

Adult Social Care and Health

Making Out of County Arrangements and Notifications

Practice Guidance

**Supplementary guidance to the Ordinary
Residence Practice Guidance on Tri-X**



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1. Introduction

- 1.1 Where an adult's care and support needs can only be met if they are living in one of the specified types of accommodation (nursing homes/care homes, supported living/extra care housing, shared lives schemes) and the accommodation arranged is in another area, the principle of 'deeming' ordinary residence applies.
- 1.2 Where the deeming provisions under the Care Act 2014 apply, this means that the adult is treated as remaining ordinarily resident in the local authority area where they were resident immediately before the local authority began to provide or arrange care and support in any type of specified accommodation.
- 1.3 The consequence of this is that the local authority which first provided that care and support will remain responsible for meeting the person's eligible needs, and responsibility does not transfer to the (host) local authority in whose area the specified accommodation is physically located.
- 1.4 A few high-profile incidents, including the Safeguarding Adults Reviews have highlighted common issues relating to the quality of care and support for individuals who are out of area. This includes practices relating to the quality and frequency of reviews/support planning and care management, inadequate quality assurance and oversight of the service being delivered and, when safeguarding concerns arise, a lack of information available about individuals that have been placed in a (host) local authority area by other authorities.
- 1.5 In 2019, the Association of Directors of Adult Social Services (ADASS) [Advice Note](#) recommended ways of working for local authorities that are responsible for commissioning services (placing authorities) for adults with social care needs who are in out of area care and support services.

2. Making out of county arrangements

- 2.1 When Kent County Council (the placing authority) is making the out of area arrangements in one of the three types of specified accommodation (the deeming provisions under the Care Act 2014), it will:

Action	By whom
Before making the arrangements, gather and record local intelligence relating to the provision, including seeking information from the provider about other local authorities using the service (to understand joint working), view historic and recent CQC reports, obtain host authority views about the service, provider sanctions? Update system record	Practitioner
Consider what arrangements will need to be put in place to enable the person to access local primary, community and secondary health care	Practitioner

and any required specialist support in the area	
Provide the person with Kent County Council (KCC) General Privacy Notice, which covers Adult Social Care and Health, before sharing personal information with the host local authority. Update System record.	Practitioner
In advance, notify the social care Director of relevant host local authority of the prospective service arrangements (use Ordinary Resident Letter 5 on Tri-X . See Appendix 1 for sample letter <ul style="list-style-type: none"> – Name of person: – Date of Birth: – Individual's ID number: – Name of provider: – Type of support: – Location of support: – Date of provision commencing – Indication of likely local health service involvement – KCC contact point with full details 	Purchasing
Record when and to whom the notification letter sent (Ordinary Resident Letter 5 on Tri-X). Update system record	Purchasing
Record named contact point within the host authority for future communication. Update system record	Purchasing
Write to the provider advising them of the relevant KCC contact details, including who to contact in the event of an emergency	Purchasing
Clearly communicate to the provider the care and support expected in respect of the funding provided; known risks relating to the person; ask if others may pose a risk to the person	Purchasing liaising with practitioner
If practical, visit the service to clarify the arrangements, including the physical layout of the buildings/s as well as the environment in which the service is located	Practitioner
Undertake statutory care and support reviews at least annually (see 2.2 below "Reviews" for more details)	Practitioner
Inform the host authority when a person leaves the provision	Practitioner

2.2 Care and Support Reviews

- 2.2.1 KCC retains the statutory responsibility for the care and support reviews within statutory timescales, including use of advocates and relevant person representatives, and where necessary, reassessment of needs and establishing the ability of the existing accommodation and support arrangements remain appropriate to meet those needs.
- 2.2.2 Assessments of need and reviews should always be completed face to face to provide assurance about the quality of provision. The review should include speaking with the person about their experience and observation of care and support provided. Once a review has taken place, confirmation should be made to the host authority to ensure information is up to date.

NOTE

The social care practitioner must exercise professional judgment to determine if it is appropriate to ask the host authority to undertake an assessment or review on KCC behalf, especially if the two authorities are a long distance apart.

- 2.2.4 It is important the practitioner contributes to the host authority safeguarding enquires under section 42 of the Care Act and participates in all multi-agency reviews including any that KCC is not directly responsible for organising, for example of health elements of the individual's package.

3. Recording notifications from other local authorities

- 3.1 Best practice is that other local authorities should notify KCC when a placement (the deeming provisions under the Care Act 2014) is made in Kent in the same way, KCC will be notifying other local authorities when making arrangements in their area.
- 3.2 There will be a single point of contact for other local authorities notifying KCC of the placement in Kent. This will be through the Area Referrals Management Service. If a locality team or other KCC division (e.g. commissioning, performance) receive a notification (verbally or written) directly, bring together the information and email to Area Referrals Management Service (ARMS)
- 3.3 The preferred way for another local authority to inform us when they will be placing an adult in Kent (and continue to fund) is through the [Kent.gov](https://www.kent.gov.uk). "professional" referral route. The local authority professional will be prompted to be clear the reason for referral that this is a NOTIFICATION ONLY and not a request for support from Kent Adult Social Care and Health directorate.
- 3.4 When notifications received by ARMS, a mosaic record is created. See Appendix 2 for screen shot. A significant note to be recorded stating persons ordinary residence is the named other local authority. All correspondence to be is upload to the mosaic

record. The record will be used if KCC has a safeguarding concern/ emergency situations/home closure/ business continuity issue.

- 3.5 For notifications received for 18–25-year-olds, ARMS will extract from the newly created mosaic record and export across to the Disabled Young People’s Service for recording on Liquidlogic Adults System (LAS)¹

4 Retention schedule - other local authority notifications

The content of the mosaic record created by ARMS to be retained for 2 years from date of last contact in line with KCC Retention Schedules (Retention Period Identifier AS4.12.02).

¹LAS is a Liquidlogic system used for Adults’ Social Care recording. In Kent, this system is used by the Disabled Young People’s Service to record new referrals, ongoing case work and safeguarding concerns for Vulnerable Adults and Adults with learning disabilities aged 18 – 25.

Appendix 1: Ordinary Resident Letter 5 on Tri-X.



Adult Social Care and Health

Tel:
Ask for:
Our Ref:
Date:

Dear

Re:

The above named adult is provided with one of the specified types of accommodation under section 39 of the Care Act (2014), arranged by Kent County Council (KCC) in your local authority area.

We remain responsible to meet eligible needs where the adult's needs can be met only if they are living in accommodation specified in legislation.

Details:

Date of Birth:

KCC Identification Number:

Name of provider:

Type of support:

Location of support:

Date of provision commencing :

Likely local health service involvement:

If you have any queries, please do not hesitate to contact me.

Yours sincerely

Job Title:

Email:

Appendix 2: ARMS Mosaic record

Is this notification from another Local Authority that they have placed the person in Kent and will continue to fund?

Yes

No

Admin - Please add a case note to identify Ordinary Residence remains XX Local Authority and mark this case note as a significant event then close the Contact