation in East Sussex. Providers will need to provide proof of the accreditation and we reserve the right to carry out further investigations to satisfy the accreditation requirements for East Sussex.

¹ Accreditation 'Lite' Guidance issued March 2005 by the ODPM (Office of the Deputy Prime Minister now Communities and Local Government).

6 Contract monitoring

Every quarter we will monitor the performance of individual services within a contract using information from the Performance Indicator (PI) workbooks. Concerns will be followed up with the provider to agree a way forward.

Once a year, contracts officers will meet with the provider to discuss their contracts in detail. With the agreement of the provider, we may invite other stakeholders, including service users, to the meeting. We will give at least four weeks notice of the meeting and it will be arranged at a date convenient to all parties. Where it is appropriate, the annual contract monitoring meeting can be combined with the providers' own annual general meeting or other suitable meeting.

This meeting will cover the seven areas of performance, contract compliance, outcomes, quality, action plans, feedback and diversity. (These are explained in sections 6.1 to 6.7).

Within four weeks of the meeting, we will send the provider a report summarising the annual contract monitoring meeting². The report will detail the main findings under each of the six headings above. Providers are welcome to comment on the report and can request a follow up meeting at any time.

We reserve the right to monitor contracts more regularly where performance for a particular service is poor or where returns are not sent on time.

6.1 Performance

We will monitor the performance of all services within the contract quarterly using performance indicator information. We will discuss performance over the year with providers at the annual contract monitoring meeting and agree targets for the coming year. There is a full list of performance indicators in Appendix 3.

For short term services, we will also consider data from client record forms and follow up concerns with providers.

6.2 Contract compliance

We will consider whether the provider is complying with the terms and conditions of the contract. This will include whether information has been submitted on time through SPOCC.Net³ and whether the data is accurate. Information requests cover performance indicators, outcomes, the Quality Assessment Framework, client record forms and any other data we have asked for.

² Usually by email.

³ SPOCC.Net is a web based version of SPOCC (our Supporting People information and payments system). It which enables providers to access and submit information on their service.

Providers will also be required to produce an annual financial report showing income against expenditure for each service. These reports will be discussed at the meeting.

Non-compliance with the terms and conditions of the contract will be dealt with through the default process (see section 10).

6.3 Outcomes

In East Sussex we have adopted the Communities and Local Government (CLG) national outcomes framework for short-term services⁴ which was launched in May 2007. We will adopt the framework for long-term services when it is introduced. We expect providers to use the national outcomes framework and to make regular returns to the Supporting People Client Record Office. We will use this information to monitor outcomes for service users within individual services.

6.4 Quality

We will monitor the quality of services annually using the Quality Assessment Framework (QAF). Providers are required under contract to make annual self-assessment returns against the six core service objectives of the framework and supplementary objective S1.2. These are listed in Appendix 4.

We expect providers to achieve at least a level C for all services and to be working towards level B and then A. We will validate a sample of the objectives for each service in the contract. If the self-assessment rating cannot be evidenced we reserve the right to validate all seven objectives. Validated QAF scores will be agreed by the contracts manager.

6.5 Improvement planning

All Supporting People services have an agreed action plan for improvement. These actions plan detail how improvements for service users will be achieved. We will review progress against these action plans and update targets and timescales annually.

6.6 Feedback

We will use a range of methods to collect feedback from service users, carers and stakeholders. These include questionnaires, individual interviews, telephone conversations and group meetings.

We will also consider the results of any customer satisfaction surveys, minutes of residents or tenants meetings and complaints from service users.

⁴ For detailed information please visit: <http://www.spclientrecord.org.uk/>.

6.7 Diversity

We will monitor the diversity of the service users in each service using information from the client record forms (where available) and any other information collected by the provider.

7 Contract reviews

All contracts will be reviewed before the contract expires. We may bring forward the contract review if we have cause for concern and there may be more than one contract review within the contract period. There will not be more than one contract review per year except in exceptional circumstances.

Towards the end of a contract the annual contract monitoring meeting will usually be combined with the contract review. We will give at least four weeks notice of the meeting and it will be arranged at a date convenient to all parties. Where a provider has more than one contract, we will discuss all the contracts at the same meeting.

Contract reviews may be carried out with other stakeholders such as adult social care, health, probation and the district and borough councils. The East Sussex Supporting People team may also give and receive assistance in reviewing contracts from Supporting People Officers working for other administering authorities.

The contract review will consider five areas (which are explained in sections 7.1 to 7.4 below):

- strategic relevance;
- annual contract monitoring reports (see section 6);
- eligibility; and
- value for money.

Following the review, the contracts officer will make a recommendation regarding the future of the contract. This will be agreed by the contracts manager. Within four weeks of the meeting, we will send the provider a report summarising what was discussed and the recommendation⁵. Providers will then have two weeks to comment before it goes to the Core Strategy Group and the Strategic Forum⁶. If a provider is not satisfied with the recommendation for their contract, they can follow the moderation process set out in section 12.

⁵ Usually by email.

⁶ The East Sussex Health, Housing, Social Care and Probation Strategic Forum which acts as the Supporting People Commissioning Body.

Contracts may be extended in accordance with clause 5.12 in the terms and conditions of the contract. Decisions to decommission a service will be dealt with in line with the de-commissioning procedure that is being developed.

7.1 Strategic relevance

We will consider the services within each contract to determine whether they continue to meet the needs of the people in East Sussex. We will consider whether they are still a strategic priority and fit:

- any revisions of the East Sussex Supporting People Strategy;
- the commissioning aims of partner agencies; and
- other relevant national and local strategies.

7.2 Annual contract monitoring reports

We will look at the reports of all the annual contract monitoring meetings within the contract period and progress against action plans.

7.3 Eligibility

We will revisit each service to determine whether it continues to meet the criteria set out in the eligibility criteria policy⁷.

7.4 Value for money rating

We will give ratings for each service using the value for money policy⁸.

The rating will reflect the performance, quality, outcomes and cost of the service and each rating will be agreed with the provider. We will update the rating of each service when we review the contract. We will also update the rating following any negotiated changes in price or capacity. New Supporting People services will be given their first value for money rating after one year.

Contract prices may be re-negotiated in line with the commissioning aims of the Supporting People five year strategy and the Supporting People financial plan.

8 Service user involvement

We will involve service users in the contract monitoring and review process in line with the service user involvement policy⁹. The main points of the policy that relate to contract monitoring and review are:

⁷ East Sussex Supporting People: Eligibility criteria policy (November 2006).

⁸ East Sussex Supporting People: Value for money policy (March 2007).

⁹ East Sussex Supporting People: Service user involvement policy (June 2007).

- As part of the annual contract monitoring process we will consider feedback from individual service users, minutes of tenants or residents groups, complaints and compliments and the results of any customer satisfaction surveys carried out by the provider.
- Where possible we will involve trained service users in reviewing the contract and assessing the quality of a particular service.
- Following a contract review we will make sure that we give feedback the outcome of the review service users appropriately. Feedback may be given in a variety of ways depending on the needs of the particular client group.

9 'Small providers'

The term 'small providers' is used to describe¹⁰:

- Small providers. That is, those employing no more than one full-time equivalent member of support staff.
- Sole traders and providers of individual support who are not working for a charity, housing association, limited company or other type of organisation but are working for themselves, often in their own home and not employing any housing related support staff. Examples of sole traders are supported lodgings or resident adult carers.
- Community alarm services which are simply a telephone-based alarm service and do not include the provision of visiting support staff as part of the service.

We have adopted the national accreditation 'lite' guidance (see section 5.1) to reduce the administrative burden on small providers. We will continue to offer support to small providers with the administration of the Supporting People programme.

10 Default notices

Non-compliance with the contract, such as failure to provide information on time, will be dealt with according to clauses 8.2-8.5 in the terms and conditions of the contract.

11 Reporting

When a contract review has been agreed with the provider, we will take recommendations on the future of the contract to the Core Strategy Group and the Strategic Forum for a decision.

¹⁰ Taken from the Accreditation 'Lite' Guidance issued March 2005 by the ODPM (Office of the Deputy Prime Minister now Communities and Local Government).

Annually, we will take a report to Core Strategy Group and Strategic Forum covering performance indicators, outcomes, client record forms and the Quality Assessment Framework.

We make quarterly returns to the Department for Communities and Local Government which contain detailed information about individual services including performance indicators and Quality Assessment Framework returns.

12 Moderation

If a provider is not satisfied with the recommendation for their contract the moderation process below will be followed:

12.1 Stage one

- Within 28 days of receiving the report the provider should submit written evidence to the Head of Supporting People team stating the reason(s) for objecting to the to the recommendations.
- The Head of Supporting People and an appropriate member of the Supporting People Core Strategy Development Group will consider the provider's representation.
- At the stage, the possible outcomes are:
 - The decision is upheld and the provider is satisfied with the outcome of the moderation.
 - The decision is revised and the provider is satisfied with the outcome of the moderation.
 - The decision is upheld but the provider is not satisfied with the outcome of the moderation. In this case, the objection moves to stage two.

12.2 Stage two

- Following the decision at stage one, the provider will be given a further 28 days to submit material for consideration at stage two.
- The Strategic Forum will elect a moderation panel.
- Members of this panel will carry out the moderation and make the final decision. The panel will aim to meet within 28 days of receiving notification of stage two moderation although this may not always be possible.
- Providers will have two options:
 - the provider can choose to be represented at a personal hearing; or

- to have a 'paper' hearing where the moderation is carried out by written correspondence and written evidence.

This process does not affect any service provider's right to seek to settle the disagreement by mediation through the Centre for Effective Dispute Resolution (CEDR)¹¹ or appeal to the Local Government Ombudsman.

13 Complaints

If an individual, their carer or a service provider considers that this policy has been unfairly or inaccurately applied they should complain in the first instance to the Head of Supporting People. All complaints will be resolved in line with the Adult Social Care Department Complaints Procedure.

14 'Whistle blowing'

Any allegations from a member of staff working for a Supporting People provider or partner organisation will be investigated in full immediately. The named contracts officer or the contracts manager for the service will speak to appropriate senior managers and bring forward the contract review. It may be necessary to visit the service to carry out the investigation¹².

15 Register of interests

We aim to make sure the contract monitoring and review is an objective process. Members of the Supporting People team will not normally be assigned to a service provider or take part in contract monitoring or reviews where they have been employed by that service provider within the last five years or where they have declared other interests such as board membership or personal association.

16 Equal opportunities

East Sussex County Council recognises the diverse needs of our community and is committed to promoting equality of opportunity and diversity in employment and service delivery.

The Council actively ensures that it complies with the current and forthcoming statutory requirements and standards, and seeks to influence and encourage our partners and contractors to meet their obligations through agreement and contractual arrangements.

¹¹ Clause 9.2.2 in the terms and conditions of the contract.

¹² There is more information in the terms and conditions of the Supporting People contract – clause 3.8.

17 Fraud

East Sussex County Council is determined that the culture and tone of the organisation is one of honesty and opposition to fraud and corruption. The Supporting People team and financial support officers will work within the county council's Anti-Fraud and Corruption Strategy (May 2004).

Overpayments of Supporting People grant arising from fraud will be recovered and specialist advice sought on investigation and prosecution.

18 Data Protection and information sharing

All personal data held by the Supporting People team will comply with the eight Data Protection Principles in the Data Protection Act 1998.

Individual contract review reports may be shared with members of the Core Strategy Group, the Strategic Forum, stakeholders and service users if appropriate.

The Cross Authority Group information sharing protocol has been adopted in East Sussex. It can be seen in Appendix 2.

Appendices

Appendix 1: A common approach to monitoring and review

- 1 The Administering Authorities in the Cross Authority Group will use their best endeavours to adopt an equal and even handed approach in service review, tendering and development to all providers: charities, the independent and voluntary sector, private companies, single traders, other local authorities and in-house service providers.
- 2 An annual review meeting that incorporates the views of service users and key stakeholders. (User views may be collected by a variety of means throughout the year.)
- 3 A check to ensure that the Quality Assessment Framework minimum standards are being met and to monitor continuous improvement and progress in achieving higher grades.
- 4 Each service should produce an annual report of income against expenditure to identifying how the Supporting People grant has been spent.
- 5 A review of outcomes specified in the service specification issued with the steady state contract. For very small providers/services, de minimus¹³ rules can limit the reporting requirements.
- 6 A check that the Key Performance Indicators (KPIs) and other reporting requirements have been supplied in a timely manner.
- 7 Accreditation of the organisation will be time limited and will be updated according to local policy to reflect areas such as the changing structure, size, constitution and practice of organisations. Passporting procedures will be used where appropriate.
- 8 Strategic relevance of a service will be reassessed in relation to changes in the administering authority's five year Supporting People strategy document to reflect the evolving supply and demand needs of any authority.

¹³ Unworthy of the laws attention.

Appendix 2: Supporting People Cross Authority Group information sharing protocol

Purpose

- To improve efficiency in the process of routine monitoring of service providers between the following authorities under the Supporting People programme in the South East Region: Brighton and Hove; East Sussex; Kent; Medway; Surrey; and West Sussex.
- To avoid unnecessary duplication of effort for providers and local authorities.
- To retain sufficient autonomy for each local authority to make it's own decisions on accreditation, given it's accountability for those decisions (i.e. not to assume automatic 'passporting').

Benefits of Sharing Information

- To streamline sharing of information for providers and Supporting People teams.
- To produce a consistent approach in the monitoring of contracts, commissioning of services.
- To enable Supporting People teams to have a more objective basis on which to make contract management/commissioning decisions.

Agreement

Each local authority signing up to this protocol agrees to the following:

- Provider directories will be available through use of local websites. These will be kept up to date.
- Further information may be shared between administering authorities only. Information that may be shared may include; Quality Assessment Framework scores, number and nature of complaints, number of Adult Protection alerts, client record information, accreditation data, contract default notices, service user/stakeholder feedback, general themes, share outcomes of reviews, value for money data and risk management information.
- If an authority revokes the accreditation, terminates the contract and/ or issues default notices, all other local authorities to be informed who are signed up to the subject of this protocol.

Information shared needs to consider Data Protection Act/Freedom of Information and confidentiality.

Appendix 3: Performance Indicators

SP1	Availability	Number of units available as a percentage of the contracted maximum number of units for the service. (Services may be unavailable for reasons such as major refurbishment.)
SP2a	Utilisation (housing)	Utilisation levels of accommodation based services against availability.
SP2b	Utilisation (support only)	Utilisation of floating support services against capacity.
SP3	Staff input (support hours)	This Performance Indicator is no longer required.
SP4	Throughput	Number of units of support used more than once in any given quarter expressed as a percentage of capacity in all services
KPI 1	Maintaining independent living (long-term/permanent)	Percentage of service users in any given quarter, against the total capacity of the service, who continue to maintain independent living and do not move on in a crisis situation to, for example, residential care.
KPI 2	Maintaining independent living (short-term)	Number of service users leaving the service in a planned manner in any given quarter as a percentage of all departures from that service.

Appendix 4: Quality Assessment Framework

Core objectives:

C1.1 – needs and risk assessment

Assessments of needs and risks are carried out for all service users. Processes place users' views at the centre, are managed by skilled staff and involve carers and/or other professionals.

C1.2 – support planning

Service users have up-to-date support plans in place. Processes place users' views at the centre, are managed by skilled staff and involve carers and/or other professionals.

C 1.3 – security, health and safety

The security, health and safety of all individual service users and staff are protected.

C 1.4 – protection from abuse

The right of service users to be protected from abuse is safeguarded.

C 1.5 – fair access, diversity and inclusion

There is a commitment to the values of diversity and inclusion and to practice of equal opportunity (including accessibility in its widest sense) and the needs of black and minority ethnic service users are appropriately met.

C 1.6 – complaints

Users, carers and other stakeholders are made aware of complaints procedures and how to use them.

Supplementary objective:

S 1.2 – consulting and involving service users

Service users are consulted about the services provided and are offered opportunities to be involved in their running.