MRAssociates
Advisers to Supported Housing

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What evidence is required to show that care, support or supervision is provided by or on behalf of the landlord?

Basic info

In any Housing Benefit case, the local authority is entitled to ask the claimant for documents, information and evidence that it reasonably requires in order to decide whether the claimant is entitled to HB and, if so, how much. But in exempt accommodation, it is normally the landlord or support workers acting on the landlord's behalf who will be best placed to provide evidence of care, support or supervision because, such as:

- In many projects the service users tend to stay for a brief period and after they have moved on only the landlord retains records of the support they received
- The particular support needs of the service users might mean that they are not able to articulate the support they receive: for example people with learning disabilities
- The service user might not provide an honest or realistic account: for example a person with serious alcohol dependency might be in denial about the extent of his/her support needs

Exempt accommodation landlords therefore recognise that it is in their interests to cooperate with the local authority's enquiries even if the authority strictly speaking does not have the power to direct its requests for evidence etc to the landlord.

Authority to act

Evidence of care, support and supervision might involve the disclosure of sensitive personal information about the claimant. In order to ensure that no-one is left open to any complaint about unfair use of personal data it is a good idea for the landlord to ask for the claimant's permission to deal with the local authority and to represent the claimant in any appeal proceedings.

Form evidence might take

Ideally the landlord or contracted support provider acting on the landlord's behalf will maintain records showing how each service user's support needs are assessed at the outset, how they are reviewed from time to time and the nature of support actually provided (eg records of one-to-one keyworker meetings). There are some recognised industry-standard methods such as the "outcomes star".

In addition, commissioned care, support or supervision services will be the subject of a contract between the provider and the commissioning body. These contracts are particularly helpful in cases where the commissioned service is not delivered on behalf of the landlord but the landlord maintains that there is a residual and complementary support role for it to play: the contract should show the limits of the commissioned service.

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Support often takes the form of responsive interventions that are not detailed in support plans. Notes can be retained of such incidents showing how the landlord acted to support the service user as the following example shows.

Example

The service user is a young man with a learning disability but he is able to do some things independently including unsupervised trips out using local public transport (town buses). After going out early one afternoon on a shopping trip he did not return to the shared house where he lives. The landlord's night duty manager was alerted at 7:00pm and had to undertake telephone calls and visits to the service user's known relatives and acquaintances and the police to try and find him. At 11:00pm the service user was found by the police sitting in a bus station waiting room in another town several miles away having caught the wrong bus and not knowing what to do next. The police brought him home and the duty manager then had to spend an hour with the police making sure that the whole episode was properly recorded.

The duty manager's own record of this incident can be provided as evidence of responsive support.

Repairs as support

Repairs and maintenance can sometimes amount to support. Evidence of support in the form of repairs and maintenance could include:

- The date of the repair or maintenance job
- The reason why the job was needed
    - In the case of a repair, how did the item come to need repairing? Was it regular wear and tear or was there an incident linked to the service users' support needs?
    - In the case of pro-active maintenance, is this regular cyclical maintenance or is it being done to cater for the service users' support needs?
- The cost of the job
- The length of time taken to order and carry out the work