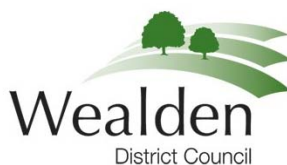




East Sussex Supporting People: Decommissioning protocol

Updated November 2009



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1 Introduction

The Supporting People programme funds and regulates housing support services that help vulnerable adults to live independently. The East Sussex definition of housing support is “those lower levels of practical or emotional support, that do not amount to personal care, that allow vulnerable people to obtain or remain in their own home.”¹ East Sussex County Council administers the programme on behalf of the five local district and borough councils, health services and the probation service.

This protocol has being developed in consultation with:

- Supporting People service providers;
- the Supporting People Core Strategy Group;
- the East Sussex, Health, Housing, Social Care and Probation Strategic Forum (Strategic Forum); and
- the Supporting People Service User Network.

The purpose of the protocol is to set out guidance around the decommissioning of Supporting People funded services and offer transparency around the process the Supporting People team will follow. In this context, decommissioning refers to the planned and managed process of withdrawing a service or funding for a service.

Our main aims are to make sure that wherever possible, service users continue to receive appropriate support if they need it and to make sure that any transition from one provider to another is as seamless as possible.

2 Context

The East Sussex, Health, Housing, Social Care and Probation Strategic Forum (Strategic Forum) is the decision making body (commissioning body) for the Supporting People programme. In the governance arrangements for Supporting People, the Steering Group and then Core Strategy Group sit below the Strategic Forum.

Decisions to decommission services are made for two main reasons: poor quality, performance or value for money; and strategic relevance. These are explained below.

2.1 *Quality, performance and value for money*

All Supporting People service providers have been issued with fixed term contracts or service level agreements for their Supporting People funded services. These are monitored and reviewed in line with our contract monitoring and review policy. A review may result in the Supporting People team recommending a service for decommissioning for reasons of poor quality, performance or value for money.

¹ From the East Sussex Supporting People Strategy 2005 - 2010

The recommendation will be considered by the Core Strategy Group and Steering Group before being taken to the Strategic Forum for approval.

2.2 *Strategic relevance*

The East Sussex Supporting People five year strategy was updated and approved by the Strategic Forum in July 2007. The updated strategy sets out a new approach to commissioning Supporting People funded housing-related support services and a new service model. This is being implemented through the Supporting People Commissioning Project. Services may be decommissioned if they do not fit with the strategic priorities of the Supporting People programme that are outlined in the five year strategy.

2.3 *Related documents*

Decommissioning will take place within the context of the following strategies and policies:

- East Sussex Supporting People five year strategy (2005-2010) - updated July 2007
- Contract monitoring and review policy - June 2009
- Value for money policy - March 2009
- Eligibility policy - April 2009
- Service user involvement policy - June 2009

2.4 *General principles*

- **Service user focus:** The welfare of the individuals using the Supporting People service to be decommissioned will be considered throughout the decommissioning process. The Supporting People team will work with partners to make sure that people continue to receive appropriate support if they need it.
- **Best value:** The purpose of decommissioning services is to make sure that Supporting People funded services most effectively meet the needs of vulnerable people in East Sussex and are of the best quality and offer value for money.
- **Partnership:** We will work with all stakeholders in partnership to carry out any decommissioning effectively. This will include working with service providers to achieve a smooth transition for service users and staff.
- **Staff welfare:** Providers have a responsibility to ensure that the decommissioning process is a transparent process for the benefit and protection of their staff.

3 Planning

3.1 Roles and responsibilities

The Supporting People team is responsible for leading the decommissioning process. A named Supporting People officer will be responsible for following this protocol and will be the main contact for providers and service users throughout the process. They will work in partnership with service providers, service users and other stakeholders.

3.2 Timescales

The existing service provider and other stakeholders should be involved in the process as early as possible. We will liaise with the service provider to find the most appropriate method and time to involve and communicate with service users and carers (see section 3.4 below).

The Supporting People contract requires three months written notice to terminate a contract. Where possible, we will aim to give at least six months notice of our intention to terminate a contract. In some circumstances however this may not be possible. Termination may be immediate, for example, where the service poses a potential risk to the service users or the County Council².

3.3 Impact assessment and risk management planning

Appendix 1 contains the impact assessment form that will be used for this process. The provider will be invited to consider and complete the first column of the impact assessment form. (The questions asked will not apply to all services). The named Supporting People officer will liaise with stakeholders and will arrange to meet the provider to finalise the impact assessment and agree actions to manage any potential risks.

Appendix 2 contains the risk management plan that will be used to detail the potential risks identified by the Supporting People officer and provider and the risk management actions proposed. Stakeholders affected by the decommissioning will receive copies of the agreed risk management plan and where appropriate the full impact assessment. If the risk management plan cannot be agreed it will be taken to the Supporting People Steering Group³ to determine a way forward.

The impact assessment form covers the following areas:

- Impact on service users and carers.
- Impact on the existing provider organisation and staff.
- Impact on partners and other stakeholders.

² See the Supporting People contract terms and conditions.

³ The Steering Group consists of the Accountable Officer for the Supporting People programme, the lead Housing Officer in each district and borough council, the Head of Supporting People and senior officers within Adult Social Care.

3.4 Communication

The impact assessment will consider how the decision to decommission the service, and the reasons behind the decision, will be communicated to:

- the provider;
- staff;
- service users and carers;
- partners and other stakeholders;
- Councillors; and
- the general public (through the press).

The named officer and the provider will consider how they will work together to keep staff, service users and their carers informed throughout the process. This will include any need to share information. It is expected that the service provider will want to lead on communication with service users and carers but the Supporting People team will offer support with this and will meet service users and carers if it is agreed that this is appropriate.

Where decommissioning is being carried out through the Supporting People Commissioning Project (see 2.2), an overall communication plan will be completed for each phase of the project. The impact assessments completed for each service to be decommissioned will contribute to these ongoing communication plans.

3.5 Handover arrangements

Where a service is being transferred to a new provider, a handover action plan will be drawn up by the named Supporting People officer and the providers. The action plan will include the arrangements for ending a service and, where appropriate, handover to a new service provider. It will be kept under review and updated at regular intervals throughout the process.

There is a template for the handover action plan at Appendix 3.

4.5 Equality impact assessment

Where decommissioning is being carried out through the contract monitoring and review process (see 2.1), an equalities impact assessment (EIA) should be completed for each service, alongside the initial impact assessment. The EIA will establish what impact the proposals may have on different groups (including minority groups) in the community and offer potential solutions.

Where decommissioning is being carried out through the Supporting People Commissioning Project (see 2.2), an EIA will be completed for the updated five year strategy including the project. The initial impact assessments completed for each service to be decommissioned will contribute to this ongoing EIA.

4 TUPE

It is the responsibility of the existing service provider to consider whether TUPE may apply. Where it does apply, they are required to inform the Supporting People team that this is the case. Service providers should seek their own legal advice around TUPE.

5 Appeals

An appeal may be brought if it is based on the grounds that the administering authority has failed to consider all the relevant facts, which has affected the decision to decommission a service. Appeals will be dealt with in line with our [appeals procedure](#).

6 Complaints

If an individual, their carer or a service provider considers that this protocol has not been followed 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.

7 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.

The impact of the decommissioning on different groups (including minority groups) in the community will be considered when carrying out the impact assessment and through the equality impact assessment (see section 4.5).

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

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

Providers are required to cooperate with the information sharing actions agreed and to make sure these comply with the Data Protection Act 1998.

Appendix 1: East Sussex decommissioning protocol - impact assessment form

Provider name				
Service name		Service ID		
Service type				
Primary client group				
Other client groups supported				
Contract type		Contract ID		Contract value
Maximum units			Units in use (if applicable)	

Date of meeting	
Provider representative	
Supporting People representative	

This impact assessment form is part of the East Sussex Supporting People decommissioning protocol. The form is sent to the service provider as part of the overall impact assessment. The provider is asked to complete the first column of the form below and send it back to the named Supporting People officer working on the decommissioning. This information will be used as the basis for the meeting between the Supporting People officer and the provider. During the meeting the Supporting People officer will make additional notes in the second column and will identify the potential risks with the provider. These risks and any actions necessary will be listed in a separate risk management plan.

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SERVICE USERS AND CARERS			
Questions	Provider assessment	Meeting notes	Risks identified
What client groups currently use the service?			
Are there any issues with support plans?			
How many hours of support are delivered across the service each week?			
What proportion of those hours are face to face support?			
How many service users are currently using the service?			
How many service users have permanent, ongoing support needs?			

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SERVICE USERS AND CARERS			
Questions	Provider assessment	Meeting notes	Risks identified
<p>How many service users will require support after this service has been decommissioned?</p> <p>How will appropriate (replacement) support be planned/arranged?</p>			
<p>How will the provider communicate with service users/family/carers?</p>			
<p>What is the potential impact on service users?</p>			
<p>What is the potential impact on carers?</p>			
<i>Accommodation-based services only:</i>			
<p>What occupancy agreements are in place? (e.g. assured tenancy, assured short hold tenancy, licence)</p>			
<p>Is support linked to tenancy arrangements?</p>			

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SERVICE USERS AND CARERS			
Questions	Provider assessment	Meeting notes	Risks identified
Are there any communal areas in the property?			
Are any housing issues anticipated?			

EXISTING SERVICE PROVIDER			
Checklist / prompts	Assessment	Action	
What are the financial impacts of decommissioning on the existing provider?			
How many members staff work on this service and what proportion of their time is allocated to the service?			
What management time is allocated to this service?			
For accommodation based services:			

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EXISTING SERVICE PROVIDER			
Checklist / prompts	Assessment	Action	
Who is the landlord of the property? What are the potential implications where the landlord is also the support provider?			
Who owns the property?			
For services not being put out to tender:			
Are there likely to be any significant problems with the service run down and closure?			

PARTNERS AND OTHER STAKEHOLDERS			
Questions	Provider assessment	Meeting notes	Risks identified
Who are the stakeholders for the service (including referring agencies)? What is the potential impact on these stakeholders?			
What communication is needed with stakeholders?			
Are there any other agencies we should be consulting with about this?			
Does the support service have other funding sources?			
Do other agencies have statutory responsibilities for existing or potential service users? (e.g. probation, community care, housing)			
What is the potential impact of decommissioning on the wider community?			

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PARTNERS AND OTHER STAKEHOLDERS			
Questions	Provider assessment	Meeting notes	Risks identified
<i>For accommodation-based services:</i>			
What consultation will the provider undertake with the landlord of the building (where the landlord is not the support provider)?			
Will the landlord continue to house vulnerable adults in this property?			

Appendix 2: East Sussex decommissioning protocol – risk management plan

Provider name	
Service name	
Date of meeting	
Provider representative	
Supporting People representative	
Copies to be sent to:	

Risk(s) identified	Risk management / contingency plan	Lead person	Target date

Appendix 3: Handover action plan

This document should be used to help plan when a service is to be handed to another provider. It will be drawn up by a Supporting People Contracts Officer who will:

- initially meet with the existing provider, discuss the handover and outline the key areas that need to be addressed as detailed in this plan;
- ensure that the new provider has a transition plan in place;
- meet with the existing and new provider and use this document to ensure all measures are in place to ensure a smooth transition to the new service; and
- monitor the progress of this action plan alongside the new provider’s transition plan.

Date of Handover			
Existing Provider name			
Existing Service name		Service ID	
Primary client group			
Other client groups supported			
Maximum units		Units in use (if applicable)	
New Provider Name			
New Service Name			

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Date of meeting	
Provider representatives	
Supporting People representative	

1.SERVICE USERS – Actions needed to ensure service users are kept informed and disruption is minimised				
Area	Current position	Action required	Person Responsible	Deadline
Will service users' accommodation be affected by the change of provision?				
Communication to existing service users about the change of provider				
Communication to existing service users about the new service				
Information about what will happen				
Information about what will change				
Contact information for new service				

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Communication to existing service users about the new organisation				
Date and time of first support session for each service user				
Will there be a change of support worker?				
Exit plans for all service users not transferring				

2. STAFFING				
Area	Current position	Action required	Person responsible	Deadline
TUPE				
Terms and conditions				
Exit from existing provider				
Induction to new provider				
Recruitment				
Location				

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3. INFORMATION EXCHANGE - Actions needed to ensure seamless transition				
Area	Current position	Action required	Person responsible	Deadline
Number and key details of service users to transfer to the new service				
Final numbers to be confirmed in writing by the outgoing provider.				
Live case file transfer				
Electronic file transfer				
Details of specific risks				
Details of support needs				
Details of key stakeholders that need to be engaged.				
Details relatives that need to be engaged.				
Ceased case files – archiving/disposal of confidential information				

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4. GENERAL				
Area	Current position	Action required	Person responsible	Deadline
Service specification				
Expected standards of behaviour towards service users, new service providers, other parties.				
How the parties will handle press enquiries and contacts from the public.				
Stakeholder engagement				
Marketing				
Property				
Equipment				