



## **CORPORATE AFFAIRS COMMITTEE**

**9<sup>th</sup> SEPTEMBER 2004**

### **SUPPORTING PEOPLE APPEALS**

#### **PURPOSE OF THE REPORT**

- 1 To establish an appeals process in respect of the Supporting People programme.

#### **BACKGROUND**

- 2 The Supporting People programme provides housing related support services to a wide range of vulnerable people by way of partnerships working between central and local government, and other support agencies.
- 3 Since 2003, the housing related support costs of vulnerable service users have been met from the Supporting People grant.
- 4 The Supporting People grant is administered locally by the Supporting People Commissioning Body. This body comprises representatives from Social Services, Health, Housing and Probation. The Commissioning Body will have regard to three main factors:
  - ⇒ The strategic relevance of the proposed provision
  - ⇒ Population / user needs
  - ⇒ Availability of funding from the Supporting People grant
- 5 Any provider intending to offer housing related support under the Supporting People programme must make application to the Supporting People Commissioning Body. There is also a requirement under the Supporting People programme that service reviews will be conducted in respect of all existing contracted services. The outcomes from these reviews are also approved by the Supporting People Commissioning Body.

- 6 If a provider disagrees with the level of Supporting People Payments; with the outcome of a review; with the outcome of a contract negotiation; or has an application refused by the Commissioning Body, then they can ask the Commissioning Body to review its decision.
- 7 At present, there is no facility for an appeal beyond the Commissioning Body. This situation does not accord with good practice, and the Council has been recommended both by the Audit Commission and the Housing Inspectorate to institute an impartial Appeals process.

## PROPOSALS

- 8 In order to offer housing related support providers an appeal process when they disagree with the decision following review by the Commissioning Body, it is proposed that the remit of the Appeals Sub-Committee should be broadened to include Supporting People appeals. The current remit of that Sub-Committee is as follows:  
"To have delegated powers to consider and determine all appeals in respect of Social Services charging policy."
- 9 It is proposed that the remit should be extended by adding the following:  
"To have delegated powers to consider appeals by housing related support providers against decisions made by the Supporting People Commissioning Body that relate to the Supporting People Programme."
- 10 It is also proposed that procedural guidance will be required in order to clarify legitimate grounds for appeal, and the powers of the Sub-Committee in dealing with such matters.
- 11 It is recommended that the grounds for appeal to the Sub-Committee should be as follows:
  - (i) The reasons for the appeal have been fully considered by the Supporting People Commissioning Body by way of the Supporting People Review process.
  - (ii) The provider remains dissatisfied with the decision of the Commissioning Body.
  - (iii) The appeal is based on one or more of the following grounds:
    - ⇒ The Commissioning Body has failed to consider all the relevant facts, which have affected the accreditation decision, service review outcome, or the level of Supporting People Payments;
    - ⇒ The Commissioning Body has failed to adhere to published accreditation or service review policies and procedures, which has affected the accreditation or service review outcome;
    - ⇒ The Commissioning Body has not taken into account the wider strategic considerations for the proposed service, which has affected the service review outcome.

- 12 It is recommended that the powers of the Sub-Committee in deciding Supporting People Appeals should be as follows:
- 13 Following consideration of the appeal, the Sub-Committee shall have the power  
(a) to uphold the decision of the Commissioning Body, OR  
(ii) to refer the matter back to the Commissioning Body for reconsideration, along with any observations and recommendations of the Sub-Committee..
- 14 The Commissioning Body is an independent multi-agency organisation. However, it is strongly recommended that the Commissioning Body should adopt certain procedures in relation to the proposed Appeal process. These are as follows:
- (i) If the Commissioning Body conduct an initial review and upholds its original decision in part or in whole, then the provider should be informed of the right of appeal to the Sub-Committee. The provider should be informed that the request for an appeal must be submitted in writing to the Members' Office Manager stating the reasons for the appeal, and should include any documentary evidence in support of their appeal to the Sub-Committee.
  - (ii) If the Sub-Committee refer the matter back to the Commissioning Body for reconsideration, then the Commissioning Body must have regard to any observations or recommendations of the Sub-Committee in reaching its final decision.
  - (iii) If the Commissioning Body, having reconsidered the matter subject to Appeal following referral back from the Sub-Committee, upholds its original decision in part or in whole, then in notifying the appellant service provider of its decision the Commissioning Body should inform the appellant of the right to complain to the Local Government Ombudsman if the appellant considers that an injustice has been caused as a result of maladministration.
- 15 Finally, it is recommended that in order to properly reflect the purpose of the Sub-Committee, and to avoid any potential confusion, that the name of the sub-committee is changed from Appeals Sub-Committee to Social Services Appeals Sub-Committee

## **FINANCIAL CONSIDERATIONS**

- 16 The recommendations within this report can be managed within existing resources.

## **RECOMMENDATIONS**

- 17 It is recommended that Committee agree:
- (i) to extend the remit of the Appeals Sub-Committee
  - (ii) the grounds for appeal to the Sub-Committee
  - (iii) the powers in respect of the Sub-Committee in considering Supporting People Appeals
  - (iv) to change the name of the Committee to Social Services Appeals Committee
- as set out in Appendix 1 to this report.

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## **Amendments to the Remit of the Appeals Sub-Committee**

- 1 The remit of the Sub-Committee will be amended by including the following wording:  
"To have delegated powers to consider appeals by housing related support providers against decisions made by the Supporting People Commissioning Body that relate to the Supporting People Programme."
- 2 The grounds for appeal to the Sub-Committee shall be as follows
  - (i) The reasons for the appeal have been fully considered by the Supporting People Commissioning Body by way of the Supporting People Review process.
  - (ii) The provider remains dissatisfied with the decision of the Commissioning Body.
  - (iii) The appeal is based on one or more of the following grounds:
    - ⇒ The Commissioning Body has failed to consider all the relevant facts, which have affected the accreditation decision or service review outcome, or the level of Supporting People Payments;
    - ⇒ The Commissioning Body has failed to adhere to published Accreditation or service review policies and procedures, which has affected the accreditation or service review outcome;
    - ⇒ The Commissioning Body has not taken into account the wider strategic considerations for the proposed service, which has affected the service review outcome.
- 3 The powers of the Sub-Committee shall be as follows:  
  
Following consideration of the appeal, the Sub-Committee shall have the power
  - (i) to uphold the decision of the Commissioning Body, OR
  - (ii) to refer the matter back to the Commissioning Body for reconsideration, along with any observations and recommendations of the Sub-Committee.
- 4 That the name of the Committee is changed to Social Services Appeal Committee