



Warden support in sheltered housing

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Supporting People is the policy and funding framework for housing related support services. It became operational from April 2003. The programme has involved major changes to the funding and organisation of housing support services. There is concern that the framework is leading providers of sheltered housing services to move from providing resident warden services to more “floating” support. This note considers the issue.

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1 Impact of Supporting People on resident warden services

In evidence submitted to the Communities and Local Government Select Committee's 2009 inquiry into the Supporting People Programme, Age Concern and Help the Aged said:

In three years time 38% of sheltered housing will have floating support (as opposed to warden services) from a base of 5% five years ago.¹

Following the introduction of Supporting People in April 2003 local authorities were required to review all sheltered housing schemes in their areas to ensure that all support services are of good quality and value. Funding has been identified as the key issue behind the move away from residential warden services. Help the Aged and Age Concern (now merged) have argued that cuts in the Supporting People grant have prompted the phasing out of resident wardens in many sheltered housing schemes in favour of a move "floating support".² Gillian Connor, housing policy advisor at Age Concern England called on the Government in 2008 to consider dropping sheltered housing from the Supporting People programme:

Ultimately, a review could explore whether better definitions [for housing support and housing management], are needed. The sheltered housing sector may not be an appropriate place to apply those sorts of definitions to anyway, when there is such an overlap between the housing management and support roles of a scheme manager.³

Sheltered housing organisations argued against their inclusion in the Supporting People regime prior to 2003 and repeated these arguments in evidence submitted to the Communities and Local Government (CLG) Select Committee's 2009 inquiry:

159. Age Concern and Help the Aged outlined the background to this contentious issue in their written evidence:

When SP funding was introduced in 2003 there was a debate about whether sheltered housing should be included under this funding regime. There was an early recognition that the inclusion of sheltered housing, under SP, could prove problematic and assurances were given in guidelines designed to protect sheltered residents. [...] Prior to 2003, sheltered housing was delivered as a complete package, with the funding of housing support via Housing Benefit payment for those unable to pay service charges.

Following a change in the Housing Benefit system in 2003, only 'bricks and mortar' could be paid for with Housing Benefit. The 'support' aspect of sheltered accommodation had to be paid with Supporting People funds. Age Concern and Help the Aged believe that the change in the funding regime from 2003 "is at the core of ongoing problems and complexities for many existing and prospective residents."

160. In oral evidence, Mr Oldman of Age Concern and Help the Aged explained that the separation of housing and support costs was leading to "a fragmentation of services and confusion amongst residents about what the services are and how they are provided."

He went on to add that this fragmentation demonstrated a "failure to recognise that it is an integrated package which brings together housing management and housing support. If you take that apart, you are creating inherent instability, financial instability within those schemes."

¹ Communities and Local Government Select Committee, Thirteenth report of 2008-09, *The Supporting People Programme*, October 2009, HC 649-I

² *Inside Housing*, "Urgent funding review demanded by charities", 22 August 2008

³ *ibid*

161. Many witnesses, including the Anchor Trust, believe there are compelling reasons to remove sheltered housing as a low-level preventative service from the Supporting People regime, arguing that “the Supporting People structure is designed for higher-level interventions.” As we have already seen, evidence to our inquiry highlights widespread concern that pressure on local authority budgets will lead to funding being focused on services to support the most critical and acute needs, with the benefits of preventative, lower-level interventions consequently being lost.

162. The Anchor Trust also pointed out that “Older people in receipt of Supporting People funds receive a relatively small amount per person meaning that the administering of these funds is relatively expensive.” This view was supported in oral evidence by Louis Loizou of Brighton and Hove Sheltered Housing Action Group:

[...] all Supporting People does is deliver money [...] it could quite easily, more cheaply and more efficiently be paid through the benefits system.⁴

The evidence submitted by numerous witnesses to the CLG Select Committee focused on the trend of authorities removing onsite warden provision in favour of generic or floating support teams that provide support to a larger number of older people in the community on a “tenure neutral” basis. Witnesses questioned how effective Supporting People had been in achieving “choice” for users in terms of the support services on offer:

Whilst floating support was acknowledged as being effective in expanding the client base being served by Supporting People services, Age Concern and Help the Aged referenced their 2009 report *Nobody’s Listening*, in which they showed that older owners in sheltered and extra-care housing (many of whom are very vulnerable and not well-off) are sometimes denied Supporting People services as Administering Authorities have discretion to decide how support for older people in leasehold and privately rented accommodation should be funded. There was therefore a strong sense amongst many witnesses that Supporting People was neither delivering to some of the most vulnerable older people in society in a tenure-neutral way, nor managing to retain residential wardens in sheltered accommodation as a valid choice of housing-related support. On this latter point, given that service user choice is a mainstay of the Supporting People strategy, the removal of residential wardens as a ‘choice’ in some local authority areas is seen by many witnesses as a significant failure of the programme.⁵

Some local authorities defended the move towards floating support on the basis that this mode of provision can better focus on residents’ needs, irrespective of tenure:

Andrew Meakin of Stoke-on-Trent told us that “some customers in sheltered housing qualified for Supporting People because they were in receipt of housing benefit, and others did not, and had to pay the Supporting People charges as a condition of their tenancy out of their own resources. We receive a lot of complaints from those customers who feel that they are having to pay for a service that they do not need.” Rod Craig of Cambridgeshire’s view was that resident wardens were “very expensive” and that “people are looking to stay within their own homes and receive the sort of services that they could do through sheltered housing on a supported outreach basis rather than on a building basis.”

168. The views of Stoke and Cambridgeshire were echoed in evidence from the Minister:

⁴ Communities and Local Government Select Committee, Thirteenth report of 2008-09, *The Supporting People Programme*, October 2009, HC 649-I

⁵ *Ibid* para 163

There will be people living in sheltered accommodation who qualify on the basis of their age and perhaps not on the basis of necessarily needing the support that a warden can offer. If there are people living nearby in a community who could benefit from the support that a warden can offer and are able to remain in their homes longer and live independently that is not a bad thing.⁶

Imogen Parry of the national consortium of sheltered and retirement housing, The Essential Role of Sheltered Housing (Erosh), argues that the move to floating support is not as catastrophic as has been implied:

Many residents are pleased with changes that have been made to their support services, including a move away from resident wardens, particularly when they have been fully involved in the process. Help the Aged's report, Nobody's listening, noted a link between satisfied tenants and good communication and engagement by landlords or providers. We promote better understanding of the reasons for the withdrawal of resident wardens, meaningful engagement with residents, better use of assistive technology and a strategic approach to sheltered housing allocations.

Support services need to move away from routine five times weekly visiting. This model of service delivery can sometimes be institutionalising and wasteful of public funds, as the service is provided irrespective of whether the tenant wants or needs it. Support should be tailor-made and based on individually assessed needs.

We favour hub-and-spoke models of support, in which sheltered housing/extra-care schemes are used as a base for the delivery of support and other services to people who need them, including tenants in sheltered schemes and those in close proximity to the hub.

Erosh is not in favour of large-scale floating support models as they fail to capitalise on the potential of sheltered housing schemes as a resource to the wider community.⁷

Erosh responded to a Panorama programme, *Gimme Shelter*, which was aired in August 2009:

We have had to write to Panorama's producers expressing our disappointment at the biased, one-sided nature of the programme.

We are fully sympathetic to the thousands of residents who fear life without their resident warden, but the programme failed to explain the reasons why resident staff have been withdrawn by many sheltered housing providers and gave insufficient weight to one of the main reasons - the European working time directive.

Imogen Parry was interviewed on this and other pertinent reasons - recruitment difficulties, unmet needs in the community among them - for more than an hour, but none of this was included.

Furthermore, there was no analysis of the unrealistic nature of the idealised 24/7 resident warden role or any coverage of how tenants can have genuine peace of mind and a sense of safety with a combination of support, telecare and call monitoring services.

The portrayal of people dying alone without a resident warden was sensational. Having a resident warden does not guarantee an immediate response, unless they are awake and on duty 24/7, which is both unrealistic and illegal.

⁶ *Ibid* para 167-8

⁷ *Inside Housing*, "Keep it personal", 13 March 2009

There was also an inadequate unravelling of the differences between changes to services to save money, to redirect money and to improve quality. Many changes to resident warden services have led to increased provision of service to those most in need.

There is enormous pressure on providers, resources and society, which means that other service delivery models need to be explored - a key area being examined by the ministerial working group on sheltered housing, of which EROSH is a member.⁸

In October 2007 the then Minister, Iain Wright, provided the following response to a series of questions concerning the impact of the Supporting People regime on sheltered housing residents, focusing specifically on the removal of resident warden services:

Mr. Leech: To ask the Secretary of State for Communities and Local Government (1) what assessment she has made of the effect of the Supporting People regime on the choices open to older residents who wish to retain their residential wardens;

(2) what consultation has been conducted with older sheltered housing residents on the replacement of residential scheme managers with floating support services;

(3) what mechanisms there are for older people living in sheltered housing to challenge or complain about support services commissioned under Supporting People;

(4) how many older residents who moved into sheltered housing on the basis of having access to a residential warden are having this service removed as a result of Supporting People;

(5) what assessment she has made of the effect of the replacement of residential scheme managers with floating support on the level of security and communal support offered to older residents.

Mr. Iain Wright: The Supporting People programme is administered at the local level by the relevant administering authority. It is for the authority to decide which services to fund in order to deliver good quality, value for money housing support services for vulnerable people in their area. The authority should make these decisions informed by the local needs and priorities identified in their five-year Supporting People strategies.

Moving from accommodation-based or warden models of support to floating support is a decision that can only be taken locally. It is therefore also at that local level that any assessment of their relative value should be made. No central assessment has been made.

In "Independence and Opportunity", the national Supporting People strategy published earlier this year, the Government set out their expectation that both local authorities and Supporting People service providers should

"Ensure that there is effective communication with service users and to explain changes properly to service users."

Any challenges about a consultation process or complaint about services should be made via the relevant authority's complaints procedure or that of the service provider.

It is for commissioners of services locally to understand the factors that influence an older person's decision to take up a specific type of accommodation. This is not measured centrally by the Government.⁹

⁸ *Inside Housing*, "Panorama gave biased view", 11 September 2009

The Minister emphasised the local decision making process when responding to an adjournment debate secured by Andrew Dismore in May 2009 on the subject of Barnet Council's decision to remove resident wardens from its sheltered housing schemes.¹⁰ Ian Austin, then Parliamentary Under-Secretary of State, also referred to local decision making when responding to a Westminster Hall adjournment debate on wardens in sheltered housing secured by Geoffrey Cox in October 2009 – he also emphasised the importance of resident consultation:

The Government's aim is to ensure that our vulnerable and older citizens get the best housing and support services that can be made available locally in the most effective way. In February 2008, my Department published "Lifetime Homes, Lifetime Neighbourhoods: A National Strategy for Housing in an Ageing Society", in which we set out how sheltered housing is often a positive choice for older people who want to remain independent, but who value that little bit of support or shelter and the sense of security and community that such a scheme can provide. We said in that document that

"extra care and care homes at their best can be vibrant community hubs, tackling exclusion and promoting active ageing, even if the accommodation itself is dated."

As the hon. and learned Member for Torridge and West Devon has pointed out, it is for local authorities to decide how best to design and commission such services. We all agree that local authorities are best placed to identify the services that are required to meet the needs of their local areas and to balance local priorities. We are not in the business of dictating to local authorities or service providers the detail of what local services they should provide and how to do so, or in micro-managing the delivery of those services. However, we are equally clear that in developing and commissioning local services, local authorities should take into account the views and experiences of local service providers, local people and especially of service users.

Consultation and needs assessment are critical, both to ensure that any changes in services are effectively managed and reflect the wishes of service users, and to enable local authorities to meet the needs of all service users. That was emphasised in the Supporting People strategy paper, "Independence and Opportunity", which the Department published in 2007. One of the strategy's most important features is the emphasis that it places on keeping service users at the heart of the delivery of housing support.

The importance of needs assessment and consultation with service users is also enshrined in the quality assessment framework for the Supporting People programme, which was introduced in 2003 and sets out the standards expected in the delivery of Supporting People services. One of its five core principles is client involvement and empowerment, which demonstrates the importance the Government place on that issue. It also identified methods of evidencing achievement and has been a successful practical tool for ensuring continuous improvement in services delivering housing and related support over the past five years. It was reviewed last year to bring it up to date and further emphasise the need for high-quality, individually focused services that aim to improve outcomes for service users. The majority of administering authorities continue to use the QAF, and there is evidence that other services across authorities, such as adult social care, are adopting it as a standard tool to measure the quality of services provided.

⁹ HC Deb 16 October 2007 cc1037-8W

¹⁰ HC Deb 8 May 2009 cc525-8

Hon. Members have set out cases in which residents of sheltered housing schemes across the country are concerned about changes to resident warden schemes, especially how those changes are being implemented. I want to spend some time addressing that important and complex matter. It is fair to say that changes in support services for sheltered housing and the replacement of resident wardens by alternative service models are not a new phenomenon. Those changes have been taking place for two decades, as was acknowledged in the campaign report by Help the Aged entitled "Nobody's listening", to which the hon. and learned Gentleman referred.

There are several reasons for those changes. An independent review of floating support services conducted for the Department last year identified a range of factors. It found that there was less demand for sheltered housing, as people tend to move into sheltered housing later in life; that a large number of sheltered housing schemes are not up to modern standards, perhaps providing only bedsit accommodation; and that a significant number of sheltered housing residents do not require support services and are defined as the "active elderly". That is also reflected in the correspondence we have received from residents of sheltered housing, as they complain that they are sometimes required to pay for services that they do not want. As a result, some administering authorities are commissioning flexible, mobile support to sheltered housing tenants, based on an assessment of support needs, and they are extending that mobile support to older people in other types of accommodation. That is a key benefit of the Supporting People programme, which makes housing-related support services accessible to all vulnerable people, regardless of where they live or their type of tenure.

Other factors driving those changes include problems recruiting resident wardens, which have arisen in several areas, as sheltered housing is not immune to the wider demographic, technological and economic challenges and changes that society faces. We need to encourage innovative ways of caring for and supporting people to provide a more personalised service and make the most of emerging technology. For example, greater use of telecare can bring substantial benefits, including assisting people to remain in their own homes. It can reduce inappropriate admissions to hospitals, facilitate discharge from hospital more quickly and provide advance warning if someone's condition deteriorates.

The "Shaping the Future of Care Together" Green Paper, published earlier this year, sets out the Government ambition for a national care service in England. It recognises that Supporting People put in place structures that enabled partnerships of local authorities, health services and probation services to make decisions about improvements and local investment in housing for vulnerable people. It demonstrates the opportunities for increased innovation in the joint commissioning of those services. Supporting People contributes to the developing work on the national care service, as it shares the same aims of improving service user choice and control and keeping service users at the heart of the programme and its local implementation.

Hon. Members will be aware that my ministerial colleague, Lord McKenzie, is chairing a working group on sheltered housing, providing precisely the sort of leadership that has been called for in the debate, and I will take this opportunity to update hon. Members on that work. The group was established in April by Baroness Andrews, and brings together a range of interested organisations, including representatives of service commissioners, providers and residents, to consider how best to support good local decision making and practice. It is taking forward several projects on resident engagement and consultation and on service models, and that addresses the second and third questions asked by the hon. Member for Wycombe (Mr. Goodman).

The National Housing Federation is leading work on good practice guidance in the implementation of any changes to current support services, including case studies on a variety of successful models for support services for older people, whether flexible community-based support, a scheme management service, the innovative use of technology or a hub-and-spoke model. That work will look at the costs and benefits of the various models—not just the financial costs, but the psychological costs to residents as well. By identifying value for money and overall benefits for older people, the case studies will present providers and commissioners with a sound evidence base for commissioning support services for older people.

Consultation is an absolutely vital part of any service, and that cannot be emphasised too strongly. I do not condone the examples of bad practice that the hon. and learned Member for Torridge and West Devon gave. As the report “Nobody’s Listening” points out, if an organisation has really involved and consulted its service users, often change might not be such a contentious or frightening issue, and that is why consultation should happen before those decisions are made, rather than after.

Consultation should also be a proper two-way process, ensuring that the provider is able to portray the situation it faces and offering the opportunity to discuss why those changes are being considered and all the options available. It is for those reasons that consultation and engagement with residents is a critical issue for the ministerial working group, which is doing precisely the sort of work that the hon. Member for Brent, East (Sarah Teather) called for. The Centre for Housing Support is leading work on a good practice guide for providers and commissioners of services on how to engage and consult residents. The guide will improve providers’ ability to consult meaningfully and engage people. It will help service users to understand what they can expect of consultation, and it will provide a bench mark so that they can make comparisons with what happens in their own organisations.

The ministerial working group is also looking at a key concern raised by Help the Aged: the lack of clarity over the complaints procedures for residents of sheltered housing. The Chartered Institute of Housing is leading work to produce a guide providing clear and concise information about the roles and responsibilities of the different regulatory agencies; when, how and by whom those services can be used; how the agencies relate to each other; and the type of information they require to act. The complaints guide will enable tenants and residents in sheltered housing and their families and carers to judge who to complain to and how to do so if they have exhausted the landlord’s internal complaints processes. Those three guides will be published early in 2010.

This debate has raised several serious issues about the way in which residents in supported housing schemes are treated, as well as their concerns about the changes that they face. I thank the hon. and learned Member for Torridge and West Devon again for securing the debate, which has provided me with an opportunity to show how seriously the Government take those concerns and our determination to ensure that older people can live safely and independently in their own homes, wherever they may be. As I have explained, the key decisions on the provision of services such as warden support must be a matter for local authorities, but we have always made it clear that any changes to the way in which services are provided should be designed to meet the needs of residents and take account of their views through proper engagement and consultation.¹¹

¹¹ HC Deb 20 October 2009 cc196-200WH

The CLG Select Committee welcomed the fact that a Ministerial group had been established to consider the issues raised around sheltered housing and recommended that the group should focus on the following areas:

- Reviewing whether sheltered housing should stay within the SP regime;
- Improving needs analysis so that evidence is available of what older people want; and
- Developing a more coherent strategy for the provision and funding of housing and support services for older people, making clear the role of sheltered housing.¹²

The Labour Government published its response to the CLG Select Committee Report in January 2010.¹³ The response to the committee's recommendations on sheltered housing is reproduced below:

55. The Government accepts the need to review the issues outlined in the above recommendation. However, we do not believe the ministerial-led Sheltered Housing Working Group is the appropriate forum for this discussion. There are financial, and possibly legal, implications linked to this recommendation which need to be considered by ministers from Communities and Local Government as well as those from the Department for Work and Pensions, the Department of Health and HM Treasury. There are already a number of cross-Whitehall Cabinet Sub-Committees, e.g. MISC35 or Life Chances (Social Exclusion) where these issues may be raised, discussed and resolved and we will investigate which of the groups is best placed to do this.

The three project groups referred to by Ian Austin during the adjournment debate in October 2009 (reproduced above) published their reports on 29 January 2010:

1) [Effective Resident Involvement and Consultation in Sheltered Housing - A Good Practice Guide for Providers and Commissioners](#)

The Centre for Housing and Support led this project on service user involvement and engagement in partnership with the Tenant Participation Advisory Service (TPAS). The report highlights the importance of real involvement and engagement. Change is inevitable and providers and commissioners need to be aware that preparing and reacting to changes should involve the users of their services to ensure that appropriate and value for money services can be developed. The report addresses the barriers to effective engagement and includes case studies and good practice examples.

2) ["More than just a few kind words!" - Reshaping support in sheltered housing: a good practice guide for housing providers and local authorities](#)

The National Housing Federation led this project on the transformation of support services for older people. The report illustrates good practice in the implementation of any changes to current services, as well as providing case studies on a variety of successful models for support services to older people whether it be flexible community-based support, a scheme manager service, innovative use of technology or a hub and spoke model. Through identifying their value for money and other overall benefits for older people, the case studies present providers and commissioners with a sound evidence base for commissioning support services for older people.

¹² Communities and Local Government Select Committee, Thirteenth report of 2008-09, *The Supporting People Programme*, October 2009, HC 649-I

¹³ Cm 7790

3) Complaints Guide for Sheltered Housing Residents

The Chartered Institute of Housing developed a new and innovative complaints route map for the residents of sheltered housing and their families. There is a whole range of different agencies involved in managing complaints, mediation and advocacy across the sheltered housing sector. The complaints guide sets out clearly who these agencies are, their key role and the areas in which they can help and support residents if they are unhappy with their services once internal complaints processes have been exhausted.¹⁴

2 Supporting People funding

2.1 General funding trends

Funding for wardens in sheltered housing cannot be considered separately from general trends in overall funding for services that fall under the Supporting People umbrella. Then Minister, Jeff Rooker announced that the Supporting People programme would attract funding of £1.4bn on 20 February 2003. At the same time he announced that an independent review of the Supporting People programme would be carried out by Robson Rhodes and that the results of this would form the basis for funding in future years. Subsequently on 16 October 2003 the Labour Government announced revised funding for 2003-04 of £1.8bn.¹⁵ This compared with a rough estimate made in 1998 (when the Government published its first consultation paper on the proposals for a single funding stream) of between £350-750 million.

The Robson Rhodes review of the programme, which reported in January 2004, found that while Supporting People was funding many valuable services, the unit costs varied widely between local authorities. It also said that whilst there was unmet need, “£1.8bn is too much to pay for the legacy provision.” The Review recommended that efficiency savings should be made starting in 2004-05 but that the pace of change needed to be managed in order to avoid difficulties for service users and small providers. It also recommended further research and analysis of spending by high cost local authorities, and the development of a new allocation formula.¹⁶

In February 2004 the Office of the Deputy Prime Minister (ODPM) announced that the Supporting People allocation would remain at £1.8bn for 2004-05. On the basis of the review’s findings it was announced that local authorities would be expected to make efficiency savings of up to 2.5 per cent in 2004-05 in order to improve value for money; these savings were capped at £800,000 in a single authority to protect services and ensure stability.¹⁷ The budget was not increased with inflation and more cuts in future years were anticipated.

In August 2004 the then Government announced a funding package, as part of the Spending Review 2004, to provide £1.72 billion in 2005-06, followed by around £1.7 billion in both 2006-07 and 2007-08 for the Supporting People programme.¹⁸ Alongside this the Government announced that there was scope for savings in the programme:

¹⁴ <http://www.communities.gov.uk/housing/supportandadaptations/housingolder/shelteredhousinggroup/>

¹⁵ ODPM press release 2003/0208, 16 October 2003

¹⁶ ODPM press release 2004/0032, 12 February 2004

¹⁷ *ibid*

¹⁸ ODPM press release 2004/0202, 31 August 2004

A programme of work, including a series of Audit Commission inspections on behalf of the Government, found that there is considerable scope for local authorities to make savings in the Supporting People scheme, in order to improve value for money and reach unmet demand.¹⁹

These lower levels of funding, coupled with expectations about further efficiency savings over the 2006-08 period, represented a real terms cut in the total budget of 7.5 per cent. The then Government said it would consult in early 2005 on a revised needs based distribution formula to inform future allocation of grant.

In November 2005 the Government began to consult on how the programme should best be delivered in the future. The key messages from respondents were drawn together in the document *Supporting independence: Next Steps in our Supporting People Strategy* published in July 2006. Subsequently they were reflected in the June 2007 paper, *Independence and Opportunity: our strategy for Supporting People*. The key themes on which the strategy was based were:

- Keeping people that need services at the heart of the programme;
- Enhancing partnership with the Third Sector;
- Delivering in the new Local Government landscape; and
- Increasing efficiency and reducing bureaucracy.

In December 2007 the then Communities and Local Government²⁰ Minister, Baroness Andrews, announced a three year funding package for Supporting People of £4.9bn, representing £1.686bn in 2008-09, £1.666bn in 2009/10 and £1.636bn in 2010-11. The skew of funding towards years one and two was designed to “give councils flexibility in budgeting ahead”.²¹ A new distribution formula was used to allocate funding to authorities based on need, rather than legacy funding.²² The then Housing Minister, Caroline Flint, confirmed the indicative allocations on 4 February 2008.²³

Supported housing providers warned that the £4.9bn for three years represented an 11 per cent cut by 2010-11 after taking inflation to account.²⁴

In the October 2010 Spending Review the new Government announced that “Funding for services that support the most vulnerable in society will be relatively protected, with provision for Disabled Facilities Grants rising with inflation and over £6 billion funding for the Supporting People programme over the Spending Review period.”²⁵ The Government defended itself against charges of cuts to the Supporting People budget, arguing that service delivery decisions lie with the local authorities concerned:

Andrew Stunell: The spending review has secured £6.5 billion of funding for Supporting People over the next four years, as part of our commitment to protect services for vulnerable people. As part of the spending review an equality impact assessment on supporting people has now been published. However, all decisions and the impact of them on services to be provided with the funding available is a matter for

¹⁹ *ibid*

²⁰ The Department which took over responsibility for this matter on the dissolution of the ODPM

²¹ CLG Press Release, 6 December 2007

²² *Supporting People Technical Distribution Formula – consultation paper:*
<http://www.communities.gov.uk/documents/housing/doc/600574.doc>

²³ HC Deb 4 February 2008 c48WS

²⁴ *Inside Housing*, “Cuts will hit vulnerable say disappointed providers”, 14 December 2007

²⁵ Spending Review 2010, para 2.32

the local authority. In making changes local authorities must ensure they comply with any legal requirements including carrying out equality impact assessments.²⁶

2.2 The removal of the ring-fence

From April 2009 the Supporting People Grant “ring-fence” was removed.

As noted above, the Labour Government announced its strategy for the delivery of housing related support services in its June 2007 document, *Independence and Opportunity: our strategy for Supporting People*. This stated the then Government’s intention that Supporting People services would be delivered through Local Area Agreements from April 2009. Funds were to be channelled through a new area-based grant whereas previously they were ring-fenced:

As the strategic leaders for their local area, local authorities are at the heart of ensuring provision for their most vulnerable and disadvantaged people.

The Local Area Agreement (LAA) approach, which brings together partners, funding and service commissioning, to the best advantage of the local community, is the key to making this happen. Consequently, Supporting People will be delivered through the new performance framework set out in the Local Government White Paper and we will support authorities and their delivery partners in moving towards delivering Supporting People funds through the new area based grant which we are aiming to do by April 2009.

This will be backed by our work to ensure that support for people is built into the new performance framework for local government, and also by the development and roll-out of an outcomes set for Supporting People.

In addition we will:

- Look at how the provision of support to vulnerable people should best be addressed within this new, risk-based approach to performance management and inspection.
- Support, develop and share positive practice in the commissioning, procurement and delivery of housing support, particularly through the appointment of Regional Champions.
- Work with Regional Assemblies, Government Offices and Communities England to strengthen the strategic and practical linkages between housing and Supporting People.

Increasing efficiency and reducing bureaucracy

Much has already been achieved by Authorities and delivery partners in creating efficient and effective services in the early years of the programme. We are keen to explore what further potential there is to optimise efficiency and tackle unmet need, and to support authorities and providers to make that happen.

Building on the learning from the 11 initial Value Improvement Projects, we will roll out a national Value Improvement Programme.

We will also work with local authorities and providers to ensure that administration and bureaucracy is minimised, including through the appropriate use of Business Process

²⁶ HC Deb 15 December 2010 cc817-8W

Improvement and mobile technology, so that resources can be redirected towards frontline delivery.²⁷

The removal of the ring-fence was piloted in 15 authorities over 2008/09. The findings arising from these pilots were published in November 2008, *Changing Supporting People Funding in England: Results from a pilot exercise - Summary*.

There was concern amongst Supporting People providers that when ring-fenced grant funding was removed, funding for these services would be diverted into other council services. Speaking at the Institute of Housing's national conference in June 2009 Domini Gunn-Peim, national lead for vulnerable communities at the Audit Commission, warned conference delegates that two-thirds of Supporting People contracts were at risk. She told delegates that the removal of the protective ring-fence on the programme's funding would threaten future commissioning and planning.²⁸

Then Minister, Ian Austin, provided the following response to a PQ on the impact of the removal of the ring-fence:

Ms Dari Taylor: To ask the Secretary of State for Communities and Local Government what assessment he has made of the likely effects on local authority provision of support for vulnerable people of proposed changes to the Supporting People programme.

Mr. Ian Austin: During 2008, CLG worked with 15 local authorities, providers, service users, and stakeholders to gather evidence about the potential impact of removing the ring fence for Supporting People. During this period, there were no serious concerns raised and feedback from the 15 authorities has shown innovative jointly commissioned services can provide better outcomes for vulnerable people.²⁹

The Communities and Local Government Select Committee's conclusions on the removal of the ring-fence are reproduced below:

211. With the lifting of the ring-fence, we are concerned that many 'protections' of Supporting People are being lost simultaneously in particularly challenging economic circumstances. Nonetheless, we are supportive of the Government's overall policy of reducing ring-fenced funding, and consider that there is much to be gained from the greater flexibility which it offers. We do not, therefore, recommend the re-imposition of the ring-fence on Supporting People funding.

212. We conclude that fears about the loss of funding to Supporting People services can best be countered by ensuring that it is clear to all concerned how much money has been allocated to a council for those services; and how much the council has actually spent on them. We therefore recommend continued transparency in the allocation of Supporting People funding in the Area-Based Grant. Local authorities should not be required to spend funds allocated on the basis of assessed need for housing-related support on those services if they consider that it would be better spent elsewhere. They should, however, be required to justify, and account for, any decision to do so. This local accountability, combined with the retention and enhancement of the other protections which we have recommended, should ensure that the Supporting

²⁷ *Independence and Opportunity: our strategy for Supporting People*, June 2007

²⁸ <http://www.cihhousing.com/story.aspx?storycode=6505071>

²⁹ HC Deb 7 July 2009 c699W

People programme continues to deliver vital services to some of the most vulnerable in our society.³⁰

The Labour Government issued the following response:

64. We acknowledge that pressure on local authority budgets is a potential threat to the future of some existing Supporting People services and to the likelihood of currently unmet need being addressed in future. The question is how best to address that threat, particularly in the current economic climate, recognising that it applies equally to other local authority services, and that local authorities working with their partners are well positioned to determine how best to allocate resources (recommendation 29).

65. The Government welcomes the committee's endorsement for the lifting of the ring-fence for the Supporting People programme. We agree that the re-imposition of the ring-fence would restrict the flexibility of local authorities to offer better, more innovative services that are more tailored to the needs of the individual. It would also hinder the mainstreaming of the programme in local authorities' service delivery which we are keen to encourage and support (recommendation 35).

66. The Government will continue to raise the profile of the Supporting People programme through dissemination of good practice and by highlighting how it can help support and deliver across a wide range of government agenda and local authorities' priorities.

67. As we set out in paragraphs 47 and 53, the work that we are taking forward with the Department of Health on the joint strategic needs assessment and building on the work Sitra have started on the local governance structures should ensure that as strategic decisions are taken on commissioning services, the value of delivering Supporting People housing related support services is recognised.

68. As set out in paragraphs 10 to 17, Communities and Local Government will work with other government departments and local authorities to embed and link the Supporting People Quality Assessment Framework and the Outcomes data into related frameworks in order to show the benefits of providing housing related support services.³¹

Local authorities' Supporting People budgets have now been rolled into Formula Grant, which includes allocations for other local authority services. On 22 December 2010 DCLG wrote to all local authorities advising that Supporting People funding "has been rolled into Formula Grant and it is not possible to identify a particular amount for Supporting People (or any other purpose) within Formula Grant for any individual authority."³² The letter set out the Government's position on cuts to services provided to vulnerable residents:

It should be stressed that the whole point of rolling the funding into formula grant - which has no strings attached from Government and is not ring-fenced - is that it is up to the local authority to decide how to prioritise its funding considering its settlement in the round. Ministers do not, however, expect authorities to respond to reductions in their budgets by passing on disproportionate cuts to other service providers, especially the voluntary sector. When making spending decisions, local authorities should be

³⁰ Communities and Local Government Select Committee, Thirteenth report of 2008-09, *The Supporting People Programme*, October 2009, HC 649-I

³¹ Cm 7790

³² DCLG letter to local authorities, 22 December 2010

working with the voluntary and community sector, adhering to the principles of their local Compact.³³

There have been a series of press articles over 2010/11 citing cuts in Supporting People services as local authorities have, reportedly, focused the non-ringfenced funding away from these services.³⁴

3 The Government's position

The previous sections note that the Government has continued with the removal of the ring-fence for Supporting People funding and has stressed that the allocation of funding is a matter for local authorities.

In July 2010 the Deputy Prime Minister announced the establishment of an independent commission on funding for adult care and support:

Q3. [9850] **Margot James (Stourbridge) (Con):** More than 250,000 older people live in sheltered retirement accommodation. Like many, two constituents of mine purchased their leases on the promise of full-time, in-house warden support at no charge. In the case of my constituents, that service has been whittled down to an off-site, visiting-by-appointment, chargeable service. Does my right hon. Friend agree that this is a shameful way to treat older people, and will he support my campaign to raise awareness of the legal redress that older people can have to secure their rights?

The Deputy Prime Minister: I am grateful for that question from my hon. Friend. She is well known for her outstanding record as a champion for older people prior to coming to the House, and I am sure all Members on both sides of the House share her concern that all older people, regardless of whether they live in their own homes, sheltered accommodation or residential care homes, can live in those settings with real dignity. That is one reason why we have just announced that there will be an independent commission to consider how we can ensure affordable and sustainable funding for care and support for all adults in England, and I hope my hon. Friend will be able to make her views and expertise available to that commission.³⁵

In November 2010 Margot James introduced a Westminster Hall debate on the subject of sheltered housing during which she asked what could be done to protect residents, many of whom had moved into this type of housing to benefit from the services of a resident warden. She argued in favour of a statutory right of consultation for sheltered housing residents:

Let me turn my attention to what can be done about that state of affairs. In the private sector, many tenants have a legally binding service contract. Most sheltered housing providers subscribe to the code of practice for the provision of retirement housing that was established by the Association of Retirement Housing Managers-ARHM. That code makes it incumbent on providers to consult leaseholders about any changes to the terms of the lease. Some charities and housing associations find ways round that code of practice, foisting service charges on to leaseholders without proper consultation, as we have heard this morning.

Leaseholders should be made explicitly aware of their right to consultation under the code of practice, and their recourse to leasehold valuation tribunals should the code be breached. The statutory elements of leaseholders' rights-such as the right to

³³ *ibid*

³⁴ See for example: <http://www.insidehousing.co.uk/news/care-and-support/scale-of-supporting-people-cuts-uncovered/6513408.article> and <http://www.insidehousing.co.uk/analysis/in-depth/in-the-grip/6513510.article>

³⁵ HC Deb 21 July 2010 c347

enfranchise a lease or, as a leaseholder group, to take over the management of services, away from the housing provider-should be extended to charitable organisations and housing trusts.

In my view, such rights should also be extended to the social housing sector. Age UK argues that tenants should be given proper information about the core services offered in their housing scheme, and the terms of reference for any future changes in those services, before they move in to the retirement housing of their choice.

Tenants in sheltered housing provided by local authorities should have a statutory right to be consulted on and challenge local authority decisions that reduce or significantly vary the provision of warden support and other services. Any changes to support services should be voted on by residents, who should have a say in the most appropriate system of alternative support when changes are proposed.³⁶

She also quoted a response provided by the Deputy Prime Minister, Nick Clegg, to a letter from Sheltered Housing UK:

I am pleased to note that the Deputy Prime Minister spoke in support of this cause. Sheltered Housing UK wrote to him a month ago, putting pressure on the Government to introduce rules to ensure that residents and tenants have a right to be consulted when changes to the terms of their leasehold and tenancy agreements are proposed. In response, the Deputy Prime Minister wrote that

"lots of people who move into sheltered housing do expect a 24-hour warden...I rather like the idea Help the Aged has come up with about putting changes to warden services to a vote of affected residents...That's the kind of good practice I hope more housing associations and councils will use."³⁷

Andrew Stunell, Parliamentary Under-Secretary of State for Communities and Local Government, responded for the Government:

Let us go back to where the Government stand on this issue. We are clear that housing needs to be there, and that the support needs of vulnerable and older people should be met wherever they live, whether in their own homes, with their family, in supported or sheltered housing, in the extra-care accommodation mentioned by my hon. Friend the Member for Stourbridge-I note her concerns that extra-care homes may be subject in due course to the pressures that she described-or in residential care establishments.

There is a whole range of accommodation. The Government are committed to making sure that people have appropriate accommodation and the support to enable them to live in it. The coalition agreement says:

"people deserve dignity and respect in old age, and...they should be provided with the support they need."

It also includes a specific commitment on being able to live independently in later life. It says:

"We will help elderly people live at home for longer through solutions such as home adaptations and community support programmes."

³⁶ HC Deb 17 November 2010 c260

³⁷ *Ibid*

By extension, we will ensure that arrangements are appropriate for people in sheltered accommodation, whether in the private, charitable or public sectors. The Department is looking at how we can help older people to access the practical advice, support and home adaptations that they need to stay in their homes or to move to more appropriate accommodation. We are working with developers and planners to facilitate a wider range of high-quality housing options for older people.

At the heart of what the previous Government did, and what we are continuing to do, is the Supporting People programme. The programme has been protected as far as possible in the spending review. As part of the review, we have secured £6.5 billion for Supporting People over the next four years. The hon. Member for Birmingham, Erdington is not wrong to say that the finances are under extreme pressure or that there will be pressures on local authorities and providers, but I want him to understand that the sum being spent on Supporting People-it will be £1.6 billion this year-will still be £1.59 billion by 2015, which represents an overall reduction of just £46 million over the four years. That shows that we have a very strong commitment, in straitened times and circumstances, to ensuring that the Supporting People programme has the resources that it needs and that front-line services for vulnerable people, including residents of sheltered housing, are protected.

Figures are a little hard to come by, but something like £180 million out of the Supporting People programme goes to support for people in sheltered accommodation at present and, by everyone's account, that is doing a good job. Hon. Members have rightly focused on the sector's problems, and I want to discuss those in a minute, but let us not forget that there are 600,000 older people in sheltered accommodation, the huge majority of whom are happy and comfortable there and, in the traditional phrase, would not be anywhere else.

How will the Government approach the matter? We have said clearly and strongly that we believe that local authorities are best placed to identify services to meet the needs and balance the priorities in their communities. It is for local authorities to decide how best to design and commission the services that they believe are needed by all parts of the community, and to arrange for and deliver them-or enable them to be provided, perhaps by work with third sector and private sector providers. Central Government do not dictate to local authorities or service providers the details of what local services to provide or how to do it, and we do not want to be in the business of micro-managing service delivery.

[...]

Later this month we will publish a localism Bill to devolve greater powers to councils and to neighbourhoods and local communities. It will return to them control over housing and planning decisions and will help to set the foundation for transforming the relationship between central Government, local government, communities and individuals. The philosophy behind the Bill includes the engagement and participation of residents and communities. Several hon. Members have rightly drawn attention to the fact that in some cases providers of sheltered housing appear deliberately to have sought to frustrate or bypass such consultation and engagement. The Government regret the fact that that happens and would want it to be challenged whenever it does.

Jack Dromey: Does that mean that the Government intend to honour the pledge given by the Deputy Prime Minister that residents of sheltered accommodation will have the right to vote on whether wardens are withdrawn?

Andrew Stunell: The hon. Gentleman is skilfully gliding over what he said to the House only about 10 minutes ago, which is that the Deputy Prime Minister favoured

that approach; he did not give a pledge to introduce legislation, and I am certainly not going to do so. The hon. Gentleman has perhaps slightly gone beyond his very temperate approach, by trying to weave into it something that is not the case.

The localism Bill reforms, taken together, will shift power from the central state back into the hands of individuals, communities and councils. They will give local people, including community groups and residents associations-and why not groups of sheltered housing residents too-more power over local government and how public money is spent in their area, and will ensure that councillors are more directly accountable to them. They will free local government from central control so that it can ensure that services are delivered according to local needs; and they will let local people drive change through a renewal of confidence in a streamlined, more efficient planning system, encouraging them to get actively involved in planning, housing and local services.

[...]

Sheltered accommodation, as has been mentioned, has been evolving for decades. Perhaps 30 years ago the model was somewhat institutional, and there is a hangover from that in accommodation that is really just bedsits with oversight. A decade or so ago, local authorities, including my own, went through an elaborate and sometimes painful process of upgrading their sheltered accommodation. The Help the Aged campaign report, "Nobody's Listening", which was published about 18 months ago, charted that progress. Part of the evolution of the way that care is provided has been a move to so-called floating support services. The reasons for that are, first, the changes in demand for sheltered housing, which have been alluded to in the debate; secondly, the fact that the standard of much sheltered accommodation is in need of improvement, which requires investment; and, thirdly, the fact that significant numbers of sheltered housing residents do not require support services. They are the "welllderly" or "active elderly", or are described in other such phraseology. I was interested to hear about the paper entitled "How we keep the new old young" by my hon. Friend the Member for South Thanet (Laura Sandys), and I congratulate her on her practical work.

Other factors are driving changes in the way that services are delivered, including the difficulty in recruiting resident wardens, which can be quite acute and has inhibited schemes in some places. The European working time directive somewhat constrains the hours that wardens work, so that sometimes a 24-hour live-in warden is not, in practice, as one might suppose, on duty for 24 hours seven days a week. Those are the practical realities that must be faced, alongside the direct financial constraints.

My Department receives correspondence from residents of sheltered housing complaining about issues such as being required to pay for services that they do not want. By a twist of fate, it falls to me to answer this debate at a time when I am in active correspondence with one of my groups of sheltered housing residents; they are campaigning against a 24-hour residential service, as they believe that it would not be good value for money or helpful. Perhaps the irony is completed by saying that the organisation that they are campaigning against is Peverel, which insists that they must have residential wardens. We live in a complex world where black is not always black and white is not always white.

Sheltered housing, like all other support services, cannot be immune from the wider demographic, technological and economic challenges and opportunities that we face. We need to encourage innovative ways of caring for and supporting people, so that solutions are more personalised and make the most of emerging technology. There are

various ways of doing that, and it does not have to involve bad stories about call centres.

Telecare can bring substantial benefits. It can assist people to remain in their own homes, and it can reduce inappropriate admissions to hospital-although judging by the story recounted by the hon. Member for Birmingham, Erdington, that is not always the case. It can also provide cover to allow for early discharge from hospital and advance warning of deterioration in a person's condition.

Local authorities are rightly responding to the changes in this market-although market may not be the appropriate word-in care provision. The resources available for housing-related support services are being carefully investigated at the local level, which means that local authorities are reviewing the services that they commission.

I agree with the hon. Member for Birmingham, Erdington that local authorities sometimes get it wrong. My hon. Friend the Member for Stourbridge said that 50 legal challenges are being made against 20 local authorities; and my hon. Friend the Member for Hereford and South Herefordshire (Jesse Norman) said that that number might be bigger but for the legal barriers and hurdles that people had to surmount. Notwithstanding that, we should recognise that the majority of local authorities are getting on with the job. They are extending mobile support to older people in accommodation in the community, and the Supporting People programme gives them the flexibility to be innovative. Supporting People is tenure-neutral; it can be used to support people in private and charitable accommodation, and in third-sector and social housing. That is important.

What about consultation? Changes to housing-related support services should be designed to meet the assessed needs of service users, and changes to service delivery should take account of those people's views, with proper engagement and consultation with those affected. There are well established ways of doing that.

The Centre for Housing Support has been active in identifying and sharing good practice. In addition to its code, it works in partnership with TPAS, the Tenant Participation Advisory Service. It has provided deliverers of service with its publication, "Effective Resident Involvement and Consultation in Sheltered Housing: A Good Practice Guide for Providers and Commissioners". That is the textbook that I would want all providers to use when delivering those change processes. The code highlights the importance of the genuine involvement and engagement of service users-the people who live in the homes, the householders. Indeed, I am not sure that the phrase "service users" quite captures how important the home is to the people who live there.

Change is inevitable. Providers and commissioners need to be aware that, in preparing and reacting to change, they should involve the users of their service. They must ensure not only that the users are happy but that the changes are appropriate and that value-for-money services can be developed. The TPAS report addresses the barriers to effective engagement, and gives a number of case studies and examples of good practice.

My hon. Friends the Members for Stourbridge, for South Thanet and for Hereford and South Herefordshire and others have drawn attention to cases where that engagement is not happening. My hon. Friend the Member for South Thanet was eloquent in her critique of what she called the vertical integration of services provided by a particular company. It would not be appropriate for me to say a great deal about the specifics of that case, but I know that various residents' groups have approached the Office of Fair Trading on some of those matters. We should await the outcome, and a response, before commenting further. However, if issues of substance need to be

addressed in relation to private provision, the Government would obviously want to take serious account of the evidence.

When developing and commissioning services, it is important that local authorities should take account of the views and experiences not only of residents but of best practice around the country. Consultation and needs assessment are critical factors in ensuring that changes in service are well managed and reflect the wishes of users, as well as enabling local authorities to meet the needs of all service users and give them value for money.

The importance of needs assessment and consultation with service users are built into the quality assessment framework for the Supporting People programme. The QAF was introduced in 2003, and it set out the standards that are expected in the delivery of Supporting People services. It also identified methods of producing evidence of achievement. Over the past five years, it has been a successful practical tool for ensuring continuous improvement in service delivery, especially for housing-related support.

The QAF was reviewed in 2008, after running for five years, to bring it up to date and to emphasise the need for high-quality individually focused services that aim to improve the outcomes for service users. The majority of administering authorities-local authorities with responsibility for the framework-continue to use it today. Evidence shows that other local authority services, such as adult social care, have adopted the QAF as the standard tool to measure the quality of services being delivered.

We welcome the fact that we are moving away from the centrally driven, target-directed delivery of local services. It is good to see that a tool is available to administering authorities-social services authorities and others-to allow them to monitor themselves, to ensure that they are accountable to those for whom the services are provided and that their services are delivered to a good standard.

The sheltered housing sector has an independent code of practice. It was developed in consultation with practitioners and service users, and is administered by the Centre for Housing Support. That code was devised back in 1993, and its standards have been continually refined and adapted. It is a way of passporting through the QAF and was the first independent code to receive such an endorsement. The code focuses on outcomes rather than processes-not on how one gets there, exactly, but whether the service is good and whether people are happy with it. It encourages providers to create local solutions better to meet and serve the needs of the community.

I have attempted to respond to the various questions raised during the debate. The Government take seriously the matters that were rightly raised by my hon. Friend the Member for Stourbridge, which were strongly underlined and reinforced by my hon. Friend the Member for South Thanet, backed up by my hon. Friend the Member for Hereford and South Herefordshire and mentioned in a number of interventions. As the hon. Member for Birmingham, Erdington said, there is scope for improvement. It is not the case that the previous Government had a monopoly of wisdom on this issue, although I imagine that the hon. Gentleman would say that neither do the present Government. There is work to do and progress to be made, and it is a key issue. I hope that I have been able to show the House that the Government take the problem seriously and will be listening hard over the coming months to ensure that residents of sheltered housing get the service for which they have paid and which they thoroughly deserve.³⁸

³⁸ HC Deb 17 November 2010 c269-75WH

The most recent PQ on the provision of wardens in sheltered housing is reproduced below:

Mr Sanders: To ask the Secretary of State for Communities and Local Government whether he has plans to encourage greater provision of sheltered housing wardens as part of the big society initiative; and if he will make a statement.

Greg Clark: My Department is giving communities more control over how public money is spent and local services are delivered, including sheltered housing wardens, for instance through the Community Right to Challenge.³⁹

4 Legal challenges to the removal of resident wardens

In early 2008 a group of residents in North Ayrshire backed down from legal action because they were refused legal aid – the basis of the case was that they had not been consulted over the removal of the resident warden. The council's reported response is reproduced below:

In a letter rebutting the legal challenge the council said: 'If the pursuers succeeded in their action, this would not result in the reversal of the decision. The council would only be required to consult and, following consultation, would come to an identical decision.'⁴⁰

The housing press carried various reports over 2008 indicating that sheltered housing residents were seeking to launch legal challenges against landlords who were removing their resident wardens. A Northamptonshire based solicitor reportedly argued that judicial review might be an option:

Ms Hossack said there were several arguments that could be used in a judicial review, including that the move could breach tenants' 'legitimate expectation' when they moved in that the service would continue to be provided.

Another argument is that the decision to take wardens offsite has been 'legally irrational', if the provider can be shown not to have taken into account the potential health effects on tenants.

The solicitor plans to convene a meeting over the next two weeks with Sheltered Housing UK, the lobby group set up to fight warden removal. Rosemary Hart, head of the care group at legal firm Trowers & Hamblins, said the first hurdle in getting a judicial review off the ground would be showing that the sheltered housing provider was acting as a public body.

She said the second question would be whether the provider had gone through a reasoned decision-making process based on consultation.⁴¹

In September 2009 *Inside Housing* reported that Ms Hossack had issued papers to seek judicial review of the decisions or proposals to remove resident wardens in around 50 schemes located in 20 authorities. The authorities involved include, Barnet, Hackney, Bradford, Portsmouth and Devon.⁴² The High Court granted permission for judicial review of Barnet Council's decision to remove on-site wardens from its sheltered accommodation and,

³⁹ HC Deb 9 May 2011 c1037W

⁴⁰ *Inside Housing*, "Costs force tenants to back down from floating warden fight", 5 September 2008

⁴¹ *Inside Housing*, "Judicial review of warden removal gains momentum", 21 November 2008

⁴² *Inside Housing*, "Court fight to keep live-in wardens", 11 September 2009

in the meantime, Barnet was served with an injunction preventing the removal of residential wardens.⁴³

The High Court handed down its decision on the removal of resident wardens by Barnet and Portsmouth Councils (the two cases were linked) on 15 December 2009. It held that the Councils had behaved unlawfully by failing to take into account the terms of the residents' tenancy agreements, their duties under the Disability Discrimination Act and the effect on tenants, particularly disabled tenants. Both councils decided not to appeal.⁴⁴

A number of cases concerning the removal of wardens by housing associations had been on hold pending a decision by the Supreme Court over whether to allow an appeal against a judgement which had found that housing associations are public bodies for some purposes. The Supreme Court decided not to allow this appeal on 6 November 2009⁴⁵ thus leaving the way clear for the judicial review of some associations' decision to remove their resident wardens.⁴⁶

The first case concerning the removal of wardens by a housing association was handed down by the High Court on 7 December 2009. In the case of *Garbet v Circle 33 Housing Trust* it was held that the landlord had acted unlawfully in withdrawing the resident warden service after 5 February 2009 without having first consulted the resident (Garbet) in accordance with clauses in her tenancy agreement.⁴⁷ However, Lord Justice Munby said there was no advantage in allowing the tenant to get Circle 33's decision quashed using public law over private law, for example, challenging it as a breach of contract.

5 The Sheltered Accommodation (Residents) Bill

On 6 January 2010 Andrew Dismore presented a Private Member's Bill for First Reading:

The Bill would make provision for residents in sheltered accommodation to challenge certain local authority budget decisions which affect them; to ensure that funding provided by central government to local authorities for sheltered accommodation warden services is not allocated to other services and for connected purposes.⁴⁸

Mr Dismore described the Bill's purpose:

"I hope that this Bill will address some of the main concerns of the residents who have been so badly affected by the decision of Barnet Council to cut the warden service, even though that has been quashed in the High Court.

"We have to see if Barnet Council accepts the decision or intends to proceed to an appeal. If it were to become law, my Bill would resolve these issues.

"Unfortunately, with the approach of the general election, there is little chance of the Bill proceeding all the way through Parliament, but this is an important opportunity to raise these issues, yet again, in the Commons, so as to highlight these serious concerns of sheltered accommodation residents."⁴⁹

⁴³ http://www.times-series.co.uk/news/4631888.Barnet_served_High_Court_injunction_over_warden_cuts/

⁴⁴ *Inside Housing*, "Councils drop warden case appeals", 1 February 2010

⁴⁵ <http://www.housing.org.uk/default.aspx?tabid=289&mid=2076&ctl=Details&ArticleID=2226>

⁴⁶ *Inside Housing*, "Court date for warden cases," 20 November 2009

⁴⁷ <http://www.insidehousing.co.uk/Journals/1/Files/2009/12/11/garbet%20and%20circle%2033.doc>

⁴⁸ HC Deb 6 January 2010 cc171-2

⁴⁹ http://www.times-series.co.uk/news/4834487.Dismore_to_table_Bill_to_protect_sheltered_housing_residents/

6 Floating support v residential warden services

CLG published research into the [effectiveness of floating support services](#) in April 2008.

The review's conclusions and recommendations (chapter 7) are reproduced below:

Floating support

7.1.1 The review focused on interviewing Administering Authorities that had re-commissioned, or were in the process of re-commissioning, their floating support services. The review has concluded that the key drivers for the authorities re-commissioning floating support were to rationalise legacy floating support provision, improve geographical coverage and to provide equitable access to people living in different types of tenure.

The review has concluded that all floating support services can be grouped under the broad headings of generic or specialist services. In addition the review found that there is a specific type of generic floating support service which solely focuses on crisis intervention work and then moves away. The review concluded that specialist services are defined by the specialist knowledge of staff as well as a higher intensity of support (although the level of support can vary from one service to another).

Although floating support to ethnic minority groups can be delivered through a generic service it may be more effective to commission specialist ethnic minority floating support services, either on a sub-contracted basis or through a direct contract with an ethnic minority service provider.

The review also concluded that all floating support services are, to a greater or less extent, multi disciplinary. Furthermore the review has concluded that all types of floating support services can carry out crisis intervention work, although generic crisis services move away once the crisis is resolved.

7.1.2 The effectiveness of floating support

The review has concluded that there are a number of key benefits to providing floating support services. These benefits include a tenure neutral approach which enables people to live in ordinary housing, providing a person centred approach tailored to the individual and brokering and advocacy services that gain access to social care, health and other services.

The review has concluded that floating support services are effective in achieving a number of outcomes. Floating support services can help achieve strategic targets such as the prevention of homelessness, support service users to maintain independent accommodation, achieve health and social care outcomes such as reducing hospital admissions, improve wider community outcomes such as preventing anti-social behaviour and underpin a number of user centred outcomes such as improving self esteem.

However, there are limitations to the provision of floating support services. There are some individuals for whom floating support services can do very little either because their problems are so overwhelming or because they disengage from the service – in these circumstances an accommodation based service may be more effective. Where floating support services are withdrawn too early tenancy breakdown can sometimes result, while long term support can result in creating dependency. Where service users require a period of stability before moving into their own independent accommodation, an accommodation based service is more appropriate.

In addition, the review has concluded that there are a number of limitations to the research studies that have been carried out on floating support services and that a more effective evidence base needs to be developed to assess the impact of these services and their effectiveness in achieving the objectives of the Supporting People programme.

7.1.3 Accommodation based services

The review has concluded that accommodation based services are effective in providing a place where an individual can be assessed, cost effective high support services, stability for individuals before moving onto independent housing and easy access to housing for homeless people (i.e. into the accommodation based service), particularly for those without any local connection.

The number and type of accommodation based service in each authority needs to be commissioned on the basis of how to most effectively achieve the strategic objectives of the authority. The review has concluded that there is a core level of accommodation based services that should be available in each authority.

There continues to be a role for accommodation based services, particularly those that provide a high level of support, specialist services and support to people who are homeless. The review has also concluded that there are a number of steps that authorities can take to make more effective use of accommodation based services.

Chapter 7 Conclusions and Recommendations

7.1.4 The balance between floating support and accommodation based services

The review has concluded that an effective balance between accommodation based and floating support services depends on local circumstances and the strategic approach adopted by the authority in meeting current and future needs.

The balance between accommodation based and floating support services can be altered by re-commissioning floating support services to generate increased capacity, reconfiguring existing accommodation based services as floating support (and prioritising the housing element for vulnerable people) and de-commissioning accommodation based services.

The review has also concluded that access to independent accommodation is essential for people who are homeless or inadequately housed or who need to move on from accommodation based services.

7.1.5 The provision of other services

The review has concluded that floating support services have an important role to play in accessing statutory services, and other services, on behalf of service users.

Floating support can float away after linking people into statutory services. The review has also concluded that this process can happen in reverse where floating support services can end up monitoring individuals after social care floats off.

The review has concluded that those client groups for whom social services have a specific statutory responsibility are more likely to be in receipt of social care services. This often results in a situation where the social care needs of socially excluded client groups (e.g. single homeless people, rough sleepers) receive far less priority than other client groups, such as older people or people with learning disabilities. This can be despite the brokering played by floating support services.

7.2 Recommendations

This review has identified a number of areas where further research may be required. The following recommends areas for inclusion in a longer term study:

- As most evaluation studies to date have been localised to a particular area or type of service, a national study of floating support is required so that the findings can be more widely applied.
- A comprehensive study is needed of the impact of the generic floating support services that have been re-commissioned under the Supporting People programme.
- A better understanding is needed of the advantages and disadvantages in providing specialist floating support services and the extent to which these services can be incorporated into a generic service.
- A long term evaluative study is required to measure the outcomes for individuals who have received floating support services. No longitudinal studies have been undertaken of the impact of floating support services and such a study will need to develop an approach that can measure the distance travelled by individuals.
- The role of floating support in providing preventative services needs to be better understood and how such services can intervene to prevent a crisis from occurring in the first place.
- There needs to be a better understanding about the extent to which floating support interventions prevent the use of health and social care services. The question that needs to be asked is what would have happened to the individual had the floating support service not intervened.
- Although there is a considerable amount of literature on good practice in delivering accommodation based services, there are few studies on the impact of these services. Further studies are required to better understand the effectiveness of accommodation based services in comparison with floating support services.⁵⁰

⁵⁰ <http://www.communities.gov.uk/documents/housing/pdf/floatingsupportresearch.pdf>