

KENT COUNTY COUNCIL – PROPOSED RECORD OF DECISION

DECISION TO BE TAKEN BY:

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

DECISION NO:

21/00111

For publication [Do not include information which is exempt from publication under schedule 12a of the Local Government Act 1972]

Key decision: YES

Key decision criteria. The decision will:

- a) *result in savings or expenditure which is significant having regard to the budget for the service or function (currently defined by the Council as in excess of £1,000,000); or*
- b) *be significant in terms of its effects on a significant proportion of the community living or working within two or more electoral divisions – which will include those decisions that involve:*
 - *the adoption or significant amendment of major strategies or frameworks;*
 - *significant service developments, significant service reductions, or significant changes in the way that services are delivered, whether County-wide or in a particular locality.*

Subject Matter / Title of Decision: East Kent Community Drug and Alcohol Service Contract Extension

Decision:

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

A. APPROVE the extension of the contracted East Kent Drug and Alcohol Service with The Forward Trust for a period of 24 of the allowable 36 months; and

B. DELEGATE authority to the Director of Public Health to implement the Decision

Reason(s) for decision:

The East Kent Community Drug and Alcohol Service contract is due to end on 31 March 2022. Commissioners have undertaken a formal contract review of the service to determine whether KCC should extend the contract (as per the contract clause) or undertake a new procurement exercise. Key findings from the contract review support extending the contract until March 2024 as the contract continues to perform effectively against agreed indicators.

The East Kent Community Drug and Alcohol Service was commissioned in 2017. The contract was awarded to the Forward Trust and commenced on 1 May 2017 with an end date of 31 March 2022. This contract has allowable extensions contained within the contract for up to a further 36 months. The intention is to extend the contract by 24 months to align all adult drug and alcohol contracts to end in March 2024. This will give the Council maximum flexibility and opportunity to re-commission in a way that will effectively supports Kent residents in the future. Commissioners plan to procure the contracts as one exercise which will allow for economies of scale and shared engagement with all the market.

Financial Implications

The value of the 24-month contract extension (1 April 2022 to 31 March September 2024) will be approximately £9,819,620 (based upon the current financial year's figures).

Legal implications

The proposed extension is in line with what was outlined in the original contract as a contract clause.

This proposed extension is in line with Public Contracts Regulations 2015 which set out the legal basis for Local Authority procuring services.

Equalities Implications

A detailed EqIA relating to service delivery model was undertaken when the service was commissioned in 2017. A recent EqIA was undertaken relating to the proposal to extend the contract (see Appendix B) and found that 'No change' in the current service delivery is deemed the most appropriate option. The evidence suggests that there is no potential for discrimination and that this option is an appropriate measure to advance equality and create stability for vulnerable service users.

An EQIA has been written as part of the future recommissioning process to continually assess and consider the options and whether 'No change' remains the most appropriate option.

Data Protection Implications

General Data Protection Regulations are part of current service documentation for the contract and there is a Schedule of Processing, Personal Data and Data Subjects confirming who is data controller/ processor. There is also an existing Data Protection Impact Assessment relating to the data that is shared between KCC, the provider and the Office for Health Improvement and Disparities (previously named Public Health England) and the services.

Cabinet Committee recommendations and other consultation:

The proposed decision will be discussed at the Health Reform and Public Health Cabinet Committee on 20 January 2022 and the outcome included in the paperwork which the Cabinet Member will be asked to sign.

The contract has an existing extension clause built in for up to three years, however, the key decision to award the contract, taken by the Cabinet Member for Adult Social Care and Public Health in 2017, did not reference the allowable extension although it was contained in earlier reports that went to Committee in 2016 detailing the procurement plan for the service.

Therefore, we are now seeking formal approval via a Key Decision in order to extend the contract by two years.

Any alternatives considered and rejected:

The Public Health Grant Conditions state that "A local authority must, in using the grant have regard to the need to improve the take up of, and outcomes from, its drug and alcohol misuse treatment services.¹" Therefore, not having this service in place is not considered a viable option.

¹

The option to reprocore a new service has been considered however the East Kent Drug and Alcohol service is performing well and as with many commissioned social care and health services at present, there is difficulty in recruitment to vacant roles in drug and alcohol services, both clinical and non-clinical, so there is a significant risk of destabilising the service delivery if the service is re-commissioned in March 2022. Extending the contract and maintaining service delivery with the current provider will also offer service users, staff, stakeholders, and the general public stability. This will ensure that the service remains accessible to all those that require it and a level of consistency for vulnerable adults and their families in East Kent.

The recent novel Coronavirus (COVID-19) outbreak also supports the option of an extension to the contract as it is recognised that the coronavirus pandemic has disproportionately affected vulnerable adults. The charity sector (in which the contract sits) has also faced extremely demanding and ever-changing challenges and therefore, maximising stability is therefore favoured in any decision that is made for this service.

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

None.

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signed

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date