Public Petitions Committee – a template for public petitions

Should you wish to submit a public petition for consideration by the Public Petitions Committee please complete the template below. Please refer to the Guidance on submission of public petitions for advice on issues of admissibility before completing the template. You may also seek advice from the Clerk to the Committee whose contact details can be found at the end of this form.

Details of principal petitioner:
Please enter the name of person and organisation raising the petition, including a contact address where correspondence should be sent to, email address and phone number if available

Stella Macdonald

Text of petition:
The petition should clearly state what action the petitioner wishes the Parliament to take in no more than 5 lines of text, e.g.
The petitioner requests that the Scottish Parliament considers and debates the implications of the proposed Agenda for Change legislation for Speech and Language Therapy Services and service users within the NHS

Petition by Stella Macdonald, on behalf of CRAG (Citizen's Rights Action Group), calling on the Scottish Parliament to urge the Scottish Executive to review the Supporting People Funding arrangements to ensure that vulnerable adults are in receipt of the responsive services required to keep them healthy.

Additional information:
Any additional information in relation to your petition, including reasons why the action requested is necessary, should not be included here. However, it may be appended to the petition and will be made available to the Public Petitions Committee prior to its consideration of your petition. Please note that you should limit the amount of any additional information which you may wish to provide in support of your petition to no more than 4 sides of A4.
Action taken to resolve issues of concern before submitting the petition:

Before submitting a petition to the Parliament, petitioners are expected to have made an attempt to resolve their issues of concern by, for example, making representations to the Scottish Executive or seeking the assistance of locally elected representatives, such as councillors, MSPs and MPs. Please enter details of those approached below and append copies of relevant correspondence, which will be made available to the Public Petitions Committee prior to its consideration of your petition.

- Sought advice, assistance and guidance from:
  - Councillors Irene Connelly and Andrew Rodgers
  - Head of Social Work
  - Senior Manager, Adults with Disabilities
  - Supporting People Manager
  - All Fife MSPs
- Attended “Big Blether” conference in Perth on 22/3/2005 along with representatives from other regions and follow-up conference held on 30/11/05.

Petitioners appearing before the Committee

The Convener of the Committee may invite petitioners to appear before the Public Petitions Committee to speak in support of their petition. Such an invitation will only be made if the Convener considers this would be useful in facilitating the Committee’s consideration of the petition. It should be noted that due to the large volume of petitions it has to consider, the Committee is not able to invite all petitioners to appear before the Committee to speak in support of their petition.

Please indicate below if you do NOT wish to make a brief statement before the Committee when it comes to consider your petition.

I do NOT wish to make a brief statement before the Committee

Signature of principal petitioner:

When satisfied that your petition meets all the criteria outlined in the Guidance on submission of public petitions, the principal petitioner should sign and date the form in the box below. Other signatures gathered should be appended to this form.

Signature ........................................................................................................
Date ..................................................................................................................


Additional Information

CRAG was established, in Fife, in September 2002 to address the then issues in connection with: the Care Commission; the potential registration of some Group Homes as Care Homes; and the impact of this on many residents living within that setting. The issues were successfully resolved within 2 months.

CRAG’s core membership is that of service users / carers, with the remit of raising concerns about the impact on an individual’s ability to lead a fulfilling and progressive ‘quality life’, as a citizen of Fife (whether adult or child), resulting from policies and decisions made outwith their control.

It is our belief that the Scottish Executive has the best interests of Scotland’s population at the heart of all they do, and would not ‘intentionally’ go out of their way to put members of our communities at risk. There is no doubt, however, that sometimes certain modifications i.e. a formula developed to assist in the ‘fair’ dispersal of funding (whatever it may be), could unwittingly disadvantage an area renowned for its high level of deprivation. In this instance, we believe that revisiting such a formula, to reassess its accuracy in identification and reflection of the ‘true’ level of deprivation would be wise. Especially if used again.

Concerns have been raised amongst CRAG members as we learnt that the Arbuthnott Formula, in connection with Supporting People, is one such example where a fair and honest review may open discussion regarding its ability to identify and reflect the true level of deprivation across Scotland. This, we feel, warrants attention outwith this petition.

Fife is just one region to be affected by a reduction in Supporting People Funding (SPF), as a result of this formula. Even though, outside Glasgow, Fife is recognised as an area that has data zones with the highest rate of deprivation in Scotland. Additionally, that the number of frail older people (those aged over 85 years) is also extremely high – increasing by 22% between 2004 and 2009 (from 5840 people in 2004 to 7125 people in 2009) - an increase of 1285 frail older people requiring care and support (source: Internal Budget Pressures Paper 2006-2008). It is also useful to highlight that 24 per 1000 of the population have a Learning Disability (Fife numbers estimated at 8400 people), with 3 or 4 per 1000 having a profound or multiple disability (Fife numbers estimated at between 1050 and 1400 people) – source: Same As You? Scottish Executive, 2000. This does not include other vulnerable people supported by SPF i.e. those with an Autistic Spectrum Disorder, mental illness, victims of domestic abuse, those who are homeless, those not in receipt of Disability Living Allowance yet have a disability etc.

In Fife, CRAG members have witnessed the Supporting People team work tirelessly to identify and address the needs of those who could specifically benefit from the ‘focussed’ SPF. With their exemplary commitment and tenacity being worthy of recognition and praise. Evidencing ‘active inclusion’, as they focus on capacity building for both individuals and the communities in which they live.

For many individuals offered assistance, with the aid of SPF, their quality of life improves greatly as they take strides to genuinely recognising and fulfilling their role
as a citizen of Fife. We have grave concerns regarding the imminent reduction of funding; the ramifications of which will be far-reaching. With the possibility of putting a strain on other resources as regression takes place, with health deteriorating and crises increasing. Resulting in an overall cost, per person, potentially being greater than that of the SPF, prior to reductions.

We believe that all vulnerable individuals should be offered opportunities that: enhance their personal abilities; provide them with a 'quality life'; and assist in their conscious awareness of citizenship.

As a group, representing carers and service users, we are powerless to address the formula, however, we are greatly concerned by the reduction in SPF. Being keen to witness that needs are met, we gratefully request that this petition be considered for presentation to the Public Petitions Committee.
11 April 2006

Dr James Johnston
Clerk to the Public Petitions Committee
The Scottish Parliament
TG.01
Parliamentary Headquarters
EDINBURGH
EH99 1SP

Dear Dr Johnston

CONSIDERATION OF PETITION PE932

Very many thanks indeed for your letter of 7 March, and for the opportunity to comment on this petition.

As an association of care and support service providers, many of whose services are funded through the Supporting People programme, CCPS has a direct and current interest in this area. We have recently produced a detailed position statement on the matter, which I enclose for your attention. This document explains why the Supporting People programme is important, what changes have been made to it by the Scottish Executive since it was introduced, and what actions voluntary organisations would like to see implemented to protect those individuals whom the programme was designed to support.

We would want to signal to the committee our support for the petition, and would offer the following brief comments in relation to it.

The committee will wish to be aware that two major changes have been made to the funding of the programme. First, the overall level of funding for Scotland has been reduced. In our view, the Scottish Executive worked hard to protect the total amount in the face of considerable pressure from the Treasury, although by 2007/08 there will have been a reduction of some 5% overall.

Second, however, the Scottish Executive implemented a fundamental reallocation of the total resource between local authority areas, based on a formula which made no reference at all to the numbers (or indeed the needs) of those individuals whose claims for transitional housing benefit were the basis for the initial resource allocation. Unfortunately, the Executive did not consult either local authorities or service providers, far less service users, about this formula; neither did it make any formal assessment of the potential impact of the reallocation.

The ramifications are now being felt by authorities, service providers and users and it is this, we believe, that is of most concern to the petitioner, particularly since in Fife, the reallocation will result in a 13.5% reduction to the operating budget for Supporting People by 2007/08. This figure does not take inflation into account so the "real terms" loss will be considerably greater than this.
The Scottish Executive has said that it believes the budget reductions resulting from the reallocation can be absorbed through efficiency savings, and that cuts to services should not be necessary. CCPS, along with many others, has serious doubts about this.

Following representations from CCPS and others, the Executive set up a working group to monitor the consequences, post hoc, of the changes. CCPS is represented on this group. Local authorities are required to make statistical returns intended to detail the impact of the changes; however again, we have some serious doubts about whether the full impact – especially the impact on individual service users – will be evident from these returns, which are mainly about headline financial matters and overall service levels.

We are particularly concerned that the statistical returns may not accurately reflect the situation for voluntary sector service providers, many of whom are now coming under considerable pressure to reduce costs. Initial evidence collected by CCPS indicates that their capacity to do so without making commensurate cuts to services is severely limited; we are investigating this further by surveying all our members and would be pleased to share the outcome of this work with the committee in due course.

In summary then, we would support the petition’s call for the Scottish Parliament to urge the Executive to review the situation. Specifically, we would draw the committee’s attention to the three areas for national action set out in the enclosed document:

- increase the national budget for Supporting People
- ensure that resources are distributed equitably
- protect Supporting People as a distinct funding stream.

We would be more than happy to clarify or expand on any of these issues, should the committee find it helpful.

Many thanks again for the opportunity to comment.

Yours sincerely

ANNE GUNNER
Director

Enc
Thank you for your letter of 7 March seeking comments on the issues raised in petition PE932 by Stella Macdonald, on behalf of the Citizen’s Rights Action Group, about Supporting People funding.

The petition urges “a review of Supporting People funding arrangements to ensure that vulnerable adults are in receipt of the responsive services required to keep them healthy”. Supporting People provides housing support services, rather than personal health care support, which is funded from other budgets and is the responsibility of the Minister for Health. The Supporting People programme helps a wide range of vulnerable individuals to move into and maintain independent living in the community. The largest single client group are frail older people, but it contributes indirectly to a range of related national objectives, including reducing homelessness and re-offending, support for people with learning disabilities under The Same As You initiative, help for people overcoming substance abuse addictions, mental health problems or facing domestic abuse.

The latest published statistics show that the Supporting People programme helped over 170,000 people in 2004-05 - 30,000 more than in 2003-04. This includes 17,000 people with physical or learning disabilities and 8,000 people with mental health problems. Those with physical, learning disabilities and mental health problems account for around 15% of those helped in 2004-05 and they received around 50% of the available budget.

Evidence from reviews of the Supporting People programme in England and Scotland in 2004, however, did confirm there was significant scope for efficiency savings. The Robson Rhodes review in England confirmed that the programme there was paying more than it should to support the ‘legacy services’ that the programme had inherited. The Price Waterhouse Coopers review in Scotland confirmed that per capita funding here varied from £235 in one council area to only £19 in another local authority area, underlining the need to distribute the funding more fairly across Scotland. Keeping all service costs across Scotland to the average per capita cost would save about £40m a year. Scottish Executive Ministers couldn’t ignore the fact that efficiency improvements seemed achievable, but put in £60m over 3 years beyond the baseline provided by Treasury to protect services and keep the overall level of efficiency savings to 6%. Funding in Scotland remains
double that in England on a per capita basis. In maintaining the budget at about £400m per year, funding for housing support services remains about five times higher than it was in 2001.

The case for a fairer distribution however was also overwhelming. The petitioner referred to the Arbuthnott formula during the committee's initial discussion of the petition on 22 February 2006 in connection with Supporting People funding. In fact the Arbuthnott formula is associated with the health service and hasn't been used in connection with Supporting People. Instead, using a separate new formula designed specifically for Supporting People, funding is distributed on the basis of relative need across Scotland, with 30% for older people, 30% for homelessness, 20% for disabilities and 20% for deprivation using the Scottish Index of Multiple Deprivation. The latter element is used as the best available proxy for some of the other programme's key client groups, where statistical data is more limited. Obviously some councils lose as a result of the redistribution process, while other councils gain funding, but over time the new formula based allocation system will allocate funding more fairly against relative need and end the existing post code lottery, ensuring that vulnerable people across the country enjoy similar levels of service support.

It would obviously have been easier for local authorities if we had been able to introduce the redistribution of resources against a rising baseline, in a way that meant no council lost funding, but we weren't in that position. Clearly Treasury felt compelled to act to improve efficiencies, while we had a similar responsibility to act immediately to ensure a fairer distribution of resources.

It is for local authorities to decide how to use this funding in line with local needs and local priorities. Local authorities are free to spend this resource on any housing support services, they are not restricted to the four elements of the formula and they can also supplement resources for Supporting People from other budgets such as social work as some councils do. I did slow down the rate of distribution originally envisaged and I have also been able to let councils carry forward any unspent Supporting People resources between years to help cope with transitional pressures.

Local authorities have now been asked to review the strategic relevance, quality and value for money of all services funded through Supporting People. Along with recording the true level of efficiency improvements generated, the Scottish Executive are carefully monitoring the impact of any budget adjustments on front line services and service users in the run up to decisions on funding in the context of next year's Spending Review. These monitoring arrangements were agreed with a wide range of stakeholders including representatives of voluntary sector providers and CoSLA.

The initial monitoring returns from October 2005 suggest that in general services are being maintained with most savings so far secured not judged to have any detrimental impact on front line services, but I acknowledge that a limited adverse impact has been recorded in some areas. Moreover those councils facing a funding reduction are also concerned that it will be progressively more difficult to absorb the reductions in future years. The next set of monitoring returns are due at the end of June 2006 and will provide a clearer picture.

Decisions on future funding levels and on whether to continue the redistribution process will be taken in the next Spending Review. Either way, I would expect allocations to continue to be based on the present formula, but we will obviously use the latest statistical data for each element of the formula. So if the number of older people or deprivation levels in Fife, or any other area, change then the allocation process will take account of that, although the projected increase in the number of older people in Fife, for example, doesn't look uniquely high. The demographic changes surrounding our ageing population will certainly be an issue in many parts of Scotland and will be one of the aspects we will need to reflect on collectively in the next Spending Review.
In conclusion I recognise that reductions in Supporting People funding in Fife and elsewhere will not be easy to absorb, but I couldn’t ignore the evidence that significant efficiency savings were possible in the budget and a fairer redistribution of funding was essential. We have already taken action to slow down the redistribution process and allow local authorities to carry forward underspends from previous years to ease transitional pressures. We will continue to monitor the impact of the budget changes carefully to inform future funding decisions in the next Spending Review, but all funding currently available to me has already been allocated.

LINDA CRAIK
PS/DD
Introduction

Shelter welcomes the invitation from the Public Petitions Committee of the Scottish Parliament to comment on the issues raised in petition PE932, brought by Stella MacDonald on behalf of Citizen's Rights Action Group (CRAG) on the funding of Supporting People (SP) services.

Shelter supports the aim of this petition which calls on the Scottish Parliament to urge the Scottish Executive to review SP funding arrangements and how allocations of funding are determined. SP was designed to deliver flexible, person-centred support services and in recent years has become a crucial source of funding for developing a range of services to homeless people, people at risk of becoming homeless and other marginalised groups. Shelter recognises the expansion in housing support services that has occurred in recent years through SP funding and welcomes this as a valuable addition to the resources available to prevent homelessness and to alleviate the effects of being homeless. In 2004, the Scottish Executive announced significant changes to the SP funding regime, including a new formula for the redistribution of SP funding across Scotland alongside an overall reduction of 12 per cent in real terms of the total SP budget over 3 years. These changes took effect in the financial year 2005–06.

Shelter believes that these changes may put at risk crucial services, aimed at supporting the most marginalised people in Scotland, including homeless people.

This reduction in funding has come at a time when local authorities face high demand for support services. Furthermore, these high demands are increasing as further parts of legislation are being commenced such as the Housing (Scotland) Act 2001 and the Homelessness etc (Scotland) Act 2003.

Supporting People Funding for Homelessness Services

- 170,584 people received support services funded through the Supporting People programme in 2004-05\(^1\).

- The biggest groups of people receiving this support were older people (49 per cent) and homeless people (16 per cent)

\(^1\) Scottish Executive Statistical Bulletin: HSG/2006/2
Around 54,000 households applied as homeless to local authorities and 27,788 homeless people received Supporting People funded support services in 2004-05.

In 5 local authority areas homeless people were the largest group of clients receiving Supporting People services

**Shelter Research into Supporting People Funding**

Shelter published research into SP funding in August 2005. This research examined the perceptions of local authority staff towards the likely impact of the forthcoming changes to SP funding.

- 79 per cent of those surveyed reported that they were unable to meet the current level of demand for support services and expected to experience further difficulties in meeting these needs in the face of a decreasing SP allocation.

- The vast majority of local authorities (89 per cent) believed that the redistribution of SP money would have a negative impact on services to homeless people.

Specific concerns raised by respondents in this research included the belief that crisis intervention and homelessness prevention services would suffer most and that specialist services dealing with people who have complex, multiple needs would be lost or remain underdeveloped.

In announcing the new criteria for funding the Scottish Executive stated that the new system "more fairly allocates funding to relative need nationally" as the overall level of funding to an individual local authority is determined by the relative levels of various indicators of need within the authority's area. These include the proportion of older people living in the area, the rate of homelessness, the number of people claiming Disability Living Allowance and the level of deprivation in the area.

However these changes have resulted in some local authorities having their SP budget cut significantly by 18 per cent (24 per cent in real terms) while others have seen an increase. Over half of councils are experiencing a decrease in their budget.

Within our research the issue of service provision in rural areas also emerged as a particular concern. Support in rural areas is often provided on a face-to-face basis with support workers spending significant amounts of time travelling to meet with service users rather than actually delivering the service. Similarly it can also be difficult for people in rural areas to access support services. This creates a problem in that service provision can be more expensive in rural authority areas and these increased costs are not reflected in the calculations which determine the amount of SP funding that they receive.

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2 Shelter Scotland, Supporting People? The Impact of Changes to Supporting People Funding on Services to Homeless People in Scotland, 2005

3 Scottish Executive News Release: 'Reforms Mean Better Housing Support' 1 October 2004
Support Services for Homeless People

Shelter has some specific concerns that the revised method of calculating SP funding will impact on the provision of services for homelessness people in the following areas:

While 30 per cent of the allocated SP budget is determined by the level of homelessness within an area there is no requirement that Councils allocate a requisite amount of the funding received to services to support people who are either homeless or at risk of becoming homeless. In 2004–05 the actual proportion of funding for housing support services allocated to homeless people varied widely from 0 to 49 per cent⁴.

The prevention of homelessness was one of the key areas identified by the Scottish Executive for SP funded services to achieve. This means that, potentially, councils that implement successful prevention of homelessness projects run the risk of having their SP allocation cut as a result of these projects reducing the rate of homelessness in their area. It would be particularly unfortunate if projects with a track record of success in preventing homelessness were to be underdeveloped or withdrawn due to cuts in SP budgets.

Throughout 2006 Shelter has welcomed the increased focus that the Scottish Executive has placed on the prevention of homelessness but believe that allocating funding on the basis of rates of homelessness may act as a disincentive for councils to undertake this type of work.

Anecdotal evidence received in Shelter’s research also alleges that the homelessness services most likely to be cut as a result of shortfalls in SP funding are those aimed at the so-called softer end of provision rather than those which are provided to support individuals in times of crisis. These services can be characterised in being early interventions and floating support provision which is often aimed at preventing people from experiencing the trauma and stress of homelessness.

Meeting Future Needs

A further finding of the Shelter research is that the reduction in Supporting People funding is occurring when the requirement for local authorities to provide housing support services has never been greater and is increasing. Councils also reported that they were already struggling to meet demand for such services before the budget cuts.

The Homelessness etc (Scotland) Act 2003 in particular places additional requirements for councils to provide support for people affected by homelessness. Under the terms of this legislation people who are deemed to be intentionally homeless will have a right to a Short Scottish Secure Tenancy with support. It is intended that the provision of support will allow the household to sustain the tenancy successfully, help to address the reasons that the household became homeless in the first place and that on satisfactorily managing the tenancy for a 6 month period full Scottish Secure Tenancy rights will be granted and the property will become the household’s permanent home.

⁴ Scottish Executive Statistical Bulletin: HSG/2006/2
This aspect of the 2003 Act is scheduled for implementation from 2007\(^5\) and is likely to place additional requirements on council's support services provision. The homelessness legislation that is in place in Scotland has been internationally lauded and praised as the most progressive in Europe. However, for the legislation to be successful in realising the Scottish Executive's ambitious aims in eliminating homelessness in Scotland, it is essential that the support is available for those who become homeless and those who are at risk of this.

**Conclusion**

Shelter has consistently recognised the important role that SP funding has played in developing support services for a range of vulnerable individuals across Scotland. Similarly, Shelter has also consistently raised concern over both the overall decrease in the SP budget and the revised method for calculating each council's SP allocation. As a result of the changes to the funding, local authority staff believe that services will be cut and that as a result of this repeat homelessness will increase and prevention services will be lost.

Shelter supports the aims of PE932 on Supporting People funding in calling for the Scottish Parliament to urge the Scottish Executive to review the Supporting People funding arrangements. It is essential that councils can respond to changing needs and have funding available to develop and provide effective support services for vulnerable people.

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SFHA response to Petition PE932 – Supporting People
Funding Arrangements

July 2006

SFHA is pleased to have been asked by the Committee to comment on this petition. Our comments can be summarised as follows:

- SFHA is extremely anxious about the impact of cuts in the Supporting People funding programme and have corresponded very recently with the Minister over this.

- The issues raised in the petition are wider than Supporting People funding alone, as was acknowledged by Stella Macdonald in the Committee’s session on 22 February. Most people with learning disabilities could legitimately expect their support to be funded by a mixture of Supporting People funding and community care funding from social work departments. The reality is that the Supporting People programme has been used by councils to fund substantial amounts of care and support previously funded by social work, and this is largely why cuts have had to be made by the Treasury and the Executive.

SFHA’s views on Supporting People funding cuts were set out in a letter sent to the Communities Minister on 29 May. Below (italic) is the full text of the letter:

Dear Malcolm

**Impact of Supporting People Funding Cuts**

I am writing to ask you to take proactive steps to address cuts being made to existing support services and the extreme difficulty of establishing new services for people in need of housing support. With our members reporting actual cuts to services during 2005/06 – just the first of three increasingly difficult years of reductions in many areas – we have strong evidence to question the Executive’s assertion that “efficiency savings” alone can meet the funding gap.

SFHA did not support the revision of the redistribution formula ahead of 2005/06, because we did not think it was appropriate to impose a new distribution formula on an existing revenue funding stream. The new formula meant that many local authorities who may otherwise have been able to cope with an overall percentage cut then had to manage a much greater cut, and it is generally in these areas where the service level cuts are greatest.

However, in common with the Executive, we have always believed that there has been some slack in the system since its inception in 2003. The speed of growth during 2002/03, the last year of the Transitional Housing Benefit scheme, whilst bringing with it genuine expansion of service provision, seemed likely to be unsustainable in some instances. There were, therefore, reasonable grounds for expecting local authorities
and independent providers to identify services effectively being overfunded and act accordingly. SFHA knows from its contact with local authority Supporting People teams that many of them have been successful in identifying and addressing such slack in the system. The Executive’s assertion on efficiencies was therefore shown to be justified, but, in SFHA’s view, only partially.

SFHA is not in a position to argue that there is no further slack in the system. What we do know is that almost a quarter of associations recently surveyed by SFHA said they had been forced to reduce service levels as a direct result of Supporting People funding cuts. In some cases the cuts had been made to visiting support services: where someone no longer required support, the association could not take on a new service user even though people in need of the support had been identified. In other cases the association had cut the amount of support provided in supported accommodation, with sheltered housing and accommodation for homeless young people bearing the brunt of the reductions.

Half the associations surveyed said they had managed to “absorb” funding deficits, normally by using reserves designated for long term repairs and built up through tenants’ rent payments. Associations in this position said the position was unsustainable and that they would have to make service level cuts in the near future. One association had incurred a deficit of £151,000 in 2005/06, and this was projected to rise to £280,000 in 06/07 and £400,000 in 07/08. Clearly this level of deficit cannot be entertained and the association has said it knows it must act to reduce service levels.

Even amongst the eleven associations which had not so far faced any funding cuts, there were five which expected cuts this year and/or in 07/08.

A number of members had had to leave specialist supported accommodation schemes empty for periods of between 6 and 12 months whilst funding difficulties were resolved. One association which had built a state of the art very sheltered housing scheme had had to let it as unsupported “retirement housing” because there was no funding available to cover the support costs, even though people in need of the support locally had already been identified.

As worrying as the cuts to existing services, was the widespread concern amongst associations at the levels of unmet need. Whilst members reported unmet need amongst a variety of client groups, the greatest concern related to those groups and individuals who did not have a care need and whose support would therefore need to come from the Supporting People programme rather than community care budgets. Homeless people, and especially younger homeless people, were frequently cited by members as a group for whom there was nowhere near enough support in many local authority areas. This is of particular concern in light of the Executive’s welcome emphasis on prevention of homelessness.

SFHA is a member of the Executive’s group monitoring the impact of service reviews and funding issues, and we are of course aware that the work of the Group in
monitoring the Supporting People programme is ongoing. We believe our report is a valuable contribution to the Group's work, as returns from local authorities tend not to provide the sort of stark information on service cuts identified in our own survey of members. We believe that the Executive needs to take action as soon as possible to address the service reductions revealed by our survey, and that it would not be helpful to wait until the Group has completed its work.

There have been many positive outcomes of the Supporting People programme, with some people receiving services when they otherwise may have received no support at all, and other people receiving more support – and/or a better quality of support - than would otherwise have been the case. But there is a real danger of these beneficial outcomes being overshadowed by the widespread concern among support providers at current and forthcoming service reductions and the extreme difficulty of establishing new services. We do not believe the Executive can simply stand back and say it is up to local authorities to manage the programme.

SFHA is planning to hold a conference on Supporting People in September, at which we hope to cover both the positive and more difficult aspects of the programme. We would very much like you to consider addressing the conference, and colleagues here will be in touch with your office very soon to see if this might be possible.

I very much look forward to hearing from you and hope you will be able to offer some encouragement that the service reductions we are seeing will not continue unabated.

Yours Sincerely

David Murdoch
Chair
SFHA

The Minister's reply of 29 June is appended at the end of this document. The Committee will note that the main message from the Minister is that the Executive is in the process of monitoring local authority financial returns. The reference to the next Spending Review allows us to conclude that there is no prospect of further Executive funding for Supporting People before April 2008. In the period between now and then we strongly expect to see further cuts to existing services and a continuing inability of local authorities to fund new housing support services.

SFHA has evidence that some social work departments which transferred many care packages to Supporting People are now "returning" to fund or part-fund the care and support packages of people who have both a care need and a housing support need, but we cannot say whether this has been the case in Fire Council's funding of care and support for people with learning disabilities. SFHA believes that social work
departments should indeed be funding a large part of the care and support of people with learning disabilities, as the original aim of the Supporting People programme was predominantly to fund essential lower level housing support to groups such as younger homeless people. It is of course entirely legitimate that anyone with a care and support need should have their needs met, but not necessarily through the Supporting People programme alone.

The joint Position Statement published at the end of 2005 by SFHA and Community Care Providers Scotland is also attached in hard copy form. It can be accessed online here. This gave a warning of the likely impact of cuts to the Supporting People budget between 2005 and 2008.

In conclusion, there is much uncertainty surrounding the future of the Supporting People funding programme, but the issues raised in the petition go beyond Supporting People and should primarily be a matter for the community care budgets administered by local authority social work departments.
Thank you for your letter of 29 May regarding the impact of Supporting People funding restrictions. This builds on the earlier report produced jointly by your association, Community Care Providers Scotland and the Scottish Council of Voluntary Organisations. I have taken very careful note of all that you say, and we will take account of both your letter and the survey when formally evaluating the impact of the efficiency drive and the funding redistribution process.

I am grateful that you have acknowledged that there did appear some scope for efficiency savings in the programme. As you know, this was also the conclusion of the reviews carried out in Scotland and England in 2004 and impacted significantly on the level of resources for this programme made available by Treasury in the last Spending Review. I know you are also aware that we made over £60m of additional funding available, beyond that provided by Treasury, as a result of our own belief in the importance of the services provided through the Supporting People programme.

I recognise that the SFHA take a different view from the Scottish Executive on the case for redistributing in a fairer way the more limited funding available. I still feel that we couldn’t ignore the unfairness of per capita funding in one area being £235 but only £19 in another.

In my view it would have been indefensible to continue the historical legacy funding arrangements, even though the difficulties of introducing the new formula based redistribution have inevitably been sharpened by having to do so against a shrinking overall budget, stemming from the drive for improved efficiencies. We have tried to redistribute the funding at a pace that was manageable locally, without impacting adversely on services judged by local authorities to be still strategically relevant. We have also allowed local authorities to carry forward any underspend from previous years to ease transitional pressures, and looked to the local service review process to drive out the
inefficiencies in the system, which you have been good enough to acknowledge do appear to have existed.

It was never going to be possible to achieve full consensus on the speed at which the redistribution process should happen, but you will recall that one of my first actions as Communities Minister was to meet and listen to the concerns of SFHA and others about the speed of redistribution originally envisaged by my predecessor and agree to slow it down.

I welcome SFHA's contribution to the group overseeing arrangements for monitoring the level of efficiency improvements being generated and the impact of the budget changes on services. You will know that we are also taking steps to understand the overall costs and benefits of the programme so that we have the best information when we collectively take decisions on future funding for the programme, against the many other competing financial pressures that will no doubt emerge in the next Spending Review.

Clearly a big issue in the monitoring process has to be the extent to which the impact of budget changes at the local level are impacting in different ways on local authority and external providers. We will be checking this very carefully in the next returns, and the extent to which local authorities are able to provide evidence that external providers agree the review process has been fair. We certainly do not wish to see housing associations having to leave supported accommodation empty or make less effective use of new facilities, and will take account of your research alongside the formal returns coming in from local authorities at the end of July.

We must await these returns to get a comprehensive picture across Scotland, and it goes without saying that it is imperative for your members to continue to co-operate fully with local authorities as they seek to record the position locally. These returns are critical to the process of informing future funding decisions in the next Spending Review, although the pressures on my other budgets mean I can't hold out much hope of being able to offer more funding until funding for future years is considered next summer.

I have now received the invitation to attend the SFHA conference on Supporting People arranged for 26 September. Unfortunately I regret that I cannot attend on that day due to prior commitments, but I would like to send my best wishes for a successful conference. I certainly agree that the present funding issues shouldn't overshadow the very considerable positive benefits that the programme as a whole has brought.

MALCOLM CHISHOLM
Supporting People
A view from Scotland’s voluntary organisations

Supporting People and the voluntary sector

The Scottish voluntary sector has a long tradition of offering support to people who face difficulties because of disability, mental health problems, addiction, homelessness and a range of other challenges.

Voluntary organisations specialise in providing the kind of support that enables people affected by these difficulties to access, and live in, their own homes, retain control over their lives and avoid their problems escalating, to the point where they need residential or even hospital care, become homeless, or become susceptible to the risk of offending.

The Supporting People programme was introduced in 2003 to fund precisely this kind of support. The programme funds housing support, defined in legislation, as a service which provides 'support, assistance, advice or counselling...with a view to enabling a person to occupy residential accommodation'.

This close connection between the purpose of the Supporting People programme and the type of work at which the voluntary sector excels explains why voluntary sector organisations - including the housing association movement - are responsible for almost two-thirds of the Supporting People budget for Scotland.

Over the past year, a number of significant changes have been made to the Supporting People budget. These changes are likely to have profound implications for the voluntary sector’s ability to continue to offer support services. This pamphlet is intended to highlight the value and importance of these services, and to alert those with an interest in or responsibility for the programme to the implications of the changes now being made.

Why Supporting People is important

Voluntary organisations believe that the services funded by Supporting People play a crucial part in the spectrum of public services in Scotland.

- Supporting People services help people to access and stay in their own homes, as tenants or owners, promoting social inclusion and independent living
- Supporting People services are funded by a specific, protected budget, clearly targeted at housing support and distinct from budgets relating to acute services or residential care
- Supporting People services help to fulfil the Scottish Executive’s aspirations to efficient government, by promoting and enabling early intervention and preventing inappropriate hospital admissions
- Supporting People funding contributes to the success of a range of linked government initiatives, for example increasing the number of people with learning disabilities with their own tenancies
- Supporting People funding enables voluntary organisations to develop and provide creative and innovative service solutions for some of Scotland’s most socially excluded people.
Supporting People

How the recent changes are affecting Supporting People services

During the first year of the programme, Supporting People funding was used to support 140,207 individuals in Scotland.

In October 2004, the Minister for Communities announced a number of changes to the Supporting People funding stream. These changes mean that:

- The overall Scottish budget for Supporting People will have been reduced by about £25M by 2007-08.
- The share of the overall budget allocated to each local authority area has been radically revised, with local budgets in some areas being reduced by up to 25% over the next three years. This reallocation was based on statistics relating to disability, homelessness, older people and deprivation, but with no reference to the individuals already supported by the programme in these areas.

The Scottish Executive maintains that budget reductions can be achieved through efficiency savings, and that existing services can be maintained despite the changes. Voluntary organisations share the Executive's aspiration to protect services, however they believe that such significant reductions will inevitably have an impact on services.

Voluntary organisations have so far managed to maintain services, but this has not always been easy.

Despite inflationary pressures on staffing and other costs, most providers have received no increase to their service budgets since the Supporting People programme was first introduced.

In addition, a range of new cost burdens have arisen since the introduction of the programme - for example, Care Commission registration fees - which were not built into original budgets.

This is only the first year of the projected three-year schedule of budget reductions. Voluntary organisations anticipate serious problems as the budget reduction schedule continues.

Alan’s story

Alan took up a placement in a supported tenancy provided by a voluntary organisation in August 2004. He had never had his own home before and had spent most of his adult life in homeless accommodation.

Due to a long-term addiction to alcohol, Alan led a chaotic lifestyle and developed serious physical health issues including pancreatic disease. He had little structure in his life and was unable to maintain contact with his son.

Making the transition into a housing support service, funded by Supporting People, presented a whole range of difficulties for Alan and the first six weeks were particularly challenging. He was unable to accept support, or to believe that people cared about his feelings or views, as he had never experienced this before.

Over time, with continued staff contact, trust was established with his keyworker and he was able to begin to take responsibility for his own life. He identified three goals: regular contact with his son, getting his own tenancy and dealing with his alcohol problems.

Although some setbacks were experienced, he now has formal contact arrangements with his son. He has been alcohol-free for 9 months and receives help with this. He also has a full mainstream tenancy - his first permanent home - with housing support to help him settle.

Alan views his experience as so positive that he now wishes to be involved in service user meetings where he can share his experiences.
Dealing with budget reductions: establishing principles

Voluntary organisations recognise that local authorities are themselves facing major challenges in managing the budget reductions. They believe that both voluntary and statutory agencies must work together to protect existing services and to maintain the level of support now provided to individuals.

Accordingly, voluntary organisations propose the following set of principles to guide those managing the programme:

Protecting individuals

■ No across-the-board cuts. If cuts are necessary, either to budgets or to services, they should only be made after an assessment (or re-assessment) of an individual’s support needs. Some authorities have already written to voluntary organisations proposing an across-the-board percentage cut to all services and all providers, without regard to the circumstances of the people supported by services. This is in direct opposition both to Scottish Executive guidance and to the guiding principles of the Supporting People programme.

■ Communicating with people who use services. Local authorities and voluntary organisations need to agree a protocol on how people currently supported under the programme are to be notified, and by whom, of any reduction in or withdrawal of service. It is unreasonable to expect voluntary organisations to ‘front’ reductions in service on behalf of government agencies.

Ensuring equity

■ Treating all services, and all service providers, equitably. Supporting People services are provided by a ‘mixed economy’ of organisations, including voluntary organisations, housing associations and private companies. Local authorities, too, provide services directly, as well as contracting with these independent providers. In managing the cuts, it is crucial that authorities do not impose conditions on independent providers that will not apply to their own services.

Alice’s story

Alice is 45 years old. She receives a service from a voluntary organisation funded by Supporting People.

Before receiving the service, Alice was drinking heavily. She had a chaotic lifestyle, poor physical and mental health and problems with memory and confusion. Alice’s teenage daughter was in care because the situation at home was too difficult.

A year later, Alice has been alcohol-free for 8 months. Her home environment has improved vastly and she has been supported to deal with her debts. Her health and memory have greatly improved. Most days she gets out of the house, with support, and is now looking at local college courses. Alice’s daughter is back at home with her mum.

■ Fair treatment of housing support staff. Local authorities’ directly-employed housing support staff enjoy protected rights to nationally agreed salary rates, terms and conditions, including annual inflationary salary increases (2.95% in 04/05 and 05/06). These same authorities, however, do not fund equivalent salary uplifts for housing support staff employed by their contracted providers. This is a matter of particular concern where local authority staff salary uplifts are funded from within the Supporting People budget. Central and local government cannot expect voluntary organisations to treat their staff unfairly in pursuit of budget reductions, particularly where those reductions are required in order to fund salary increases in the public sector.

■ Open and transparent cost comparisons. It is very important that funding decisions are open to scrutiny and clearly justifiable. Several authorities are conducting ‘cost comparison’ exercises between services; they must include their own costs in these exercises, and they must be seen to be doing so. Authorities should also guard against setting uniform
'hourly rates' for a wide spectrum of services, taking no account of the differences in individuals' support needs.

- Recognition that budget cuts are likely to result in service cuts. Voluntary organisations are committed to work with local authorities to seek efficiency savings wherever these can be made. However, many voluntary organisations are already struggling to maintain services on unrealistic budgets, and further reductions may result in commensurate cuts to the level or volume of service. It is unreasonable to expect the same amount of service for a reduced amount of funding.

A 'joined-up' approach

- A corporate approach to funding services. Wherever possible, other funding streams should be brought to bear to protect services. Voluntary organisations are aware that significant savings were made to community care budgets in some local areas by the introduction of the Supporting People programme, and these savings may now need to be redeployed. This principle is equally appropriate for central government: the contribution made by Supporting People services to wider objectives relating to social inclusion and longer-term efficiencies warrants support for the programme from other areas of the public service budget.

- Proportionality in control and reporting requirements. Whilst budgets are being reduced, the requirements being placed on voluntary organisations to report on performance and account for funding are increasing exponentially. The reporting requirements of local authorities and regulatory bodies in particular require much greater co-ordination.

Morag's story

Morag is a young woman with significant learning disabilities who, in January 2003, was living in supported accommodation for young, single mums. Her 18 month old son, Jaime, was in foster care and her partner and Jaime's father (Bob) was homeless and sleeping on his sister's couch.

The local authority wanted to help the family get back together in their own home. The first step was for a voluntary sector support provider to begin to establish a relationship with both Morag and her partner prior to the move to their own house.

Morag was receiving support in her supported accommodation around budgeting, shopping and parenting, and the couple also had regular input from a play therapist to enable them to interact better with their son.

When housing was secured, through a local housing association, the housing support provider was asked to increase support and the couple moved in at the end of October 2003.

Social Work returned Jaime to his mum and dad in the middle of November. A phased return had previously been discussed but Social Work decided, as Morag and Bob were coping so well with the support package, that Jaime should be returned immediately.

Housing support helps the family with budgeting and paying bills; shopping, menu planning and cooking; help with benefits; making appointments; and practical household tasks. The family were coping so well that everyone agreed that the number of hours support provided could be reduced.

Jaime was recently diagnosed as having a learning disability, placing extra pressure on his parents, and as such the housing support provider is now working alongside the Family Liaison Officer.
National action for Supporting People

The principles outlined overleaf relate chiefly to the way in which budget cuts locally should be handled. Voluntary organisations believe that action must also be taken at a national level to ensure the continued success of this vital programme.

- **Increasing the Scottish Supporting People budget.** The Supporting People programme was originally costed on the basis of individual claims for Transitional Housing Benefit. Regardless of the merits or flaws of that costing method, the fact remains that every penny of the total was committed to individuals. The success of the programme, for those individuals, is therefore dependent on the total cost being honoured in the budget and uplifted appropriately for inflation, and with the agreed 'pipeline' schemes fully funded. This would result in a budget for 2007-08 of more than £473M, not including the resources anticipated for the agreed pipeline schemes. Now, the projected budget for the same year is only just over £401M, leaving a shortfall of more than £70M. This shortfall must be addressed in the next Comprehensive Spending Review.

- **Ensuring equitable resource distribution.** Many of the proposed principles listed relate to the need to ensure that all services, and service providers, are treated fairly and equitably. If local authorities fail to subscribe to this principle, the Scottish Executive must intervene. Otherwise people who use publicly-funded services provided by voluntary organisations will either have their support subsidised by that organisation's non-statutory resources, or, where no such resources are available, will be supported by a service which is significantly under-funded by comparison with similar services provided by local authorities directly. Neither of these alternatives should be acceptable in a publicly-funded system based on equity.

- **Protection of Supporting People as a distinct funding stream.** Housing support makes a unique contribution to the panoply of services for people affected by disability, mental health problems, addiction, homelessness and other challenges. Funding for this type of support must be protected, and not be merged or amalgamated with more general 'care' budgets. Experience shows that where 'preventative' service budgets are not protected, resources are diverted towards more acute or high-dependency services. In the case of Supporting People, this would jeopardise the guiding principles of the programme and undermine many of the Scottish Executive's broader policy objectives and longer-term efficiency gains.

The need for local principles and national action

Voluntary organisations fear that if these principles are not adopted, and the national action points not agreed, then the consequences will be serious:

- **Services will be lost.** Individuals will lose the support that is so vital to their independence and inclusion. They may have to enter residential care, or go to hospital; they may become homeless.

- **Scottish Executive priorities will be undermined.** Targets set for learning disability hospital closure, homelessness reduction, hospital admissions reduction and efficiency gains are unlikely to be met.

- **The 'Aiming for Excellence' agenda will be seriously compromised.** Significant resources have been invested over a number of years in strategies and targets for quality improvement in care and support services and staff, through the activities of the Care Commission, the National Care Standards and the Scottish Social Services Council. Few of these strategies and targets will be achievable for housing support services, unless adequate funding is made available.
What voluntary organisations are asking you to do

Voluntary organisations believe in the Supporting People programme and want to see it work. They suggest that local authorities, central government, the Scottish Parliament, regulatory bodies and other relevant agencies share, with them, the responsibility to protect and support this crucial programme that supports so many individuals.

The voluntary sector vision for Supporting People is of a service that offers early, timely and cost effective support to individuals, promoting independence and social inclusion, and preventing more serious problems developing.

Voluntary organisations invite readers of this pamphlet to:
- Share this vision
- Sign up to these principles
- Press for national action.

This document was produced by CCPS and endorsed by SFHA (Scottish Federation of Housing Associations) and SCVO (Scottish Council of Voluntary Organisations).

Community Care Providers Scotland (CCPS) is the association of voluntary sector organisations. It membership comprises all the major charitable and voluntary providers of social care services in Scotland. Information about the aims, activities and membership of CCPS can be found on our website at www.ccpscotland.org.

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Dear Dr Johnston

Petition PE932

The Petitions Committee have sought response from the Care Commission in regard to Petition 932 made by CRAG.

It is important at the outset to state that the Care Commission has no role in deciding or judging the funding sources and levels provided to pay for care services which require to be registered under the Regulation of Care (Scotland) Act 2001. Our focus is upon the quality of care provided and any need for improvement and development in that regard.

Housing Support Services fell to be regulated in April 2004. Prior to this across the country there were a number of care services which were already registered as Care Homes. When the commencement order for Housing Support was made by the Scottish Parliament, the newly introduced definitions of Housing Support and Care at Home allowed for some Care Home services to “de-register” as Care Homes and apply to register as Housing Support and Care at Home services. This change occurred commonly across the country.

The registration process for Housing Support and Care at Home was largely administrative, with the actual care service provision being fully verified as Housing Support and Care at Home at the point of the first inspection in 2005/06. In some areas this has meant that a minority of care services have required to alter the way in which they provide their services to ensure that the service provided remains within the Housing Support and Care at Home definitions as opposed to the Care Home definition. (Information about the differences between the Care Home and other definitions is explained in Appendix 1.)
Registered Housing Support services are funded through a range of funding streams, including Supporting People monies. In Fife there was significant discussion at the commencement of registering Housing Support services and this included a meeting with CRAG. The services continue to be regulated as Combined Housing Support and Care at Home services and this will remain as long as these services continue to operate to these care service definitions.

In terms of services being registered and provided as Housing Support service or combined Housing Support and Care at Home services we can provide the following statistical information:

At 1 June 2006, there were approximately 64 individual registered services providing combined Housing Support/ Care at Home services in Fife. Therefore, there are 32 combined HSS/C@H services.

At 1 June 2006, there were 24 services providing a Housing Support service only (ie. not providing a C@H service also.)

We do not have figures to show how many services “de-registered” as Care Homes and registered as Combined Housing Support and Care at Home services as there is no way of linking these two separate types of registration.

If you have any queries regarding this response please do not hesitate to contact me.

Yours sincerely

Marcia Ramsay
Development Manager – Adult Services Regulation
Direct: 01382 207311
E-mail: marcia.ramsay@carecommission.com

cc. Kenny Stewart, Policy & Research Analyst
    Jo Harris, Administration Officer
Response to Petition PE932 - Appendix 1

Staff Guidance – Care Home or Care at Home?

1. Background:

Prior to April 2003 the Care Commission deregistered 376 Care Homes after providers submitted applications and evidence supporting the assertion that Care Homes were not being provided.

Over the past year the Care Commission has identified various other services, offering accommodation with care, which have never been subject to regulation by the Care Commission or the previous regulatory authorities.

In June 2004 the Care Commission considered its position with regard to the regulation of these services and the policy decision made was:

   i. To use conditions to ensure that inappropriate practices, agreements and arrangements in place are prevented, where a Care Home is not intended to be provided.
   
   ii. If a Care Home is clearly operating, the service should be registered as such.

2. When is a Care Home being provided?

The Regulation of Care (Scotland) 2001 defines a Care Home as “a service which provides accommodation together with nursing, personal care or support, for persons by reason of their vulnerability or need.”

There are various services registered as Care Homes which provide personal care or personal support but do not provide nursing care although legally they are entitled to provide this if residents have or develop nursing needs. Therefore, although the definition refers to nursing, personal care or personal support there is no requirement to provide nursing care.

Indicators as to whether a Care Home is provided are:

   i. Accommodation is provided with the nursing, personal care or personal support, as defined in the Regulation of Care (Scotland) Act 2001.
   
   ii. This is provided because of the person’s vulnerability or need.

Whilst the Scottish Executive and Communities Scotland are encouraging providers of Housing Support services to separate the Housing Support component from the provision of accommodation many Housing Support providers do provide accommodation as a package. For example, housing associations offering sheltered housing with an on-site warden, hostels for homeless people and refuges for women fleeing domestic violence. In the absence of personal care and personal support being provided as part of this package, this would not indicate that a Care Home is being provided.

2a. Services to people living in hostel accommodation:

Some hostels provide support and accommodation for people with various needs such as homelessness, alcohol and drug problems. The Care Commission does not intend to register these

Heather Dall
June 2004
services as Care Homes unless the aims and objectives indicate that a Care Home is being provided. A judgement requires to be made as to whether care or support is being provided and whether regulation of this service as a Care Home is appropriate. For example, where medicines are stored and dispensed by staff, this may be deemed necessary for health and safety reasons or where staff provide support with personal care activities when someone first enters the hostel. The support service to people living in the hostel should be registered as a Housing Support service.

2b. Landlady Schemes:

Where a provider of services offers this with accommodation in their own home, the Care Commission intends to regulate these services as part of an Adult Placement Service.

The Care Commission is working with the Scottish Executive to initiate the development of adult placement services to support individuals or families who provide care and support to vulnerable people. Therefore, these services shall remain unregulated until Adult Placement Services commence to be regulated by the Care Commission.

3. Indicators of a Care Home service operating:

Many providers offer care and support to people living in shared houses. Where the following practices and procedures are in place this may indicate that a Care Home is being provided:

- Personal care is being provided.
- Aims and Objectives indicate that it is not intended to be the resident’s/ occupant’s home.
- Nursing care is or may be provided.
- Occupants do not have (or there are no plans to offer) tenancy/ occupancy agreements.
- The care and support provided comes as a package with the accommodation.
- The accommodation/ household is also intended to be a place of work and not the occupant’s home (venue for staff meetings, staff supervision, used to store and carry out provider’s administration).
- Household management decisions are made by the provider of care, such as household decoration, purchasing of household and communal goods.
- New occupants are offered accommodation in a shared house without involving/ consulting with existing tenants.

Crucially the most significant indicator is whether the service user can cancel the care arrangements with the provider and choose to receive care from another provider without jeopardising their right to remain in their home.

4. Use of National Care Standards

In addition to considering what category of service is being provided consideration should be given to the relevant National Care Standards, against which services will be regulated.

A hostel for homeless people would be more appropriately regulated using Housing Support standards than Care Home standards. A single person living in their own house with care and support provided to them, would be more appropriately regulated against the Care at Home and the Housing Support services standards than the Care Home standards.

Heather Dall
June 2004
5. Use of Conditions

Care Commission staff may identify that whilst the services aims and objectives indicate that a Care Home is not being provided, some practices may be inappropriate. For example, the tenancy agreement may link the accommodation with the name of the care provider, staff may use the tenant's home as an office base.

In these situations conditions, such as the standard conditions below, may be applied to registration:

- Staff will not use a service user's home as an office base or as venue for supervision/appraisal or other staff meetings.
- Within 12 months of registration the service is required to evidence to the Care Commission that the Care at Home service is separable from the provision of accommodation.
- The service user must be able to remain living in their home whilst choosing to receive their Care at Home service from this or another provider.

Summary

The Care Commission will use conditions of registration where appropriate to ensure that support service - Care at Home providers are not operating as Care Homes. However, the Care Commission's position is to register services appropriately. As such, where a Care Home is clearly operating and it is not appropriate to use conditions, this should be registered as a Care Home.

Heather Dall
June 2004
23 May 2006

Richard Hough
Assistant Clerk to Public Petitions Committee
The Scottish Parliament
TG.01
Parliamentary Headquarters
Edinburgh
EH99 1SP

Dear Sir

Petition PE932

I refer to your letter of 5 May seeking a response in relation to the consideration of petition PE932.

There is little doubt in the minds of those who worked on this issue at the time of the financial re-determination that the model proposed by the Scottish Executive Development Department and the manner in which the discussions were conducted did not do partnership justice.

The methodology employed by the Scottish Executive differed from the breakdown of service spend (at the time) as illustrated below:

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<tr>
<th>Scottish Executive Formula</th>
<th>Existing Breakdown</th>
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<tr>
<td>Elderly</td>
<td>30%</td>
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<tr>
<td>Homeless</td>
<td>30%</td>
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<tr>
<td>Disability</td>
<td>20%</td>
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<td>Deprived</td>
<td>20%</td>
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The effect of the solution was to create a new distribution methodology that used weightings, decided upon by the Scottish Executive. Despite some very robust lobbying by a coalition of organisations, including COSLA, the Scottish Executive prevailed with their solution of a cut in the overall budget and a redistribution of resources. This inevitably created winners and losers. Fife Council was at the top end of the spectrum of those who lost resources.

Some of the headline figures are set out below:

- Overall budget £421 in Dec 03 to £408 in March 04 to £406 in Sept 04 to Apr 08 where it was £391
- Further cuts to £378m after 2008 are possible
- Swings of losses of 30% to gains of 150%+
- 9 Councils lost around 30% of a budget over 3 years
- Around half of authorities lost cash in real terms and
- Those authorities who did gain, did not gain much

WHEN CALLING PLEASE ASK FOR: Alan McKeown - 0131 474 9253 alanm@cosla.gov.uk

SP Petition response 2
At present local authorities and their partners are working through cuts to budgets whilst trying to maintain service levels.

The petition is correct in the assertion that as representatives they are powerless to address the formula. Unfortunately during the negotiations it appeared to COSLA that, despite detailed discussions, we were also unable to secure a negotiated settlement.

If you need any further information please do not hesitate to contact me.

Yours sincerely

Alan McKeown
COSLA
Details of principal petitioner:

<table>
<thead>
<tr>
<th>Contact address: Dr J W Hinton &amp; Dr R F Burton,</th>
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<td>e-mails:</td>
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Additional information:

This petition submitted by Dr John Wallace Hinton and Dr Richard F Burton, is on behalf of the organisation Meteredparking, which coordinates protests from the entire local community affected by the West of Glasgow Controlled Parking Zone (CPZ) Order with respect to flouting of democracy and infliction of social injustice (including disability discrimination). Apart from fighting for social justice in regard to the Council CPZ order, Meteredparking’s remit is to ensure that democratic procedures are used by the Council regarding Council Orders. It aims to ensure that full information is provided to all individuals affected by an order. It asks for real & full public consultation, with no withdrawing of objections by default using arbitrary Council-set deadlines, and no pre-empting of Council meeting decisions e.g. by prior purchasing materials for decision implementation. In relation to the above, Meteredparking provides unequivocal evidence of undemocratic procedures and asks for the rescinding of undemocratic decisions.

The Organisation coordinates doctors, small local businesses, care homes, churches and residents - including housebound disabled and their carers - who have been subject to undemocratic actions by Glasgow City Council – all who suffer unduly as a result of the CPZ. It puts forward constructive proposals to the Council for alleviation of community suffering while still achieving the aims of the Council. Meteredparking has organised meetings, peaceful demonstrations, and petitions. It has contacted all relevant bodies in regard to the substance of this petition. It has a website: Meteredparking.com.

While meteredparking is contacting the Public Services Ombudsman, it is concerned that the Ombudsman has no powers to require councils to rectify maladministrations, no powers to ensure democratic procedures and honesty in dealing with the public, and no powers to hold councils to account when they misinform the public. The Ombudsman is concerned with the letter of the law only, i.e. the written regulations: we believe that this is not enough – hence our submission of this petition.

Text of petition:

Petition by Dr J. W. Hinton, on behalf of the Meteredparking Organisation, calling for the Scottish Parliament to urge the Scottish Executive to review the Local Authorities' Traffic Orders (Procedure) (Scotland) Regulations 1999 to ensure that the local authority consultation in relation to traffic orders is full, meaningful and democratic.
Action taken to resolve issues of concern before submitting the petition:

Representations have been made directly to
(1) All Councillors on the relevant Council Committee
(2) Local MSPs
(3) The Council Leader
(4) The Council’s Chief Executive
(5) The Director and Managers of Glasgow City Council’s Roads & Lighting Committee
(6) The Public Services Ombudsman (ongoing)
(7) The Minister of Communities (ongoing)

Copies of most of the relevant correspondence in the Appendices

Petitioners appearing before the Committee
The Convener of the Committee may invite petitioners to appear before the Public Petitions Committee to speak in support of their petition. Such an invitation will only be made if the Convener considers this would be useful in facilitating the Committee’s consideration of the petition. It should be noted that due to the large volume of petitions it has to consider, the Committee is not able to invite all petitioners to appear before the Committee to speak in support of their petition.

Please indicate below if you do NOT wish to make a brief statement before the Committee when it comes to consider your petition.

I do wish to make a brief statement before the Committee

Signature of principal petitioner:
When satisfied that your petition meets all the criteria outlined in the Guidance on submission of public petitions, the principal petitioner should sign and date the form in the box below. Other signatures gathered should be appended to this form.

Signature .................................................................
Date ................................................................. 30.01.06

Please note that any additional information, copies of relevant correspondence and additional signatures should be appended to this form and submitted to:
The Clerk to the Public Petitions Committee,
The Scottish Parliament,
Edinburgh
EH99 1SP
Tel: 0131 348 5186    Fax: 0131 348 5088
e-mail: petitions@scottish.parliament.uk
Dear Dr Johnstone

Thank you for your letter of 10 March 2006 seeking comments on the issues raised in Petition PE934 by Dr J W Hinton on behalf of Meteredparking Organisation calling for the Scottish Parliament to urge the Scottish Executive to review the Local Authorities’ Traffic Orders (Procedure) (Scotland) Regulations 1999 to ensure that the local authority consultation in relation to traffic orders is full meaningful and democratic.

Under the Road Traffic Regulation Act 1984, roads authorities have a general duty to secure the expeditious, convenient and safe movement of traffic. This general duty is met by the authority making traffic regulation orders (TROs) which can be introduced for a variety of reasons including the allocation of road space for specific purposes such as parking and the subsequent imposition of restrictions and penalties.

When making TROs, local authorities must follow the procedures contained in the Local Authorities’ Traffic Orders (Procedure) (Scotland) Regulations 1999. These regulations include provision for statutory consultation and publication of proposals by an authority (by press advert and local noticing in a road or other place) of their intention to impose restrictions. There are subsequent provisions for objections to be made and in certain circumstances for a hearing to be undertaken.

The 1999 Regulations replaced previous Regulations which had been in force since 1987. The decision to revise the Regulations was based on a desire to make the procedures more efficient and easier for Order-making authorities to understand. At the same time, the new procedures continue to safeguard the interests of road users and the public at large. The introduction and enforcement of TROs is very much a matter for individual Councils as the roads authority for their particular area.

The Scottish Executive is not aware of any significant problems associated with the application of the current procedures and there are therefore no plans at present to review these particular Regulations. However, as with all legislation, their effectiveness will be kept under review. We would be interested in any new evidence of findings in this regard.
I hope that this information is helpful in responding to the issues raised by the Committee's deliberation of this matter.

Yours sincerely

JACKIE McCaig
Glasgow City Council's comments on the issues raised in Petition PE934

Glasgow City Council considers that the current Local Authorities' Traffic Orders (Procedure) (Scotland) Regulations 1999 provide a satisfactory basis for the promotion of Road Traffic Regulation Orders. However, in view of the increase in public access to, and use of, the internet, since these regulations were last reviewed, there may be a case for prescribing a role for the dissemination of information via the internet within the regulations. There may also be merit in detailing, within the regulations, the precise means by which a local authority comes to a decision as to whether an objection, once made, has been withdrawn (see comments on Col 2380, Para 8, below).

Glasgow City Council's comments on the issues raised during the Committee's discussion of Petition PE934 on 8 March 2006

Col 2379 Para 6

It is the Council's understanding that a significant proportion of the 1000 affected residents to which Dr Burton refers actually reside outwith the areas in which the parking order was implemented. It is noted that the petitioners consider the petition to be solely concerned with ensuring that councils generally observe democratic procedures.

Col 2380 Para 2

This is done by making the full Order available for inspection by the public at specified premises.

Col 2380 Para 3

Full Orders, being legal documents, are by nature, difficult for many people to understand. General information, covering the main points, was posted on the website. A contact telephone number was included for any specific enquiries. The full Orders were available for inspection by all, including disabled persons at specified premises, including local libraries. It is unlikely that all disabled persons would have access to information posted on the web.

Col 2380 Para 4

Notifying all local people individually would be time consuming and expensive and, inevitably, some people would almost certainly be missed. There is also a difficulty in defining 'all local people'. The petitioners appear to consider that this term should embrace more than those 'residing in the roads affected by an Order'. A Council officer stated at a meeting with a residents' association that the association would be notified of the Order's advertisement to facilitate dissemination of information to members. The association was notified as promised. Informal consultation with residents groups and community councils had been ongoing for several years, prior to formal advertisement of the Orders, as is demonstrated by Dr Hinton's attendance at a residents' meeting in November 2004.

Col 2380 Para 5

Council officers were invited by an hotel proprietor to attend a private meeting of no more that 15 people to discuss the implications of the proposals on the hotel and bed-and-breakfast trade in the area. The resultant, somewhat larger meeting ran its full course before it became apparent that the press had been present throughout. Council officials did not call the police. The Community police attended of their own accord, when they became aware of the meeting being held.
There was a contact telephone number on the Notice in The Herald, the Notices posted on-
street, the website, and on a leaflet of FAQ’s which was also produced. It is acknowledged
that for part of the consultation period there was no manned reception at one of the contact
addresses. However, there was an internal telephone at that address, with a notice giving
contact telephone numbers for various matters, including Traffic Regulation Orders. Anyone
calling the number given could then hand in letters of objection or view the proposals, as
many people successfully did. There was an alternative city centre location, at which the
Orders were available for inspection, with a public reception area and officers available to
give information. It is unrealistic for all interaction to take place with a single named official.

No examples are provided.

It must first be made clear that, as regards the traffic orders to which this petition makes
specific reference, all objections received were reported to Committee. In addition,
Committee was separately advised of those who wrote a second time, to maintain an
objection, following receipt of a response to their original objection from the Council. No
objections were considered to have been withdrawn unless a letter to this effect had been
received from the objector.

More generally, the Committee may wish to consider how councils can best comply with the
current Regulations (The Local Authorities’ Traffic Orders (Procedure) (Scotland)
Regulations 1999). These regulations require a council to take account of any objection
made and not subsequently withdrawn. The council must, therefore, come to a view as to
which objections are maintained and which are withdrawn.

Past practice by Glasgow City Council and its predecessor authority, when responding to
objectors, has been to state that, "unless an objector, unsatisfied with the response
received, writes again within 14 days, their objection will be considered to be withdrawn".
This both saves those satisfied with the response received the trouble of writing again and
also gives the council an accurate picture of the level of maintained objections. The
alternatives to this procedure would appear to be:

1. To request that all objectors write again, following receipt of the council’s response
to their objections. However, it is extremely unlikely that all would do so. An
assumption would then have to be made as to the position adopted by those not
writing again. It is suggested that the only realistic assumption which could be
made would be that those not writing again had withdrawn their objections. But this
could never be more than an assumption, since the objectors would not have been
told that a non-response would be considered to constitute a withdrawal, as is the
case with the above procedure.

2. For the council’s letter to state that, unless an objector wrote again, the objection
would be considered to be maintained. In this case, it is likely that many of those
satisfied with the council’s response would not bother to write again, leaving the
council with a false impression as to the level of maintained objections.

On balance, Glasgow City Council’s past practice appears to constitute the best method of
reporting accurately on the general public’s response to advertised proposals for traffic
orders and the Committee may wish to give consideration to incorporating this or a similar
procedure within the Regulations.
This is the usual procedure followed by the Council in considering traffic orders. Any councillor, who is not a member of the sub-committee convened to consider the order, is precluded from speaking, unless asked to do so by the chair, not merely opposition councillors. Following representations made, the remaining orders were considered, exceptionally, by the full Roads and Lighting Committee.

The new pay and display machines were purchased through the competitive tender process for replacing the existing city centre stock, which would then be re-utilised for the proposed Western Extension schemes if Council approval was received. Subsequently, it was decided to use some of the newly-purchased machines within the Park conservation area and to leave some of the existing city centre machines in place. This decision was made for operational reasons but with due regard to the conservation area status of the Park area.

In preparing proposals for traffic orders and in the council’s deliberations prior to making an order, full account is taken of both the needs for access and parking by all sections of the community and also the social and environmental impacts of the proposals.

In this paragraph, Dr Hinton confuses notices drawing attention to the proposed Orders with the Orders themselves. Notices advertising the Council’s promotion of the Orders were inserted in the Herald at the start of the six week statutory consultation period. These notices were also displayed at both ends of each and every affected road, and maintained for the six week period.

The Orders were made available for public inspection as notified, to the best of the Council’s knowledge. I am aware that, on one occasion during the six week period, the copy on display at Community Central Hall, Maryhill, was removed by person(s) unknown. Once alerted to this, the Council provided a replacement copy.

The generation of an estimated £302,000 per annum from penalty charge notices was not an ‘objective’ of the scheme but an anticipated consequence. It is fact that an increase in the area subject to on-road parking restrictions leads to an increase in the number of penalty tickets issued for infringement of those restrictions.

There is no requirement that all traffic orders be promoted for the same reasons. However, in the case of the nine orders, to which the petitioner refer, the statutory ‘Statement of Reasons for Proposing to Make the Order’ was the same in each case.

The Notices did not make any reference to their being any level of public support for parking restrictions. However, the non-statutory leaflet of Frequently Asked Questions, circulated in the area and made available on the Council’s website, contained the following text in answer to the question ‘Why are the Council proposing to introduce controls?’

‘Parking controls are being proposed in response to requests from residents and businesses in these areas who currently experience difficulties in finding a parking space. Concerns have also been expressed by the Emergency Services and others about inconsiderate parking that restricts access and adversely affects safety and access for residents and other road users.’
The Fire Service was consulted on all the Orders. The Fire Service is a statutory consultee.

The minimum the Council could have done in terms of the legislation to make the public aware of its proposals was to place a notice in a newspaper and allow three weeks for the submission of objections. In fact, the Council significantly exceeded this minimum requirement by:

- Doubling the objection period to six weeks
- Placing notices at each end of every affected road

The 1800 written responses received, in addition to telephone calls and significant attendance at public meetings held during the six week consultation period, indicate that the consultation process worked very well. Dr Burton wrote with an objection on 13 April 2005, stating that he learned about the consultation on the previous Friday, which was a full two weeks before the end of the consultation period.

Officers from Glasgow City Council attended meetings at various stages during the evolution of the proposals to introduce parking restrictions. The early, informal, meetings provided an opportunity for the public to influence the proposals. Indeed, at that time, the Council was eager to learn whether a scheme would be generally welcomed and what form it should take. At the later meetings, held during the statutory consultation period, Council officers stressed that they were not empowered to amend the proposals which had, at that stage, been formally advertised. Instead, they were present to explain the details of the advertised proposals, such that members of the public present could come to a decision as to whether or not they wished to object, in writing, to the proposals and on what grounds. Regulation 7 (2) of the Local authorities’ Traffic Orders (Procedure) (Scotland) Regulations 1999 prescribes that any objection shall be made in this way.

The AGM of the St Vincent Crescent area association, held in November 2004, was one of the earlier, informal, meetings at which the officers present were seeking to take on board any concerns voiced from the floor. At that meeting, Mr Hughes stated that Community Councils and residents’ associations would be notified individually when the Orders were advertised, so that they could then disseminate information to their members. This notification took place, as promised. At no time did Council officers offer to advise individual members of the public of the Orders’ advertisement.

Further information could be obtained over the telephone by those unable or unwilling to leave their homes to peruse the proposals in detail. The relevant telephone number was given on the Notice, website and in the FAQ leaflet. Many people called for further information, both during the statutory consultation period and subsequently.

Legislation does not require that notices are erected. However, they were erected at each end of each road and maintained in place throughout the six week period of statutory consultation. Whenever notices were found to have been defaced or removed, they were replaced immediately.

The Council’s Director of Land Services recommended that the proposals for the ninth area should be abandoned, since no support for them had been received from residents of the area concerned during the statutory consultation period. The Council committee considering the proposals abandoned the proposals in line with the Director’s recommendation.