



Supporting people

Communities and Local Government

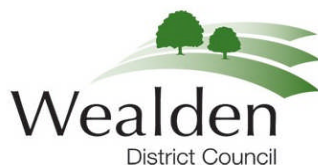
East Sussex Supporting People Policy on payments to long leaseholders

Updated September 2008



NATIONAL PROBATION SERVICE
for England and Wales

Sussex



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1 Introduction

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

The purpose of our policy on payments to long leaseholders is to set out the circumstances in which Supporting People subsidy payments are made to long leaseholders in private sector accommodation (leaseholders) in East Sussex.

The original policy was approved by the East Sussex, Health, Housing, Social Care and Probation Strategic Forum (Strategic Forum) on 18 May 2006. The Strategic Forum is the Supporting People Commissioning Body. The policy applies to:

- leaseholders using Supporting People services; and
- organisations providing Supporting People leasehold services.

1.1 Interim policy review

The original policy has been revised and updated to include the grounds for appeal by leaseholders and to clarify current custom and practice around payments to leaseholders. This interim review has taken into account the views of relevant parties. It was approved by the Strategic Forum on 18 September 2008.

The policy will be reviewed in full in 2009 as part of phase two of the Supporting People Commissioning Project. Phase two will cover all Supporting People funded services for older people.

2 Background

In general, organisations providing housing-related support services are paid Supporting People Grant for eligible service users under contract. As part of the contract, non-statutory providers must be accredited by ESCC as the administering authority and all contracts are monitored and reviewed in line with our contract monitoring and review policy.

The Department of Communities and Local Government (then DTLR and previously ODPM) originally intended that organisations providing housing-related support services to leaseholders would be part of the Supporting People programme and would be subject to the same accreditation and review processes. This intent changed during the implementation phase of the programme and leasehold organisations were not required to submit any information on their organisations or services. Instead, CLG required administering authorities to pay individual leaseholders Supporting People Grant direct. Hence there is no regulation of leasehold services.

Before 1 April 2003, individual leaseholders on low incomes who were in receipt of a housing-related support service had their support charge met through Income Support or Job Seekers Allowance. This was administered by the Department for Work and Pensions (DWP) as a welfare benefit and was identified as a legacy funding stream transferred into the Supporting People Grant on 1 April 2003.

From 1 April 2003 until 31 March 2006 (the transitional period for the Supporting People programme), ESCC paid Supporting People subsidy direct to those leaseholders who were identified by the DWP as eligible on 31 March 2003. ESCC also accepted applications from new service users who were eligible for Supporting People subsidy as advised to the council by DWP or the leasehold organisation. However, it is likely that DWP and leasehold providers did not advise of all eligible leaseholders.

Payments for the contracts under which providers receive grant for eligible service users are (and have always been) limited by a fixed capacity. In the case of leaseholders however, the number of potentially eligible individuals was open-ended. Given the increase in private sector sheltered housing in the county, it was unlikely that ESCC could meet even known growth in leaseholder subsidy claims from the limited allocation of Supporting People Grant.

3 Supporting People Grants (England) Conditions

The grant conditions for 2006/7 required a change to the inherited policy on leaseholders. Special provisions for leaseholders stated that the administering authority could decide whether it would continue to make direct payments to leaseholders and that any payments made should be for eligible welfare services.¹

As it was not possible to determine the eligibility or quality of the services received, and the potential financial risk to the authority was unsustainable, it was agreed in May 2007 that Supporting People grant would not be used to fund the service charges of any new leaseholders.

4 Policy for existing leaseholders

East Sussex County Council will continue to pay Supporting People subsidy to all leaseholders who were eligible for subsidy on 1 April 2006.

- The level of subsidy will remain at the amount agreed for the period 1 April 2006 - 30 September 2006 and will not be increased.

¹ 10(1) Where a service recipient receives support services under the terms of a lease and those terms impose a service charge in respect of services which are eligible welfare services the Administering Authority may contribute towards the cost of those services by way of direct payment to the service recipient in accordance with the policy it has developed under paragraph (2) below.

(2) An Administering Authority shall publish a local policy approved by the Commissioning Body setting out:

- (a) whether it will contribute towards the funding of the services mentioned in paragraph (1) above; and if so
- (b) the eligibility criteria which must be satisfied before such a contribution will be made:
- (c) the level of contribution it will make and in what circumstances.

- If a leaseholder currently in receipt of Supporting People Grant moves to other accommodation where the provision of a housing-related support service is part of the lease, the payment of subsidy will be transferred with the individual at the existing rate.
- If a leaseholder moves to alternative accommodation (such as residential care) then payments will cease on the day they move out of the leasehold property.
- Where a leaseholder is temporarily absent from their property, payments will be maintained as long as they have an obligation to pay their support charge up to a period of one year.

5 Policy on new applications from leaseholders

East Sussex County Council will not accept any new applications from individual leaseholders receiving a housing-related support service. New leaseholders who are notified to us by providers will be referred on to DWP for advice and possible assistance.

6 Appeals

Appeals will be resolved in line with the Supporting People appeals procedure (September 2008).

Individuals can appeal against our decision to apply this policy on the grounds that their particular vulnerability means that the application of the policy would result in exceptional hardship.

The individual would need to supply evidence showing that the service for which the charge is being made is a housing-related support service that is within the Supporting People eligibility criteria.

The individual would also be required to have a Social Care Assessment (including a financial assessment under fairer charging) for the appeal to be considered.

7 Change of circumstance

Individual leaseholders who receive Supporting People subsidy in respect of their support charge (or their carers) are responsible for telling the Supporting People team about any relevant change of circumstance.

8 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 subsidy arising from fraud will be recovered and specialist advice sought on investigation and prosecution.

9 Data Protection

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