

KENT COUNTY COUNCIL – RECORD OF DECISION

DECISION TO BE TAKEN BY:

Cabinet Member for Adult Social Care and Public Health

DECISION NO:

20/00049

For publication

Key Decision: Affects more than 2 Electoral Divisions and expenditure of more than £1m

Subject: ADDITIONAL PAYMENTS TO ADULT SOCIAL CARE PROVIDERS

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

- a) **AWARD** additional payments to Adult Social Care Providers in Kent, to the equivalent of 2 weeks provision of care, to cover the additional costs that providers are incurring as a result of and in response to the COVID-19 pandemic;
- b) **DELEGATE** authority to the Corporate Director of Adult Social Care and Health, in consultation with the Cabinet Member for Adult Social Care and Public Health and the Corporate Director for Finance, to finalise the terms of and confirm the relevant payments as required; and
- c) **DELEGATE** authority to the Corporate Director of Adult Social Care and Health to take other relevant actions, including but not limited to entering into and finalising the terms of relevant contracts or other legal agreements, as necessary to implement the decision

Reason for Decision:

Providers are seeing an immediate impact on their cashflow, with a significant increase in costs for items PPE, Agency staff, food and taxis. The most efficient way to inject funding in the sector is to provide an additional payment to help cover these costs and to ensure they have sufficient capacity to continue to deliver key services.

Social care providers are a key part of the emergency response to the COVID19 pandemic. The social care provider market has been significantly affected by rising costs associated with the COVID-19 pandemic, this could impact on their ability to continue delivering the services commissioned by Kent County Council and on the ability to support the NHS and social care to discharge their statutory responsibilities.

Recent guidance has been published jointly from the Local Government Association (LGA) and Directors of Adult Social Services (ADASS) on providing temporary funding to assist social care providers during the period of COVID19.

In line with the guidance Kent needs to support the security of the social care provider market in Kent during the COVID19 crisis and enable providers to maintain delivery of essential services to the vulnerable people of Kent it is proposed to award additional payments to Adult Social Care Providers in Kent, the equivalent of 2 weeks provision of care, in recognition of the additional costs that providers are incurring during the COVID19 pandemic.

Advance payments equivalent to one week's provision of care (approx. £6.5m) were previously made to providers on the basis that this would be recovered, however it is now proposed that this payment will not be recovered, and will form one of the 2 weeks' payment identified above.

Reason for Urgency:

The relevant providers require additional payment to manage the additional costs in relation to pandemic immediately. The system for processing payments and banking rules will mean this takes approximately a week to implement and any further delay will mean that some providers will struggle to continue delivering services because of cash flow implications.

Financial Implications: The total value for these payments (including the £6.5m already paid to providers) is approximately £13m. Providers will be required to agree an open book accounting approach to evidence any additional costs. Any payments made in excess of actual costs incurred will need to be repaid by the provider. This expenditure is additional to the budget for adult social care agreed by full council in February 2020. The council expects this expenditure to be covered in full by government funding. This value represents a 15% increase over a 3 month period. It is felt that making one further one-off payment is less complex for providers than asking providers to increase their charges over this period.

Legal Implications: The Council will have sufficient statutory powers to make the proposed payments under: the general power of competence under the Localism Act 2011; and the ancillary power to do what is reasonably necessary to implement the discharge of a statutory function under section 111 of the Local Government Act 1972. The local authority statutory functions for the provision of social care are predominately governed by the Care Act 2014. The Council has a duty under section 5 of the Act to promote the efficient and effective operation of a market in services for meeting care and support needs, including ensuring the sustainability of the market (in circumstances where it is operating effectively as well as in circumstances where it is not), such as in this Pandemic.

Equality Implications: The individual services and providers support vulnerable people and failure to address the potential cashflow issue in the care market would have a significant negative impact on the relevant protected characteristic groups.

Cabinet Committee recommendations and other consultation:

No Cabinet Committee consultation possible due to urgency process

The chair of the Scrutiny Committee, in addition to agreeing that the decision could be reasonably deferred provided the following comments:

Mr Booth supported the decision

The Group Spokespeople of the Scrutiny Committee provided the following comments:

No additional comments

The Chair and Group Spokespeople of the Adult Social Care Cabinet Committee provided the following comments

Mrs Cole supported the decision.

Any alternatives considered: Other alternatives were considered, including not following this course of action, however in order to sustain services and providers in the care market to respond effectively to the Covid 19 pandemic and support the vulnerable people of Kent, these were discounted.

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

None

Claire Bell

24 April 2020

signed

date