

# KENT COUNTY COUNCIL - RECORD OF DECISION

## DECISION TAKEN BY

Graham Gibbens, Cabinet Member for Adult Social Care and Public Health

## DECISION NO.

14/00137

*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: :** Delegation of Specific Adult Care and Support Functions

### Decision:

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

A) Under Section 79 of the Care Act 2014 the following adult social care and support functions can be delegated:

- 1) Assessment and care provision for prisoners
- 2) Carers' assessments and support for carers
- 3) Specialist assessments and support for blind people
- 4) Specialist assessments and support for deaf people

B) Detailed decisions of how these delegations will work in practice will be taken by the Corporate Director for Social Care, Health and Wellbeing or other suitable nominated officer.

**Any Interest Declared when the Decision was Taken** None

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

Section 79 of the Care Act gives local authorities the power to delegate most of the care and support functions it has under Part 1 of the Act or under section 117 of the Mental Health Act 1983 (after-care services). The only exceptions relate to promoting integration with health services, cooperating with partners, safeguarding and decisions about which services to charge for.

Delegation of functions does not absolve the local authority of responsibility for these functions and it still remains legally accountable for the way in which the functions are carried out or failed to be carried out. The local authority can, therefore, impose strict conditions on how a third party organisation undertakes the function that has been delegated to it. If the local authority chooses to exercise its power under Section 79, it is able to determine the extent to which it delegates the function in any particular case, i.e. it can delegate all or part of a function. For example the carrying out of an assessment could be delegated with the final decision kept in-house or also delegated.

The local authority wishes to exercise this power in order to effectively implement the requirements of the Act in a timely and cost effective manner. Initially it is believed this would be in the following areas:

- Assessment and care provision for prisoners (new duty from April 2015 under s76 of the Act).
- Carers' assessments and support for carers
- Specialist assessments and support for deaf people
- Specialist assessments and support for blind people

It is recommended that the Cabinet Member for Adult Social Care and Public Health take a decision that delegation of the above functions can take place in principle, but that the detailed decisions of how this will work in practice can be taken by the Corporate Director for Social Care, Health and

Wellbeing after full discussion in each case with the Cabinet Member for Adult Social Care and Public Health and the Adult Transformation Board.

**Background Documents:**

Recommendation report from Corporate Director for Social Care, Health and Wellbeing to Cabinet Member for Adult Social Care and Public Health

**Cabinet Committee recommendations and other consultation:**

The delegation of functions under the Care Act was considered by the Adult Social Care and Health Cabinet Committee on 15 January 2015. Due to a change in Government policy and the deferment of Phase 2 of the Care Act, these delegations will be discussed again at the Adult Social Care and Health Cabinet Committee on 11 September 2015.

**Any alternatives considered:**

The alternative to exercising the delegation power under the Care Act is to develop policies and procedures for carrying out the new and existing duties by internal staff. This decision is to allow delegation in principle. For each of the functions business cases have been developed. These include the alternative options in detail.

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

None.

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signed

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date

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| Decision Referred to Cabinet Scrutiny |  |    |  |
| YES                                   |  | NO |  |

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| Cabinet Scrutiny Decision to Refer Back for Reconsideration |  |    |  |
| YES   |  | NO |  |

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| Reconsideration Record Sheet Issued |  |    |  |
| YES                                 |  | NO |  |

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| Reconsideration of Decision Published |  |  |  |
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