

KENT COUNTY COUNCIL – RECORD OF DECISION

DECISION TAKEN BY:

Peter Oakford, Deputy Leader and Cabinet Member for Finance, Corporate and Traded Services

(in consultation with the Cabinet Member for Adult Social Care and Public Health)

DECISION NO:

22/00076

For publication

Key decision: YES

Title of Decision: Kent Homeless Connect Service - Funding of Transition Phase Through Reserves

Decision: As Cabinet Member Finance, Corporate and Traded Services and in consultation with the Cabinet Member for Adult Social Care and Public Health, I agree:

- a) the transfer of up to £4,563k from the Council's reserves to fund the transition period of the Kent Homeless Connect Service.

This decision should be read in conjunction with 22/00075 (Kent Homeless Connect Service – termination of the service) which proposes the ending of the Kent Homeless Connect service from 30 September 2022, the variation of the current Kent Homeless Connect Service Contract to include a transitional period of up to 18 months, ending no later than 31 March 2024 and the delegation of authority to the Corporate Director Adult Social Care and Health, after consultation with the Cabinet Member for Adult Social Care and Public Health and the Corporate Director for Finance, to agree the relevant contract variations as required.

Reason(s) for decision:

The Kent Homeless Connect (KHC) service was commissioned by the Council in October 2018 to support adults with complex support needs who are facing homelessness. To meet the financial challenge posed by the budget this year and in years to come, the Council's budget, agreed on 10 February 2022, included the proposal to allow the service to end when the contract expires on 30 September 2022.

After this date, the Council agreed that the services currently provided should be reviewed and suitable transitional arrangements developed to mitigate the adverse impacts to be funded from reserves.

Financial Implications

A model of a phased transition to new arrangements over three six-monthly stages recognises the challenges of a change in arrangements in supported housing, allowing a longer time to achieve this. The estimated costs of this approach over an 18-month transition period would be £4,563k, as set out below.

Six-monthly interval	1 Oct 22 - 31 Mar 23	1 Apr 23 - 30 Sept 23	1 Oct 23 - 31 Mar 24	1 April 24 onwards	Total
Percentage of contract value	80%	60%	40%	0%	
Transition activity	Rough Sleeper outreach	Prevention and Move-on	Supported Housing		
Transition Funding Required	£2,027,961	£1,520,971	£1,013,981	£0	£4,562,913

Savings from the termination of the contract were included Appendix G of the Budget Book 2022-23

Legal Implications

The current framework contract ends on 30 September 2022. In order to transfer to new arrangements in a safe manner, it is proposed to vary the contract for up to 18 months, ending no later than 31 March 2024. The Council is satisfied with the legal advice it has received that shows there is sufficient justification under S.33(3) of the Public Contract Regulations to take this approach and that the necessary exemptions under Regulation 72 apply.

During the consultation the Council received three responses that suggested it had a legal duty to continue to provide these services. An example is given below

“KCC has not addressed how it intends to address the divergence from those duties placed on it and set out in the Homelessness Code of Guidance that places responsibility for the provision of housing related support on upper-tier authorities. This places KCC open to legal challenge for not fulfilling those duties placed on it by government policy.”

The Council has investigated this matter thoroughly and has established that it does not have a duty in terms to provide these services arising from the Code of Guidance as the respondents have suggested. KCC is of the view that both the Housing Act 1996 and the Care Act 2014 impose a mutual obligation to co-operate in the exercise of the respective functions of the Local Housing Authority and the County Council, as the relevant social services authority, concerning its responsibilities relating to adults with needs for care and support and the obligation to have regard to the homelessness strategies. KCC’s policy position is that where it is asked by a district council to assist the housing authority with the exercise of its functions under the Housing Act 1996, it will offer such co-operation and assistance where it is deemed reasonable to do so and, it does not result in the county council doing anything which another local authority is required to do under the Housing Act 1996.

KCC continues to carry out its adult social care responsibilities in accordance with the Care Act 2014, including s.2, and relevant regulations, statutory and good practice guidance. It conducts its assessment of need for care and support and prevention functions with regard to the homelessness strategies of district councils and the ‘duty to refer’ responsibilities placed on the County Council by the Homelessness Reduction Act 2017. Where the County Council is not able to comply with a request to co-operate from a district council, it will give a written reason for its decision. Following a transition period that will close on 31 March 2024, the Council intends to end its provision of housing related support in Kent Homeless Connect where it does not have statutory duty. The Council will ensure it exercises its duties to ensure those who need an assessment under the Care Act receive one and to consider how care and support needs can be met. The Council will work closely with the city, district and borough councils to develop and support transitional plans to meet the needs of individuals.

Equality Implications

An Equality Impact Assessment (EQIA) was drafted to accompany the consultation. The assessment found that should alternative support not be put in place, the decision to allow the contract to end may have a greater impact on some people with protected characteristics. It is envisaged that this will be addressed through transition planning with the city, district and borough authorities and other stakeholders. The findings of the EQIA were supported by respondents to the consultation, who pointed to the increased impact experienced by younger people aged 18-35 and the information shared at the in-person events by people from the transgender community.

Data Protection Implications

A Data Protection Impact Assessment was completed for the service when it was commissioned. There are no anticipated data implications associated with these decisions, as the data collected will be covered under existing contract clauses.

Cabinet Committee recommendations and other consultation: A report setting out the proposals was discussed at the Adult Social Care Cabinet Committee on 13 July 2022.

Views from members were sought as part of the decision-making process and no comments were received.

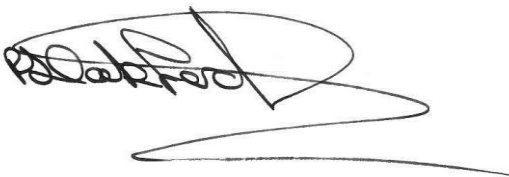
Public Consultations were undertaken between 27 April 2022 and 6 June 2022.

www.kent.gov.uk/homelessnessconsultation.

Any alternatives considered and rejected:

A delay in removing the saving from revenue budget was considered; as the transition is time-limited and use of reserves was included in the budget report, this was discounted.

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



19 August 2022

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signed

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date