

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

Andrew Ireland, Corporate Director of Social Care, Health and Wellbeing

**To:** Adult Social Care and Health Cabinet Committee –  
10 May 2016

**Subject:** **16/00039 - FINANCIAL ARRANGEMENT TO PLACE A LEGAL CHARGE ON A PROPERTY OF A SERVICE USER ACCESSING DOMICILIARY CARE - DECISION TAKEN OUTSIDE THE CABINET COMMITTEE MEETING CYCLE**

**Classification:** Unrestricted

## **FOR INFORMATION ONLY**

**Summary:** A decision was required to allow Kent County Council to place a legal charge, at the request of the service user's Court of Protection-appointed Deputy, on the property that this individual currently resides in.

**Recommendation:** The Adult Social Care and Health Cabinet Committee is asked to **NOTE** that the following non-key decision was taken by the Cabinet Member for Adult Social Care and Public Health, in accordance with the decision-making process set out in Appendix 4 Part 6 of the Constitution, and on advice from Democratic Services.

*16/00039 - Financial arrangement to place a legal charge on a property of a service user accessing domiciliary care (Appendix 1)*

### **1. Introduction**

- 1.1 In accordance with Appendix 4 Section 6 of the Constitution, and on advice from Democratic Services, this decision did not meet the County Council's criteria for a key decision and was not appropriate for consideration or comment by a Cabinet Committee as it followed on from a recommendation made by a social care review panel regarding the care arrangements for an individual service user.
- 1.2 The decision needed only to be published for a period of five clear working days before being taken, and for a further five clear working days for the call-in process. There were no comments and questions raised by Members on the proposed decision, and no requests to call in the decision once taken. The decision therefore became implementable on 20 April 2016.
- 1.3 The signed record of decision and the supporting report are appended to this report.

**2. Decision 16/00039 - Financial arrangement to place a legal charge on a property of a service user accessing domiciliary care.**

2.1 A decision was required to allow Kent County Council to place a legal charge, at the request of the service user's Court of Protection-appointed Deputy, on the property that this service user currently resides in. The reason for doing so is that a Best Interests Review meeting had determined that it is in the service user's general best interest for the current preferred provider to continue to provide care and support in the service user's own home rather than in a care home.

2.2 Currently the universal Deferred Payment scheme does not allow discretion to apply the scheme to someone receiving care and support at home, therefore an individual member decision was required.

**3. Recommendation:** The Adult Social Care and Health Cabinet Committee is asked to **NOTE** that the following non-key decision was taken by the Cabinet Member for Adult Social Care and Public Health, in accordance with the decision-making process set out in Appendix 4 Part 6 of the Constitution, and on advice from Democratic Services.

*16/00039 - Financial arrangement to place a legal charge on a property of a service user accessing domiciliary care (Appendix 1)*

**4. Background documents:**

None.

**5. Report Author**

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