

KENT COUNTY COUNCIL

ADULT SOCIAL CARE CABINET COMMITTEE

MINUTES of a meeting of the Adult Social Care Cabinet Committee held at Council Chamber, Sessions House, County Hall, Maidstone on Wednesday, 15th January, 2025.

PRESENT: Ms L Parfitt (Chair), Ms L Wright (Vice-Chairman), Mr A Brady, Mrs P T Cole, Ms S Hamilton, Ms J Hawkins, Mr A Kennedy, Ms J Meade, Mr J Meade and Mr R G Streatfeild, MBE.

ALSO PRESENT: Mr P Oakford and Mr D Watkins

IN ATTENDANCE: Richard Smith (Corporate Director Adult Social Care and Health), Michael Thomas-Sam (Corporate Lead Adult's and Children's Policy and Strategy), Simon Mitchell (Senior Commissioner), Mark Albiston (Director of Adult Social Care (Operations) Kent), Richard Ellis (Director of Integrated Commissioning), Sydney Hill (Director Adult Social Care), Dave Shipton (Head of Finance Policy, Planning and Strategy) Andrew Rabey (Independent Chair of the Kent and Medway Safeguarding Adults Board) Victoria Widden (Kent and Medway Safeguarding Adults Board Manager) and Ruth Emberley (Democratic Services).

UNRESTRICTED ITEMS

224. Introduction/Webcasting Announcement
(Item. 1)

225. Apologies and Substitutes
(Item. 2)

Apologies were received from Mr Collor and Mrs Game.

226. Declarations of Interest by Members in items on the agenda
(Item. 3)

Ms J Meade declared that she was an unpaid carer.

Mr R Streatfeild declared that he had an interest in Agenda Item 9.

227. Minutes of the meeting held on 13 November 2024
(Item. 4)

RESOLVED that the minutes of the meeting held on 13 November were correctly recorded and that a paper copy be signed by the Chair.

228. Verbal Updates by Cabinet Member and Corporate Director
(Item. 5)

1. The verbal updates were presented by the Cabinet Member for Adult Social Care and Public Health, Mr Dan Watkins and the Corporate Director for Adult Social Care, Mr Richard Smith.

2. Some of the key highlights presented by Mr Watkins included:

- a) Kent County Council and the Kent Integrated Care Alliance (KICA) jointly wrote to the Minister of State for Care (Mr Stephen Kinnock, MP) to raise Autumn budget concerns, in particular the plan to change employer National Insurance contributions (due to take place in April 2025) and the effect this would have on Kent's Social Care System. The response would be shared with the Committee when received. In response to a Member's request for a copy of the letter to be shared with Committee Members, Mr Watkins confirmed that it would be circulated after the meeting.
- b) The consultation to the Proposed Changes to Wellbeing Services in the Community which was launched at the end of November 2024 was ongoing. A full briefing was circulated to Cabinet Committee Members prior to launch. The Consultation is due to close on the 27 January 2025.
- c) On the 3 December 2024 Mr Watkins attended the Adult Social Care Staff Awards at County Hall and presented the Sunshine Award. Ms Parfitt also attended and presented an award for the most supportive and compassionate member of staff. Congratulations to all winners and nominees.
- d) A better health and wellbeing promotion was currently being run called: One You Service. This provided professional guidance to set small, achievable goals to build confidence and motivation. Help also included healthy weight management, ways to become more active, how to make healthy food choices, alcohol reduction and smoking cessation. Further information could be found at: <https://www.kent.gov.uk/social-care-and-health/health/one-you-kent>

Members were encouraged to help promote this.

3. Some of the key highlighted presented by Mr Smith included:

- a) Sincere thanks were given to the members of staff within the emergency and out of hours teams who worked over the Christmas break.
- b) In response to a Member's question regarding the outstanding Care Quality Commission (CQC) report, Mr Smith confirm that it was imminent and in the final stages of preparation and review.

4. RESOLVED to note the verbal updates.

229. Draft Revenue and Capital Budget and MTFP
(Item. 6)

1. The report was introduced by the Deputy Leader and Cabinet Member for Finance, Corporate and Traded Services, Mr Peter Oakford, who highlighted the following key points:
 - a) The draft revenue budget for 2025 / 2026 was balanced in principle, pending Cabinet endorsement and questions or comments received before budget day.
 - b) Capital receipts for the financial year were positive and money generated from this had been utilised in other areas.
 - c) The New Homes Grant had been extended for a further year, meaning that less would be taken from reserves.
 - d) The Draft Capital Programme was prepared on the basis that only full funded projects were included in the programme. A separate schedule of potential projects which could be considered for inclusion in the programme once funding had been secured had also been created, however, the programme was based on the presumption of no further borrowing.
 - e) The overall spending growth for the next year was £150 million; £80 million was applicable to Adult Social Care. A 3% increase to providers was planned, however, through incremental grants this had now increased to 4%. The increase resulted in a cost of £26 million to Kent County Council.
 - f) There were £31 million of increased costs applicable to Adult Social Care next year and £11 million of increased demand. It was highlighted that 75% of funding came from Kent Taxpayers. It was anticipated that Council Tax needed to be increased by a further 5% which would bring an additional £55.7 million to the Council.
 - g) Growth in funding from grants had increased by £30 million (net) however it was pointed out that the Council required significantly more funding to continue carry out their functions.
 - h) Mr Oakford drew Members' attention to the savings and income information contained in Item 2.5 of the report.
2. Mr Watkins referred to paragraph 2.7 in the report and highlighted the following key points:
 - a) Kent County Council agreed that the amount of £19 million (net) provided by central Government for care would be passported in Adult Social Care. £9 million of this fund was used to fill the budget gap for irretrievable savings.
 - b) Mr Watkins explained to Members that 80% of all money spent in Adult Social Care (being over half of KCC's entire budget) went towards commissioned providers and 20% was retain for in house services.

- c) Mr Watkins explained that, out of the remaining £10 million, £7.5 million had been allocated toward the additional 1% paid to care providers uplifted fee.
 - d) A further £3 million had been allocated towards increasing the base budget. Between November 2024 and January 2025, the underlying demand for Kent County Adult Social Care services had increased by almost £3 million.
3. In answer to comments and questions from comments and questions from Members, it was said that:
- a) Mr Watkins clarified that he was discussing the incremental difference from the Local Government finance settlement in December. The total estimated spend had been increased to support vulnerable adults by almost £3 million.
 - b) In relation to policy savings, Mr Watkins confirmed there were some legacy policy changes in the current budget. Some of the full year effect following on from the policy change on Charging Changes (from earlier in the current financial year) will go into next year.
 - c) The Community Wellbeing Service should make a considerable amount of savings, if it went ahead after public consultation.
 - d) The Head of Finance (Policy, Planning and Strategy) Mr Dave Shipton, commented that the national amount for all authorities was originally announced as £600 million in the Autumn budget. This then increased by a further £80 million nationally in the policy statement, which was issued in advance of the settlement at the end of November 2024. In the provisional settlement, the overall national amount increased by a further £200 million (totalling £880 million), to which Kent's share equated to £20.1 million.
 - e) Mr Shipton confirmed that the Council had submitted their response to the provisional settlement consultation, the deadline of which was the 15 January 2025, to confirm that they did not support the proposals for Adult Social Care.
 - f) Mr Watkins drew Members' attention to item 2.3 in the report and that transfer savings had been reduced by approximately £1.5 million, equating to an overall saving around £45 million. The Home Improvement Agency (linked with the Disabled Facilities Grant) change equated to around £300,000 of savings. The budget for this grant was confirmed to be around £25 million.
 - g) Mr Watkins confirmed that some Districts were not spending the entirety of their Disabled Facilities Grant and therefore any reduction on the spend of the Home Improvement Agency, would be manageable.
 - h) In answer to a Member's question, the Director of Integrated Commissioning, Mr Richard Ellis, explained that there would be a

differential impact from District to District when reducing the Home Improvement Agency spend, however, in the grand scheme of things, the total budget from the Disabled Facilities Grant was relatively small and whilst there were recognised constraints with how the Disabled Facilities Grant is accessed, this was outside the remit of Adult Social Care.

- i) Mr Smith explained the operation and adjustments of the forecasts for Adult Social Care and the reasons for difficulty in generating savings within the current midterm financial period to Members.
- j) Mr Shipton confirmed to Members that the Disabled Facilities Grant was a separate departmental grant from Health and Social Care and not part of the Local Government Finance Settlement. He continued to explain that there would be a substantial increase of the grant throughout 2025 / 2026.

4. RESOLVED Members:

- a) NOTED the update to administration's draft revenue budget proposals.
- b) NOTED and COMMENTED on draft capital programme.
- c) PROPOSED to the Executive, any changes which should be made to the administration's draft budget proposals related to the Cabinet Committee's portfolio area before the final draft is considered by Cabinet on 30 January 2025 and presented to Full County Council on 13 February 2025.

230. 24/00113 Carers' Support Services - Key Decision
(Item. 7)

- 1. The report was presented by Senior Commissioner, Mr Simon Mitchell.
- 2. In answer to questions and comments by Members, the following was said:
 - a) Mr Ellis explained that it was about a balance of risks; new contracts would be designed to be divisible and take into account the impact on providers. Termination clauses were always included and would enable a new Council flexibility.
 - b) It was confirmed to Members that break clauses in contracts would allow services to continue and also allow a new administration the ability to do something different, in time, if they wanted.
 - c) Notwithstanding the new Procurement legislation (coming into effect in February 2025) the service would need to be procured again once the year extension and delivery had concluded.
 - d) Mr Ellis confirmed that the Integrated Care Board (ICB) continued the commitment to pay the sum of £1.25 million.

3. RESOLVED Members considered, endorsed and made recommendations to the Cabinet Member for Adult Social Care and Public Health on the proposed decision to:
- a) APPROVE a direct award of the Carers' Short Breaks contract, for a period of twelve months, from 1 April 2025 to 31 March 2026, in accordance with the relevant justifications set out in Regulation 32(2)(c) of the Public Contract Regulations 2015.
 - b) APPROVE a modification in the form of an extension of the contract for a period of twelve months for Community Navigation Services (Part B), from 1 April 2025 to 31 March 2026, in accordance with the relevant justifications set out in Regulation 72 of the Public Contract Regulations 2015.
 - c) APPROVE commencement of procurement for a new Carers Support Services contract which combines both Carers Short Breaks and Community Navigation Services (Part B).
 - d) DELEGATE authority to the Corporate Director Adult Social Care and Health to take relevant actions, including but not limited to finalising the terms of and entering into required contracts or other legal agreements, as necessary to implement the decision.

231. 24/00112 Adult Social Care Provider Fee Uplifts (2025/2026) - Key Decision
(Item. 8)

- 1. The report was presented by Mr Richard Ellis.
- 2. In answer to questions and comments from Members, the follow was said:
 - a) It was not possible to look ahead to see whether various care providers were able to continue operation, as every business was different. A range of factored would be considered and the closure of a provision would be managed via a specific procedure to ensure continuity of care, as well as manage the risks associated with moving a service user from one provider to another.
 - b) Last year the automatic uplift was applicable to framework providers and £9 million was held back to use in negotiations with non-framework providers (who had no automatic uplift). This year, as the decision had been brought to Committee sooner, there was still work to do in order to establish how the total sum would be allocated across all care providers. Members were referred to Table 1 of 4.1 contained in the report which described how the total cost had been calculated. Due to the short amount of time since the provisional settlement, more time was required in order to see whether 4% was the right approach or whether there was a need to differentiate between different types of care settings, framework or non-framework or similar.

- c) In answer to a Member's question regarding the rate of National Insurance Employers over time, Mr Watkins explained that the burden on employers was due to the change in the National Insurance threshold and in order to model the impact, it was important to know what percentage of staff were part time, versus full time.
 - d) Mr Shipton commented that it was possible to include a table which set out the threshold and contribution rates over a number of years in the final budget report due for publication in March, by way of background information as part of the budget.
3. RESOLVED that Members considered, endorsed and made recommendations to the Cabinet Member for Adult Social Care and Public Health on the proposed decision to:
- a) APPROVE the fee uplifts for Adult Social Care Providers for 2025/2026.
 - b) DELEGATE authority to the Corporate Director Adult Social Care and Health, in consultation with the Cabinet Member for Adult Social Care and Public Health to take relevant actions within the overall budget allocation, including any changes to the percentage rates, as necessary to implement the decision.

232. 24/00109 Transfer of the 18-25 section of the Strengthening Independence Service (SIS) from CYPE to ASC - Key Decision
(Item. 9)

- 1. The report was presented by the Director for Adult Social Care (Operation, Kent) Mr Mark Albiston.
- 2. Mr Watkins highlighted to Members that the proposal originated from officers within both Children's Services and Adult Social Care.
- 3. In answer to Member questions, Mr Albiston explained that the key driver for the decision centred around proper alignment to the Corporate Director, who held the statutory responsibility for the function. The secondary key driver was the CQC regulatory functions which were not in place when the decision was made to have the item in Children's Services. The design principles of the decision had minimal impact on the work force, young adults, parents / carers and would be achieved by maintaining the current function, as well as learning from the work carried out in the Strengthening Independence Service (SIS). There was no proposal to break up the function and place it in the Adult Social Care structure.
- 4. A Member confirmed the following reasons for opposition to the proposal:
 - a) The proposal had not been co-produced with service users and parents / guardians.
 - b) The cohort of young people who would be affected by the proposal would have Education, Health and Care Plan (EHCPs); training and

education up to the age of 25 was vital in terms of developing ability of independence. It was argued that the best place for this cohort of young people was in education and training. It was asserted that when a child or young adult failed to make progress, their EHCP was stopped. It was alleged that there were currently over 300 young people sitting in day cares and not in education / training and therefore not being given the opportunity for enhanced independence, through Adult Social Care.

- c) All of the SEND (Special Educational Needs and Disabilities) expertise lay within Children's Services and it was crucial that annual reviews took place for young people aged 18 – 25.
 - d) The Equality Impact Assessment (EQIA) did not include the involvement or discussion services users, parents / guardian and the decision would impact on 900 of the most vulnerable adults.
 - e) It was pointed out to Members that the Cabinet Member for Adult Social Care and Public Health currently had many significant responsibilities and therefore transfer of 18 – 25 SIS cohort from Children and Young People and Education (CYPE) where good progress had been made, to Adult Social Care.
- 5) Mr Watkins addressed the points raised by the Member as follows:
- a) The proposal had been coproduced through conversations with families and service users.
 - b) There was a significant amount of expertise in dealing with adults with special educational needs within the directorate. The culture within Children's Services focused on protection of the child, whereas in Adult Services, the focus was on the promotion of independence. Therefore, and in accordance with, the Adult Social Care Strategy, Officers felt it would be beneficial to families and services users to move into the adult environment.
- 6) Mr Smith explained that this was not a decision made lightly, rather it was one to ensure that statutory responsibilities were adequately met. CQC had now regulated Adult Services and one of the key requirements was to provide safe systems of transitions which allowed for the safeguarding oversight of the 18 – 25 SIS cohort. The legal status of change is 18 and not 25 and so these were adults and eligible for Care Act Services, as well as the benefit regime. This meant the key primary legislation was different. Mr Smith did not agree that Adult Services were not able to support independence and argued that they were well placed to be able to support service users to become as independent as possible.
- 7) Mr Albiston highlighted to Members that other Local Authorities recognised the change in law and managed their services in a similar way. A detailed conversation had taken place with corporate partners concerning corporate governance and equality impact assessment and the scope of the EQIA. A timeline for coproduction was required in order address any inequities. Mr Albiston confirmed that he attended a staff briefing session with

approximately 70 members of staff from SIS who work with adults aged 18 to 25 and the universal feedback was that they did not understand 'Making a Difference Everyday', the implications for everyday practice, or transformations, which meant there was a disconnection between practice, vision and what it meant for young adults in Kent.

- 8) Mr Albiston confirmed that the expectation was to bring a deeper and broader EQIA when additional work had been completed. At this point the decision would be coproduced with a broader group of people.
- 9) In answer to a Member's question, Mr Albiston explained that the implementation plan set out communication paths with staff and stakeholders, as well as how data protection would be managed. This plan could be shared with Members outside of the meeting.
- 10) It was confirmed that Community Learning and Skills (CLS) will continue to support young adults, as per the information contained within the report.
- 11) Mr Watkins confirmed that Children's Services would continue to support adults in the 18 – 25 cohort with EHCPs in terms of the education and training aspect and clarified that it was only the care package which would change.
- 12) Mr Smith and Mr Albiston reiterated Mr Watkins' comment in that the transfer only included the element of social care and the EHCPs cohort would still be managed by CYPE as part of the annual review process.
- 13) In answer to a Member question, Mr Albiston confirmed that, within SIS, there were two groups; staff either worked with children aged 0 – 17 and then a cohort of staff dedicated to working with 18 to 25 year olds.
- 14) Members show of hand to indicate in support of the Key Decision were as follows:
 - 5 Members voted in favour
 - 1 Member voted against
 - 3 Members abstained from voting
- 15) RESOLVED Members considered, endorsed and made to Cabinet on the proposed decision.

233. Kent and Medway Safeguarding Adults Board Annual Report (Item. 10)

1. The report was presented by the Independent Chair of the Kent and Medway Safeguarding Adults Board, Mr Andrew Rabey and the Manager for the Kent and Medway Safeguarding Adults Board, Ms Victoria Widden.
2. In answer to questions and comment from Members, the following was said:

- a) Both the Care Act and the Local Authority made provision and support available for carers in relation to their statutory responsibilities. Referrals into the process were important and therefore monitored to look at volume and responses to enquires to ensure the correct support was provided. The 'Think Family' approach was built into the practice around social care and focused on the family around the individual.
 - b) In answer to a Member's question regarding carers who experienced severe difficulties with stress or breakdown, Mr Albiston explained that very few of these situations required a safeguarding or a criminal response, instead the appropriate response is a Care Act assessment of the carers' needs in their own right.
 - c) Ms Widden explained that when safeguarding adult reviews are conducted, individual actions for agencies and thematic actions are also considered. One of the thematic action areas for focus included carers. As part of this assurance reports were sought from agencies in relation to how they identify and support carers.
 - d) Mr Watkins highlighted to Members that the report showed a continuing increase in safeguarding referrals and safeguarding work required to take place.
 - e) Mr Rabey explained that the national focus was on the delivery of good safeguarding practice. He spoke of the conversion rate of referrals to enquires and the importance of ensuring people understood the relevant legislation and the differences between a safeguarding referral and a referral for a care needs assessment.
 - f) A Member pointed out that safeguarding should be an issue which all Members should be invested in and proposed that it should be included as mandatory training for Members. Thanks was expressed for the report and the work carried out by the Kent and Medway Safeguarding Adults Board. It was agreed that the safeguarding report would be provided to all Members.
 - e) Ms Widden explained there was a risk register for the board and issue logs for single agency risks which impact on multiagency delivery of safeguarding.
- 3) RESOLVED Members considered and commented on the Kent and Medway Safeguarding Adults Board Annual Report 2023 – 2024.

234. Work Programme
(Item. 11)

RESOLVED to note the Work Programme.