

Lancashire Supporting People

Memorandum of Understanding

10th November 2011

This Memorandum of understanding is between

- (1) Lancashire County Council (“the Authority”)
- (2) Lancashire Primary Care Trusts covering (to be reviewed)
 - East Lancashire
 - Central Lancashire
 - North Lancashire
- (3) National Offender Management Service - Lancashire
- (4) Lancashire Drug and Alcohol Action Team (LDAAT)
- (5) City, Borough and District Councils covering
 - Preston
 - Hyndburn
 - South Ribble
 - Ribble Valley
 - Chorley
 - Lancaster
 - Pendle
 - Fylde
 - Wyre
 - West Lancashire
 - Rossendale
 - Burnley

(Collectively known as the “Partner Bodies”).

The Partners Agree the following

1. General Responsibilities

- 1.1 Since the introduction of the Supporting People Programme in 2003, the funding of housing related support services has changed from a ring fenced grant to being included in Lancashire's Formula Funding. This has resulted in the recent transition from a nationally defined programme to a local determined approach to the planning, procurement and management of housing support services.
- 1.2 Lancashire County Council and the partners have agreed to continue to operate as a partnership and to retain the structures which have been operating over the last few years

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- 1.3 This Memorandum of Understanding is not intended to create a legal partnership pursuant to the Partnership Act 1890, the Limited Partnerships Act 1907 or the Limited Liability Partnership Act 2000.
- 1.4 In the event of any dispute arising out of or in connection with this Memorandum of Understanding or the Supporting People Programme any party can invoke the Dispute Resolution set out in Section 11 of this document.

2. Duties of the Partner Bodies

- 2.1 Each partner body will fully co-operate with each and every other such body in the interests of the well-being of the people of Lancashire as a whole, and will not in any way restrict or confine their participation to matters affecting their own functions.
- 2.2 Each partner body will provide the resources reasonably required by the Commissioning Body from time to time in terms of the time of representatives and facilities for meetings so as to facilitate the effective functioning of the Commissioning Body and effective commissioning of Supporting People services.
- 2.3 Each partner will agree a shared statement where SP commissioned services are being reported in the press (e.g District and LCC)

3. The Commissioning Body

- 3.1 The working of the Commissioning Body established by the Administering Authority will be governed by the Terms of Reference, which is set out at Appendix 1.
- 3.2 All representatives of the partner bodies on the Commissioning Body, including substitute representatives, will be treated at all times as having the necessary and proper authority to speak on behalf of the relevant partner body in respect of any decision or recommendation made by the Commissioning Body.
- 3.3 Representatives of the Partner Bodies are responsible for informing and involving their Elected Members as required by their own organisation.
- 3.4 The Commissioning Body will identify issues of a significant political nature which require consultation with the Lancashire Chief Executive's Group in advance of a decision being made. The Lancashire Chief Executive's Group will then determine if any issues need to be referred to the Leaders Group
- 3.5 The Commissioning Body will not make financial commitments which conflict with the advice of the Lancashire County Council regarding affordability within known or predicted funding levels for this or future years.

4. Locality Groups

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4.1 The Terms of Reference of the Locality Groups are set out in a separate document.

4.2 Each partner body agrees to appoint appropriate officers to the Groups.

5. Information and confidentiality of information

5.1 Subject to any relevant restriction in the Data Protection Act 1998, the partner bodies agree to exchange information with each other which is in their possession and which is reasonably required by the Commissioning Body in connection with its functions under the Supporting People programme.

5.2 Each partnership body shall treat as confidential all information in its possession or obtained from another partner body by reason of its representation on the Commissioning Body and shall not disclose it to a third party (other than another partner body for the purposes of the Supporting People programme) except as permitted hereunder.

5.3 The provisions of 4.2 above shall not apply to confidential information to the extent that:

5.3.1 disclosure is required by law (such as the Freedom of Information Act), regulation, or order of a Court or Tribunal of competent jurisdiction;

5.3.2 disclosure is required by any regulatory body or Government department;

5.3.3 disclosure is strictly necessary to protect the vital interests of a service user.

5.4 In order to protect the interests of service users the Authority may enter into a protocol for the exchange of information between local authorities.

5.5 The obligations under this clause continue to apply after the expiry or termination of this Memorandum of Understanding.

6. Administration of the Programme

6.1 Day to day work in connection with the Supporting People programme will be carried out by the Supporting People Team.

6.2 The day to day work consists of:

- (i) assessment of the level of housing related support needs for all vulnerable client groups across Lancashire
- (ii) strategic review of services
- (iii) development of commissioning plans
- (iv) customer engagement
- (v) performance monitoring and quality assurance;
- (vi) arrangements for contract payments;
- (vii) budget management and monitoring.

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- (viii) The procurement of housing related support services will be carried out by One Connect (partnership between LCC & BT) from 1st April 2012. In the meantime, the Supporting People Team will continue to carry out this function.

- 6.3 Members of the Supporting People team are employed by the County Council in its Adult and Community Services Directorate and line managed by the Director of Commissioning.

7. Administrative Systems

- 7.1 The Authority shall maintain appropriate administrative systems.

8. Accountancy, audit and contract arrangements

- 8.1 The Authority's Financial Procedure Regulations apply to all financial transactions in connection with the Supporting People programme where relevant, except where the regulations are inconsistent with the grant conditions or directions of the Secretary of State.
- 8.2 The Authority's Contract Procedure Rules, where relevant, are applicable to all contracts with the service provider

9. Quality Assurance/ Contract Management programme

- 9.1 The Authority will
 - 9.1.1 ensure that the Supporting People contracts are reviewed and monitored by an appropriately qualified person or body;
 - 9.1.2 report back periodically to the Commissioning Body regarding the quality and performance of services.

10. Charging framework

- 10.1 The Authority will apply the charging framework approved by the Commissioning Body in considering whether any service recipient who applies for relief from charges under the rules should receive such relief and to determine the level of the relief.

The Authority will ensure that the charging rules are applied on a transparent and fair basis;

11. Dispute resolution

- 11.1 The partner bodies shall attempt in good faith to reach a settlement of any dispute between them arising out of or in connection with this Memorandum of Understanding or the Supporting People Programme.
- 11.2 If the dispute cannot be resolved by the senior officer representatives of the relevant partner bodies on the Commissioning Body within 30 days of it being

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referred to them, it must be referred by them to more senior officers of the partner bodies who shall in good faith attempt to resolve the dispute within 21 days of its being referred to them.

11.3 For the purpose of paragraph 14.2 a more senior officer means a chief officer or a deputy chief officer.

11.4 The normal working and functions of the Commissioning Body, the Supporting People Team and the Locality Groups shall not cease or be delayed by the existence of the dispute or the procedures in this paragraph for its resolution.

Signed for the County Council as Administering Authority:

Date

Signed for the Commissioning Body:

Date

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LANCASHIRE SUPPORTING PEOPLE

TERMS OF REFERENCE - COMMISSIONING BODY

10th November 2011

1. Terms of reference

- 1.1. The governance of the Supporting People Partnership comprises a range of partnership groups:
 - The Commissioning Board
 - Locality Groups in the North, East and Central areas of Lancashire
 - Provider Forums
- 1.2. The Lancashire Supporting People Commissioning Body (CB) has overall responsibility for Supporting People within Lancashire, although a number of functions are delegated to the Locality Groups
- 1.3. The purpose of the CB is:
 - to ensure that vulnerable people across Lancashire are able to access good quality and effective housing related support services which enable them to either maintain, or to move on to, independent living
 - to provide a strategic steer for the commissioning of housing related support services across Lancashire
 - to make the best use of available resources

2. Membership

- 2.1. The CB comprises representatives of the following organisations:
 - All district, borough and city councils
 - Probation
 - LCC Adult and Community Services
 - LCC Children and Young People's Services
 - LDAAT
 - Health
- 2.2. The Accountable Officer and Head of Supporting People will be an 'ex-officio' member, as will other officers of the County Council.
- 2.3. Members will identify deputies, who are authorised to make decisions, in order to ensure that there is continuity in attendance.
- 2.4. The CB may also decide to co-opt other members onto the CB from those having an active contribution to make to the SP programme, but these will not have voting rights. Such decisions will be made and reviewed annually.
- 2.5. No decisions shall be valid unless at least one third of voting members are present
- 2.6. In exceptional circumstances, decisions can be made by email.
- 2.7. Discussions can be held with Chair/Deputy Chair in the event that urgent issues arise.

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- 2.8 Representatives of the Partner Bodies are responsible for informing and involving their Elected Members as required by their own organisations
- 2.9 The Commissioning Body will identify issues of a significant political nature which require consultation with the Lancashire Chief Executive's Group in advance of a decision being made. The Lancashire Chief Executive's Group will then determine if any issues need to be referred to the Leaders Group

3. **Role and Tasks**

The role and responsibilities of the Commissioning Board are:

- 3.1 To maximise linkages with other strategic partnerships and ensure that the targets and outcomes of the SP Commissioning Plans reflect wider local agendas and priorities.
- 3.2 To ensure that the housing support needs of vulnerable people across Lancashire have been appropriately mapped and that robust plans have been put in place to develop services which meet the needs of local communities
- 3.3 To scrutinise and approve the commissioning and procurement plans developed by the Locality Groups including any associated funding commitments
- 3.4 To agree the funding distribution formula
- 3.5 To monitor spend against the agreed budget
- 3.6 To monitor implementation of key actions identified in the Commissioning Plans
- 3.7 To monitor progress in achieving the strategic outcomes identified in Lancashire Supporting People Partnership's review of housing related support services for older people
- 3.8 To agree the business plan
- 3.9 To approve funding adjustments that will change the contract value by more than 10% of the contract price or £10k, whichever is the larger, subject to compliance with LCC's standing orders and procurement rules
- 3.10 To approve uplifts to contracts.
- 3.11 To minimise the risks to service users and the Supporting People Programme by approving and monitoring the risk register
- 3.12 To identify opportunities for joint commissioning at a county level.
- 3.13 To approve joint commissioning at a county level

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3.14 To understand the impact on vulnerable people of the services which have been commissioned and to ensure that services are operating to a high standard and meeting local strategic needs through reviewing key performance indicators including:

- Outcomes for service users receiving short term services
- Move on from supported accommodation to general needs tenancies
- Demand for services including reasons for rejection
- Profile of service users who access services by protected characteristics under the Equality Act compared to appropriate local population (as advised by JSNA)
- Quality Assessment Framework
- Utilisation figures
- Throughput
- Number, nature and outcome of complaints
- Cost data

4. **Appointment of Chair**

4.1. The Lancashire Commissioning Body shall annually appoint from its members a Chair and Vice-Chair. Decisions about the chair shall be taken by the Commissioning Body itself.

5. **Meetings**

5.1. The Lancashire CB shall normally meet every three months. Meetings will be scheduled so as to mesh with budgetary, strategic and other requirements.

5.2. The Head of Supporting People will act as secretary to the CB.

5.3 All reports will be made available in writing to CB members five clear days in advance of each meeting

5.4 The CB is a decision making Body and will be chaired as such

5.5 CB members have the responsibility to have read any reports and to have briefed themselves about their responsibilities

5.6 Minutes of CB meetings will be placed on Lancashire web page. Minutes will be written so that action points and request for action by the CSG or SP team are clear and have deadlines

5.7 Minutes to be availability no later than two weeks following CB and to be published on web (subject to confidentiality data protection)

5.8 To ensure that members are adequately briefed the CB will on occasion invite presentations of issues of importance, or operate on a workshop basis

6.0 **Declaration of Interest**

6.1 The Group may at times have to consider confidential information on matters related to commissioning, procurement or performance. Members are individually required to declare known conflict of interest prior to the commencement of the meetings. The Group will determine

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whether or not any declaration necessitates exclusion from discussion on specific issues.

Signed for County Council as Administering Authority:

Date

Signed for the Commissioning Body

SP Commissioning Body Date

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TERMS OF REFERENCE – LOCALITY GROUPS

10th November 2011

1.0 Terms of reference

- 1.1 The governance of the Supporting People Partnership comprises a range of partnership groups:
 - The Commissioning Board
 - Locality Groups in the North, East and Central areas of Lancashire
 - Provider Forums
- 1.2 The Lancashire Supporting People Commissioning Body (CB) has overall responsibility for Supporting People within Lancashire, although a number of functions are delegated to the Locality Groups
- 1.3 The Locality groups will have two part agenda, Part A providers/ commissioners and part B for commissioners only.

2.0 Membership

- 2.1 The following organisations are members of the Locality Groups with voting rights
 - All district councils in the Locality
 - LDAAT
 - LCC – Adult and Community Services
 - LCC – Children and Young People
 - Health
 - Probation
- 2.2 Membership of the Group shall be reviewed every year
- 2.3 Locality Group members are encouraged to send substitutes if they are unable to attend meetings
- 2.4 Provider membership can be in any of the following forms:
 - Five provider representatives from the local provider forum representing the sector e.g. sheltered housing, socially excluded groups, floating support, care and support and the chair of the provider forum.
 - Provider involvement in the task groups/work streams as per the action plans for commissioning plans for non accommodation based services, mental health, complex needs and substance misuse
 - Provider Forum Chair represents the Forum:
 - Provider forum chair attends for one item only at each meeting
 - OR

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- Provider forum chair submits a written report at each meeting OR
- Provider forums chair attends to discuss particular issues either at the request of the provider forum or the locality groups

3.0 **Role and Tasks**

The role and responsibilities of the Locality Group are outlined below:

Partnership

- Maximise linkages with other strategic partnerships and ensure that the targets and outcomes of the SP Commissioning Plans reflect wider local agendas and priorities.

Needs Assessment and Commissioning

- To map housing related support needs for all vulnerable client groups, and regularly update, in line with agreed process
- To develop commissioning plans informed by stakeholder and customer engagement
- To identify opportunities for joint commissioning at a local level
- To ensure that commissioning priorities are fed into the capital bidding processes
- To contribute to, and agree, specifications for services being tendered
- To agree the decommissioning of services

Customer Engagement

- To undertake a full review of the Customer Engagement Framework every three years
- To refresh the Customer Engagement Framework on an annual basis by monitoring progress with implementation and revising action plan as appropriate

Quality Assurance

- To consider and approve a quality assurance process which is appropriate for the supported housing sector (including quality standards; performance indicators; outcomes data set).
- To approve contract management arrangements

Personalisation

- To maximise the opportunities for personalising services
- To explore the implications of individual budgets

Equality and Diversity

- To ensure that services reflect the cultures of the communities they serve

Performance Management

- To understand the impact of the services which have been commissioned on vulnerable people and to ensure that services are operating to a high standard and meeting local strategic needs through reviewing key performance indicators including:
 - Outcomes for service users receiving short term services
 - Move on from supported accommodation to general needs tenancies
 - Demand for services including reasons for rejection

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- Profile of service users who access services by protected characteristics under the Equality Act compared to appropriate local population (as advised by JSNA)
- Quality Assessment Framework
- Utilisation figures
- Throughput
- Number, nature and outcome of complaints
- Cost data

4.0 **Link between CB and locality groups**

The following arrangements will be in place for reporting decisions to the CB or seeking the CB's approval to recommendations put forward by the Locality Groups.

- (i) Submission of full reports requiring approval by CB
 - Commissioning Plans
 - Agreement to support capital bids
- (ii) Reporting of decisions made by Locality Groups (full papers not provided unless agreement cannot be reached across the Locality)
 - Approach to needs assessment
 - Customer engagement framework
 - Approach to quality assurance and contract management
 - Awareness of specifications for services being tendered
 - Awareness of services being decommissioned

5.0 **Appointment of Chair**

The Locality Groups shall annually appoint from its members a Chair and Vice-Chair. Decisions about the chair shall be taken by the locality groups itself. (districts)

6.0 **Meetings**

- 6.1 The Locality Groups shall meet at least four times per year
- 6.2 All reports will be made available in writing to Locality Group Members two weeks in advance of each meeting to allow sufficient time for providers to be consulted.
- 6.3 The Locality Group is a decision making Body and will be chaired as such
- 6.4 Locality Group members have the responsibility to have read any reports and to have briefed themselves about their responsibilities
- 6.5 Minutes of Locality Groups meetings will be placed on Lancashire SP web pages no later than two weeks after the meeting. (However this would not include commercially sensitive issues).
- 6.6 No decisions shall be valid unless at least one third of members are present

7.0 Declaration of Interest

The Group may at times have to consider confidential information on matters related to commissioning, procurement or performance. Members are individually required to declare known conflict of interest prior to the commencement of the meetings. The Group will determine whether or not any declaration necessitates exclusion from discussion on specific issues.

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