

CORPORATE AFFAIRS COMMITTEE

A meeting of the Corporate Affairs Committee was held on 9 September 2004.

PRESENT: Councillor Clark (Chair), Councillors Mrs H Pearson and Porley.

OFFICIALS: J Bennington, C Davies and R G Long.

**** DECLARATIONS OF INTEREST**

No declarations of interest were made at this point of the meeting.

**** MINUTES**

The minutes of the meeting of the Corporate Affairs Committee held on 25 August 2004 were submitted and approved as a correct record.

SUPPORTING PEOPLE APPEALS

The Members' Office Manager submitted a report which outlined an appeals process in respect of the Supporting People Programme which provided 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.

Since 2003, the housing related support costs of vulnerable service users had been met from the Supporting People grant which was administered locally by the Supporting People Commissioning Body comprising representatives from Social Services, Health, Housing and Probation.

If a provider disagreed with either the level of Supporting People Payments; the outcome of a review; the outcome of a contract negotiation, or had an application refused by the Commissioning Body, then they could ask the Commissioning Body to review its decision. It was confirmed that currently, there was no facility for an appeal beyond that of the Commissioning Body. It was considered prudent in terms of good practice and in response to recommendations by the Audit Commission and the Housing Inspectorate to institute an impartial Appeals process.

It was proposed therefore, to extend the current remit of the Appeals Committee to include Supporting People appeals by the addition of 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.'

It was also proposed that procedural guidance would be required in order to clarify legitimate grounds for appeal and the powers of the Committee in dealing with such matters 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:
 - (a) 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;
 - (b) 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;

- (c) The Commissioning Body has not taken into account the wider strategic considerations for the proposed service, which has affected the service review outcome.'

It was recommended that the powers of the Committee in deciding Supporting People Appeals should be as follows: -

' Following consideration of the appeal, the Committee shall have the power

- (a) to uphold the decision of the Commissioning Body, OR
- (b) to refer the matter back to the Commissioning Body for reconsideration along with any observations and recommendations of the Committee.'

Although the Commissioning Body was an independent multi-agency organisation it was strongly recommended that the Commissioning Body should adopt certain procedures in relation to the proposed Appeal process as follows: -

- (i) If the Commissioning Body conducts 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 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 Committee.
- (ii) If the 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 Committee in reaching its final decision.
- (iii) If the Commissioning Body, having reconsidered the matter subject to Appeal following referral back from the 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.

In order to properly reflect the purpose of the Committee and to avoid potential confusion it was recommended that the name of the Committee be changed from Appeals Committee to Social Services Appeals Committee.

ORDERED that approval be given to the following as outlined above and in Appendix 1 of the report: -

- (i) to extend the remit of the Appeals Committee;
- (ii) the grounds for appeal to the Committee;
- (iii) powers in respect of the Committee in considering Supporting People Appeals;
- (iv) to change the name of the Appeals Committee to Social Services Appeals Committee.

APPOINTMENTS TO OUTSIDE BODIES

Further to the meeting of the Committee held on 25 August 2004, the Members' Office Manager presented a report, which sought instructions regarding a nomination to the North East Regional Environment Protection Advisory Committee -REPAC and confirmation of the representation on the Middlesbrough CAB Management Committee.

ORDERED as follows: -

1. That Councillor Kerr be nominated to the North East Regional Environment Protection Advisory Committee - REPAC.
2. That Councillors Ferrier and J Jones be reaffirmed as the Council's representatives on the Middlesbrough CAB Management Committee.