

KENT COUNTY COUNCIL – PROPOSED RECORD OF DECISION

DECISION TO BE TAKEN BY:
Cabinet Member for Adult Social Care

DECISION NO:
18/00030

For publication

Key decision

Affects more than 2 Electoral Divisions and expenditure of more than £1m

Subject: CARE IN THE HOME SERVICE

Decision: As Cabinet Member for Adult Social Care, I propose to:

- a) **PROCURE** a new integrated Care in the Home Service for adults and children with assessed needs, to commence from April 2019; and
- b) **DELEGATE** authority to the Corporate Director of Adult Social Care and Health, or other nominated officer to, to undertake the necessary actions to implement the decision.

Reason(s) for decision: There is a mixed economy of Care in the Home Services across Kent for adults and children with assessed needs, predominantly contracted to external Providers and spot purchasing arrangements. The scope of these services includes:

- Home Care Services
- Extra Care Support (background hours and care and support)
- Discharge to Assess Services
- Supporting Independence Services (SIS)
- Supported Living Services

The services in scope deliver very similar tasks in people's homes and there is an opportunity to achieve improved consistency across the market by bringing services together. Additionally, Providers delivering services such as SIS and Discharge to Assess are already delivering within an outcomes-focused approach, whilst the Home Care provision remains time and task focused. Aligning services under one contractual arrangement will enable the Council to take a consistent and equitable approach in shaping the market to focus on the personalisation and outcomes agendas. This will also support the Council's strategic outcome that 'older and vulnerable residents are safe and supported with choices to live independently'.

The new contract will bring together the above services, which have previously been delivered separately, under one contractual arrangement. An integrated Care in the Home Service will support a greater level of consistency, purchasing rigour and transparency in practice. It will also develop a clearer pathway, with less handoffs between services and a subsequent reduction in assessment costs. From a Provider perspective, this will enable better control as to how they manage need. This is in line with the requirements of the Care Act 2014 and Children Act 1989.

Furthermore, there is significant overlap between the tasks delivered by Care in the Home Service delivered by the Local Authority and Continuing Health Care support funded by the NHS. The new contract offers an opportunity to improve understanding of this duplication and realise efficiencies through working more collaboratively with health partners.

This has provided an opportunity to rethink what the Local Authority and the public need from Care in the Home services and, with approval, commission a new integrated model.

Financial Implications: The planned contract arrangements for the Care in the Home Service are anticipated to run for four years, with an option to extend, with a total value between £100m and

£140m per annum, to be determined through contract solution design, currently in progress.

Legal Implications: The main legislative framework for the Care in The Home Service is the Care Act 2014, the Children Act 1989 and the principles of the Mental Capacity Act 2005. These are statutory duties, and the new service will be compliant with this legislation. Transfer of Undertakings (Protection of Employment) Regulations 2006 as amended by the Collective Redundancies and Transfer of Undertakings (Protection of Employment) (Amendment) Regulations 2014 (TUPE) is likely to apply, and the Council will ensure in the event of a change of employer, that it will undertake necessary arrangements, within its remit, to provide for the protection of employees' rights.

Equality Implications: An Equality Impact Assessment has been completed and will be updated as the work to deliver the new contracts is progressed.

Cabinet Committee recommendations and other consultation: The proposed decision will be discussed at the Adult Social Care Cabinet Committee on 4 July 2018 and the outcome included in the paperwork which the Cabinet Member will be asked to sign.

There will be no public consultations, as the service delivery will remain essentially the same as current provision, in the foreseeable future. Provider market engagement activities will be undertaken to engage with and develop relationships with potential providers, who currently provide or have experience in working with adults and children with assessed support needs in their own homes and within the community. This will be followed up by regular communication via bulletins and information sharing using the council's website. There may be changes to these services within the life of the contract, which may require public consultation.

Any alternatives considered:

1. Do nothing - allow the current commissioned services to terminate, when contracts come to an end in June 2019. The main risks of this approach are;
 - The Authority will fail in its duty under the Care Act 2014 in carrying out a care and support function;
 - Older and vulnerable residents with assessed needs will be left unsupported, leading to potential safeguarding concerns;
 - Judicial review of the lawfulness of the Authority's decision
 - Reputational damage to the Local Authority
2. Extend existing services i.e. continue to fund existing contracted and spot purchasing arrangements.
 - Duplication of services
 - Inconsistency of market – delivery and pricing
 - Missed opportunity for cross-referencing of good practice and learning
 - Missed opportunity to work collaboratively with Health
 - May not be able to cope with future demand on service
 - May be in breach of procurement law
3. Commission separately
 - Duplication of services
 - Fragmented provision
 - Missed opportunity to work collaboratively with Health
 - May not be able to cope with future demand on service

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

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signed

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date