

APPENDIX A

“Conditions”	The Supporting People Programme Grants (England) Conditions 2003;
“Constitution”	The constitution of the Commissioning Body adopted by the Commissioning Body on [] as the same may be amended from time to time;
‘Designated Services’	shall have meaning given in Clause 8 of the Directions;
‘the Directions’	means the Supporting people (England) Directions 2003;
‘Eligible Welfare Service’	shall have the meaning given in condition 2 of Annex B to the Conditions;
‘High-cost Project’	a project which, due to the high level of unit cost in provision of the service, the Commissioning Body requires the Administering Authority to report details of its costs, and the range of Supporting People services provided to the service recipient;
‘Host Authority’	the local authority for the local government area in which a Supporting People service is located;
‘Local Probation Board’	has the meaning given by section 4 of the Criminal Justice and Court Services Act 2000;
“Participating Bodies”	The bodies defined as such in the Constitution;
‘Primary Care Trust’	a body established under section 16A of the National Health Service Act 1977;
‘section 93’	section 93 of the Local Government Act 2000;

‘Service Provider’	a person who provides, or arranges for the provision of, welfare services where those services are paid for by the Administering Authority out of Supporting People Programme Grant monies either to the service provider or to the service recipient to make payment to the service provider;
‘Supporting People Programme Grant’	the Supporting People programme grant determination in respect of the Administering Authority made by the Secretary of State under section 93;
‘Supporting People Guidance’	guidance issued by the Secretary of State under section 93 in relation to Supporting People Programme Grants or the Supporting People (England) Directions 2003;
‘Supporting People Service’	an Eligible Welfare Service paid for (in part or in full) out of Supporting People programme grant monies;
‘Supporting People Strategy’	the strategy approved and from time to time reviewed and updated) by the Commissioning Body.

2. Administrative Functions of Administering Authority

2.1 The Administering Authority shall:

- 2.1.1 ensure that payments of Supporting People grant monies are in accordance with the intended allocation of Supporting People grant for each welfare service category set by the Commissioning Body pursuant to sub-paragraph 5(3) of the Directions.
- 2.1.2 advise the Commissioning Body whether or not proposed arrangements for access to Supporting People services would enable the Commissioning Body to meet any cross-authority service baseline target and whether a particular cross-authority service has been designated as of regional or national importance.
- 2.1.3 advise whether the adoption by the Commissioning Body of a Supporting People Strategy, Annual Plan or significant change to those documents would result in the termination of funding of any designated service.
- 2.1.4 advise the Commissioning Body on financial and compliance matters affecting the Supporting People Programme Grant, including but not limited to:

- (i) Supporting People budgetary constraints
 - (ii) contractual risks
 - (iii) whether a service is an Eligible Welfare Service.
 - (iv) whether a proposed decision of the Commissioning Body will or is likely to be contrary to any Supporting People Guidance; and
 - (v) whether a proposed decision of the Commissioning Body will or is likely to place the Administering Authority in breach of the Directions or the Conditions or any statutory guidance.
- 2.1.5 assist the Commissioning Body in preparing its Supporting People Strategy and Annual Plan and any changes to those documents.
- 2.1.6 send as soon as reasonable practicable a copy of the draft Supporting People Strategy and Annual Plan and any proposed significant changes to those documents to the Secretary of State for his consideration; and
- 2.1.7 refer any proposed significant change needed to the Supporting People Strategy and Annual Plan to the Commissioning Body for consideration.
- 2.2 The Administering Authority shall compile and maintain a list of all Supporting People Services in the Commissioning Body's area. The list shall use the definitions set out in the SPLS Extract Data Dictionary and File Formats document (published by the Office of the Deputy Prime Minister in September 2002) or any replacement therefor.
- 2.3 The Administering Authority shall maintain a record of levels of cross-authority access to services within the Commissioning Body area.
- 2.4 The Administering Authority shall:-
- 2.4.1 develop a Supporting People Service review and monitoring programme in accordance with the Conditions and submit the same for approval by the Commissioning Body; and report back bi-monthly to the Commissioning Body on the findings from its service monitoring programme;
 - 2.4.2 report back [*bi-monthly*] to the Commissioning Body on the findings from its service monitoring programme;
 - 2.4.3 refer to the Commissioning Body for consideration any recommendations for service changes that would have a significant impact on service users or Service Providers or radically change the pattern of provision of services.
- 2.5 The Administering Authority shall apply the charging rules approved by the Commissioning Body and in doing so comply with the Conditions.

3. Administrative Systems

- 3.1 The Administering Authority shall maintain administrative systems which are capable of:
- 3.1.1 compiling and maintaining the information the Supporting People services list referred to in sub-paragraph 7(2) of the Directions.
 - 3.1.2 ring-fencing the Supporting People programme grant monies.
 - 3.1.3 interfacing with the administrative systems of the Secretary of State; and
 - 3.1.4 ascertaining, at any given time, Supporting People programme grant receipts and expenditure against Supporting People programme grant monies made by the authority.

4 Support of the Commissioning Body

- 4.1 The Administering Authority shall use its best endeavours to ensure that the Commissioning Body has the ability:
- 4.1.1 to agree a Supporting People strategy and annual plan, having regard to any Supporting People Guidance, which includes the matters referred to in sub-paragraphs 5(2) and 5(3) of the Directions respectively.
 - 4.1.2 to have due regard to any comments made by the Secretary of State on the Supporting People Strategy or Annual Plan or any proposed significant changes to those documents.
 - 4.1.3 to consider any proposed significant changes to the approved Supporting People Strategy and Annual Plan; and
 - 4.1.4 to review the approved Supporting People Strategy in a manner which has regard to any Supporting People Guidance.

5. Function of the Commissioning Body

- 5.1 It shall be the responsibility of the Commissioning Body:
- 5.1.1 to agree a Supporting People Strategy and Annual Plan, having regard to any Supporting People Guidance, which includes the matters referred to in sub-paragraphs 5(2) and 5(3) of the Directions respectively.
 - 5.1.2 to have due regard to any comments made by the Secretary of State on the Supporting People Strategy or Annual Plan or any proposed significant changes to those documents.
 - 5.1.3 to consider any proposed significant changes to the approved Supporting People Strategy and Annual Plan; and

- 5.1.4 to review the approved Supporting People Strategy in a manner which has regard to any Supporting People Guidance.
- 5.2 The matters that will be included in the Supporting People strategy are:
- 5.2.1 a description of the different classes of welfare service 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).
- 5.2.2 a description of the nature and level of current Supporting People service provision including areas of poor provision (including a separate description of the nature and level of current cross-authority access to service including reference to the current cross-authority service baseline targets).
- 5.2.3 a description of the changes to be made to the current Supporting people service provision.
- 5.2.4 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).
- 5.2.5 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; and
 - (v) details of the review mechanism which is to apply where a service recipient disputes any decision under the charging rules; and
- 5.2.6 an explanation of the consultation undertaken by the Commissioning Body with Service Providers, service recipients and other interested parties.
- 5.2.7 *a three year financial plan setting out how spending plans are accommodated within projected resources.*
- 5.3 The matters that will be included in each Annual Plan are:
- 5.3.1 the intended allocation of Supporting People grant for each welfare category.
- 5.3.2 a description of the changes identified in the Supporting People Strategy which are programmed to be implemented that year, including a description of any changes to cross-authority access to services to be introduced in that year.
- 5.3.3 a description of any new High-cost Projects proposed for that year; and

5.3.4 a description of the process and the date by which each change is to be delivered.

5.3.5 *an annual budget setting out how the spending plans are accommodated within existing resources.*

5.4 The Commissioning Body shall determine the level of cost or nature of services which should be considered “high cost” for the purpose of identifying High-cost Projects. In doing so it shall consider whether the cost of the service is such that it has a significant impact on the overall management of the Supporting People budget.

6. Accountability of the Commissioning Body to the Administering Authority

6.1 Notwithstanding the separate and distinct function of the Commissioning Body from the administrative functions of the Administering Authority, policies and procedures set by the Commissioning Body will be required to comply with the Contract Standing Orders and Financial Regulations of the Administering Authority. In particular, there is a duty for the Commissioning Body to set a balanced budget for each financial year. (All overspendings and underspendings recorded in any year against distinct budgets for which the Commissioning Body is responsible will be carried forward to the following financial year.)

7. Elected Member Advisory Panel

7.1 Given the nature and role of the Commissioning Body an Elected member Advisory Panel shall be established.

7.2 Each partner signatory to this memorandum shall send one member. Where a partner has no Elected Member a non-executive member shall be nominated.

7.3 The Panel shall meet as and when it chooses but at least four times per year.

7.4 The role of the panel will be to advise the Commissioning Body and Administering Authority on its local priorities and needs. This advice shall not be binding on either the Commissioning Body or Administering Authority.

7.5 The Panel and the Commissioning Body shall hold a joint meeting *at least every six months* to review the strategy.

8. Review

8.1 The partners will keep the Memorandum under review in the light of emerging legislation guidance and directions and the developing needs of the people of Lincolnshire.

9. Legal Consequences

9.1 Whilst the Memorandum sets out the expectations of the parties, it is not intended that this Memorandum will be of legal effect or that any failure by any party to

achieve those intentions will incur legal consequences actionable as a result of this Memorandum.

SIGNED for and on behalf of Lincolnshire County Council
as Administering Authority

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SIGNED for and on behalf of

[all Participating Bodies to sign individually]