

KENT COUNTY COUNCIL – RECORD OF DECISION

DECISION 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 agree 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 was discussed at the Adult Social Care Cabinet Committee on 4 July 2018. Clare Maynard (Head of Commissioning Portfolio – Outcome 2 and 3) and Jack Moss (Procurement Manager) were in attendance for this item

1. Clare Maynard introduced the report which set out Care in Home service which was designed to provide care and support for people in order that they can safely reside in their own homes or in supported living accommodation.
 - a) In response to a question, Clare Maynard said that the approach to the new service would be consistent and at the highest level, whilst still retaining the ability to innovate. She said that it was important to build upon best practice, understand where changes were needed and drive improvement continuously to allow the whole county to benefit from services.
 - b) In response to a question, Jack Moss said that in some cases, older people required overnight care and therefore the service would continue to be commissioned. He said that the service was based on the needs of the service users. Anne Tidmarsh said that budget and resources were also considered with regards to overnight care. Penny Southern said that she would investigate inconsistencies regarding practice and would look at whether policies had been applied correctly around individuals to ensure that the approach was consistent. She said that although overnight care could not be delivered for every service user, a thorough assessment would be undertaken to determine whether the service user would qualify for overnight care services. Mr Gibbens (Cabinet Member for Adult Social Care) said that everyone was entitled to an assessment and assessed needs would be met. He reassured Members of the Committee that they could contact him directly if there was an issue relating to specifically to their local area.
 - c) In response to a question, Mr Gibbens said that the funding of Adult Social Care was a significant challenge which faced all upper-tier authorities in the country. He said that it was important to ensure that the policy for the Care in Home service was clear, and that the Adult Social Care services that were provided by Kent County Council were within the available budget whilst continuing to support the most vulnerable people in Kent. Penny Southern said that the work that had been carried out over the last 2 years had shown an investment within Kent's domiciliary services across the market. She said that the Care in Home contract was a procurement process which would stabilise the market. She added that the contracts would run for specified length of time with the new monies investment and the additional money that Kent had provided to sustain the market over the last year was positive news for the market to support prevention and discharge to hospitals.
 - d) In response to a question, Jack Moss said the vulnerable adults that were receiving care packages would be contacted by Kent County Council to confirm whether there would be any changes to their package. He said that it was important to ensure that the transition was

smooth and did not cause any major concern to service users.

- e) In response to a question, Clare Maynard said that the services had been commissioned externally over recent years. The provider base needed to be rationalised to allow a better understanding about the market, plan for provider failure and to have greater control.
- f) In response to a question, Jack Moss said that across service provisions, there were a higher proportion of small and medium enterprises of which a good proportion were Kent-based businesses.
- g) In response to a question, Jack Moss said that through a recent re-let, Adult Social Care in Kent had gained a better understanding of how much unpaid care work was carried out in Kent. He said that he would provide the figure to Committee Members outside of the meeting.
- h) In response to a question, Penny Southern said that people often did not want to disclose their sexual orientation which led to a lack of responses to the sexual orientation question in the consultation. She said that it was an important question to ask in terms of how services were commissioned to ensure that the right services were in place for the different types of people that needed them.
- i) In response to comments and questions, Jack Moss discussed the figures relating to expenditure that were within the report. Clare Maynard said that all of the separately-commissioned services were delivered into the current expense that was attached to them. She said that by bringing services together it enabled Kent to observe efficiencies and invest wisely as an integrated service. Penny Southern added that the Adult Social Care and Health budget was over £418m and a significant percentage of the budget was spent within the market in Kent, and a significant amount was spent on home care, supporting independence services and residential and nursing homes. She said that the home care services needed to be delivered as a statutory responsibility, if assessed as a need.
- j) Mr Gibbens said that it was important to ensure that Kent County Council were doing all that was possible to secure a sustainable market.

2. RESOLVED that the decision proposed to be taken by the Cabinet Member for Adult Social Care, 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,

be endorsed.

(Mr Chittenden, Ida Linfield and Mr Lewis asked that it be recorded that they did not vote in favour of the resolution.

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

12 JULY 2018

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date