

From: Graham Gibbens, Cabinet Member for Adult Social Care and Public Health
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To: Adult Social Care and Health Cabinet Committee - 10 March 2016

Subject: **MARKET SHAPING AND OVERSIGHT PROTOCOL AND ADULT SOCIAL CARE COMMUNITY SUPPORT MARKET POSITION STATEMENT**

Classification: Unrestricted

Past Pathway of Paper: None

Future Pathway of Paper: None

Electoral Division: All

Summary: This report presents two papers; The Adult Social Care Market Shaping and Oversight Protocol (Appendix 1) and the Adult Social Care Community Support Market Position Statement (Appendix 2).

Recommendation: The Adult Social Care and Health Cabinet Committee is asked to:

- a) **CONSIDER, COMMENT** and **ENDORSE** the Adult Social Care Market Shaping and Oversight Protocol and the Adult Social Care Community Support Market Position Statement and;
- b) **DELEGATE** authority to the Corporate Director of Social Care Health and Wellbeing to update the Market Position Statements as necessary.

1. Introduction

1.1 The Care Act gave new duties to local authorities to facilitate and shape their market for adult care and support, in order that it meets the needs of all people in their area who need care and support, whether arranged or funded by the state, by the individual themselves, or in other ways.

1.2 The Care Act's ambition is for local authorities to influence and drive the pace of change for their whole market, leading to a sustainable and diverse range of care and support providers, continuously improving quality and choice, and delivering better, innovative and cost-effective outcomes that promote the wellbeing of people who need care and support.

1.3 This report presents two of the key documents for the facilitation of Kent's Care and Support Markets:

- Care Market Shaping and Oversight Protocol, appendix 1;
- Community Support Market Position Statement, appendix 2.

2. Care Market Shaping and Oversight Protocol

- 2.1 Historically, KCC's commissioning role was to manage the market and ensure that there was a sufficient supply of different types of services. However, as more people have control over their own care and support either self-funding or taking personal budgets or direct payments. This has changed the nature of our care markets and made it more complex for us to influence and control markets.
- 2.2 The shift from market management and control to market shaping shows that the task of facilitating a diverse market of personalised care and support services cannot be achieved by the council acting on its own. Innovative support solutions will not emerge unless we work together with providers. It also needs co-production with Carers, people who use services and their families.
- 2.3 The core activities of market shaping are to engage with stakeholders to develop understanding of supply and demand and articulate likely trends that reflect people's evolving needs and aspirations, and based on evidence, to signal to the market the types of services needed now and in the future to meet them, encourage innovation, investment and continuous improvement.
- 2.4 This protocol sets out our approach to market shaping an ensuring sufficiency of supply and a diverse range of high quality services. One of the key mechanisms being to write and publish market position statements, this report introduces the Adult Social Community Support Market Position Statement. The existing Accommodation Strategy is a Market Position Statement in relation to the supported housing and care home sector.
- 2.5 The Market Shaping and Oversight Protocol also sets out the procedures for responding to planned and emergency service provider failure, including providers under the Care Quality Commission new responsibility for market oversight. This is where providers because of their size, geographic concentration or other factors, would be difficult for one or more local authorities to replace, and therefore where national oversight is required.
- 2.6 The Market Shaping and Oversight Protocol, is supported by two sector specific policies for dealing with the closure of care businesses, one for care homes and another for home care businesses. Both set out step by step actions for commissioners and practitioners in dealing with the difficult, complex situations and have both been drawn together using experience of working through planned and unplanned closures.

3 Community Support Market Position Statement

- 3.1 Market Position Statements are a requirement of the Care Act which need to be produced by the commissioning authority. They are written for current and potential providers of care and support services, so they can understand present and future demands and how services need to respond. Therefore they should include information about:
 - What support and care services people need and how they need them to be provided

- The support and services available at the moment, and what is not available but needs to be
 - What support and care services the council thinks people will need in the future
 - What the future of care and support will be like locally, how it will be funded and purchased
- 3.2 A Market Position Statement is a start, not an end point, in the process of market facilitation, it is the basis for strategic commissioning and is a document to be published, reviewed and updated regularly. As we develop the Adult Social Care Transformation Vision we will update the Market Position Statement to ensure it reflects our vision.
- 3.3 The Adult Social Care Community Support Market Position Statement will only be made available as a printed document upon request; it is our aim that this is a live web based document for our care providers. Strategic commissioning will keep it up to date as commissioning intentions become known and/or new opportunities for providers become available.
- 3.4 The Institute for Public Care states, 'A Market Position Statement has little value in its own right. The test is how does the council use such a document once developed'.

4. Equality Implications

- 4.1 The Care Act 2014 places new duties on local authorities to facilitate and shape their local market for adult care and support as a whole.

5. Financial Implications

5. Any financial implications associated with this report are detailed in Appendix 2.

6. Legal Implications

- 6.1 As detailed in 1.1 of this report The Care Act 2014 places new duties on local authorities to facilitate and shape their local market for adult care and support as a whole, so that it meets the needs of all people in their area who need care and support, whether arranged or funded by the state, by the individual themselves, or in other ways.

7. Conclusion

- 7.1 This report presents two key papers that will be central to the shaping of Kent's future care markets.

The Market Shaping and Oversight Protocol which sets out our approach to shaping and monitoring care markets, including guidance on managing failing providers.

The Adult Social Care Community Support Market Position Statement which sends key messages to current and future providers of care and support about where and how we see Kent's care markets developing.

8. Recommendation

8.1 Recommendation: The Adult Social Care and Health Cabinet Committee is asked to:

- a) **CONSIDER, COMMENT** and **ENDORSE** the Adult Social Care Market Shaping and Oversight Protocol and the Adult Social Care Community Support Market Position Statement and;
- b) **DELEGATE** authority to the Corporate Director of Social Care Health and Wellbeing to update the Market Position Statements as necessary.

9. Background documents

None

10. Lead Officer

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