

KENT COUNTY COUNCIL – PROPOSED RECORD OF DECISION

DECISION TO BE TAKEN BY:

Diane Morton, Cabinet Member for Adult Social Care and Public Health

DECISION NUMBER:

25/00118

Executive Decision – key

25/00118 – Fee Uplifts for Adult Social Care Providers for 2026/2027

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

- a) **APPROVE** the fee uplifts for Adult Social Care Providers for 2026/2027; and
- 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 all necessary actions within the approved budget allocation to implement the decision.

Reasons for decision: The Council has statutory duties under The Care Act 2014 (together defined as its “Care Act Duties”) which require local authorities to have regard to the sustainability of the social care market. Those duties underpin and must inform any decision of the Council in respect of uplifts applicable to its social care contracts

Consultation and engagement with provider representative organisations, including the Kent Integrated Care Alliance (KICA) and the National Care Association (NCA) in November 2025, has highlighted significant concern regarding the cumulative impact of rising employment and operating costs. Providers have indicated that Consumer Price Index (CPI) level uplift would represent a minimum position to maintain financial sustainability, with higher uplifts required in some service areas.

The proposed approach for 2026/2027 is to apply differentiated uplifts. Under this option, fee uplifts (if any) are applied in accordance with the Council’s Care Act Duties. This could result in differentiated uplifts across contract types, reflecting the fact that cost pressures, market conditions, and strategic importance are not uniform across the adult social care market. The continuing market analysis will inform and shape this.

The Council must comply with its Care Act Duties before considering applying (or not applying as the case may be) any uplifts. These options have been considered on the basis of the information available to the Council at 13 January 2026 but are subject to amendment following completion of the Council’s market analysis in accordance with its Care Act Duties. Any percentage uplifts proposed are therefore provisional.

Fee uplifts need to be finalised by 1 March 2026 to enable implementation within the Council's Adult Social Care case management system in time for providers to submit invoices for revised rates from April 2026. The proposals set out are subject to approval of the budget by the County Council on 12 February 2026.

Financial implications: The Council continues to face significant and sustained financial pressure, driven by increasing demand for adult social care and rising complexity of need. Within this context, the Council has identified £9.917.3k as the provisional amount for adult social care fee uplifts and Direct Payment increases for 2026/2027.

Legal implications: The Courts have confirmed that decisions which engage the section 5 market shaping duty may be subject to public law challenge, and that fee setting decisions form part of this framework where they have a direct effect on the sustainability and functioning of the care market.

Recent case law, *R (SARCP) v Stoke on Trent City Council [2025]* has highlighted the importance of ensuring that decisions are supported by a clear and sufficiently complete evidential basis.

In making these decisions the Council must have regard to the Care and Support statutory guidance.

Equalities implications: The Council must have regard to its Public Sector Equality Duty, and an Equalities Impact Assessment (EQIA) has been produced. This is a live document and will continue to be updated as required.

Data Protection implications: A Data Protection Impact Assessment is not required as there are no material changes to the way in which personal data is handled, nor the way in which it is used. Similarly, this work does not involve data profiling or changes to the way in which special category data is handled.

Cabinet Committee recommendations and other consultation: The proposed decision will be considered at the Adult Social Care and Public Health Cabinet Committee on 21 January 2026 and the outcome included in the decision paperwork which the Cabinet Member will be asked to sign.

Any alternatives considered and rejected:

- **Apply no fee uplifts across all adult social care services** - This option was considered but discounted. This approach would not align with the Council's Care Act Duties to have regard to market sustainability, nor with its commissioning intention to prioritise prevention, independence, and demand management.
- **Apply a single standard percentage uplift across all services** - This option was also considered but rejected on the basis of the conclusions of the market analysis as of 13 January 2026.

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