

# KENT COUNTY COUNCIL – RECORD OF DECISION

## DECISION TAKEN BY:

Clair Bell, Cabinet Member for Adult Social Care and Public Health

## DECISION NO:

22/00093

For publication Yes

Key decision: Yes

Title of Decision: **CARERS' SHORT BREAKS SERVICE – DIRECT AWARD**

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

- a) **APPROVE** a Direct Award contract for a period of twelve months for Carers' Short Breaks, from 1 April 2023 to 31 March 2024, in accordance with the relevant justifications set out in Regulation 32 of the Public Contract Regulations 2015 and
- b) **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.

**Reason(s) for decision:** Kent County Council has a statutory responsibility under The Care Act 2014 to deliver access to support and information for unpaid Carers, older people (over 55 years) and people with complex issues/frailty (under 55 years). The Council meets this duty through the provision of its Carers' Short Breaks Services.

The Carers' Short Breaks Contract commenced in April 2018, as an initial interim contract. It is currently in an extension period via a previous Decision to Direct Award. Following this decision, the contract is currently due to end on 31 March 2023. There are currently no provisions to extend this contract. The proposals for an additional one-year contract with the incumbent provider via a Direct Award, to run from 1 April 2023 to 31 March 2024, will allow time for Commissioners to explore options for the future recommissioning strategy for this service from April 2024.

Kent County Council has recently completed significant engagement in developing and launching a new Carers Strategy, setting the strategic direction for Carers Support for the next five years. The Kent Carers' Strategy 2022-2027 ensures a commitment to working together to ensure essential roles are valued, supported and people's lives maintained and valued.

The proposed decision supports the New Models of Care Support priorities of "Framing Kent's Future – Our Council Strategy 2022 – 2026" of

- reshaping our commissioning practice to ensure we build strategic partnerships with our providers, through earlier engagement, more consistent and proactive commissioning practice, and a stronger focus on co-designing services
- seizing the opportunity of integrating our planning, commissioning and decision making in adult, children's, and public health services through being a partner in the Kent and Medway Integrated Care System at place and system level

**Financial Implications:** The Carers' Short Breaks Contract is jointly funded by KCC and NHS Kent and Medway Integrated Care Board (NHS K&M ICB). The current Adult Social Care (ASC) budget is subject to an identified saving in 2023/24; the NHS K&M ICB funding will be requested for the recommended option. The Council is working in partnership with the Integrated Care Board (ICB) to

ensure funding is secured for the option. The ICB Commissioners have made enquiries to the ICB Committee Teams to provide more information regarding the governance process for the recommended option.

The total value of the one-year contract extension will be £3.087m. (ASC £2.5m/ICB £585k)

**Legal Implications:** The Council has a statutory duty to ensure that there is sufficient and fit for purpose provision of social care services to Kent residents, who are eligible under the Care Act 2014 and that a sustainable market is maintained which the Carers' Short Breaks contributes to. The direct award of the contract is in line with PCR Regulation 32 (2)(b)(ii.)

**Equalities implications:** An Equality Impact Assessment (EQIA) was completed as part of the original commissioning of these services; and will be revised and updated for any future recommissioning

**Data Protection implications:** A Data Protection Impact Assessment was developed and will be updated with the contract extension. Data Protection is monitored within the contract management function of the contract; there were no issues highlighted and no data breaches

**Cabinet Committee recommendations and other consultation:** The proposed decision was discussed at the Adult Social Care Cabinet Committee on 28 September 2022 and the recommendations were endorsed.

**Any alternatives considered and rejected:** In consideration of this proposal the following options were considered and discarded:

- Option 2: Reprocure the contract within a short timeframe
- Option 3: Split the contract into smaller geographical locations and reprocure within a short timeframe
- Option 4: End the contract on 31 March 2023

In consideration of Option 4, whilst it is recognised that ending these contracts could deliver a significant saving to the Council, ending the contract was dismissed at this point for the following reasons:

- Loss of current support to vulnerable people
- People accessing the contract may fall into crisis resulting in a high financial pressure on Kent County Council operational services (negates possible benefit of saving on the contract value)
- Increased isolation and loneliness to unpaid Carers.
- Statutory duties non-compliance under the Care Act 2014.

Splitting the contract into smaller geographical locations (Option 3) and reprocuring within a shorter timeframe was dismissed, owing to a lack of clarity as to funding without scope of the redesign, long term Integrated Care Board (ICB) funding sustainability, workforce implications, and the additional pressures on Adults Strategic Commissioning resource.

Option 2 was disregarded owing for similar reasons to Option 3.

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

Clair Bell

21 October 2022

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signed

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date