

## **Torbay Supporting People policy on payments to long leaseholders**

**Implementation Date: 1 November 2008**

**Version No: 2**

### **1. Introduction**

- 1.1. The Supporting People programme funds and regulates housing-related support services that help vulnerable adults to live independently. In Torbay, Torbay Council is the administering authority for the programme.
- 1.2. The Supporting People grant conditions issued by the Department of Communities and Local Government in April 2006 requires Local Authorities to develop a specific policy in relation to private housing Leasehold Schemes.
- 1.3. The purpose of the policy to set out the future of Supporting People subsidy payments to long leaseholders in private sector accommodation (leaseholders) in Torbay.
- 1.4. The policy was approved by the Torbay Supporting People Commissioning Body. The policy applies to:
  - leaseholders using Supporting People services; and
  - organisations providing Supporting People leasehold services;
- 1.5. The policy takes account of that various approaches taken within local government authorities in addressing the local strategic considerations.
- 1.6. This policy is written to deliver the framework of the Older People's Housing and Support Strategy for Torbay.

### **2. Definition of Leasehold Schemes**

- 2.1. Leasehold Schemes are Private ownership schemes, normally for older people's housing where onsite provisions such as warden services are a condition of the lease.
- 2.2. Supporting People Leaseholders are older people on low incomes who have already agreed to a package of housing and services as part of the leaseholder agreement they signed when purchasing the property. As a result they remain liable to pay the charges regardless of any changes in personal circumstances.

### **3. Background**

- 3.1. In general, organisations providing housing-related support services are paid under a contract with Supporting People. As part of the contract, non-

- statutory providers must be accredited by Torbay Council as the administering authority and all services must be subject to formal quality and cost reviews.
- 3.2. The payment for Supporting People Leaseholders derived from Department of Work and Pensions payments to individuals in privately owned leasehold properties and was limited to those on the Pension Credit Guarantee. This was administered by the Department for Work and Pensions (DWP) as a welfare benefit and was identified as a legacy funding stream transferred to Supporting People.
  - 3.3. From 1 April 2003 until the present, Torbay Supporting People has paid Supporting People Leaseholders directly where they were identified by the DWP as eligible on 31 March 2003 or who have subsequently established eligibility under financial assessment criteria.
  - 3.4. Since the start of the programme it has been on the onus of the leasehold providers to inform individuals moving into the scheme of the availability of this funding. However, there is no contractual relationship with the providers and it is unlikely that all potential recipients have been advised.
  - 3.5. The Department of Communities and Local Government (previously ODPM) originally intended that organisations providing housing-related support services to leaseholders would be part of the Supporting People programme and would be subject to the same accreditation and review processes. This intent changed during the implementation of the programme and leasehold organisations were not required to submit any information on their organisations or services. Instead, DCLG required administering authorities to pay individual Supporting People leaseholders based on their prior eligibility. Hence, since the inception of the programme there has been no regulation of leasehold services.
  - 3.6. The transfer of this funding source was based upon a perceived similarity between this model of service and tenancy based Sheltered Services, with the assumption that support of a similar nature was being provided. Torbay Council is now moving away from accommodation based support funding in Older People's services. The Council is moving towards floating support models that co-locate with older people's housing developments but deliver on need and the support is not tied to the occupancy of a property.
  - 3.7. As such the leaseholder funding is no longer considered a strategically relevant model of support.
  - 3.8. ***Supporting People Grant***
  - 3.9. The Supporting People Grant received by Torbay Council has been successively reduced over the past 5 years and has now been established

- at a final figure of 11% reduction in the overall grant in the third year of a 3 year agreed grant settlement to end in 2010-11.
- 3.10. Payments for the block contracts, under which providers receive grant for eligible clients, have a fixed capacity limit. In the case of leaseholders however, the number of potentially eligible individuals is open-ended. Torbay has a high level of leaseholder occupation comparative to other areas of the country and the level of privately owned older peoples housing is increasing.
  - 3.11. A significant increase in the numbers of people requiring this subsidy would potentially undermine the entire programme. Any changes in conditions that involved a significant increase in funded leaseholders would be unable to be met from the reduced allocation of the Supporting People Grant.
  - 3.12. In 2007-08 in Torbay there were 82 clients in 21 services receiving payments to cover some aspects of the leasehold payment. The full cost of the payments in 2007-08 was £15, 672.
  - 3.13. *Supporting People Grants (England) Conditions 2006-07***
  - 3.14. The grant conditions were changed for 2006-07 to allow Local Authorities to evolve their provisions and make the necessary changes to the inherited policy on leaseholders within this process.
  - 3.15. This change involved allowing the local authority to decide whether it would continue to pay for leaseholder services and on what terms in relation to both needs and cost values.
  - 3.16. As a result a large number of authorities have ceased to fund new clients in leasehold schemes. Others have agreed to fund under specific terms in which the support and need are both assessed prior to funding being agreed.
  - 3.17. New policy**
  - 3.18. The Supporting People Commissioning Body have decided that the inherited policy is strategically outdated and financially unsustainable for the reasons outlined above. Set out below is the new policy which has been adopted for implementation from 1 November 2007.

#### **4. Policy for existing leaseholders**

- 4.1. Torbay Council are aware that withdrawing the payment for existing leaseholders may well result in financial hardship. It is recognised that: the payment was originally paid through a welfare route; that this payment may have been factored into housing affordability decisions; and that at this point the housing arrangements of existing leaseholders may be put at

- risk by subsidy withdrawal. For this reason, sunset arrangements will be implemented to ensure that existing clients are not at risk in the transition.
- 4.2. Torbay Council will continue to pay the existing Leasehold contribution payment to all individual leaseholders who were eligible for subsidy on 31 October 2008 (currently 60 clients at 1 June 2008).
  - 4.3. An inflationary uplift will be applied to existing payments in line with any overall decisions by the Commissioning Body relating to inflationary uplifts for existing services.
  - 4.4. The subsidy will continue to be paid based on continued financial eligibility based on receipt of the Pension Credit Guarantee or Fairer Charging Assessment.
  - 4.5. A review will be undertaken each year of existing clients to ensure their continuing eligibility for the subsidy.
  - 4.6. The level of subsidy will remain at the amount agreed at 31st October 2008 and will not be increased for any reason other than for inflationary uplifts as identified in clause 4.3.
  - 4.7. If a leaseholder currently in receipt of Supporting People Grant moves to other accommodation where the provision of a housing-related support service is part of the lease, the payment of subsidy will be transferred with the individual at the existing rate.
  - 4.8. Leaseholders will be paid annually in advance.
  - 4.9. Payments will be determined in accordance with the leaseholders' eligibility on proof or receipt of Pension Credit Guarantee or Fairer Charging Assessment.
  - 4.10. Leaseholders will continue to be paid directly to the leaseholder's bank account except where the eligible leaseholder have an appointed attorney or are subject to guardianship under mental health legislation or covered by the new Power of Supervised Discharge introduced by the Mental Health (Patients in the Community) Act 1995. In this case the change of payment destination will be authorised by the Supporting People Manager to be made to an official temporary appointee.

## **5. Policy on new applications from leaseholders**

- 5.1. Torbay Supporting People will not accept any new applications from individual leaseholders in any circumstances from 1 November 2008.
- 5.2. New leaseholders who are notified to us by providers will be referred on to DWP for advice and possible assistance and referred to the Torbay Supporting People Referral Hub for housing support assessment.
- 5.3. New leaseholders in need of housing related support will be offered floating support to work with their support needs. This is in line with the

objective of ensuring equal access all older people in need of housing related support provision.

## **6. Change of circumstance**

- 6.1. Individual leaseholders who receive Supporting People subsidy or their appointees or executors in respect of their support charge are responsible for telling the Supporting People team about any relevant change of circumstance.
- 6.2. Leaseholders who experience a change in their personal circumstances that result in them becoming ineligible for Income Support or Minimum Income Guarantee must notify the Supporting People Team or Social Care and Health Finance team immediately.

## **7. Complaints**

- 7.1. If a leaseholder or their carer considers that this policy has been unfairly or inaccurately applied they should complain in the first instance to the Head of Supporting People. All complaints will be resolved in line with the Torbay Housing Complaints Procedure.

## **8. Fraud**

- 8.1. Torbay Council is determined that the culture of the organisation is one of honesty and opposition to fraud and corruption. The Supporting People team and financial support officers will work within the Council's Audit Section where any concerns over the potential for Fraud are indicated.
- 8.2. Overpayments of Supporting People subsidy arising from fraud will be recovered and specialist advice sought on investigation and prosecution.

## **9. Data Protection**

- 9.1. All personal data held by the Supporting People team and the Supporting People Financial Assessment team will comply with the eight Data Protection Principles in the Data Protection Act 1998.
-

**Other Authority Policies:**

<b>Authority</b>	<b>Policy</b>	<b>Total Cost of Provision</b>	<b>Numbers</b>
Cumbria County Council	Based on Oxfordshire. Any new leaseholders must evidence need. Services Over \$10pw must be in receipt of attendance allowance/disability allowance	£1,375	17 clients
City of London	Continuing to pay 1 service	No info	1 scheme. ? clients
East Sussex	Sunset clause for existing clients. No new clients funded.	Not cited	
Newcastle	Sunset clause for existing clients. No new clients funded.	No info	No info
Tameside	Based on Oxfordshire, Any new leaseholders must evidence need.	£700	6 schemes, 8 clients
Liverpool	Based on Oxfordshire, Any new leaseholders must evidence need.	£34,183	7 schemes, 37 clients
Leicester City Council	Based on Oxfordshire. Any new leaseholders must evidence need. Attempts to contract manage providers.	No info	6 Schemes. ? Clients
Nottingham	Allowing for new applicants based on need	£0	Never had a client.
Walsall	Continuing to pay to schemes built before 01/04/03. Specific limit to warden and alarms service. Limit to funding to £261 per Client per annum and attempts to performance manage providers outside of a contracting arrangement.	No info	No scheme or client details
Worcester	Continuing to pay to schemes built before 01/04/03. Specific limit to warden and alarms service. Limit to funding to £261 per Client per annum and attempts to performance manage providers outside of a contracting arrangement.	No info	No scheme or client details