

By: Angela Slaven, Director, Youth and Community Support Services.

To: Core Strategy Group

Subject: Memorandum of Understanding

Classification: Unrestricted

Summary The Commissioning Body asked whether or not they could have delegated authority in relation to the Supporting People Programme budget and could have some jurisdiction over the setting of the budget in relation to the Programme. This report sets out the response to that request.

1 Introduction

(1) The Commissioning Body agreed a revised Memorandum of Understanding at the meeting on the 20 January 2011. The Commissioning Body asked the Supporting People Team to seek a legal opinion on whether or not the budget for the Supporting People Programme could be formally delegated to the Commissioning Body, and the Commissioning Body could have some jurisdiction over the budget setting for the Programme.

2 Relevant priority outcomes

(1) The Commissioning Body sought to ensure that the Commissioning Body and the Supporting People Programme be given some formal status in determining the allocation of its annual budget.

3 Financial Implications

(1) The Supporting People Programme funding has been amalgamated into formula funding allocated to the County Council. The administration and the costs of the administration of the Programme has been managed by Kent County Council since 2000. The principle of pooling the funding for administration was achieved prior to the precursor to the CLG awarding the administration grant to the County Council. In 2010 the Administration Grant for the management of the Programme was deleted and the costs were subsumed within the overall funding allocation.

(2) The ultimate responsibility and jurisdiction for the management of the Programme remains with the County Council.

4 Legal Implications

(1) The Memorandum of Understanding does not have any legal status and it was never intended to have any legal status. Its purpose has been to try to articulate the "rules" of engagement between the membership.

The meetings of the Commissioning Body are operated on the principles of best practice. The meetings are operated to the principles of this being a

"Committee". However this is only in terms of house keeping for example ensuring the timely despatch of agendas etc. The Commissioning Body fulfils the aim of the County to achieve an effective and efficient management of the pooled financial resource.

5 The Role and Responsibilities of the Commissioning Body

(1) The Commissioning Body is consulted on the allocation and utilisation of the funding within the Programme. The Commissioning Body's views are taken into account in the decision-making processes within the Programme. The County Council is the contract holder and is financially responsible for the Programme.

6 Options

(1) The Commissioning Body has been the decision-making body for the Programme prior to the Supporting People Programme "going live" in April 2003. The Memorandum of Understanding has worked well. The only other option that would seek to alter this arrangement is to make the Commissioning Body a joint committee under the auspices of the Local Government Act. It is questionable whether or not this would improve the current situation, nor given the County Council's legal, financial, and contractual obligations would it necessarily be appropriate. This could potentially leave every district and borough with a joint legal, financial and contractual liability together with the County Council.

7 Consultation and Communication

(1) The Supporting People Programme has sought the legal opinion of the County Council, and is now taking the substance of the legal opinion to the Core Strategy Group, and subsequently the Commissioning Body, in order to come to an accommodation that reflects the spirit of the working relationship and partnership that has been the hallmark of the Supporting People Programme in Kent.

8 Risk and Business Continuity Management

(1) It is important that at a time of significant challenge for the Programme and the key stakeholders engaged within the Programme that there is no destabilisation of the excellent partnership that has been developed. It would therefore seem appropriate to minimise risk and ensure business continuity by retaining the relationships that exist at the moment and that are enshrined within the Memorandum of Understanding.

9 Strategic, Operational or Reputational Risks.

(1) The strategic and operational functionality are dependent on the Core Strategy Group and the Commissioning Body in order to consider, recommend and make decisions relating to the Programme's investment and development. This enables providers and service users to feel a degree of

confidence in the Programme. The Kent Programme has a good reputation, and the strength of the partnerships within Kent is an element of this.

11 Sustainability Implications

(1) The Programme will continue to deliver needs led, targeted, and prioritised services that can contribute significantly to the well-being of the most vulnerable people in Kent within a robust partnership.

12 Conclusion

(1) This report concludes that the Commissioning Body should remain in place and adopt the revised Memorandum of Understanding agreed on the 20 January 2011 as the operational manual for the Body. The County Council will ensure that there is an acknowledgement of the wish of the Commissioning Body to be given information relating to budget setting for the Programme in a timely fashion. Advice would suggest that there are no benefits or need for the County Council to formally delegate the budget to the Commissioning Body, nor to give the Commissioning Body any jurisdiction over how much money is allocated to the Programme.

13 Recommendations

1. The Memorandum of Understanding agreed on 20 January 2011 remains in place and the Commissioning Body is not given a delegated power relating to the Programme.
2. The Commissioning Body will be advised in good time of the indicative budget allocation to be made to the Programme by the County Council.

14 Background Documents

Memorandum of Understanding 20 January 2011

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