

SUPPORTING PEOPLE

Terms of Reference

Introduction

The London Borough of Southwark (Housing Department and Social Services Department), Southwark Primary Care Trust and the Probation Service are partners in the development and delivery of the Southwark SP Programme.

This document sets out the ways in which these organisations have agreed to work together to deliver the Southwark SP Programme. This document is not intended to be legally binding on the Partners. It lasts for the life of the Southwark SP Programme and may be changed by written agreement between the Partners.

Work of the Commissioning Body

The Partners agree to:

1. **Strategy** Establish and oversee the work of the Core Strategy Development Group; agree (in consultation with service providers, service users and other interested parties) a Supporting People strategy and annual plan and submit this to local authority members for approval; consider any significant changes proposed to the approved strategy or annual plan; and review the strategy;
2. **Implementation** Consider and agree commissioning decisions and the implementation of the SP programme in line with Best Value principles; and put in place protocols for informing the DTLR of any substantive changes or reduction or withdrawal of services where the Administering Authority does not have the necessary resources to continue the service.
3. **Money** Endorse the Supporting People budget annually and allocate or recommend allocation of resources; and to predict the budget requirements for services in future years;
4. **Fulfilment of aims** Work together for the implementation of the aims of the SP programme, including where appropriate and where agreed, the commitment of resources in cash or in kind and the identification of complementary resources; and to ensure the Administering Authority has the necessary resources to fulfil the annual plan (Note; services which are eligible for SP Grant can be funded from other funding streams, including for example community care, probation or health budgets – ODPM Grant Determination para 19);
5. Other objectives which may be agreed between the Partners during the Southwark SP Programme

Machinery of the Commissioning Body

1. **Definitions**

This is what the following expressions mean:

- 1.1 “Administering Authority” means the Council or any successor to the Council which takes on the duties of the Administering Authority;
- 1.2 “the Commissioning Body” or “the Commissioning Body” means the meeting of representatives of the Partners appointed in accordance with this document;
- 1.3 “the Council” means the London Borough of Southwark;
- 1.4 “the Partners” means the Council, the PCT and Probation;
- 1.5 “the PCT” means Southwark Primary Care Trust or any successor to it;
- 1.6 “Probation” means London Probation
- 1.7 “Provider” means any organisation which is or may be involved in the delivery of Supporting People services
- 1.8 “ODPM” means the Office of the Deputy Prime Minister or such other department of Government which becomes responsible for Supporting People Grant.
- 1.9** “Service User” means any individual who is receiving or may become in need of Supporting People Services
- 1.10** “the SP Programme” means the implementation of Supporting People Grant within the London Borough of Southwark area
- 1.11 “the SP Team” means the team of officers who will be responsible for the day to day implementation of the SP Programme and who are employed by the Council

2 Membership of the Commissioning Body

2.1 The Commissioning Body will consist of:

- 2.1.1 Three Partner’s Representatives (who have voting rights); being the Chief Executive or their delegated representative of the following organisations
 - Southwark Council
 - Southwark PCT
 - Southwark Probation Service
- 2.1.2 And may if the Partners wish include Observers, who do not have voting rights; being
 - the Council’s
 - Supporting People Project Manager
 - other Observers as agreed by the Partners.The Commissioning Body may also invite others to attend meetings as appropriate.

- 2.2 Deputy Each Representative can nominate a deputy or nominee (an Observer can be a deputy or nominee).
- 2.3 Delegation of authority to Representatives Each Partner will where possible make sure that their Representative has authority to take decisions on behalf of the Partner at the Commissioning Body meeting. (For the Council's Representative, this nonetheless means that they can only act within the limits of the delegated authority given to them under the Council's Constitution – see paragraph 4).
- 2.4 Chair The Chair of the Commissioning Body will be the Council's Representative.
- 2.5 Sub groups The Commissioning Body can set up whatever sub groups are necessary, such as IT, finance, strategic planning.

3 Commissioning Body Meetings

- 3.1 Meetings will take place each six weeks and more often if needed.
- 3.2 Quorum for meetings is two of the Representatives.
- 3.3 Urgent Matters For urgent matters, decisions may be made without a meeting and by the Chair alone. Such decisions must be reported to the next Commissioning Body meeting.
- 3.4 Notice of meetings and minutes Meetings will be serviced by the SP Team. At least seven days notice of meetings must be given. Agendas and papers will normally be distributed at least 72 hours prior to meetings; however, items of a minor or urgent nature may be considered at the discretion of the Chair.

4 Decisions of the Commissioning Body

- 4.1 Consensus The Commissioning Body is not a legal entity. It will where possible make decisions by consensus.
- 4.2 The Council is legally and financially responsible to the ODPM and must operate under the current terms of the Directions and Grant Conditions issued by the ODPM. But the Council cannot carry out those responsibilities unless the Commissioning Body carries out its own duties. Where consensus cannot be reached and in particular where there is a difference of view between the Administering Authority and the Commissioning Body about a course of action, the procedure set out in these Terms of Reference will be followed, in particular the principles set out in this Clause and the procedures set out in the Disputes Clause.
- 4.3 Limits on taking decisions Sometimes, the Commissioning Body and the Representatives cannot take a decision. For example:
- 4.3.1 The Strategy and Plan, after consideration by the Commissioning Body, have to be approved by the Council Executive and/or PCT Board and/or Probation
- 4.3.2 Withdrawal of SP Grant from a service may be considered. This might mean closure of the service. Where that service is one run by the Council in house, or

was (before the commencement of Supporting People Grant) commissioned by the Council, the decision might be a “key decision” which has to be made by the Council’s Executive;

4.3.3 There may be other key decisions, which have to be made by the Council itself.

- 4.4 Unanimity There must be unanimous approval of the Strategy and Plan. Where this is not initially possible, the matter must be referred to the Partner organisations for consideration and then considered again by the Commissioning Body and if no agreement can be reached, the dispute procedure must be used.

5. Conduct of Commissioning Body Members, Commissioning Body Member’s Interests and Declarations of Interest

- 5.1 A “Commissioning Body Member” includes both a Representative and an Observer.
- 5.2 Commissioning Body Members are expected to carry out their duties to the highest standards of professionalism and integrity and with the purpose of fulfilling the aims of the SP Programme; and must be aware that it is not enough to merely avoid actual impropriety but that they should at all times avoid any cause for suspicion or any appearance of improper conduct.
- 5.3 All Commissioning Body Members must declare any interest of any sort or any conflict of interest which they have in any matter to be considered by the Commissioning Body, and must where there is or could be any conflict of interest which might affect or be seen to affect the position, declare that interest, take no part in the discussion and (if the degree of interest is close or prejudicial) leave the meeting. An example of such a matter is one discussing a decision about funding projects which the Partner is involved in delivering.
- 5.4 Where there is a conflict between the interests of the SP Programme and any interest of a Partner and that conflict may upset the running of the Commissioning Body, or there is any dispute between the Commissioning Body and a Partner, then either of them may require the use of the Dispute Procedure.

6. Role of the Administering Authority and the SP Team

- 6.1 The Administering Authority is the body with legal status to which SP Grant is paid, and it has ultimate financial responsibility. The Administering Authority must exercise this responsibility within the framework of the Aims of this document and the SP Strategy, and must take into account the advice of the Commissioning Body.
- 6.2 The Administering Authority must organise the proper administration of the Supporting People grant, including the following: “commissioning of Supporting People services in line with both its Supporting People Strategy and Annual Implementation Plan, and the day to day administration of the programme in Southwark”
- 6.2.1 compile and maintain information on all Supporting People services in the Commissioning Body area. This will include the information authorities hold on contracted services.
- 6.2.2 ring-fence the Supporting People grant, to prevent Supporting People grant being spent on any services that are not eligible under the Grant Conditions;

- 6.2.3 interface with central Government administrative systems. This includes the submission of regular statistical information;
 - 6.2.4** ascertain grant receipts and expenditure at any given time, including ensuring appropriate payments are made;
 - 6.2.5 advice to the Commissioning Body on general financial, management, best value and compliance matters relating to the Supporting People grant, including: administration of the programme, budgetary constraints, monitoring information and quality of services, contractual risks, the type of service that can be funded, attainment of strategic objectives and key performance indicators, and whether any decision of the Commissioning Body complies with the Directions, Grant Conditions and statutory guidance;
 - 6.2.6 advice to the Commissioning Body on whether the proposed arrangements for access to services (set out in the strategy or annual plan) would meet cross-authority baseline targets;
 - 6.2.7 advice to the Commissioning Body on whether a particular cross-authority service has been designated as of regional or national importance, and whether the strategy or annual plan would result in the termination of funding to a designated service;
 - 6.2.8 assistance to the Commissioning Body in preparation of the Supporting People Strategy and Plan, sending it to the Secretary of State when appropriate, and referring any significant changes to the Commissioning Body;
 - 6.2.9 preparation and maintenance of a list of all Supporting People services in the area, and maintain a record of levels of cross-authority access to services within the area;
 - 6.2.10 Provision of staffing and resources (within the budgets allowed by SP Grant) for the implementation of the SP Programme.
- 6.3 SP Team The Administering Authority will set up and maintain a team of officers who will carry out the duties of the Administration Authority.

7. No Legal Partnership

- 7.1 This document is not legally binding and does not establish any formal partnership between the Partners. It is intended solely to illustrate the spirit of active co-operation among the Partners

8. Disputes

- 8.1 It is intended that the following procedure will be used for disputes, including where the Commissioning Body and the Administering Authority do not agree on a course of action – for example, the withdrawal of SP Grant from a service; or there is a disagreement between Partners; or if the Commissioning Body felt itself unable to discharge its responsibilities.
- 8.2 If there is a dispute, the Partners must attempt to resolve the matter amicably. For example, the matter could be put before a meeting of the Commissioning Body for discussion and if possible resolution. This shall be done by each of the parties in dispute setting out as briefly as possible in writing the substance of the dispute, for circulation before the Commissioning Body Meeting, and the discussion of those documents at the

Commissioning Body meeting.

- 8.3 If it is not possible to resolve the matter, it may be referred to the Chief Executives of the Partners involved.
- 8.4 If it is not possible to resolve any dispute, then the Administering Authority or the Commissioning Body may refer the matter to the Office of the Deputy Prime Minister or to the Secretary of State.

Signed by
Name
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Position
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On (date)
On behalf of Southwark

Signed by
Name
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Position
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On (date)
On behalf of PCT

Signed by
Name
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Position
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On (date)
On behalf of Probation