

From: Graham Gibbens, Cabinet Member for Adult Social Care and Public Health
Andrew Scott-Clark, Interim Director of Public Health

To: Adult Social Care and Health Cabinet Committee
15th January 2015

Subject: Decision number: 14/00161 – KDAAT Realignment to PH Directorate

Classification: Unrestricted with exempt appendix

Past Pathway of Paper: Cabinet Member Key Decision

Future Pathway of Paper: None

Electoral Division/s: All

FOR INFORMATION ONLY

Summary: The attached urgent decision was taken between meetings as it could not reasonably be deferred to the next programmed meeting of the Adult Social Care and Health Cabinet Committee for the reason(s) set out in paragraph 1.2 below.

Recommendation(s): The committee asked to note that Decision no 14/00161– KDAAT Realignment to Public Health Directorate, was taken in accordance with the process set out in paragraph 7.10 of Appendix 4 Part 7 of the Council’s constitution.

1. Introduction

- 1.1 In accordance with the County Council’s decision-making procedure rules, all significant or Key Decisions must be listed in the Forthcoming Executive Decision List and should be submitted to the relevant Cabinet Committee for endorsement or recommendation prior to the decision being taken by the Cabinet Member or Cabinet.
- 1.2 For the reasons set out below, it was not possible to delay the decision for discussion by the Cabinet Committee prior to it being taken by the Cabinet Member. Therefore, in accordance with the process set out in the Council’s Constitution, the Chairman and Group Spokespersons for this Cabinet Committee, the Chairman and Spokesmen for the Scrutiny Committee and the local Members affected were informed prior to the decision being taken and their views were recorded on the Record of Decision (attached at Appendix A). After the decision was taken, it was published.

2. Background

- 2.1 As part of the work to transfer the Drug and Alcohol services to the Public Health Directorate, officers have assessed the performance of services and the documentation in place relating to current contracts. The performance of services is good, however, an internal audit of Kent Drug and Alcohol Action Team (KDAAT) highlighted that a number of actions in relation to the contract and governance needed to be taken and an action plan addressing these issues is underway.

2.2 Several variations to the East and West Kent contracts and the Young Persons Early Intervention and Specialist Treatment Service contract, needed to be formally authorised for signature, for completeness. The budget for services provided under these contracts and related variations have been agreed on a yearly basis as part of the annual budget by County Council.

3. Action Taken

3.1 The Cabinet Member has recognised the gravity of this issue and consequently took an urgent decision, under statutory and local procedures, to agree that any unsigned documentation necessary to the efficient, effective and lawful delivery of contracts already in place be signed or sealed, as necessary. The Record of Decision is attached as Appendix A.

3.2 The Cabinet Member has also commissioned a review of governance arrangements relating to KDAAT, to ensure that all proposals put forward by the Board are not only discussed at Joint Commissioning Boards and other partnership bodies but are also considered by the Adult Social Care and Health Cabinet Committee to ensure that the expertise of Members is fully utilised.

3.3 The deadlines and dates of the Adult Social Care and Health Cabinet Committee meant that reporting the document to the committee prior to it being taken would have delayed the decision. To delay the decision would have left the Council at risk from not having complied with its internal decision-making processes, as some of the contract documentation was found to be unsigned, and, without authorisation from the Cabinet Member it would remain so.

4. Recommendation

Recommendation: The Adult Social Care and Health Cabinet Committee is asked to note that Decision no 14/00161: KDAAT Realignment to Public Health Directorate was taken in accordance with the process set out in paragraph 7.10 of Appendix 4 Part 7 of the Council's Constitution, as set out in the attached record of decision.

5. Background documents: none

6. Contact details:

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APPENDIX A

KENT COUNTY COUNCIL – RECORD OF DECISION

DECISION TAKEN BY Cabinet Member for Adult Social Care and Public Health	DECISION NO. 14/00161
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If decision is likely to disclose exempt information please specify the relevant paragraph(s) of Part 1 of Schedule 12A of the Local Government Act 1972

Subject: : KDAAT – Realignment to Public Health Directorate

Decision:

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

- a) To authorise the signing or sealing as necessary any unsigned documentation required for the efficient, effective and lawful delivery of contracts already in place and relating to services already being delivered, as set out in the report, and retrospectively endorse those projects and contracts urgently to reduce any legal or constitutional risk to the Council.
- b) That the Corporate Director for Social Care, Health & Wellbeing, or other delegated officer, undertake the necessary actions to implement this decision.

Any Interest Declared when the Decision was Taken

None

Reason(s) for decision, including alternatives considered and any additional information

As part of the work to implement the transfer of KDAAT services to the Public Health Directorate, officers have assessed the documentation in place relating to current service delivery. Some of the documentation is currently unsigned and without authorisation from the Cabinet Member it would remain so, thereby leaving the Council at risk from not having complied with its decision-making processes. Several variations to the East and West Kent contracts and the Young Persons Early Intervention and Specialist Treatment Service contract itself, although already being delivered, need to be signed, for completeness and in order to have the strongest protection from any, unlikely, legal challenge.

Background Documents:

None

Cabinet Committee recommendations and other consultation:

The 15th January 2015 Adult Social Care and Public Health Cabinet Committee will receive a report on the decision.

Local and statutory procedures for urgency have been undertaken and a briefing held with opposition group leaders.

It was considered that the decision could not be deferred in order to undertake the normal procedures owing to the extended risk that the Council would be exposed during the delay.

Any alternatives considered:
None - Legal Services have confirmed that the decision is required and that this should be taken as soon as possible to reduce risk to the Council.
Any interest declared when the decision was taken and any dispensation granted by the Proper Officer:
None


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signed

18 December 2014
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date

