

Memorandum of Understanding

Warwickshire Supporting People Programme

1. The Warwickshire Supporting People Programme

- 1.1 This Memorandum of Understanding establishes the principles by which the Warwickshire Supporting People Programme will be operated and managed as a partnership by the signatory organisations (“the partners”) to this MoU. The partners are:

Warwickshire County Council
North Warwickshire Borough Council
Nuneaton and Bedworth Borough Council
Rugby Borough Council
Stratford District Council
Warwick District Council
Warwickshire Primary Care Trust
Warwickshire Probation Service

- 1.2 The purpose of the partnership is to provide strategic leadership and a clear framework within which the Warwickshire Supporting People Programme can deliver high quality housing related support services to vulnerable people across Warwickshire, in accordance with the terms of the Supporting People Grant (“the Grant”) allocated by the Secretary of State via Warwickshire County Council, as Administering Authority.
- 1.3 This MoU is intended to be legally binding but for the avoidance of doubt nothing in this MoU shall constitute a legal partnership or joint venture between the partners.
- 1.4 The partners agree to keep this MoU under review in the light of experience of the operation of the Supporting People Programme and any changes in the Grant conditions, legislation and statutory guidance. The provisions of this MoU shall terminate on 31st March 2010 unless all partners otherwise agree.

2. Responsibilities of partners and their representatives

- 2.1 The partners note the requirements of the Secretary of State's guidance on Supporting People to the effect that, notwithstanding the County Council's statutory role as the Administering Authority for the Grant, all partners have a responsibility for the strategic commissioning, leadership and development of the Supporting People Programme, including through the establishment of a Commissioning Body, a Core Strategy Group and the development and review of medium term Supporting People Strategies and an Annual Plan.
- 2.2 The partners agree the following principles to enable the Supporting People Programme to work effectively in Warwickshire:
- 2.2.1 Partners will promote links between the Supporting People Programme and other local delivery plans, including the Local Area Agreement.
- 2.2.2 Partners will be concerned to consider the interests of the whole County and the whole range of service user groups and will not be confined to matters affecting only their areas of specific interest.
- 2.2.3 Partners will be required to commit sufficient human resources to enable the effective functioning of the partnership and the effective operation of meetings.
- 2.2.4 Partners will apply to the Supporting People Programme any code of conduct on partnership working that they adopt under the LAA arrangements from time to time.

3. The Commissioning Body

- 3.1 The Commissioning Body shall be the strategic decision-making body for the Warwickshire Supporting People Programme.
- 3.2 The Commissioning Body shall operate according to the Terms of Reference set out in the First Schedule to this MoU.

4. The Core Strategy Group

- 4.1 The Core Strategy Group shall be the strategy development body for the Warwickshire Supporting People Programme.
- 4.2 The Core Strategy Group shall operate according to the Terms of Reference set out in the Second Schedule to this MoU.

5. Responsibilities of the Administering Authority

5.1 The Administering Authority shall:

- 5.1.1 Receive and account for monies from the Government and will allocate it only on support services and the implementation of Supporting People in accordance with the Supporting People Strategies and Annual Plan.
- 5.1.2 Take responsibility to ensure all accountancy and audit arrangements are appropriate for delivery of the Grant.
- 5.1.3 Only use the Grant monies received from the Secretary of State for welfare services as determined by the Secretary of State.
- 5.1.4 Ensure that payments made from the Grant are in accordance with the intended allocation of Grant for each welfare service category agreed by the Commissioning Body as part of the needs analysis.
- 5.1.5 Advise the Commissioning Body whether or not proposed arrangements for access to services would enable the Commissioning Body to meet any cross-authority service baseline targets.
- 5.1.6 Advise whether the adoption by the Commissioning Body of the Supporting People Strategies, Annual Plan or significant change to those documents would result in the termination of funding of any designated service.
- 5.1.7 Advise the Commissioning Body on financial and compliance matters affecting the Grant, including, but not limited to:
- Budgetary constraints
 - Contractual risks
 - The scope of welfare services covered by Section 93 of the Local Government Act 2000 (“the Act”)
 - Whether a proposed decision of the Commissioning Body will or is likely to be contrary to any Supporting People guidance
 - Whether a proposed decision of the Commissioning Body will or is likely to place the Administering Authority in breach of directions or any condition attached to a Supporting People Programme Grant.
- 5.1.8 Assist the Commissioning Body in preparing the Supporting People Strategies and Annual Plan and any changes to those documents.

- 5.1.9 Refer any proposed significant change needed to the Supporting People Strategies and Annual Plan to the Commissioning Body for consideration.
- 5.1.10 Advise the Commissioning Body where the closure of, or change in the provider of any service funded under Section 93 of the Act is being considered.
- 5.1.11 Advise the Commissioning Body whether the implementation of any proposed decision of the Body would be likely to result in the Administering Authority acting in breach of any of its standing orders or financial regulations or to put the Administering Authority or the Commissioning Body at significant financial or other risk.
- 5.1.12 Send, as soon as reasonably practicable, a copy of the draft Supporting People Strategies and Annual Plan, and any proposed significant changes to those documents, to the Secretary of State for his consideration.
- 5.1.13 Compile and maintain a list of Supporting People services in the Commissioning Body's area using the definitions and formats required by the Secretary of State.
- 5.1.14 Maintain a record of levels of cross-authority access to services within the Commissioning Body area.

6. Disputes

- 6.1 Where the Commissioning Body disagrees with advice from the Administering Authority and the dispute cannot be resolved locally, the Commissioning Body or the Administering Authority may refer the matter to the Secretary of State for a direction from him under Section 93(9) of the Act.
- 6.2 Where the Commissioning Body disagrees with advice from the Administering Authority, and in the opinion of the Administering Authority any action is necessary to:
- Secure the necessary service for service users,
 - Comply with any Grant conditions,
 - Ensure compliance with the law, financial or contract standing orders or the Authority's constitution,
 - Ensure that budgetary constraints are adhered to;

the Administering Authority may take such action as it considers necessary, pending, or in the absence of, advice from the Secretary of State. For the

avoidance of doubt this shall include a right for the Administering Authority (acting reasonably and within its own constitutional powers) to refuse to implement a decision of the Commissioning Body or to vary the terms of a decision of the Commissioning Body prior to implementation.

7. Continuity of Services

- 7.1 The parties recognise that, in order to preserve the continuity of service to service users (for example where a contractor goes into liquidation) and to avoid risk to service users (for example where contractors' working practices are found to be dangerous), the Administering Authority may need to take emergency action to form new contracts or to terminate existing ones. The emergency requirement may make it impracticable for decision to wait until the next ordinary meeting of the Commissioning Body, or to convene a special meeting. In these circumstances, the Administering Authority will consult the representatives of the Commissioning Body and the Core Strategy Group so far as is practicable (for example by e-mail) and to endeavour to make arrangements that do not give rise to long-term commitments.
- 7.2 Any action taken by the Administering Authority using these emergency provisions shall be reported to the next meeting of the Commissioning Body.

8. Indemnity and Withdrawal

- 8.1 Each party agrees to indemnify each other against any other such costs, losses or damages incurred as a result of negligence or wilful default of one partner, or a breach of the agreement by that partner.
- 8.2 Should any party wish to withdraw from the agreement, three months' notice must be given in writing. The Secretary of State will be informed of this action and their advice sought.
- 8.3 Should any partner withdraw where previous decisions made to commit funds are still current, they will be held liable for any financial costs, losses or damages reasonably incurred as a result of their withdrawal.

Signed by:

On behalf of Warwickshire County Council

On behalf of North Warwickshire Borough Council

On behalf of Nuneaton and Bedworth Borough Council

On behalf of Rugby Borough Council

On behalf of Stratford District Council

On behalf of Warwick District Council

On behalf of Warwickshire Primary Care Trust

On behalf of Warwickshire Probation Service

Dated:

First Schedule

COMMISSIONING BODY

TERMS OF REFERENCE

Responsibilities

The key responsibilities of the Commissioning Body shall be to:

- Adopt and keep under review the Warwickshire Supporting People Strategies and Annual Plan, following approval by all partners, and having regard to any guidance given by the Secretary of State from time to time;
- Ensure that the Supporting People Programme is delivered in accordance with the objectives and priorities in the Supporting People Strategies and Annual Plan;
- Make decisions on the commissioning, remodelling and decommissioning of Supporting People funded services, and to follow Best Value principles to ensure quality services are delivered;
- Ensure Supporting People is integrated into other relevant local plans and strategies and the Local Area Agreement;
- Ensure that, in commissioning new services, the Commissioning Body continue to support the existing and emerging needs of service users in Warwickshire;
- Ensure that the services funded provide quality, value for money, and are focussed on outcomes for service users;
- Oversee the service review process and be responsible for hearing an appeal of a service review where requested by a provider;
- Maintain oversight of the administration of the Programme by the Administering Authority and to delegate the management of the Supporting People Programme to the Administering Authority;
- Oversee the performance management of the Programme and that of the Core Strategy Group.

In agreeing the Supporting People Strategies and Annual Plan, the Commissioning Body shall ensure that the following matters are included:

- (a) A description of the different classes of welfare recipients and their actual and predicted needs (including a separate description of the nature and level of current cross-authority access to services and the likely needs of cross-authority service recipients in the future).
- (b) A description of the nature and level of current Supporting People provision including areas of poor provision (including a separate description of the nature and level of current cross-authority access to services and reference to the current cross-authority service baseline targets).
- (c) A description of the changes to be made to the current Supporting People service provision.
- (d) A description of any new high-cost projects proposed and a description of any existing high-cost projects (including the proposed duration of such projects).
- (e) The rules for the charging of service recipients, which shall include:
 - (i) The circumstances in which there is to be relief from charges.
 - (ii) The process for making an application for relief.
 - (iii) The rules for determining the relevant date of application.
 - (iv) The rules for recovery from service recipients of overpayments.
 - (v) Details of the review mechanism which is to apply where a service recipient disputes any decision under the charging rules.

In approving the Annual Plan, the Commissioning Body shall ensure that the following matters are included:

- (a) The intended allocation of Grant for each welfare service category.
- (b) A description of the changes identified in the Strategy which are programmed to be implemented in that year, including a description of any changes to cross-authority access to services to be introduced in that year.
- (c) A description of any new high-cost projects proposed for that year.
- (d) A description of the process and date by which each change is to be delivered.

Membership of the Commissioning Body

Membership of the Commissioning Body will comprise:

County Council	-	2 representatives
5 District & Borough Councils	-	2 representatives from each
Primary Care Trust	-	2 representatives
Probation Service	-	2 representatives

It is recommended that each partner appoints one representative who is an elected member (non-executive board member) and one representative who is an officer (executive board member) although partners shall be entitled to appoint any representatives they see fit provided always that at least one representative has authority to take decisions on behalf of each partner at meetings of the Commissioning Body.

The Chair will be elected annually on a simple majority of the vote by the partners. The Chair of the Commissioning Body shall not be the Accountable Officer.

Responsibilities of representatives

Representatives of the partners appointed to the Commissioning Body will be expected to:

- attend meetings (or to send a substitute approved by the partners);
- take individual and collective ownership to deliver the work of the Supporting People Programme;
- promote the work of the Supporting People Programme within their own organisations and more widely where appropriate;
- keep the other partners informed of developments within their own organisations, which may impact upon the business of the Supporting People Programme;
- share information, best practice and knowledge with other partners;
- undertake, where appropriate, specific tasks in relation to the Supporting People Programme.

Representatives must declare if they have an interest in any of the issues discussed by the Commissioning Body. Representatives cannot vote or participate in any discussion on issues affecting a service provided by the partner organisation they represent.

Meetings

The Commissioning Body shall meet once every two months, on the first Friday of a month.

The Supporting People Service Manager and the Chair of the Core Strategy Group shall both be invited to attend meetings of the Commissioning Body but neither shall have a vote. Others may attend meetings of the Commissioning Body at the invitation of the Chair.

Meetings will be closed to the public unless all partners otherwise agree. Draft minutes of meetings will be circulated to all representatives of partners subject to approval at the next Commissioning Body meeting. Approved minutes (except for confidential items) will be published in the Warwickshire Supporting People web pages.

Meetings will be serviced by the Supporting People Team.

The agenda for meetings will be established by the Chair of the Commissioning Body with the support of the Core Strategy Group and the Supporting People Team. The agenda and papers will be circulated 10 days prior to a meeting.

Quorum for a meeting shall mean 5 of the 8 partners represented through the attendance of at least one representative each. A meeting may continue if a quorum has not been reached but only as a discussion forum and the Commissioning Body shall in those circumstances have no authority to make decisions.

Decision Making

Each partner has one vote on decisions taken by the Commissioning Body, to be exercised through their two representatives. Each partner has an equal vote, subject to the Administering Authority's right of veto set out in paragraph 6 of the MoU.

The Commissioning Body will aim for consensus decision-making. However, where this is not reasonably possible, decisions will be made on the basis of the majority of those present and voting provided at least 5 partners vote in favour.

The Commissioning Body has authority to make decisions subject to the following principles:

- Decisions shall be taken within the framework of Supporting People Strategies and Annual Plan approved by partners and adopted by the Commissioning Body from time to time.
- Decisions shall not be incompatible with advice given by the Administering Authority on financial and compliance matters affecting the Grant;

- Decisions shall not require the Administering Authority to act in breach of legislation or its constitution, Financial or Contract Standing Orders.

Performance management and scrutiny

The Commissioning Body will receive performance management information at every meeting (i.e. 6 times per year). A formal review of performance against the as to the progress of the Supporting People Programme against the Supporting People Strategies and Annual Plan will be undertaken mid-year and at year-end.

The Commissioning Body shall report to the County Council's Overview and Scrutiny Committee twice a year on progress against the Supporting People Strategies and Annual Plan, and on any other performance management measures applying to the Programme from time to time.

Partners shall be invited to refer for scrutiny within their own organisations specific matters recommended from time to time by the Commissioning Body.

The Commissioning Body will receive reports from and scrutinise the work of the Core Strategy Group and inform the Core Strategy Group of key decisions made which require implementation.

Second Schedule

WARWICKSHIRE SUPPORTING PEOPLE CORE STRATEGY GROUP

TERMS OF REFERENCE

Responsibilities

The key responsibilities of the Core Strategy Group shall be to:

- Identify the housing support related needs in Warwickshire, undertake ongoing needs analysis of specific service user groups and maintain an up to date needs assessment profile;
- Lead on development and review of the Supporting People Strategies and Annual Plan and propose these to the Commissioning Body;
- Develop and action an annual work plan for the Core Strategy Group and report to the Commissioning Body on progress
- Align the work of the Group with the key priorities of other strategies to ensure integration;
- Drive forward actions and improvements agreed by the Commissioning Body;
- Prioritise the engagement of service users and carers;
- Make recommendations to the Commissioning Body and engage in activities that may include the following:
 - (a) receiving performance monitoring reports;
 - (b) receiving financial / grant expenditure reports;
 - (c) monitoring effectiveness of partnership working;
 - (d) identifying additional funding opportunities across the partnership;
 - (e) monitoring and enabling the engagement of service users including identifying opportunities to improve user participation;
 - (f) monitoring and seeking to address gaps in services and unmet needs; and
 - (g) Strategic Reviews of Supporting People client groups.
- Facilitate effective multi-agency working to support a seamless service to people in need of housing and support by:

- (a) ensuring partners pool information, expertise, ideas and experience in order to maximise the use of existing resources;
 - (b) developing multi-agency procedures and protocols including joint housing protocols addressing issues such as homelessness, hospital discharge, rehabilitation, move on, support for difficult to place/accommodate groups, and out of County placements;
 - (c) disseminating information on good practice in the provision of housing, advice and support services;
 - (d) promoting joint training opportunities;
 - (e) inviting relevant agencies to participate when appropriate.
- To develop and maintain links to:
 - (a) local forums;
 - (b) local strategic partnerships;
 - (c) local providers groups; and
 - (d) service user panels.
 - Make links with other Supporting People Programmes and regional and national initiatives.

Membership of the Core Strategy Group

Membership of the Core Strategy Group will comprise the following core members:

County Council	- 6 representatives, to include 2 from Supporting People Team, 1 from Adult Social Care, 1 from Children and Young Families, 1 from Young Offenders Service, 1 from Community Protection
5 District and Borough Councils	- 1 representative from each
Primary Care Trust	- 1 representative
Probation	- 1 representative
Housing Corporation	- 1 representative
Voluntary Sector/RSLs	- 2 representatives from Families and Young People sector - 2 representatives from Adults sector
Service Users/Carers	- maximum of 4 people with a minimum of 1 representative from Families and Young People sector and a minimum of 1 representative from the Adults sector

People who are elected from SURGe should be as inclusive as possible of the diverse range of people who may access Supporting People services and should be chosen for their experience of Supporting People or related Supporting People services.

The Core Strategy Group may also appoint non core members being representatives from the County Council and other organisations with a lead for one or more Supporting People client groups. Non core members will be sent meeting agendas and invited to all Core Strategy Group meetings as well as receive Core Strategy Group reports and minutes to meetings.

These non core members will attend meetings where appropriate on a self selecting agenda approach.

The non-core members include but are not limited to representation from:

- The Lead Commissioners for Older People, People with Mental Health Problems and People with a Learning Disability
- Gypsy and Traveller Service
- Local Commissioning

The Core Strategy Group shall every twelve months elect a Chair and a Vice-Chair from the representatives of the core membership from County Council, the District and Borough Councils, Probation and the PCT. Previous and current representatives are not prevented from being re-elected.

If the Chair or Vice Chair resigns their post during their twelve months then the Core Strategy Group will elect another representative. The Chair and Vice Chair will not be representatives of the same partner organisation.

Responsibilities of representatives

Representatives of the partners appointed to the Core Strategy Group will be expected to:

- attend meetings (or to send a substitute approved by the partners);
- take individual and collective ownership to deliver the work of the Supporting People Programme;
- promote the work of the Supporting People Programme within their own organisations and more widely where appropriate;
- keep the other partners informed of developments within their own organisations, which may impact upon the business of the Supporting People Programme;
- share information, best practice and knowledge with other partners;
- undertake, where appropriate, specific tasks in relation to the Supporting People Programme.

Representatives must declare if they have an interest in any of the issues discussed by the Core Strategy Group. Representatives cannot vote or participate in any discussion on issues affecting a service provided by the partner organisation they represent.

Responsibilities of Provider Representatives

The representation for providers on the Core Strategy Group is nominated from Warwickshire Providers Together. This is a forum, which enables housing-related support providers within Warwickshire to work jointly and share information to develop and maintain excellent services, be a collective voice and meet the needs of the local communities.

The purpose of the Provider Representatives is to enable effective communication between the Warwickshire Providers Together and the Core Strategy Group.

The objectives of the Provider Representatives will be to:

- Disseminate information to, and receive feedback from the wide range of providers that are involved in delivering supported housing and/or housing related support services.
- To be a mechanism for consultation, and representation of provider issues.
- To inform and advise the Core Strategy Group of supported housing and related services.
- To enable providers to share good practice.
- To feedback to a network of providers.
- To celebrate and publicise positive achievements.

Membership and Role of Members

There will be a minimum of 4 Provider Representatives on the Core Strategy Group, as elected from Warwickshire Providers Together and they will serve a term of 12-months. Representatives can be re-elected once their term is finished

The elected Provider Representatives should be representative of the wide range of service providers and the diverse nature of the Supporting People programme. They should represent the following types of Provider:

- RSL/Housing Associations
- Voluntary Organisations
- Independent providers
- Small Providers
- Accommodation based providers
- Floating support providers

There should be 2 representatives from the Families and Young People sector, 2 representatives from the Adults sector with identified places for small providers and floating support providers.

Involving people who use Supporting People services

Supporting People service users and carers on the Core Strategy Group will be nominated from the Supporting People Service User Reference Group (SURGe) (or equivalent). SURGe is a forum, which enables Supporting People service users, carers, and previous Supporting People service users within Warwickshire to work together to ensure that people who use or have the potential to use Supporting People services have a voice within the development of the programme at both strategic and operational levels.

Their role and responsibilities will be to:

- Share information between SURGe and the Core Strategy Group to develop excellent Supporting People services.
- Act as experts through experience and give their perspective about service delivery and improvements.
- Inform and advise the Core Strategy Group of supported housing and related services from a user (potential user) perspective.
- Update the Core Strategy Group of the progress of service user and carer involvement within the Supporting People programme in order that the Core Strategy Group are able to monitor against the Supporting People service user involvement action plan.
- Positively engage in and contribute to discussions that will bring a users perspective and support the delivery of excellent Supporting People services.
- Help celebrate and publicise positive achievements.

Membership and Role of Members

There will be a maximum of 4 people elected from SURGe (or equivalent)

- People will be elected for a period of 18 months.
- Those elected will be encouraged to bring a perspective based on either their own experience or the experiences of others which they have been given permission to share
- Each member will be expected to:
 - Familiarise themselves with the aims of the Core Strategy Group and make sure they understand what the Core Strategy Group has been set up to do.
 - Attend meetings on time or forward apologies to the chairperson.

- Ensure that they have a good understanding of what is included in the documents through the appropriate means to meet their needs.
- Get actively involved in group discussions.
- Make use of any training and support available
- Contribute to the smooth running of the group and respect everyone's point of view.

Meetings

The Core Strategy Group will meet monthly. The Group may invite as they see fit any other parties to attend meetings of the Group.

Meetings will be serviced by the Supporting People Team. The agenda for meetings will be determined by the Chair of the Group in consultation with other representatives of the Group as appropriate. The agenda and papers will be circulated in advance of a meeting.

Meetings will be closed to the public unless all partners otherwise agree. Draft minutes of meetings will be circulated to all representatives of partners subject to approval at the next Core Strategy Group meeting. Approved minutes (except for confidential items) will be published in the Warwickshire Supporting People web pages.

Decision Making

The Core Strategy Group is not a decision-making body but a policy implementation and development group. As such, no quorum is required for meetings. The Core Strategy Group shall aim for consensus working, but shall inform the Commissioning Body if a vote has taken place on any matter, and whether a unanimous or majority decision was reached.

Reporting

The Core Strategy Group shall report to the Commissioning Body and in particular shall submit reports on its performance against an action plan agreed for the Core Strategy Group and any other performance management measures agreed from time to time.