

From: Richard Smith, Corporate Director of Adult Social Care and Health

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

Decision No: 20/00049

Subject: **ADDITIONAL PAYMENTS TO ADULT SOCIAL CARE PROVIDERS**

Classification: Unrestricted

Past Pathway of Paper: Adult Social Care and Health Directorate Management Team – 22 April 2020

Future Pathway of Paper: County Council

Electoral Division: All

Summary: 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. 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 as a result of and in response to the COVID19 pandemic.

Recommendation(s): The Cabinet Member for Adult Social Care and Public Health is asked 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

1. Introduction

- 1.1 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.
- 1.2 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.
- 1.3 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 as a result of and in response to the COVID19 pandemic.
- 1.4 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.
- 1.5 The Council will continue to consider relevant guidance, changes in legislation and the needs of the older and vulnerable people in Kent alongside forming an additional strategic approach to supporting the wider care market during the COVID19 pandemic.

2. Strategic Statement and Policy Framework

- 2.1 This decision links to KCC's Strategic Statement and specifically the strategic outcome:
 - Older and vulnerable residents are safe and supported with choices to live independently.
- 2.2 This proposed decision does not relate to a plan or strategy set out in the Council's Policy Framework.

3. Financial Implications

- 3.1 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.

- 3.2 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 a further one-off payment is less complex for providers than asking providers to increase their charges over this period.

4. Legal Implications

- 4.1 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.

5. Equality Implications

- 5.1 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.

6. Conclusions

- 6.1 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 COVID19 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.
- 6.2 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 as a result of and in response to the COVID19 pandemic.

7. Recommendations

7.1 Recommendations: The Cabinet Member for Adult Social Care and Public Health is asked 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

8. Background Documents

None

9. Report Author

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