

# **OXFORDSHIRE SUPPORTING PEOPLE COMMISSIONING BODY – 11 DECEMBER 2009**

## **FUTURE GOVERNANCE FOR COMMISSIONING OF HOUSING RELATED SERVICES FOR VULNERABLE PEOPLE**

### **Background**

1. The Core Strategy Group had a special, half-day meeting on future governance in March 2009. The meeting identified ways in which governance of the programme could be strengthened, links with other partnerships improved and understanding of the programme increased.
2. These changes primarily involved officers improving the way they worked and communicated. But the meeting also identified two areas where improvements to governance involved changes to the formal rules for partnership bodies:
  - involvement of service users in decision making
  - conflict resolution.
3. The Public Service Board meeting in July 2009 took final decisions around Partnership Governance which secured the future role of the Supporting People Commissioning Body.
4. The Public Service Board also approved recommendations about partnership governance and a 34-page Oxfordshire Partnership Governance Handbook.
5. The Public Service Board agreed partnerships shall, by September 2009, implement the necessary changes to give effect to its recommendations, and meet the standards set out in the Handbook
6. Most of the recommendations do not affect this partnership, to which few of the criticisms in the original Audit of Partnerships applied.
7. Correctly drafting any changes members may wish to make to the Memorandum of Understanding will be a matter for lawyers. The amended document would then require the signature of all eight commissioning partners.

### **Involvement of service users in decision making**

8. The Core Strategy Group agreed that service user representatives should be involved in the partnership's decision making processes. The change was particularly strongly supported by representatives of Health and the Oxfordshire Drug and Alcohol Action Team.
9. Representatives of service users and service providers serve on bodies such as the Health and Wellbeing Partnership Board but not on the Supporting People Commissioning Body. Service provider representatives already sit on the Core Strategy Group.

10. The Core Strategy Group agreed to change its own terms of reference. Beginning with the meeting on 2 September 2009, the membership of the Core Strategy Group includes two representatives of service users drawn from the Service User Working Group which has been supported since 2008 by the Supporting People team.

### **Conflict resolution**

11. The current Memorandum of Understanding provides that all decisions require the active consent of all eight commissioning partners. This was in line with the requirements of the government's Non-Excellent Authority Grant Conditions, which applied to Oxfordshire at the time.
12. There have been three cases to date where the Commissioning Body has been unable to reach a unanimous decision:
  - 24 November 2004  
West Oxfordshire District Council  
Strategy 2004-09  
in relation to resident wardens in sheltered housing.
  - 6 October 2005  
Cherwell District Council  
Amendment of Strategy 2004-09  
in relation to services for young people (including teenage parents).
  - 11 July 2008  
West Oxfordshire District Council  
Strategy 2008-11 and Annual Plan 2008-09  
in relation to resident wardens in sheltered housing.
13. In the first two cases all partners actively sought a compromise and unanimity was achieved – in the dispute with Cherwell District Council this was achieved through the procedure in the Memorandum of Understanding which involved escalating the issue to the local authority Chief Executives who found an acceptable compromise.
14. In both cases the outcome was a unanimous vote at a subsequent meeting of the Commissioning Body on an amended proposal.
15. This approach to conflict resolution corresponds completely with the recommendations agreed by the Public Service Board in July 2009.
16. But in the third case West Oxfordshire District Council and the other commissioning partners saw no scope for a compromise. The dispute was escalated to the Oxfordshire local authority Chief Executives but there was no change in positions.

17. With the agreement of the other local authority Chief Executives, the County Council's Chief Executive approved the majority decisions of the Commissioning Body. There was no unanimous vote at a subsequent meeting of the Commissioning Body, nor did the usual call-in processes take place.
18. The Core Strategy Group entirely agreed with the recommendations later approved by the Public Service Board which are that partnerships should strive to achieve a consensus. Therefore officers did not wish to abandon the need to aim for unanimous decisions.
19. But officers recommended that the Commissioning Body consider whether if at a second meeting it is again unable to reach a unanimous decision, then a majority decision be allowed.
20. Officers believed that if such a provision were not made, the local authority Chief Executives or the Public Service Board would be most likely to invite the Health and Well Being Partnership Board to resolve the conflict as the relevant thematic partnership.
21. Officers believed the members of the Commissioning Body were clear they did not wish the power to approve the Strategy and the Annual Plan to pass to the Health and Well Being Partnership Board and therefore would wish to find a way of resolving conflict within their own structures.

### **Current position**

22. The Core Strategy Group officers discussed these issues with their respective members in October and November and then as a group at the late November meeting. Current position of the partners present at that meeting is summarised below:
  - Oxfordshire Primary Care Trust – The trust's view was that processes can be put in place to ensure that providers and service users attend and contribute as and when they wish to. There was support for moving to a majority voting system as part of conflict resolution process.
  - West Oxfordshire District Council – The council considered these matters at the Cabinet meeting on 19 November. The council's view was that the terms of the Memorandum of Understanding should remain unchanged with regard to both matters.
  - South Oxfordshire District Council – The council would not wish to see the membership of the Commissioning Body to be expanded, although processes can be put in place to ensure that providers and service users attend and contribute as and when they wish to. The council is content to move to a majority voting system as part of conflict resolution process.
  - Vale of White Horse District Council – The council was in principle in support of provider and service user' representation, but wished to have

an opportunity to consider this matter fully at the Commissioning Body. The council is content to move to a majority voting system as part of conflict resolution process.

- Cherwell District Council – The council supported service users' involvement in the decision making process, on a no vote basis. There was no support shown for moving to a majority voting system as part of conflict resolution process.
- Oxfordshire County Council – Views of the Cabinet member and the Accountable Officer are that mechanisms could be put in place to ensure meaningful representation by service user representatives, on a no vote basis. Support has also been expressed to making the wording of the Memorandum of Understanding clearer with regards to the conflict resolution process and a suggestion made that a majority voting could be considered, limiting the minority against to one vote.
- Oxford City Council – The council's view was that processes can be put in place to ensure that providers and service users attend and contribute as and when they wish to. Concerns were expressed about moving to a majority voting system as part of conflict resolution process. It was thought that limiting the minority against to just one would still leave the potential for some partners' views not been fully reflected in the decision.

23. Overall this discussion shown that:

- A majority view was emerging that clear mechanisms could be put in place to enable representatives of service users to be meaningfully involved in decision making, including the provision of training and support to enable them to participate effectively;
- With regard to amending conflict resolution process views were evenly balanced;
- In both cases, the officers agreed that these issues would benefit from full consideration by the members of the Commissioning Body on 11 December.