

ADULT SOCIAL CARE CABINET COMMITTEE

Wednesday, 20th January, 2021

10.00 am

online

Members joining this meeting are asked to refer to the Budget report which was published on 6 January 2021.



AGENDA

ADULT SOCIAL CARE CABINET COMMITTEE

**Wednesday, 20 January 2021 at 10.00 am
online**

Ask for: **Theresa Grayell**
Telephone: **03000 416172**

Membership (12)

Conservative (9): Mrs P T Cole (Chairman), Ms D Marsh (Vice-Chairman),
Mrs A D Allen, MBE, Mr M J Angell, Mr M A C Balfour,
Mrs P M Beresford, Ms S Hamilton and Mrs L Hurst *and one
vacancy*

Liberal Democrat (2): Mr S J G Koowaree and Ida Linfield

Labour (1) Mr J Burden

UNRESTRICTED ITEMS

(During these items the meeting is likely to be open to the public)

- 1 Introduction
- 2 Apologies and Substitutes
- 3 Declarations of Interest by Members in items on the agenda
- 4 Minutes of the meeting held on 25 November 2020 (Pages 1 - 8)
- 5 Verbal Updates by Cabinet Member and Corporate Director (Pages 9 - 10)
- 6 20/00127 - Community Day Opportunities for Individuals with Disabilities
Framework: Extension to call-off contracts (Pages 11 - 18)
- 7 Draft Capital Programme 2021-24 and Revenue Budget 2021-22 (Pages 19 - 20)
- 8 Making a Difference Every Day (MADE) Programme Update - presentation
- 9 Work Programme (Pages 21 - 24)

EXEMPT ITEMS

(At the time of preparing the agenda there were no exempt items. During any such items which may arise the meeting is likely NOT to be open to the public)

Benjamin Watts
General Counsel
03000 416814

Tuesday, 12 January 2021

Please note that any background documents referred to in the accompanying papers may be inspected by arrangement with the officer responsible for preparing the relevant report.

KENT COUNTY COUNCIL

ADULT SOCIAL CARE CABINET COMMITTEE

MINUTES of a meeting of the Adult Social Care Cabinet Committee held Online on Wednesday, 25th November, 2020.

PRESENT: Mrs P T Cole (Chairman), Ms D Marsh (Vice-Chairman), Mrs A D Allen, MBE, Mr M J Angell, Mr M A C Balfour, Mrs P M Beresford, Mr J Burden, Mrs L Hurst, Mr S J G Koowaree, Ida Linfield and Vacancy

ALSO PRESENT: Clair Bell and Paulina Stockell

IN ATTENDANCE: Richard Smith (Corporate Director of Adult Social Care and Health), Chris McKenzie (Director of Adult Social Care and Health North and West Kent), Clare Maynard (Head of Commissioning Portfolio - Outcome 2 and 3), Simon Mitchell (Senior Commissioner), Matt Chatfield (Operational Analytics and Systems Manager), Lisa Clinton (Stakeholder Engagement Manager), Debra Davidson (Customer Care and Complaints Manager), Toni Easdown (Stakeholder Engagement Officer, Adult Social Care Business Delivery Unit), Paula Watson (Senior Commissioner), Theresa Grayell (Democratic Services Officer) and Ann Hunter (Principal Democratic Services Officer)

UNRESTRICTED ITEMS

229. Apologies and Substitutes

(Item. 2)

There were no apologies or substitutes.

230. Declarations of Interest by Members in items on the agenda

(Item. 3)

There were no declarations of interest.

231. Minutes of the meeting held on 29 September 2020

(Item. 4)

It was RESOLVED that the minutes of the meeting held on 29 September 2020 are correctly recorded and that a paper copy be signed by the Chairman when this can be done safely. There were no matters arising.

232. Verbal update by the Cabinet Member and Corporate Director

(Item. 5)

1. The Cabinet Member for Adult Social Care and Public Health, Mrs C Bell, gave a verbal update on the following issues:-

'Knock and Check' campaign – this encouraged people to knock regularly at the door of an elderly or vulnerable neighbour, to have a brief chat and offer help with daily tasks such as shopping. This excellent initiative tied in with the work of the Select Committee on Loneliness and Social Isolation and other projects to

encourage community spirit during lockdown. Members were asked to share and spread this campaign in their local areas.

Domestic Abuse – this was being addressed by a campaign in which the County Council collaborated with district colleagues, the police and fire services, to form the Kent Domestic Abuse Support team. This offered contact, sanctuary, emergency assistance and therapeutic support and was being managed by a commissioning officer with allocated funding of £1.7m. So far it had supported 1,800 people. An online conference entitled ‘Domestic Abuse – It’s Everyone’s Business’, starting on 25 November, would run until 10 December. Mrs Bell had pre-recorded a message to be included in the content of the conference.

KARA Service – Mrs Bell showed two slides which illustrated the KARA service, which aimed to help and support people with very little knowledge of the online world to use it effectively to maintain contact with their family, friends and care professionals during lockdown and covid-19 restrictions. The service was working well, had many referrals and had activated 40 devices a week since the start of the second national lockdown, to help ease isolation. Mrs Bell said how proud she was of the team running it. *The slides showing the KARA service would be circulated to all Members of the committee after the meeting.*

2. The Corporate Director for Adult Social Care and Health, Mr R Smith, gave a verbal update on the following issues:-

Infection Control Grant – this was being delivered through much work by commissioners and providers. 90% of the grant was discretionary and had been used to support the voluntary sector, working with the Care Alliance, to protect vulnerable people.

Feedback from Adult Social Care and Health Directorate Management Team Live Event – this had offered an opportunity to link with staff teams and support wellbeing and equality. Looking after staff was vital, to ensure they could look after Kent’s vulnerable people.

Update on Day Services – these remained closed but reviews conducted by telephone checked people’s needs and how these might be met in some other way, as part of the Making a Difference Every Day (MADE) programme. A review was being undertaken of how the most vulnerable families could be supported to look after elderly and vulnerable relatives at home while day services remained closed. Local authorities were working through very difficult and unprecedented times and faced a number of challenges, for example, managing discharges from hospital.

3. Asked about shortages of PPE which seemed to be identified in the winter plan, Mr Smith advised that he had not been made aware by service providers of any supply problems but undertook to look into this and provide information to Members outside the meeting.

4. The verbal updates were noted, with thanks.

233. 20/00098 (20/00109) - Contract Award for Community-Based Wellbeing Services - Phase 1

(Item. 6)

1. The Chairman asked committee Members if, in discussing this item, they wished to refer to the information contained in the exempt appendix to the report. Members confirmed that they did indeed wish to refer to it and consideration of the item was moved to the end of the meeting so the exempt information could be discussed in closed session. *A summary of the discussion of the exempt material is in minute 242, below.*
2. The Chairman advised that, due to an administrative error when publishing, the decision number listed at the top of the report should read 20/00109 instead of 20/00098.
3. Before discussion of the exempt content, Mr Mitchell introduced the unrestricted report and there were no questions on its content.

234. 20/00108 - Residential Care Home Services Contract for People With Learning Disability, Physical Disability and Mental Health Needs - Opening of the Dynamic Purchasing System

(Item. 7)

1. Ms Watson and Mr McKenzie introduced the report and responded to comments and questions from the committee, including the following:-
 - a) the 16 homes concerned in the contract were small and specialised in accommodation for people with a learning disability, a physical disability and mental health needs, and accommodated a total of only 109 residents; and
 - b) concern was expressed about the rising number of cases of covid-19 in care homes. Asked about the policy around testing people for covid-19 before admitting them to homes, and the risk of patient transport staff spreading the virus to other homes they visit, and care home staff taking it home with them, Ms Watson advised that the number of cases of covid-19 in the specialist homes concerned was static, but she assured the committee that those homes would not accept new patients unless they had tested negative for covid-19.
2. Mr McKenzie advised the committee that designated care homes would accept patients being discharged from hospital with covid-19 and care for them until such time as they tested negative for the virus and could be placed in a care home or returned to their own home. He reassured the committee that, in line with statutory requirements, any patient being placed in a care home would first be tested for covid-19.
3. It was RESOLVED that the decision proposed to be taken by the Cabinet Member for Adult Social Care and Public Health, to:
 - a) approve the use of the Dynamic Purchasing System to enable new services to join the Residential Care Home Contract for people with a learning disability, people with a physical disability and people with mental health needs, and:

- b) delegate authority to the Corporate Director of Adult Social Care and Health to take other relevant actions, including, but not limited to, entering into and finalising the terms of the contracts or other legal agreement, as necessary, to implement the decision,

be endorsed.

235. Local Account for Adult Social Care (January 2020 to August 2020)

(Item. 8)

1. Ms Clinton introduced the report and highlighted the key points of the new Local Account document, including its concise new format and increased digital focus. The committee was being asked to comment on and endorse the new document before it was published online and as a paper version. She responded to comments and questions from the committee, including the following:-
 - a) the clarity of the format and layout of the new Local Account document was welcomed and the production team congratulated and thanked for their excellent work. The new document was very user-friendly and was sure to be widely used by service providers and the voluntary sector; and
 - b) asked about the information which was not represented, for example, the 25% of care homes which did not score a 'good' rating from the Care Quality Commission, how far short of the standard they were and what work was going on to address this, Ms Clinton undertook to respond to Members outside the meeting.
2. It was RESOLVED that the draft Local Account document – 'Here for you, how did we do?' (January 2020 – August 2020) be endorsed as the final version for publication.

236. Decisions Taken Outside the Cabinet Committee Meeting Cycle

(Item. 9)

The committee NOTED that decision 20/00106 - *Infection Control Fund* had been taken in accordance with the process as set out in Part 2 paragraph 12.35 of the Constitution.

237. Adult Social Care - Winter Pressures Plan 2020/2021

(Item. 10)

1. Mr McKenzie introduced the report and presented a series of slides which set out the key elements of the plan and the unprecedented challenges facing Kent this winter, with the usual increase in respiratory illness being exacerbated by covid-19. The plan itself had been kept short deliberately, to make it as accessible as possible, but was supported by a number of more detailed plans.
 - a) asked if the plans offered sufficient flexibility to accommodate the tier system, and if there was sufficient staff capacity to support the expected take-up of beds, Mr McKenzie advised that the plan was able to respond to tiers but need not be affected by them. The plan was supported by sophisticated modelling and analysis, which would be continually

reviewed so the plan could be adjusted to take account of changes in capacity and demand;

2. Mr Smith added that the plan had been prepared with input from the NHS and service providers and would be used by all of them. He emphasised that Kent was facing not only its usual winter pressures on services and beds but the added pressure of the covid-19 pandemic and preparations to be in the frontline of transition arrangements as Britain finally left the European Union in January 2021. He advised that the social care winter plan was part of a wider business continuity approach supported by twice-weekly cross-Directorate meetings. This and the partnership approach with the NHS and providers was vital in facing an unprecedented winter.

- b) asked about designated homes for patients with covid-19, how many beds were available now and where these were across the county, Ms Maynard advised that the forecast for the number of beds which would be needed at peak demand was between 41 and 50, but 71 beds would be available from 30 November. If more beds were needed, additional funding could be added to provide them. The initial estimate of 100 beds had been made at a time when various scenarios were being explored;
- c) asked why the figures for the percentage of the infection control fund allocated to care homes varied between 75% and 80%, Ms Maynard advised that the County Council had discretion over 20% of the grant and had allocated it to care homes and community providers; the higher of the two figures included those community providers;
- d) asked about the allocation of winter funding, Mr McKenzie advised that the £6.1m allocated covered the usual expected increase in demand for services in winter and included £1.4m committed to existing schemes which were already in place from previous years as part of core service delivery;
- e) asked about engagement with the voluntary sector, to make sure providers could survive to support future service delivery, Ms Maynard advised that the voluntary sector was the bedrock of community services and the County Council worked very closely with them to ensure that its policy was responsive to their needs;
- f) asked if the community placement team was sufficiently funded and able to respond to out-of-hours requests, Mr McKenzie advised that the funding was sufficient but would need to be flexible in the way in which it was spent, to respond to changing needs, and could be added to if required; and
- g) concern was expressed that care home workers mixing with their families over the Christmas period may then take the virus back to the homes where they worked, and a question asked about how the impact of this could be mitigated. Mr McKenzie advised that all sectors of the population needed to be mindful of risk and the importance of adhering to Government guidance. He was not aware of any planned change to policy following the most recent changes in guidance, although the County Council would always be mindful of the possible future need for

change. Mr Smith advised that the Council would be talking to providers and partners about the need to be careful.

3. It was RESOLVED that the information set out in the report and given in response to comments and questions be noted, with thanks.

238. Adult Social Care and Health Annual Complaints Report 2019/20

(Item. 11)

1. Ms Davidson introduced the report and highlighted that much of the increase in complaints in the 2019/20 financial year was due to Government changes to the blue badge scheme. The number of compliments received had increased and the report gave examples of the feedback received.
2. A view was expressed that, although the County Council generally delivered a good quality service, it should listen carefully to all complaints, even those received from frequent complainants, as it was easy to disregard such feedback and risk missing a genuine issue and overlooking a genuine need for help.
3. Mrs Bell acknowledged this. She commended the breadth of the work undertaken by Ms Davidson's team, which included many enquiries for information, which were necessarily time-consuming to deal with.
4. It was RESOLVED that the information set out in the report be noted, with thanks.

239. Adult Social Care Performance Q2 2020/21

(Item. 12)

1. Mr Chatfield introduced the report and, in response to a question about the presentation of information, advised that this would be changed and improved for the next quarter's report.
2. It was RESOLVED that the information set out in the report be noted, with thanks.

240. Work Programme 2021

(Item. 13)

It was RESOLVED that the committee's planned work programme for 2021 be noted.

241. Motion to Exclude the Press and Public for Exempt Business

(Item. 14)

That, under Section 100A of the Local Government Act 1972 the press and public be excluded from the meeting for the following business on the grounds that it involves the likely disclosure of exempt information as defined in paragraph 3 of part 1 of Schedule 12A of the Act.

EXEMPT BUSINESS (open access to minutes)

242. 20/00098 (20/00109) - Contract Award for Community-Based Wellbeing Services - Phase 1

(Item. 6)

1. Mr Mitchell responded to questions of detail from the committee, including:
 - a) the current grant allocations to the provider organisations listed in the report and how these would change after the start of the proposed new contract in April 2021;
 - b) the names of the providers to whom it was proposed that new contracts for Lots 1, 2 and 3 be awarded, and the past experience and performance of those providers in delivering services; and
 - c) how the transfer of responsibility would be managed and how current providers would be engaged as part of the proposed new arrangements.

2. Concern was expressed that existing providers would lose funding under the new arrangements, and Mr Mitchell and Ms Maynard undertook to look into this and report back to the committee. Mr Smith advised that the proposed changes were still at an early stage.

3. With the exception of Ida Linfield, the committee RESOLVED to endorse the decision proposed to be taken by the Cabinet Member for Adult Social Care and Public Health, to:
 - a) award contracts for the provision of Community-Based Wellbeing Services to the successful providers identified through the procurement exercise and detailed in exempt Appendix 1, for a period of three years, with the option to extend for further twelve-month periods, up to two years;
 - b) delegate authority to the Corporate Director of Adult Social Care and Health, after consultation with the Cabinet Member for Adult Social Care and Public Health and the Corporate Director of Finance, to agree the relevant contract extensions as required; and
 - c) delegate authority to the Corporate Director of Adult Social Care and Health to take other relevant actions, including, but not limited to, finalising the terms of, and entering into, required contracts or other legal agreements, as necessary, to implement the decision.

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From: Clair Bell, Cabinet Member for Adult Social Care and Public Health

Richard Smith, Corporate Director of Adult Social Care and Health

To: Adult Social Care Cabinet Committee – 20 January 2021

Subject: Verbal updates by the Cabinet Member and Corporate Director

Classification: Unrestricted

Electoral Divisions: All

Updates available at the time of publication:

Cabinet Member:

1. Symptom-free Testing sites
2. NHS Vaccination programme
3. Guidance on visiting care homes

Corporate Director:

1. Winter Planning

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From: Clair Bell, Cabinet Member for Adult Social Care and Public Health
Richard Smith, Corporate Director of Adult Social Care and Health

To: Adult Social Care Cabinet Committee – 20 January 2021

Decision No: 20/00127

Subject: **Community Day Opportunities for Individuals with Disabilities Framework: Extension to call-off contracts**

Classification: Unrestricted

Past Pathway of Paper: Adult Social Care and Health Directorate Management Team – 13 January 2021

Future Pathway of Paper: Cabinet Member Decision

Electoral Division: Countywide

Summary: The Community Day Opportunities for Individuals with Disabilities framework contract is due to expire on 31 March 2021, there is no extension clause, procurement was due to start in 2020. Due to the ongoing situation with COVID-19, it was not possible to commence any engagement activity. With the situation unlikely to change significantly in the coming months commissioners will not have the time to conduct a full and proper recommissioning process before the contract ends. It is proposed to start the new procurement project in early 2021.

Recommendation(s): The Adult Social Care Cabinet Committee is asked to **CONSIDER** and **ENDORSE**, or **MAKE RECOMMENDATIONS** to the Cabinet Member for Adult Social Care and Public Health on the proposed decision (attached as Appendix A) to:

- a) **EXTEND** the call-off contracts with external providers delivering community day opportunities for Kent residents with a disability for 18 months, from 1 April 2021; and
- b) **DELEGATE** authority to the Corporate of Adult Social Care and Health to take relevant actions, including but not limited to finalising the terms of and entering into required contracts or other legal agreements, as necessary to implement the decision.

1. Introduction

- 1.1 The Community Day Opportunities for Individuals with Disabilities framework contract is due to expire on 31 March 2021, there is no extension clause, procurement was due to start in 2020.
- 1.2 Due to the ongoing situation with COVID-19, it was not possible to commence any engagement activity. With the situation unlikely to change significantly in the coming months commissioners will not have the time to conduct a full and proper recommissioning process before the contract ends. It is proposed to start the project in early 2021.
- 1.3 The recommended course of action, allows the appropriate time for recommissioning of the future contract.

2. Strategic Statement and Policy Framework

- 2.1 The future commissioning model of these services is dependent on the outcome and recommendations of another programme of work, both are within the Making a Difference Every Day (MADE) programme.

3. The Report

- 3.1 The Community Day Opportunities for Individuals with Disabilities framework contract was procured in 2016/17 for a four-year term, expiring at the end of March 2021. There is no extension clause and so re-procurement was due to start in 2020. The proposed timeline was:
 - Market and client engagement: April – July 2020
 - Procurement start: September 2020
 - Contract award: December 2020
 - Mobilisation: January 2021
 - Go live: April 2021
- 3.2 However due to the ongoing situation in the UK with COVID-19, we have been unable to commence any engagement activity. With the situation unlikely to change significantly in the coming months it is expected that commissioners will not have the time to conduct a full and proper recommissioning process before the contract ends.
- 3.3 The Adult Social Care MADE programme (workstream 4) has a project that is currently looking at the future of Day Support Opportunities, which is exploring several options. It is proposed that in order to allow the appropriate time for recommissioning of the contract and following the recommendations of the MADE programme, the current contract is extended for an additional 18 months.
- 3.4 As part of this agreement there should also be a contract variation that takes into account the change in circumstances arising from COVID-19 and the need for different methods of client and provider engagement. This option ensures the services continues to be delivered, provides stability for the provider and

clients at a difficult time, and allows the option of cancelling if the situation resolves itself faster than expected or if the provider fails to deliver an appropriate service.

- 3.5 Discussions around the impact of COVID-19 and how the providers can deliver a service remotely are ongoing, with the suppliers keen to look at alternative options and ways to ensure that the staff we are paying for are best utilised to support those who would normally attend their services.
- 3.6 A provider survey was sent out to all day services providers. The objective was to determine the short, medium and long-term service provision intentions.
- 3.7 In the short-term, in response to Covid-19, the majority of the day service providers surveyed (58%) have been running a hybrid of on-site and remote services. Just under a quarter of providers have been running on-site only services. Five providers (10%) have been offering only remote services and a further five (10%) were not operating any services. All of the providers that were closed had fewer than 10 staff.
- 3.8 With effect from the end of September 2020 most day service providers, of all sizes, anticipate offering a 'quite similar' service model to what they offered before Covid-19, however it is important to note that very few intend to offer an 'identical' service to what they offered in the past, pre-Covid-19. This information was correct prior to the Tier 4 announcements.
- 3.9 Only a small number of day service providers anticipate losing significant number of service-users. The majority of providers (70%) anticipate less than 25% of service-users not returning to the service at the end of September, with just over half (52%) anticipating less than 10% not returning at the end of September. The main reason for service-users not returning is fear of Covid-19.
- 3.10 The financial impact of losing service-users differs dependent upon a number of factors. At one extreme some providers, particularly small providers, anticipate it will have a severe financial impact and will be unsustainable. At the other extreme some providers believe it will be sustainable if they adapt and expand into other income streams.
- 3.11 The factors that were anticipated to have an impact on re-opening were found to be quite diverse and provide insight into the different types of financial challenges service providers have been experiencing including:
 1. Increased ongoing expenses associated with PPE, cleaning and renting more floor space;
 2. Increased capital investment costs for IT equipment and Covid-19 secure transportation;
 3. Reduced income due to reduced demand, reduced capacity, reduced grants and reduced fundraising.
- 3.12 The service models the providers anticipate in the long-term differ due to a number of factors including finances, service type, circumstances, staff numbers, profile of service-users and Covid-19 risk. Some service providers,

particularly larger providers, are looking to expand into new service areas, offer out-of-hours services and reach new customers.

4. Financial Implications

- 4.1 The estimated total value of the current framework contract over the four year period, 2017- 2021, was £28,000,000. However, with many clients still on historical individual contracts the actual spend against the framework has been significantly less.
- 4.2 Budget for 19/20 was £6.4m, outturn spend was £6.7m. Budget for 20/21 is £6.6m.
- 4.3 Any increase for payments to providers in 2021/22 will be in line with approved uplifts.

5. Legal Implications

- 5.1 As this procurement directly relates to the Covid-19 situation, we are using the following in line with Regulation 32(2)(c):
- *extending or modifying a contract during its term.*
- 5.2 COVID-19 is serious and its consequences pose a risk to life. Regulation 32(2)(c) of the PCRs is designed to deal with this sort of situation.
- 5.3 The regulation states that:
- in responding to COVID-19, contracting authorities may enter into contracts without competing or advertising the requirement so long as they are able to demonstrate the following tests have all been met:*
- 1) *There are genuine reasons for extreme urgency, e.g.: you need to respond to the COVID-19 consequences immediately because of public health risks, loss of existing provision at short notice, etc;*
 - *you are reacting to a current situation that is a genuine emergency - not planning for one.*
 - 2) *The events that have led to the need for extreme urgency were unforeseeable, e.g.:*
 - *the COVID-19 situation is so novel that the consequences are not something you should have predicted.*
 - 3) *It is impossible to comply with the usual timescales in the PCRs, e.g.:*
 - *there is no time to run an accelerated procurement under the open or restricted procedures or competitive procedures with negotiation;*
 - *there is no time to place a call off contract under an existing commercial agreement such as a framework or dynamic purchasing system.*
 - 4) *The situation is not attributable to the contracting authority, e.g.:*
 - *you have not done anything to cause or contribute to the need for extreme urgency.*

5.4 A modification notice will be required through OJEU due to the value and length of the extension.

6. Equality Implications

6.1 An Equality Impact Assessment will be undertaken.

6.2 These services are for a particularly vulnerable residents and a protected group under the Equalities Act.

6.3 Key issues identified during COVID: The majority of the day service providers (58%) have been running a hybrid of on-site and remote services.

7. Data Protection Impact Assessment Implications

7.1 A Data Protection Impact Assessment has been completed.

8. Conclusions

8.1 The Community Day Opportunities for Individuals with Disabilities framework contract was procured in 2016/17 for a four-year term, expiring at the end of March 2021. There is no extension clause.

8.2 Re-procurement was due to start in 2020. However, due to COVID-19 that has been unable to start.

8.3 The MADE programme has a workstream looking at Day Support Opportunities and will report recommendations during 2021.

8.4 Therefore an extension to the current Community Day Opportunities for Individuals with Disabilities framework call-off contracts for a period of 18 months will allow re-procurement to occur and take account of MADE programme recommendations.

9. Recommendation(s)

9.1 Recommendation(s): The Adult Social Care Cabinet Committee is asked to **CONSIDER** and **ENDORSE** or **MAKE A RECOMMENDATION** to the Cabinet Member for Adult Social Care and Public Health on the proposed decision (attached as Appendix A) to:

a) **EXTEND** the call-off contracts with external providers delivering community day opportunities for Kent residents with a disability for a period of 18 months; from 1 April 2021; and

b) **DELEGATE** authority to the Corporate of Adult Social Care and Health to take relevant actions, including but not limited to finalising the terms of and entering into required contracts or other legal agreements, as necessary to implement the decision.

10. Background Documents

None

11. Report Author

Simon Mitchell
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KENT COUNTY COUNCIL – PROPOSED RECORD OF DECISION

DECISION TO BE TAKEN BY:

Cabinet Member for Adult Social Care and Public Health

DECISION NO:

20/00127

For publication

Key decision Affects more than 2 Electoral Divisions and expenditure of more than £1m

**Subject: COMMUNITY DAY OPPORTUNITIES FOR INDIVIDUALS WITH DISABILITIES
FRAMEWORK: EXTENSION TO CALL-OFF CONTRACTS WITH PROVIDERS**

Decision: As Cabinet Member for Adult Social Care and Public Health, I propose to: extend the call-off contracts with external providers delivering community day opportunities for Kent residents with a disability for a period of 18 months from 1 April 2021.

Reason(s) for decision: The Community Day Opportunities for Individuals with Disabilities framework contract is due to expire on 31 March 2021, there is no extension clause, procurement was due to start in 2020. Due to the ongoing situation with COVID, it was not possible to commence any engagement activity. With the situation unlikely to change significantly in the coming months commissioners will not have the time to conduct a full and proper recommissioning process before the contract ends. It is proposed to start the project in early 2021. The future model of commissioning of these services is dependent on the outcome and recommendations of another programme of work, both are within the Making a Difference Everyday (MADE) programme. The recommended course of action, to allow the appropriate time for recommissioning of the future contract, is for the current contracts to be extended for 18 months.

Financial Implications: The estimated total value of the current framework contract over the four-year period, 2017- 2020, was £28,000,000. However, with many clients still on historical individual contracts the actual spend against the framework has been significantly less. The budget for 2019/2020 was £6.4m and the outturn spend was £6.7m. The budget for 2020/2021 is £6.6m.

Legal Implications: As this procurement directly relates to the Covid-19 situation, we are using the following in line with Regulation 32(2)(c):

- *extending or modifying a contract during its term.*

COVID-19 is serious and its consequences pose a risk to life. Regulation 32(2)(c) of the PCR is designed to deal with this sort of situation.

The regulation states that: *in responding to COVID-19, contracting authorities may enter into contracts without competing or advertising the requirement so long as they are able to demonstrate the following tests have all been met:*

- 1) *There are genuine reasons for extreme urgency, e.g.: you need to respond to the COVID-19 consequences immediately because of public health risks, loss of existing provision at short notice, etc;*
 - *you are reacting to a current situation that is a genuine emergency - not planning for one.*
- 2) *The events that have led to the need for extreme urgency were unforeseeable, e.g.:*
 - *the COVID-19 situation is so novel that the consequences are not something you should have predicted.*
- 3) *It is impossible to comply with the usual timescales in the PCRs, e.g.:*
 - *there is no time to run an accelerated procurement under the open or restricted*

procedures or competitive procedures with negotiation;

- *there is no time to place a call off contract under an existing commercial agreement such as a framework or dynamic purchasing system.*

4) The situation is not attributable to the contracting authority, e.g.:

- *you have not done anything to cause or contribute to the need for extreme urgency.*

A modification notice will be required through OJEU due to the value and length of the extension.

Equality Implications: An EqIA will be undertaken. These services are for a particularly vulnerable residents and a protected group under the Equalities Act. Key issues identified during COVID: The majority of the day service providers (58%) have been running a hybrid of on-site and remote services.

Cabinet Committee recommendations and other consultation: The proposed decision will be discussed at the Adult Social Care Cabinet Committee on 20 January 2021 and the outcome included in the paperwork which the Cabinet Member will be asked to sign.

Any alternatives considered:

Any interest declared when the decision was taken and any dispensation granted by the Proper Officer:

.....
signed

.....
date

From: Peter Oakford, Deputy Leader and Cabinet Member for Finance, Corporate and Traded Services

To: Adult Social Care Cabinet Committee – 20 January 2021

Subject: Draft Capital Programme 2021-24 and Revenue Budget 2021-22

Classification: Unrestricted

Summary:

The Budget Report, published on 6 January and supplied to Members, sets out the background to and draft proposals for the 3 year capital programme and 2021-22 revenue budget. The report sets out the key strategic considerations underpinning the decisions to be taken by County Council to agree the budget at its Budget Meeting in February 2021.

Recommendations

Members of the Adult Social Care Cabinet Committee are asked to:

- a) NOTE the draft capital and revenue budgets, including the responses to the budget consultation; and
- b) RECOMMEND any changes to the proposals in the draft capital and revenue budgets before they are presented to Cabinet on 25th January 2021 and full County Council on 11th February 2021

Contact details

Report Author(s)

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From: Ben Watts, General Counsel
To: Adult Social Care Cabinet Committee – 20 January 2021
Subject: **Work Programme 2021**

Classification: Unrestricted

Past Pathway of Paper: None

Future Pathway of Paper: Standard item

Summary: This report gives details of the proposed work programme for the Adult Social Care Cabinet Committee.

Recommendation: The Adult Social Care Cabinet Committee is asked to **CONSIDER** and **NOTE** its work programme for 2021.

1.1 The proposed Work Programme has been compiled from items on the Forthcoming Executive Decisions List, from actions arising from previous meetings and from topics identified at agenda setting meetings, held six weeks before each Cabinet Committee meeting, in accordance with the Constitution, and attended by the Chairman, Vice-Chairman and the Group Spokesmen. Whilst the Chairman, in consultation with the Cabinet Member, is responsible for the final selection of items for the agenda, this report gives all Members of the Cabinet Committee the opportunity to suggest amendments and additional agenda items where appropriate.

2. Terms of Reference

2.1 At its meeting held on 27 March 2014, the County Council agreed the following terms of reference for the Adult Social Care and Health Cabinet Committee: - *‘To be responsible for those functions that sit within the Social Care, Health and Wellbeing Directorate and which relate to Adults’.*

3. Work Programme 2021

3.1 An agenda setting meeting was held at which items for this meeting were agreed and future agenda items planned. The Cabinet Committee is asked to consider and note the items within the proposed Work Programme, set out in the appendix to this report, and to suggest any additional topics that they wish to be considered for inclusion to the agenda of future meetings.

3.2 The schedule of commissioning activity which falls within the remit of this Cabinet Committee will be included in the Work Programme and considered at future agenda setting meetings. This will support more effective forward agenda planning and allow Members to have oversight of significant service delivery decisions in advance.

3.3 When selecting future items, the Cabinet Committee should give consideration to the contents of performance monitoring reports. Any 'for information' or briefing items will be sent to Members of the Cabinet Committee separately to the agenda, or separate Member briefings will be arranged, where appropriate.

4. Conclusion

4.1 It is vital for the Cabinet Committee process that the Committee takes ownership of its work programme, to help the Cabinet Member to deliver informed and considered decisions. A regular report will be submitted to each meeting of the Cabinet Committee to give updates of requested topics and to seek suggestions of future items to be considered. This does not preclude Members making requests to the Chairman or the Democratic Services Officer between meetings, for consideration.

5. **Recommendation:** The Adult Social Care Cabinet Committee is asked to **CONSIDER** and **NOTE** its work programme for 2021.

6. Background Documents

None.

7. Contact details

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FRIDAY 5 MARCH 2021

• Update on service recovery following covid-19	
• Community Grants update (review the timing of this item in November)	
• Rates Payable and Charges Levied for Adult Social Care	<i>Annual Report in 2021 will be part of regular budget setting – no key decision</i>
• LGA Peer Review; Equality and Diversity	
• Annual Equality and Diversity Report	Annual Report
• Risk Management: Adult Social Care	Annual Report
• Performance Dashboard	To be brought to ASC Cabinet Committee every other meeting
• Verbal Updates by the Cabinet Member and Corporate Director	Standing Item
• Work Programme 2021	Standing Item

THURSDAY 17 JUNE 2021

Strategic Delivery Plan Monitoring reporting was suspended in 2020 due to Covid 19 – awaiting notice of restart (25 11 20)	Requested by Corporate Board in July 2019 (to be brought as 6-monthly item)
Review of KPIs	Requested at agenda setting 25 11 20 for a future meeting (<i>timing unspecified: can be done by new Council after May election</i>)
• Verbal Updates by the Cabinet Member and Corporate Director	Standing Item
• Work Programme 2021	Standing Item

Last updated on: 11/1/2021

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