

**Guidance to providers on how to implement the  
outcome of the Strategic Review of Housing and  
Support Services for Older People**

**Version 4  
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## **Contents**

- 1. The strategic review**
- 2. Moving towards the new service model**
- 3. A new service model**
- 4. Changes to the contractual arrangements**
- 5. Charges for support services**
- 6. Consultation**
- 7. Complementary Services**
- 8. Population clusters**
- 9. What will happen in February 2010**
- 10. What do you need to do?**

## 1. The strategic review

The strategic review of housing and support services for older people has involved defining a future direction of travel for these services. The review has focused on specialist housing, particularly sheltered housing, as a considerable level of Supporting People resources are invested in these services. The strategic review has involved consultation with key stakeholders including District/City housing authorities, Adult Community Services, the PCT, providers, voluntary organisations and older people.

The proposals contained in the strategic review have now been agreed by the Joint Commissioning Body. Essentially the strategic review has proposed that housing support services should be available to older people irrespective of the tenure in which they live. To achieve this aim the current support services need to be delivered more flexibly so that any existing capacity can be used to meet the needs of older people who do not live in sheltered housing. This involves moving from an accommodation based service model to one that is based on floating support.

This guidance is intended to help providers make the transition from an accommodation based service model to a floating support service model. This is not statutory guidance, nor does it place a requirement on providers to adopt the new service model before February 2010 (the extension date for the current SP contracts).

## 2. Moving towards a new model

The county will be encouraging providers to move towards a floating support service model and will monitor progress on a regular basis. The county recognises that the pace of change will vary from one provider to another and that there are a number of factors that will influence the introduction of the new service model, in particular the following:

- **The views of residents.** It is recognised that some residents may wish to retain a resident warden or scheme manager, where one currently exists. In exceptional circumstances individual schemes may retain a resident warden, in the short term, where there is a robust business case for doing so. In the longer term it is envisaged that resident wardens will be replaced by non-residential support staff, although the pace of change may vary from one provider to another.

- **Meeting legislative requirements.** Sheltered housing providers are required to meet the requirements of the EU Working Time Directive (unless employees have opted out of these rights). This Directive requires a maximum working week of 48 hours and has implications for resident wardens providing an on call service out of hours. Some providers have decided that in the long term it is not feasible to employ resident wardens as they may be breaking the requirements of the Directive, where a resident warden is expected to be called out while on site<sup>1</sup>.
- **Efficient and flexible service.** Some sheltered housing providers have moved away from a resident warden service so that they can provide a more flexible service and deploy their staff more effectively. These changes have been subject to consultation with sheltered housing residents and have resulted in the introduction of mobile or peripatetic wardens. Moving from this model to floating support, as proposed by the strategic review, will allow providers to further increase the flexibility of their services.

### 3. A new service model

#### 3.1 Definition of the service model

The new service model for support services to older people is based on delivering person centred services that are tailored to individual needs. The service model is intended to provide a professional flexible service to older people, with multi skilled support staff. It is important to point out that the intention is not to make support staff experts in all areas, nor for them to provide specialist services, but to ensure support staff are able to recognise particular needs and have an understanding of the pathways into specialist services or where to obtain advice. This will rely on staff being able to recognise particular triggers and provide a ‘triage’ service.

The strategic review recommended a floating support model as the most effective way in which to deliver the new service model. The floating support model not only can provide flexible services but can also extend

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<sup>1</sup> In 2000 and 2003, the ECJ issued judgements concerning the classification of 'on call'. The Court found that time spent on call should be classified as working time. This does not apply to people who are away from their place of work, e.g. at home, when on-call. The ECJ's judgements (which both involved staff in the health care sector) were reflected by a decision in the UK that nine female wardens living in sheltered accommodation should have 'on call' hours classified as 'work'.

support to older people living in other forms of tenure. It is important to point out that a floating support service is distinct from a mobile or peripatetic service as explained in the following definitions:

<b>Models</b>	<b>Definitions</b>
<b>Resident warden</b>	Where a warden lives in a flat on site. The warden provides a service to those residents in their 'scheme'. The warden is on duty during the weekday but residents often call out the warden out of hours. This is an <b>accommodation based service</b> as the charge for the warden is part of the service charge in the tenancy agreement and the service is provided under an accommodation based SP contract.
<b>Mobile warden</b>	Where a warden does not live on site (or is not fixed to a particular scheme) and provides support on a flexible basis, often to more than one scheme. This is an <b>accommodation based service</b> as the charge for the warden is part of the service charge in the tenancy agreement and the service is provided under an accommodation based SP contract.
<b>Peripatetic support worker</b>	This is another term for a mobile warden, but often with estate management functions transferred to housing officers or caretakers. The worker's role is far more focused on support. This is an <b>accommodation based service</b> as the charge for the support worker is part of the service charge in the tenancy agreement and the service is provided under an accommodation based SP contract.
<b>Floating support</b>	This involves completely separating the support service from the accommodation so that the support worker is not linked to any particular type of accommodation. This type of service is completely <b>tenure neutral</b> as the service can be provided to older people living in any tenure. The charge for the support service is separated from any charges for accommodation. Floating support requires a change to the SP contract.

Even where support charge service is separated from the tenancy agreement for a sheltered housing service it will continue to be an accommodation based service until a new floating support SP contract is

issued. Therefore a full floating support service can only be provided once the following conditions have been fulfilled:

- the warden service is provided on a non-residential basis
- the support service charge is separated from the tenancy agreement
- an SP floating support contract is issued

### **3.2 Assessment of support**

A key aspect of the floating support model is the assessment of support needs. An assessment of support needs is already a QAF requirement for sheltered housing residents so that the support can be tailored to the individuals. The assessment process should therefore already be integrated within the support service.

The purpose of the assessment process, under the new service model, is not only to have a more person centred process but also to identify the level of input required (hours per week). This process will allow any spare capacity to be identified, that could be used to support older people living in other tenures, as well as link the level of support to the charges.

Providers should already have information from their existing assessments and support plans about the extent to which existing sheltered housing residents require support. Reassessments will need to take place as the new arrangements are introduced.

### **3.3 Moving to a new model of delivering services**

Providers of sheltered housing are already moving away from providing residential wardens to delivering a more flexible support service, using mobile or peripatetic wardens. This change has been made for a number of reasons, including the need to modernise and tailor the service, compliance with EU requirements and the problems with recruiting resident wardens. Some providers have made these changes incrementally (i.e. when a resident warden has retired) while others have introduced the changes in one step.

The outcome of the strategic review proposes that a further step is taken to make the support services even more flexible. This essentially involves separating the support from the accommodation and then introducing floating support.

What are the implications of such a change? On the face of it a floating support service may appear to be no different to a mobile or peripatetic

warden service. However there are important principles underpinning the change which are as follows:

- The assessment of an individual's support needs will define the number of housing support hours required per week.
- The number of hours required can only be varied through a reassessment.
- The charges for the support service will be based on the number of hours defined by the support assessment.
- Where an individual does not require a support service, or does not want to receive a support service, there will be no support charge.
- An individual who is initially assessed as not needing a support service can subsequently be reassessed and access the support service (where it is needed).
- The provider can use any additional capacity to provide support to people living in other tenures (without existing sheltered tenants subsidising this service).

Currently sheltered housing tenants are required to pay a flat rate support service charge which is defined in their tenancy agreement. This charge is paid irrespective of whether or not they require support. Some tenants find this situation inequitable and while others are willing to pay the charge as a form of insurance (i.e. they can take up the support service when they need it).

Currently it is not possible to extend any existing support capacity to older people living in other forms of tenures as the support service is contractually linked to the accommodation (although some providers have extended support to people living in Category 1 sheltered housing).

The new service model is intended to release any support capacity that currently exists within sheltered housing so that older people living in other types of accommodation can receive support. Furthermore the model ensures that sheltered housing tenants are only charged for the support services that they receive.

At the same time the model is intended to deliver support to sheltered housing tenants when they require support. Because existing sheltered housing tenants have moved into sheltered housing on the basis that they are able to receive support when they need it, the needs of these tenants will need to be prioritised at the point that they are assessed as requiring support.

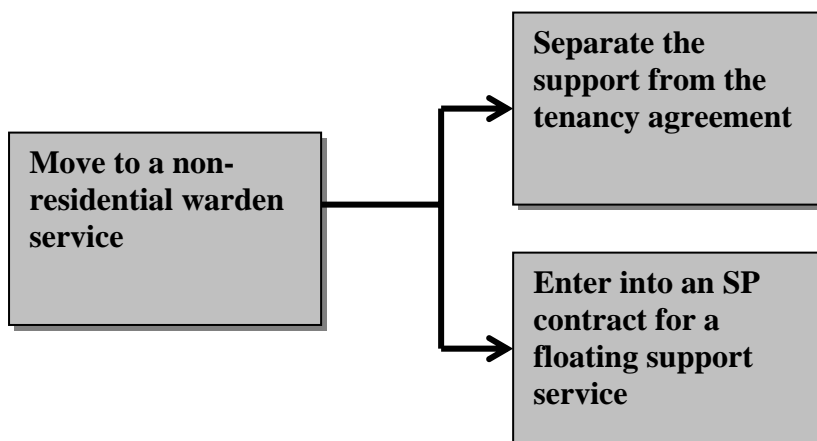
### 3.4 Stepped changes

There are a number of stepped changes that can be taken by providers in moving towards floating support before a formal SP contractual change takes place. These are mapped out in the flow diagram:



Changing the support service from a residential warden to a peripatetic support worker or mobile warden can be undertaken within the terms of the existing SP contract. Furthermore separating the support service from the tenancy agreement can also be undertaken under the existing SP contract. However, full floating support can only be introduced where there is a change of SP contract which contractually changes the service from an accommodation based service to a floating support service.

Providers may wish to move from a non-residential model to a fully floating support model without going through an interim stage (i.e. an accommodation based service where the support has been separated from the tenancy). To do the provider will need to enter into a floating support SP contract at the same time that support charge is separated from the tenancy agreement, as shown below:



## 4. Changes to the contractual arrangements

This section explains the changes that will be required to the contractual arrangements. Essentially there are two contractual arrangements:

- the contract between the support provider and the resident/service user
- the contract between DCC and the provider

#### 4.1 Changes to the tenancy agreement

Where a sheltered housing provider decides to change the service from an accommodation based service to a floating support service changes will need to be made to sheltered housing residents' tenancy agreements. These changes can be made under the current SP block subsidy contract.

Providers will need to remove the support charge element from the service charges in the tenancy agreement. Each provider will need to determine the process depending on whether there is a fixed or variable service charge and what the terms of the tenancy agreement say about the process for varying service charges.

#### 4.2 Support agreement/contract

Where a provider has removed the support charge from the tenancy agreement it will need to enter into a direct contractual relationship with sheltered housing residents. This would be in the form of a support contract.

A support contract is simply an agreement for the provider to supply a support service to a sheltered housing resident, or an older person living in another form of tenure, based on an assessment of need. The support contract will define the charges for the service, the assessment process, and the types of support that will be provided.

There are two approaches to issuing support contracts:

Accommodation based service with support contract
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<p>Where an accommodation based service is provided, a support contract should be issued to <b>all</b> the residents. This is because all residents are required to pay support charges to ensure that the support service is viable under the current SP contract. Essentially the support contract should state that residents are required to pay a charge for the support service as a condition of living in sheltered housing. Providers will have the option of either a flat relate charge or banding the charges (e.g. high, medium and low) – banding could mean that some residents would pay no charge and others a higher charge. Residents without support needs may not need to enter into a contract for a banded charge.</p>
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#### Floating support

Where the service moves to full floating support (and a new SP contract has been issued) support contracts should only be issued to those sheltered housing resident that have been assessed as requiring a support service. Where an individual has not been assessed as requiring a support service there will be no requirement to issue a support agreement and these resident will not be charged for the support service.

The first approach, described above, will mean that under an existing SP contract the service will still remain an accommodation based service (with the capacity defined by the number of units of sheltered housing), but all resident will be required to enter into a support contract (unless they pay no support charge under a banded system). To move to a full floating support service the SP contract will need to be replaced by a floating support SP contract, and all service users in receipt of support, including existing sheltered housing residents and new users in other tenures, will need to enter into a support contract.

### 4.3 Changes to the SP contract

Ultimately the SP contract is between the county and each provider and only the county can consent to any contractual changes. The county will need to issue a new contract when a provider moves to a floating support model. This may be at the same time that support is removed from the tenancy agreement or some point subsequent to this change. This contract will be **Block Gross Chargeable** for Floating Support Services, with the provider collecting the charge

Where a provider decides to change a service from providing a resident warden to a mobile or peripatetic warden service there will be no need to make a change to the contract as this change will still involve the provision of an accommodation based service, albeit on a more flexible basis. However, the county will expect providers to provide the county with information about these changes using the required monitoring format.

The authority would welcome discussions where a provider wishes to use their existing capacity to provide a short term service for older people e.g. to help with discharge from hospital. In these circumstances it may be possible for providers to use other forms of contract e.g. a block gross contract.

## 5. Charges for support services

There are a number of ways in which charges can be defined for the support services within a support contract. Where a provider separates the support from the tenancy agreement, prior to introducing floating support, each resident may still need to be charged for the service (depending on whether a flat rate or banded charge is made) as the SP contract will be linked to the accommodation. An illustration for a banded charge is as follows:

Banded charge	
No support required	No charge
Less than 1 hour per week	£x per week
1 hour to 3 hours per week	£x per week
3 hours to 5 hours per week	£x per week

Once a floating support model is introduced, the options for charging for are as follows:

• Flat rate charge	This is a flat rate support charge irrespective of the number of hours an individual receives
• Banded charge	This is a banded charge where there are different levels of charge depending on the intensity of the support input (see above)
• Hourly rate	This is based on the number of hours that an individual is assessed as requiring

It is important to point out that the charging for floating support services should only be based on an assessment of need for housing support. Where there is no requirement for support then the individual should not be charged.

There are advantages and disadvantages to each of the approaches identified to charging service users under a support agreement. A flat rate charge is simple to administer, but is not equitable as service users will have different levels of input; a banded charge is relatively simple to administer but service users will need to move between the bands; an hourly rate is more complex to administer but is fairer and easy to understand.

The county recommends that providers charge service users for floating support on the basis of an hourly rate. This is for a number of reasons:

- It is clear and easy to understand
- It can easily be linked into an Individual Budget should social care services also be provided
- It is fair to service users as they are only charged for the services they receive.
- It is the same as the charging framework used by social care agencies to provide non-personal social care to service users. Therefore there are existing administrative systems that have been tried and tested.

To ensure that the process is simple to administer the county recommends that the charges to an individual should only be changed on the basis of a reassessment.

As the county will issue Block Gross Chargeable contracts, service users will be eligible for SP subsidy provided they meet the requirements. Those service users that are eligible for housing benefit will be passported onto SP subsidy. A service user may be eligible for SP subsidy under the FACS assessment. Devon County Council has issued detailed guidance on eligibility for SP subsidy for chargeable services.

## **6. Consultation**

### **6.1 Consultation with residents**

Providers will need to consult with residents about any changes that are being proposed to their services. The consultation may be related to changing from residential warden service to a mobile warden service, or separating the support charge from the tenancy agreement, or moving from a mobile warden service to a floating support service, or a combination of all of these issues.

Providers will need to decide themselves the most appropriate way in which to consult residents. Where service charges are being revised then providers should consult residents as required by their service charges policy and procedures, the terms of the tenancy agreement and the relevant legislative requirements.

Existing residents have accessed sheltered housing on the basis that a support service would be available should they require it. Providers will need to explain how existing sheltered housing residents will be able to access the floating support service on the basis of an assessment of need. DCC considers that those residents that have moved into sheltered

housing and have paid a support service charge as a condition of the tenancy, should be given priority in accessing a floating support service (provided that they are assessed as requiring the service).

## **6.2 District/City Housing Authorities**

As the strategic housing authorities the District Councils (and the City Council in the case of Exeter) will be kept informed of any changes that a provider is proposing. Regular monitoring reports will be sent to the councils by the county. The councils will have an enabling role in helping to bring about these changes and could provide providers with support (e.g. facilitate any discussion with housing benefit)

In particular providers should consult these councils by about how any spare capacity will be used for older people living in other tenures, should the provider move to a floating support model. The councils will have an understanding of the needs of older people living in other tenures, as a result their housing markets and needs assessments. The councils will need to discuss referral arrangements with providers and links to other resources such as Disabled Facilities Grant.

One of the key considerations for a future commissioning strategy for older people will be the extent to which providers have engaged with the district councils and the extent to which support services are provided to older people living in other forms of tenure.

## **6.3 County Council**

Providers of sheltered housing will be required to complete an electronic monitoring form which will set target dates for moving towards the floating support model. Providers will need to provide regular updates by completing the electronic monitoring form at regular intervals. DCC will send out the electronic monitoring form to providers, together with guidance notes.

The county will encourage providers to take different approaches to moving towards the new service model depending on their circumstances and the result of consultation exercises with existing tenants. Providers could therefore make incremental changes (e.g. from a resident warden service to mobile wardens) or take a strategic approach to change their all services to floating support in one step.

Although it will be feasible to make changes on a service by service basis the county will encourage providers to make changes across their sheltered housing stock at the same time (either through a number of steps towards floating support or a single step). This would reduce the amount of administration, both for the provider as well as the county.

The electronic monitoring form will allow the county to monitor the changes that are being introduced by providers using a standalone database. At any point in time the county will have service information on proportion of resident wardens, mobile/peripatetic wardens and floating support services. This information will allow the county to understand the extent to which services are moving in the direction proposed by the strategic review.

## **7. Complementary Services**

There are a number of services provided to sheltered housing that complement the core support service. In the future there is the potential to provide new type of services to older people, both to those living in sheltered housing as well as in other tenures

The main complementary services are as follows

- **Alarm services**

Community alarm services are currently part of the core service that all sheltered housing residents receive and charges for these services are included in the tenancy agreement (as a service charge).

Community alarm services will continue to be provided to all people living in sheltered housing, irrespective of whether or not they need this service. The strategic review has proposed that in the long-term community alarm services need to be integrated with telecare services and that older people should access these services based on a single assessment (which could be carried out by the provider).

For the time being alarm services will continue to be paid as a service charge by all sheltered housing residents and included within the tenancy agreement. Sheltered housing providers will be required to disaggregate the charge for community alarm services at the point a service moves to floating support. The disaggregated charge will need to be agreed with the county.

The rolling out of telecare across the county will inform how these services link to community alarm services in sheltered housing. In the meantime the strategic review has proposed that providers move from hard wired systems to telephone based systems to ensure greater compatibility with telecare.

- **Caretakers**

The introduction of more flexible support services, either on a peripatetic or a floating support basis, may result in some service gaps in relation to estate management functions. These functions would ordinarily be carried out by a resident warden.

The strategic review proposes that providers should employ caretakers to carry out these estate management functions. This type of service will provide residents with some comfort that these functions will continue, even through there may be no resident warden on site.

The cost of a caretaker service is eligible for housing benefit as a service charge. However, the costs of a caretaker will be largely revenue neutral as they can be met by the element of the warden’s salary that is apportioned to services.

- **Housing management**

Generally housing officers are responsible for carrying out core housing management within sheltered housing. However, wardens also carry out a number of housing management functions and these costs are reflected in the apportionment of their time to rent.

Where support has been separated from the tenancy agreement the housing management functions will need to be transferred to housing officers so that support service is focused on providing support. This will mean that a warden’s hours will need to be split between support and housing management and services, as illustrated in the following example:

	Housing management	Services (time apportioned to services activities e.g caretaking)	Support
Split	10%	5%	85%
Hours	3.7	1.8	31.5

The housing management hours previously delivered by the warden would be transferred to the housing officer service.

This process will be cost neutral as the warden's time apportioned to housing management will cover the costs of the functions that are transferred to housing officers.

- **Response service**

A pilot response service has been commissioned by the county to provide a 24 hour service to individuals that are eligible for Supporting People services. Access to the service will be through the on call alarm services.

The response service will be able to provide an response to incidents that do not require attendance by the emergency services. For instance the response service will have access to lifting equipment where a service user has fallen.

Providers will need to be clear about the interface between their support services for older people and the response service. The response service will be not only be able to provide out of hours cover, but also a non-emergency response service during the day

- **Telecare**

The introduction of telecare is being piloted by DCC. Telecare will be an important service that will complement floating support services. Where telecare is introduced sensors will alert a call centre to a problem and either the floating support service will be able to respond, or the response service where the alert is out of hours or requires specialist lifting equipment.

## **8. Population clusters**

Adult community services for older people are being grouped across Devon by population clusters. Within each of these clusters health and social care services will be co-ordinated to ensure that there is a joined up approach to providing services to older people, including those services to people with complex care needs and people with mental health problems.

The intention is that floating support services to older people should also be provided on a cluster basis. This will mean that providers will need to

co-ordinate their services with those that are provided by health and social care so that they become more integrated. As services respond to the personalisation and choice agenda, Individual Budgets may be introduced for service users that currently receive social care direct payments as well as SP services.

## **9. What will happen in February 2010**

The county expects that that the trend towards providing sheltered housing services on a non-residential basis will continue until the existing contracts come to end in 2010, as this is current the direction of travel by most providers. The county also expects that some providers will have moved to a floating support model by this date, either on an incremental basis or comprehensively across all their sheltered stock.

Therefore the county envisage that by February 2010 there will be a small proportion of resident wardens, a large proportion of mobile or peripatetic wardens and a growing proportion of floating support services.

The county will be issuing new contracts from February 2010 based on an agreed commissioning strategy for older people. At this stage it is not possible to define what this strategy will include, but it will reflect the outcomes of the strategic review, which are to ensure that person centred services are provided to older people on a flexible and responsive basis. The commissioning of support services for older people may involve:

- Entering into new contracts with existing providers that meet minimum quality, performance and outcomes, and are moving towards the required service model; or
- Tendering the support services currently contracted from sheltered housing providers so that the process results in a limited number of providers in the county covering specific geographical areas using flexible support teams.
- Sub-contracting arrangements whereby the county enters into a main contract with a few providers that then sub contract to other existing providers (subject to meeting quality and performance requirements)

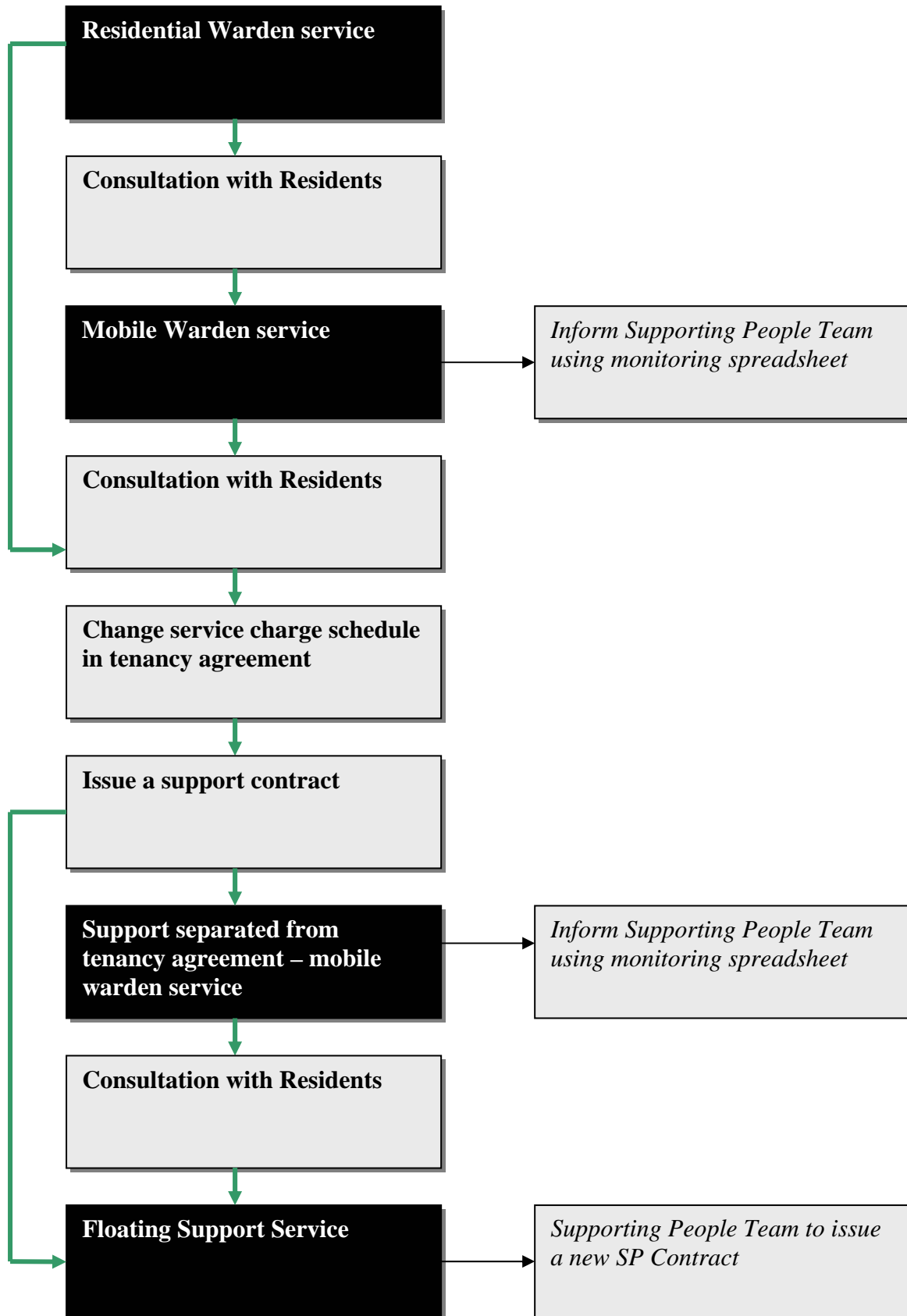
Where the commissioning strategy involves the tendering of support services the process will ensure that the needs of existing sheltered housing residents are safeguarded and that the rights of staff will be protected (staff are likely to be TUPE transferred).

## **10. What do you need to do?**

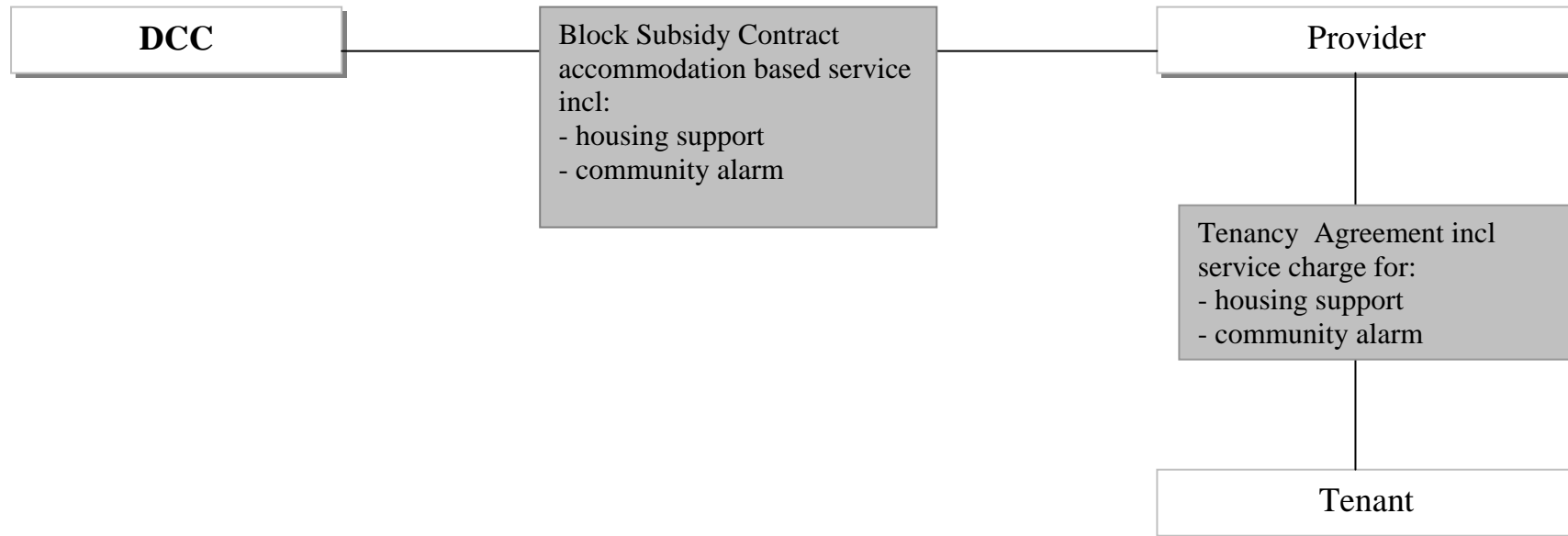
The contracts with sheltered housing providers are due to expire in February 2010. Devon County Council expects providers to have adopted the principles of the new service model and have worked towards developing more flexible services by this date. It is recognised that there will be differences in pace, particularly for those providers with a significant proportion of resident wardens.

Providers will be issued with a monitoring spreadsheet and should show the target dates for separating support from the tenancy agreement and introducing floating support. Providers have considerable flexibility under the current contract to make changes to the support service. However, to move to a fully floating support service will require the county to issue a new SP contract.

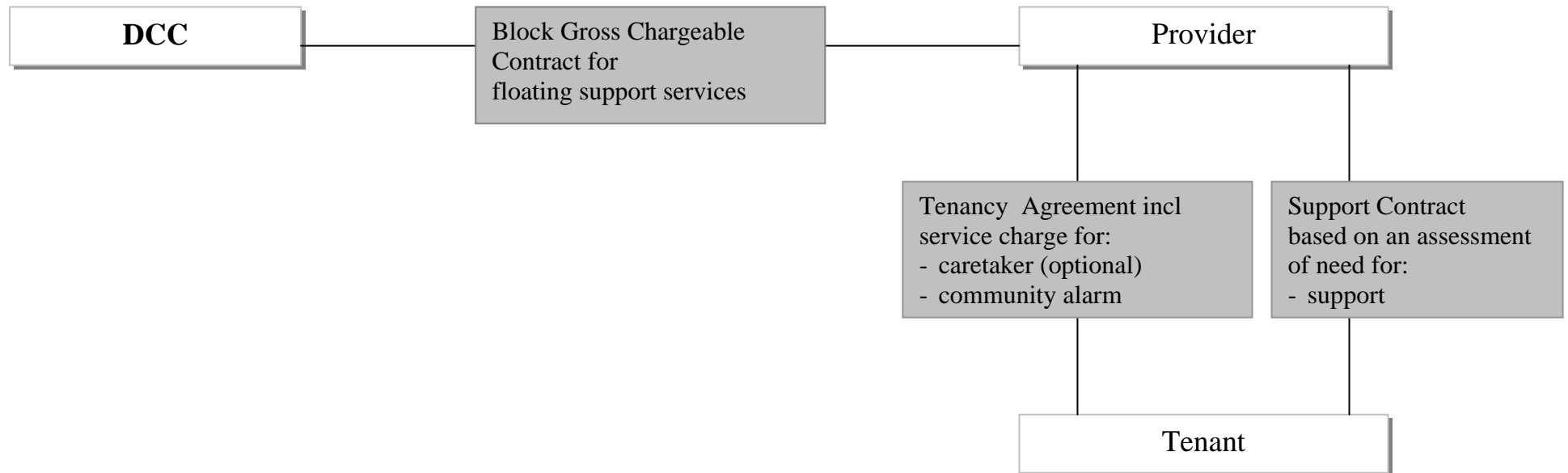
Flow chart – Routes to achieving floating support



## Current Arrangements for Sheltered Housing



## Floating Support Arrangements for Sheltered Housing



This arrangement involves the charges for support being taken out of the tenancy agreement. There is scope for the provider to include a charge for a caretaker – this would be cost neutral. A block gross chargeable contract for a floating support service would have to replace the block subsidy contract for an accommodation based service.