



supporting**people**

supporting independence

East Sussex Supporting People: Charging policy

Updated: June 2007



Lewes District Council
www.lewes.gov.uk



...Making the Difference...



Rother
District Council
.....Working towards Excellence



NATIONAL PROBATION SERVICE
for England and Wales

Sussex



eastsussex.gov.uk

Contents

1	Introduction	3
2	Statutory Framework	3
3	Eligibility	4
4	Charging for services	4
4.1	Chargeable services	4
4.2	Relief from charges	4
4.3	Supporting People subsidy payments	4
5	Change of circumstance	5
6	Payments of Supporting People Grant	5
6.1	Period of subsidy payment	5
6.2	Backdating	5
6.3	Recovery of overpayments	6
6.4	Writing off overpayments	6
7	Supporting People and Community Care	6
8	Temporary absence	7
8.1	Floating support services	7
8.2	Accommodation-based services	7
9	Complaints	7
10	Fraud	7
11	Data Protection	7

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 East Sussex, Health, Housing, Social Care and Probation Strategic Forum is the commissioning body.

This policy was approved by the East Sussex Health, Housing, Social Care and Probation Strategic Forum on 15 June 2007. It updates the East Sussex Supporting People Charging Policy (November 2004) and is effective from 1 July 2007. A full revision of the policy is planned for 2008.

This policy applies to:

- Supporting People funded services;
- organisations providing Supporting People services;
- people using Supporting People services; and
- East Sussex County Council.

2 Statutory Framework

Supporting People grant is paid to East Sussex County Council as the administering authority subject to the Supporting People Programme Grant (England) Conditions.

Section 93 of the Local Government Act 2000 allows the secretary of state to make payments of grants for designated welfare services (which include Supporting People services).

The Local Authorities (Charges for Specified Welfare Services) (England) Regulations 2003 give administering authorities powers to charge for some Supporting People services.

Supporting People Statutory Guidance 2007¹ states that: “Administering Authorities should apply their own charging rules, as approved by the Commissioning Body², for deciding whether, and to what extent, people, including leaseholders, should be relieved from charges and the level of relief it will give.”

¹ Issued by the Department for Communities and Local Government.

² In East Sussex this is the East Sussex Health, Housing, Social Care and Probation Strategic Forum.

3 Eligibility

Our eligibility policy³ sets out the services and service users that are eligible for the Supporting People programme.

4 Charging for services

4.1 Chargeable services

Original ODPM⁴ guidance recommended that:

- there is a charge for long-term services that last over two years as part of a permanent or open-ended arrangement; and
- there is no charge for short-term services that aim to bring about independent living within two years.

We continue to follow this guidance in East Sussex pending a full review in 2008. Individual decisions about which services are chargeable are made locally by East Sussex County Council as the administering authority. Services are classed as 'chargeable' or 'non-chargeable' under contract and this is kept under review.

4.2 Relief from charges

ODPM charging guidance stated that local authorities should work towards the full integration of charging for Supporting People services and for social care services through Fairer Charging at the earliest date possible.

In chargeable services, service users who receive Housing Benefit, Guarantee Credit element of Pension Credit, Income Support or Job Seekers Allowance should not be charged for their housing related support service.

Other service users who would like help paying their housing related support charge can apply for a financial assessment under Fairer Charging rules.

All applications for financial subsidy should be made using the Supporting People 'request for subsidy form'⁵.

4.3 Supporting People subsidy payments

Supporting People subsidy is paid direct to the service provider on behalf of all service users who have been assessed as eligible for a reduction in their support charge or for a free service (except leaseholders). The service provider is

³ East Sussex Supporting People: Eligibility policy (November 2006).

⁴ Office of the Deputy Prime Minister (now the Department for Communities and Local Government),

⁵ The form is available on our website: www.eastsussex.gov.uk/supportingpeople.

responsible for collecting money from service users who must pay towards their own support charge.

Leaseholders who were receiving Supporting People subsidy before 1 April 2006 are also eligible for Supporting People subsidy. There is more information in our policy on payments to long leaseholders⁶.

5 Change of circumstance

Service users who receive Supporting People subsidy in respect of their support charge are responsible for telling the Supporting People team and their service provider about any relevant change of circumstance.

Organisations providing Supporting People services under a subsidy contract are also responsible for telling the Supporting People team about any service users who leave the service or have a relevant change of circumstance. This should be done using SPOCC.Net⁷.

6 Payments of Supporting People Grant

6.1 *Period of subsidy payment*

Supporting People subsidy can be paid from the service or tenancy start date if the request for subsidy form is received before or within five working days of that date.

If the request for subsidy form is received more than five working days after the service or tenancy start date, Supporting People subsidy will be paid from the Monday after the form was received.

6.2 *Backdating*

Subsidy payments are dependent on receipt of evidence that the service user is eligible for subsidy. Any request for evidence from the Adult Social Care Department Finance and Business Information team must be responded to within one calendar month of the date of the letter sent.

We recognise that there may be legitimate reasons for delays in providing evidence such as Housing Benefit notifications. Payments can still be backdated (in accordance with 6.1 above) when the relevant evidence has been received, provided that the delay has been communicated to us within one month.

⁶ East Sussex Supporting People: Policy on payments to long leaseholders (June 2006).

⁷ SPOCC.Net is a web based version of SPOCC, our Supporting People integrated information and payments system.

If after three months of the date of the application evidence has not been provided, the application will be closed and a new application will need to be made. Payments can only then be backdated to the Monday after receipt of the new form.

Payments can only be backdated further in exceptional circumstances with good cause. Individual appeals will be considered by the Head of Supporting People and the Head of Strategic Finance.

6.3 Recovery of overpayments

Supporting People subsidy is paid four-weekly to service providers two weeks in advance and two weeks in arrears. Service providers are required under contract to check payments received and report any variations in eligibility or errors in payment on behalf of service users. This should be done using SPOCC.Net after each payment. East Sussex County Council will recover any overpayments made from the service provider.

Supporting People subsidy is paid to leaseholders twice a year, six months in advance. The 'leaseholder's agreement' obliges leaseholders or their representatives to tell the Adult Social Care Department's Finance and Business Information team about any changes in their financial circumstances. Overpayments made to a leaseholder will be recovered from the individual or their estate.

6.4 Writing off overpayments

Overpayments will only be written off if the cost of recovery exceeds the overpayment value. Delegated powers for write-off of overpayments are:

- up to £1,000 Assistant Director Resources
- up to £2,500 Director of Adult Social Care
- over £2,500 Cabinet

7 Supporting People and Community Care

Any service user who receives a social (community) care service and a Supporting People service should have a single financial assessment under 'Fairer Charging'.

- Service users who are assessed as eligible for full financial support will not need to pay for their Supporting People or social care service.
- Service users who do not qualify for any financial support will have to pay their support charge to their service provider (Supporting People service), and the charge for their social care service to adult social care.

8 Temporary absence

8.1 *Floating support services*

Where there is a temporary absence in a chargeable floating support service we will continue to pay Supporting People grant for a maximum of one calendar month.

8.2 *Accommodation-based services*

Housing-related support in accommodation-based services is often a condition of the tenancy agreement and individuals are usually still liable to pay their support charge while they are temporarily absent. In these cases, subsidy payments will continue as long as the tenancy exists and the support charge is being made up to a period of one year.

9 Complaints

If a service user, carer or 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.

10 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.

11 Data Protection

All personal data held by the Supporting People team and the Adult Social Care Department's Finance and Business Information team will comply with the eight Data Protection Principles in the Data Protection Act 1998.