

From: **Sue Chandler, Cabinet Member for Integrated Children's Services**
Matt Dunkley, Corporate Director for Children, Young People and Education

To: **Scrutiny Committee – 24 November 2021**

Subject: **Response to Call-In Request: Decision Number 21/00086 - Commissioned Open Access Provision for Youth Services and Children's Centres**

Classification: **Unrestricted**

Past Pathway of Paper: Cabinet Member Decision

Future Pathway of Paper: Implementation of Decision following Scrutiny Consideration

Electoral Division: All

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

1. Recommendation(s):

The Scrutiny Committee may:

- a) make no comments
- b) express comments but not require reconsideration of the decision
- c) require implementation of the decision to be postponed pending reconsideration of the matter by the decision-maker in light of the Committee's comments; or
- d) require implementation of the decision to be postponed pending review or scrutiny of the matter by the full Council.

Background

1. On 2 November 2021 the Cabinet Member for Integrated Children's Services took a decision to:
 - a) directly award contracts to all existing commissioned Open Access provision (Youth Services, seven providers, for 16 months and Children's Centres, two providers, for 12 months) on the same terms and conditions and values as the current contracts. The contracts will end on 31 March 2023.
- 1.1. A valid call-in of this decision was received by Democratic Services from Dr Sullivan, supported by Mr Stepto, on the reasons below:

Reason for Call in and Responses

2. Reason: Para 8.5, Sub section(d) presumption in favour of openness.

Comment: There has been a lack of openness about this process and indeed it does not seem to have consulted and engaged with local young people and service users (on a universal open access basis not just those in social care or in early help). There does not seem to have been any engagement with local communities or indeed with staff in regards to this decision.

2.1. Cabinet Member Response:

- 2.1.1. The County Council has a duty and responsibility to formally consult where it is proposing changes to service provision. The Decision is not to change any element of the current service delivery. The decision is to extend the existing service provision, under current arrangements meaning no changes are required. There is no intended change to either the provider or the location, therefore the decision does not require a formal consultation.
- 2.1.2. Children, young people and families who use these services have their views heard through Compliments, Comments and Complaints and service user feedback is reviewed as part of the formal contract management process. Providers are also asked to provide this feedback and demonstrate how it has been used to develop their services. One practical example is the way that service user feedback has helped to shape the virtual offer during lockdown. Feedback also provides the commissioning team with an understanding of the views and perspectives of various stakeholders and provides a key source of information for decision-making.
- 2.1.3. Youth Hub Delivery Managers and Childrens Centre Delivery Managers also form part of the contract management process. In addition to the formal contract monitoring, commissioners hold a monthly forum with providers to discuss any universal issues, share best practice and service developments. Through these mechanisms the voices of the service users, service experts, partners and stakeholders are captured and used to shape provision.
- 2.1.4. A further forum where the thoughts and views of young people are discussed is in the Member led Local Children's Partnership Boards.
- 2.1.5. The overarching responsibility of the Young Person Partnership Conversations (YPPC) and Children's Partnership Conversations (CPC) is to engage with relevant partners, young people and parents/caregivers to develop service priorities for children aged 8-19 and 0-7 years respectively, and to contribute to a single, district-wide partnership LCPG action plan to ensure provision and development of

co-ordinated, high quality, responsive services.

- 2.1.6. The partnership conversations are Chaired by the relevant Delivery Manager for that District. The YPPC and CPC meet 3 times a year prior to each LCPG meeting to allow members to feed into that group. Members of the YPPC and CPC also participate in an Annual Event, led by the LCPG, to ensure the strategic overview of priorities and outcomes for children and young people is shared across the district. Terms of Reference for the YPPC and CPC state that arrangements must be put in place to allow young people and parents/caregivers to attend and have their views represented at Partnership Conversations.
- 2.1.7. Kent County Council Officers have reported to CYPE Cabinet Committee in September 2018 and October 2019 on the quality of provision of the commissioned services. Officers and Members are therefore assured that these services are offering a good provision for our Children and Young People. Officers also reported on the oversight and progress of the commissioned contracts to the Contract Management Review Group in April 2019 and February 2021. The feedback from the Contract Management Review Group in February 2021 is provided with this report.

3. Reason: Sub section F) Explanation of the options considered and giving reasons for decisions.

Comment: This decision has been made due out of cycle to what is quoted in the decision as being one of 'extreme urgency'. There is no explanation for the lack of other options presented. No satisfactory explanation or accountability for the delay to contracts or recommissioning when this commissioning cycle was clearly coming to an end under the previous decision(s) regarding these contracts.

3.1. Cabinet Member Response:

- 3.1.1. These contracts were due to end November 2021 and it was the intention from the Service and Commissioning to undertake a full recommissioning activity to replace these contracts. However, it was necessary to await the full outcome of the budget consultation, to fully consider the impact of how we shape our commissioned service offer and ensure that we have a clear vision for this to get the best from the market.
- 3.1.2. Following the budget consultation, we were not in a position to be able to confidently provide a clear vision for our commissioned services across Children's Centres and Youth Services without being able to undertake a consultation and coproduction exercise.
- 3.1.3. The budget consultation ended on 19th September 2021 and therefore, it was felt that extending the current contracts would provide the opportunity to fully consider the learning from this consultation and to undertake a robust recommissioning activity.

- 3.1.4. Due to the urgency of the decision, which related to the contract end dates, an All Member Briefing was arranged and held on 18th October 2021, to allow for the opportunity for discussion and debate on the proposed contract extensions as an alternative to the CYPE Cabinet Committee which we would normally attend for this item. We accept that this may not be the preferred mechanism for all Members but it was felt that this alternative still provided the openness and transparency required for the Key Decision to be discussed.
- 3.1.5. All KCC Members were invited to attend a Member briefing on 18 October 2021 to hear and discuss the rationale for the decision to extend these contracts being taken out of cycle. Members who attended the All Member Briefing have heard the reasons and received the written presentation outlining the extreme urgency action. The slides are provided and all members will have access to the recording. Unfortunately, the recording missed the introduction from both the Cabinet Member and the Director for Integrated Children's Services.
- 3.1.6. A timeline was shared which showed the commencement of work for a re-procurement in January 2021. This work slowed in line with the phased reopening of services from national lockdown. Further to consultations with all providers due consideration as also given to the impact of tendering these services when the Voluntary and Community Sector were recovering from the impact of Covid-19. This was a very clear message from the sector through the Kent Resilience Forum throughout the pandemic.
- 3.1.7. The end of Covid-19 restrictions on 19 July 2021 did not mean that everything was back to normal. Officers were balancing the risk of running the tender, preparing the documentation and embarking on a significant amount of work for the Council and the voluntary sector for providers not able to recover and bid for multi-million-pound contracts as well as delivering good outcomes for the children and young people they support, whichever cohort their organisation is focused on.
- 3.1.8. On 28 July 2021, the County Council's own budget consultation was launched stating "We are continuing to look at how we might do things differently in the future to make some savings. Following the strong support for doing things differently, we are planning how we could use our buildings in different ways, including exploring how we could share spaces with our partners, and deliver services in joined up ways in communities and places across Kent."
- 3.1.9. This position has a direct impact on these commissioned services and throughout August, Officers sought to understand what impact this would be. This of course includes wider considerations for the outcome of the budget consultation against the options given the contracts were due to end in November.
- 3.1.10. To run a tender for a contract which may be given for a short period of time with the potential TUPE implications is likely to mean that providers

would not submit a tender, resulting in services stopping. Running tenders for longer periods could see these services drift away from any requirements needed on the in-house services resulting in potential early termination of contracts. By the time Officers agreed on the best course of action, the deadline for CYPE Cabinet Committee consideration had passed.

3.1.11. Providers were consulted and have raised concerns about the delays. The Youth contracts end on 30 November 2021 and there has been communication on the intention, following the publication of the Forthcoming Executive Decision on 22 September 2021.

3.1.12. The options considered were:

1. **Do nothing** – this would result in the commissioned youth services coming to and end at a time when we launched the Reconnect Programme and have invested significantly with these providers to deliver additionality.
2. **Bring the services in-house** – this would significantly increase the KCC head-count and introduce additional management pressures which would need to be scoped alongside the existing structure and costs, as well as building requirements and was discounted, at this time, due to the published consultation on the budget.
3. **Tender with a shorter contract term to align with the work needed as identified in the budget consultation** – providers were reluctant to tender given it is a costly and time intensive process for them for short return.
4. **Tender with a longer term** – risking early termination following the outcome of the work required as part of the budget consultation.
5. **Directly award short contracts to the incumbent providers** - providing stability to the services and young people as they recover from the global pandemic.

4. Recommendation(s)

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d) require implementation of the decision to be postponed pending review or scrutiny of the matter by the full Council.

5. Background Documents

Letter from the Contract Management Review Group to Corporate Director for CYPE.

Presentation given at the All-Member briefing on 18 October 2021.

[Record of Decision](#)

[Decision Report](#)

6. Contact Details

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