

KENT COUNTY COUNCIL – URGENT RECORD OF DECISION

DECISION TAKEN BY:

Cabinet Member for Adult Social Care and Public Health

DECISION NO:

21/00039

For publication**Key decision***

Expenditure of more than £1m

Subject: Purchase of Designated Beds

Decision: As Cabinet Member for Adult Social Care and Public Health, I

- a) **AGREE** to continue to purchase additional short term bed capacity from those providers identified through the Care Quality Commission targeted inspection; and
- b) **DELEGATE** authority to the Corporate Director of Adult Social Care and Health to enter authority to the Corporate Director 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.

Reason(s) for decision: Correspondence regarding the Winter Discharge: Designated Settings was received from the Department of Health and Social Care (DHSC) on 13 October 2020 advising that Covid positive people can only be discharged to designated settings - those who have been Local Authority nominated and have passed a Care Quality Commission Infection Protection Control inspection. Designated settings require a separate staff team and ability to zone/cohort positive people away from the other people, so all settings being nominated would not be suitable. In November 2020, there was a requirement to procure additional bed capacity from the current Older Persons Residential and Nursing market due to the ongoing situation in the UK concerning Covid-19. Initially the planned need to support this process was calculated at approximately £600,000, however due to the emergence of the COVID-19 variant that increased cases over the winter, the expectation is that the need for these type of beds will exceed spend of £1million in the near future, and a decision is sought to continue with these purchases.

Financial Implications: Initially these beds were intended for short term (winter pressures) and would be used to free capacity within the hospital system during the peak periods of Covid-19. As the situation escalated, social care beds would be needed to relieve pressure within the system, and as stated, create additional capacity within hospitals. However, there is still a requirement to discharge Covid positive patients from hospital into a designated setting and therefore these beds have continued until the current time and into April.

The planned expenditure on these beds was originally calculated at approximately £600,000, however due to the emergence of the UK variant of COVID-19 and the increase in cases that this lead to, the cost of purchases these beds will now exceed the £1m key decision threshold.

The total cost of the Designated Beds until end of March 2021 is £1,017,450. The cost of the beds was met by the CCG, through the additional £588m discharge funding scheme. Further costs may be expected in April.

Reason for urgency

The additional costs arising just prior to and during the pre-election period require an urgent key decision. It is necessary to ensure the decision is in place prior to the pre-election period to allow for continued bed purchasing and this prevents the adherence to normal decision timeframes.

Breakdown of monthly costs

Month	Hawkinge House (£)	Hawkhurst House (£)
November	18,830	0
December	119,315	99,275
January	183,390	154,545
February	166,120	119,425
March	153,860	0
Total	641,515	375,935

The beds at Hawkhurst House ended on 28 February 2021, with all clients then being routed to Hawkinge House. It is intended that the beds at Hawkinge House will end in April 2021 dependent on Covid-19 situation and policy on Covid positive discharge from hospitals to someone's own home.

Legal implications: This is being procured under Procurement Policy Note (PPN 01/20) was released in March 2020 setting out information and associated guidance on the public procurement regulations and responding to the current coronavirus, COVID-19, outbreak.

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

Equalities implications: EQIA is part of current service documentation

<\\invicta.cantium.net\kccroot\Global\SHQ\ST Strategic Commissioning\Commissioning Portfolio\Accommodation\ACCOMMODATION SOLUTIONS UNIT\Projects\OP Contract 2016\EqIA>

Data Protection Implications: General Data Protection Regulations are part of current service documentation

Member and other consultation:

No Cabinet Committee consultation possible due to urgency process.

The Chair of the Scrutiny Committee, in addition to agreeing that the decision could not be reasonably deferred provided the following comments:

Mr Booth supported the decision.

The Group Spokespeople of the Scrutiny Committee providing the following comments:

Mr Bird Stated:

I understand the need to take this decision before the pre-election period commences, and I am supportive of the decision. It is clear that in this instance there was insufficient time to go through the normal decision-making process. However, it is disappointing that the decision was not published earlier as this has precluded proper consideration by non-executive members.

The Chair and Group Spokespeople of the Adult Social Care Cabinet Committee provided the following comments:

Mrs Linfield stated:

Under the circumstances I do support the decision. However I do also completely support the reservations expressed by Mr Bird.

Any alternatives considered:

Ceasing purchase during pre-election due to decision timetable complications was not considered to be reasonable.

Progressing without a key decision, using delegated authority was considered but rejected as a key decision provides the appropriate governance arrangement to continue this work throughout the pre-election period without further Member involvement.

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

N/A



19 March 2021

.....
signed

.....
date