

East Sussex Supporting People Charging Policy

1 Introduction

Supporting People is a government directed programme that funds and regulates housing related support services to vulnerable adults. The Office of the Deputy Prime Minister (ODPM) has the main responsibility for the Supporting People programme. It allocates a Supporting People grant to administering authorities and monitors their performance. Administering authorities are responsible for implementing the programme in their local area.

This policy will replace the *Interim Charging Policy for Supporting People Services* (January 2003). It will need to be approved by the East Sussex Health, Housing, Social Care and Probation Strategic Forum (Supporting People Commissioning Body).

This policy applies to all Supporting People services, Supporting People service providers, Supporting People service users and East Sussex County Council as the administering authority for the programme.

2 Statutory Framework

2.1 Supporting People Grant

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).

Supporting People grant is paid to East Sussex County Council as the administering authority subject to the Supporting People Programme Grant (England) Conditions 2004.

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

2.2 Eligibility

Service users are eligible for Supporting People subsidy if they receive a service that fulfils the criteria set out in the schedule to the grant conditions. These are housing related support services, transitional support services and occasional support services.

Services provided by the administering authority that satisfy a statutory duty placed on that authority are **not** eligible for Supporting People grant. In practice, these include personal care, social care and health care services. Specific exclusions include building works, provision of equipment, psychological therapy, therapeutic counselling, services that enforce specific requirements imposed by a court of law and general housing management services. These services **cannot** be paid for by Supporting People grant.

2.3 *Service users*

Individuals aged 16 and over who receive an eligible welfare service are eligible for Supporting People subsidy on their behalf with the following exceptions:

- Young people who are leaving care and are placed under the Children (Leaving Care) Act 2000 are not eligible for Supporting People Grant. These 16 and 17 year olds or 18 to 21 year olds in full time education are also described as 'relevant children' or 'looked after children'. They are the financial responsibility of Children's Services.
- People who have been discharged from long stay hospital under Section 28 of the NHS Act 1977.
- People who are funded by the NHS under Section 64 of the Health Services and Public Health Act 1968.
- Asylum seekers who have not been given leave to remain and become refugees. Refugees who have leave to remain in the county can receive Supporting People funded services.

Service users who have been discharged under Section 117 of the Mental Health Act 1983 are eligible to receive services funded under Supporting People. However, they must **also** receive social or health care services which are provided or commissioned by health or social services to meet their statutory duty to provider aftercare services.

3 **Charging for services**

3.1 *Chargeable services*

A charge can be made for some Supporting People services, but not others. ODPM regulations state that short-term services should not be charged for. ODPM guidance recommends that:

- there is a charge for long-term services that last over two years are 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.

This guidance has been adopted in East Sussex but individual decisions about which services are chargeable will be made locally by the administering authority. Services are classed as 'chargeable' or 'non-chargeable' under contract and this is kept under review.

3.2 *Relief from charges*

ODPM charging guidance states 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 are receiving Housing Benefit, Guarantee Credit element of Pension Credit, Income Support or Job Seekers Allowance will 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.

3.3 Supporting People subsidy payments

Supporting People subsidy is usually 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 long leaseholders). The service provider is responsible for collecting money from service users who must pay towards their own support charge.

Long leaseholders who receive a Supporting People service may also be eligible for Supporting People subsidy. Leaseholders are paid Supporting People subsidy direct according to a signed leaseholders agreement.

3.4 Review of financial circumstances

These rules apply to existing passported service users and new service users. They are based on the rules for financial reviews for means tested benefits applied by the Department of Work and Pensions.

Unless there is a change of circumstance, eligibility for Supporting People subsidy will be reviewed as follows:

- Service users aged under 65 – review financial assessment every year.
- Service users ages over 65 – review financial assessment every 5 years.

Any decrease in income that leaves a service user worse off will always result in an early financial assessment review.

Increases in income will only be reviewed early if the increase is more than £5 per week.

4 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 the provider return.

5 Payments of Supporting People Grant

5.1 *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 one week of that date.

If the request for subsidy form is received more than one week after the service or tenancy start date; Supporting People subsidy will be paid from the Monday after the form was received.

5.2 *Backdating*

Subsidy payments are dependent on receipt of evidence that the service user is eligible for subsidy. Any request for evidence from the Social Services Department Financial Assessment team must be responded to within one calendar month of the date of the letter sent. Payments can only be backdated (in accordance with 5.1) when the relevant evidence has been received.

It is recognised that there may be legitimate reasons for delay in providing evidence such as Housing Benefit notifications. Payments can still be backdated (in accordance with 5.1) when the relevant evidence has been received, provided that the delay has been communicated to the Social Services Department Financial Assessment team within one month.

If no communication is made within that month, 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 cause¹. Individual appeals will be considered by the Head of Supporting People and the Head of Financial Services.

5.3 *Recovery of overpayments*

Supporting People subsidy is usually paid four-weekly to service providers two weeks in advance and two weeks in arrears. These payments are not classed as overpayments as long as the service provider uses the provider return to report any variations in eligibility or errors in payment on behalf of service users. East Sussex County Council will recover any overpayments made from the service provider.

Supporting People subsidy is paid to long leaseholders twice a year six months in advance. The leaseholders agreement obliges leaseholders or their representatives to tell the Social Services Department Financial Assessment team about any changes in their financial circumstances. Overpayments made to a long leaseholder will be recovered from the individual or their estate.

¹ As defined in Housing Benefit regulations.

5.4 *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 is as follows:

- up to £100 – Head of Supporting People
- up to £1,000 – Assistant Director, Performance and Quality
- up to £2,500 – Director of Social Services
- over £2,500 - Cabinet

6 **Transitional arrangements**

The ODPM use the term ‘transitional’ to describe the interim period from 1 April 2003 until the end of the interim contract for a given service.

Authorities are required to offer protection to service users who were receiving housing related support on 1 April 2003 **and** who were previously receiving housing benefit or who were previously in local authority services with pooled costs. These people should receive the same level of service and pay no more than they previously paid under the housing benefit regulations until a review of their services.

Any Supporting People service user who was receiving an amount of Transitional Housing Benefit (THB), Income Support² or Jobseeker’s Allowance³ on 31 March 2003 (full or partial) will not be charged for their housing related support service. During the interim period, they should not pay more than they were paying on 1 April 2003.

7 **Supporting People and Community Care**

Any service user who receives a social (community) care service and a Supporting People service will 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 social services.

² Where Income Support is paid in respect of service charges for support services relating to housing.

³ Where the Jobseeker’s Allowance is paid in respect of the service charges for support services relating to housing.

- Service users who are assessed as eligible for some (partial) financial support will have their charges apportioned between Supporting People and the Social Services Department. They will need to pay their support charge to their service provider (Supporting People service), *and* the charge for their social care service to social services.

8 Temporary Absence

Supporting People grant may continue to be paid for any chargeable floating support service that is not being received due to a temporary absence of up to one calendar month.

Housing related support in accommodation based services (such as sheltered housing) is usually 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 Social Services 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 Supporting People Financial Assessment team will comply with the eight Data Protection Principles in the Data Protection Act 1998.