



AGENDA

CABINET

Monday, 29th June, 2020, at 11.45 am
Virtual Meeting

Ask for: **Denise Fitch**
Telephone: **Tel: 03000 416090,**
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In response to COVID-19, the Government has legislated to permit remote attendance by Elected Members at formal meetings. This is conditional on other Elected Members and the public being able to hear those participating in the meeting. This meeting of the Cabinet will be streamed live and can be watched via the Media link [here](#)

UNRESTRICTED ITEMS

(During these items the meeting is likely to be open to the public)

1. Chairman's Introduction
2. Apologies and Substitutes
3. Declaration of Interests by Member in Items on the Agenda for this meeting
4. Scrutiny Committee Request for Review of Decision 20/00017 (Recommissioning of Early Help Services) (Pages 1 - 6)

EXEMPT ITEMS

(At the time of preparing the agenda there were no exempt items. During any such items which may arise the meeting is likely NOT to be open to the public)

Benjamin Watts
General Counsel
03000 416814

Friday, 26 June 2020

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From: Tristan Godfrey, Scrutiny Research Officer and Anna Taylor,
Scrutiny Research Officer

To: Cabinet – 29 June 2020

Subject: Scrutiny Committee Request for Review of Decision 20/00017
(Recommissioning of Early Help Services)

Classification: Unrestricted

Electoral Division: All

Recommendation:

That the Cabinet reconsider decision 20/00017 and confirm, rescind or amend that decision and ask that the decision-maker make a written statement of the reconsidered decision to be sent to all Members of the Council.

1. Introduction

- a) On 23 June 2020, the Scrutiny Committee considered a call-in made by Mr Gary Cooke and Mr Rob Bird of decision 20/00017 (Recommissioning of Early help Services). The decision maker was Mrs Sue Chandler, Cabinet Member for Integrated Children's Services. The report submitted to the Committee setting out the Cabinet Member response to the reasons for call-in is attached as an Appendix.
- b) After discussion, the Scrutiny Committee agreed the following motion:
 - a. *The Scrutiny Committee requires implementation of the decision to be postponed pending reconsideration of the matter by the decision-maker in light of the Committee's comments.*
- c) The following summarises the comments of the Committee:
 - a. There was a need for transparency over the decision made (to bring the NEET Support Service provided by CXK in-house to The Education People).
 - b. Concerns were expressed as to why it was decided not to go down the route of open procurement - the impression had been that a decision had been made to bring the NEET Support Service provided by CXK in-house to The Education People without any material consideration of the alternatives and without consultation.
 - c. The service provided by CXK was effective and well-regarded.
 - d. There had been inconsistencies around communication with CXK.
 - e. The questions was raised as to ability of The Education People to meet any additional demand.

2. Review by Cabinet

- a) As a consequence of the Scrutiny Committee's decision, section 17.77 of the Constitution applies:

- a. *In the event of a decision being referred back for reconsideration by either the decision-maker or the full Council, the Cabinet shall first reconsider it on the basis of a report setting out the comments expressed and confirm, rescind or amend the decision in the light of those comments. A written statement of that reconsidered decision will be published and sent to all Members of the Council.*
- b) As the first step in this process, the Scrutiny Committee is therefore asking the Cabinet to reconsider the decision.

3. Recommendation:

That the Cabinet reconsider decision 20/00017 and confirm, rescind or amend that decision and ask that the decision-maker make a written statement of the reconsidered decision to be sent to all Members of the Council.

4. Background Documents

Decision 20/00017 – Recommissioning of Early Help Services:
Record of Decision
Executive Decision Report
Service chart

Agenda, Scrutiny Committee, 23 June 2020,
<https://democracy.kent.gov.uk/ieListDocuments.aspx?CId=752&MId=8656&Ver=4>

5. Contact details

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From: **Sue Chandler, Cabinet Member for Integrated Children's Services**

Matt Dunkley, Corporate Director for Children, Young People and Education

To: **Scrutiny Committee – 23 June 2020**

Subject: **Response to Call-In Request: NEETs Contract Decision (part of EHPS Commissioning Decision 20/00017)**

Classification: **Unrestricted**

Electoral Division: All

Summary: This report contains the responses to the call in to Scrutiny

Recommendation(s):

Scrutiny Committee are requested to consider the response to comments supporting the call into Scrutiny

Reason for Call in and Responses

1. **Reason: Para 8.5, Sub section a) Action proportionate to the desired outcomes.** Comment: There seems to be no information relating to the desired outcome in terms of efficacy of the service only that we wish to bring this in-house under the auspices of the Education People. In the absence of a proper understanding of desired outcomes relating to the quality of service it is impossible to ascertain the level to which the action is proportionate.
- 1.1 **Cabinet Member Response:** Following the SEND inspection, it was highlighted that all service provision needs to work across the across the spectrum of need, working to be inclusive of those young people with both a diagnosed and undiagnosed SEND. In addition to this, there is a need to target other vulnerable groups, such as those entering the youth justice system or those young people that form the home educated cohort.
- 1.2 With Disabled Childrens now being embedded in the CYPE Directorate, we can move towards an inclusive offer for all young people that takes the emphasis away from escalation of need. In order to do this, material changes need to happen within the contract. This could not happen under the guise of a contract extension, meaning the current contract is not fit for purpose.
- 1.3 TEP's approach to its role as the strategic lead for NEETs within the county is to draw partners together to streamline processes and problem solve. It has often used its own staff to add capacity to the system and to overcome problems caused by the number of parties involved in county tracking and NEET support. NEET reduction is also a strand of the careers strategy

which is led by the Enterprise Coordinators who work with schools to ensure that Careers Education Information Advice and Guidance (CEIAG) is delivered well within schools with a focus on students who are 'at risk'.

- 1.4 The coming to the end of the current NEET support service contract is a unique opportunity to add capacity to the NEET County Action Plan, create a more preventative approach to NEET reduction and optimise the resource throughout the whole year. The integration of the support service into the at-risk of NEET work going on in schools and colleges is an opportunity to deal with the problem at source and create relationships with young people before problems arise, at a time in the year when the work of the NEET support service is levelling off. At the other end of the academic year when the number of NEETs are at its lowest, it can integrate into the tracking service, where it can help identify the young people it will then work with.
- 1.5 In order to extend the current contracts, there would need to be a continuation of provision and a utilisation of the exiting terms and conditions without any material change. An extension would not enable the authority to implement the changes needed to align the NEETs service to the NEET County Action Plan and the wider Skills and Employability provision within TEP, as well as strengthen links to the current work programmes surrounding SEND improvements, as this would materially change the contract.
2. **Reason: Sub section d) A presumption in favour of openness.**
Comment: The decision fails this test in that there has clearly been insufficient (if any) real engagement with the current provider who has written to all members of CYPE explaining their dissatisfaction with the way this has been handled. Transparency and Openness requires the decision be scrutinised.
- 2.1 **Cabinet Member Response:** Initial conversations regarding the intention to cease the existing contracts first took place with the contract providers in September 2019, when the current provider of the NEET contract were issued with their contract extension to carry on provision until 30th September 2020. Further discussions with the provider took place during the regular contract management meetings and again in January 2020 when they were advised that we would be proceeding towards the end date of the contract extension.
- 2.2 Whilst it is vital to engage with all stakeholders including end users regarding the development, initiation and ceasing of a provision, it is not necessary to consult on who will be providing that service. As there is no proposal to change the design of the service, the authority would not go out for formal consultation.
3. **Sub section e) Clarity of aims and desired outcomes. Comment: see comment relative to sub section a) above**
- 3.1 In 2020, the number of places available to young people who are NEET reduced by over 800, due to a significant reduction in ESF/ESFA funding. Despite this, the coordinated approach of the Interdependencies group and

the district NEET meetings, led by TEP, meant the NEET percentage only increased by 0.1% between January 202 and April 2020, at the same time the percentage of Not Knowns reduced by 1.6%.

3.2 The strong relationships that TEP has with Kent schools, FE Colleges and training providers enabled local negotiations leading to an increase in some local provision and minimised the immediate impact. More significantly, the county wide response has enabled TEP to directly lobby the ESFA to increase the level of funding in Kent. TEP has started a new ESFA tendering process for additional NEET support training which is expected to begin over the summer which it is anticipated will reduce percentages further.

3.3 Ultimately, NEET prevention is key to reducing the size of this cohort and TEP currently has NEET prevention action plans with 50 schools in Kent including PRUs and special schools. This is only possible due to the close working of the school improvement and participation teams within TEP. NEET reduction is now a key part of the school improvement strategy led by TEP School Improvement team. These plans identify those who are at risk of becoming NEET and highlights what the school and TEP are going to do to minimise the chances of them becoming NEET.

4. Sub section f) Explanation of the options considered and giving reasons for decision. Comment: The decision would seem to fail this test in that no options other than that on which the decision has been predicated have been considered.

4.1 As outlined in the response to question 1, material changes are required in order to implement the changes needed to align the NEETs service to the NEET County Action Plan and wider Skills and Employability provision within TEP, and meet the outcomes outlined in the response to question 3. Therefore, it is not possible to extend the current contracts.

4.2 In preparation of the report to Cabinet Committee (and Key Decision process), considerations were given to whether a full procurement process would provide the best opportunities for the future of this service, including the necessary alignment to the county-wide strategy for NEETs.

4.3 These considerations concluded that, for the reasons outlined within the Cabinet Committee report and in the responses above, utilising Teckal to move to an SLA with TEP would provide the best opportunities to ensure there is alignment to the county-wide strategic approach to NEET support and prevention.

4.4 As stated in the response to the first question, the coming to the end of the current NEET support service contract is a unique opportunity to add capacity to the NEET County Action Plan, create a more preventative approach to NEET reduction and optimise the resource throughout the whole year.

4.5 Material changes to the contract are required to ensure that the service provision works across the spectrum of need, including SEND and other vulnerable groups, as described in the response to question 1.

5. The impression that comes across is that a decision has been made to support a desire to bring this service in-house without any material consideration of potential alternatives. There is a good old business mantra that says "don't fix that which ain't broke". This decision does exactly that and risks outcomes that are generally currently regarded as EXCELLENT and with no cost savings. Fundamentally that is not good decision making and why as above I wish to call this in.

5.1 We have acknowledged within the report and in previous Cabinet Committee meetings where the progress of the contract has been reported that performance against the KPIs is good. Whilst it is recognised that the current service is good, it does not follow that a more joined up service would not be better. Furthermore, despite the good performance from the current provider, the current contract is not fit for purpose as it does not include the elements to ensure the service works across the spectrum of need and vulnerable groups, as described in the response to question 1. The material changes required could not happen under the guise of a contract extension.

6. Recommendation(s):

6.1: Scrutiny Committee are requested to consider the response to comments supporting the call into Scrutiny.

7. Background Documents

None

8. Contact details

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Relevant Director:

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