

From: Matt Dunkley CBE, Corporate Director of Children, Young People and Education

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

Decision No: 22/00021

Subject: Rights, Representation and Advocacy Service

Classification: Unrestricted

Past Pathway of Paper: Children, Young People and Education Cabinet Committee – 1 March 2022

Future Pathway of Paper: Cabinet Member Decision

Electoral Division: All

Summary: Since presenting the Recommendation Report to the Children, Young People and Education Cabinet Committee in November to reprocure a new Rights, Representation and Advocacy Service, further information has come to light from the Office of the Police and Crime Commissioner who have requested additional time to specify their requirements for this contract for Vulnerable Adults. This has resulted in a request to directly award a contract to the Young Lives Foundation for a period of six months under the same terms and conditions to allow the existing service to continue and for a re-procurement to start (as covered by existing Key Decision 21/00093) from April 2022.

Recommendations: The Cabinet Member for Integrated Children's Services is asked to agree the proposed decision (attached as Appendix One) to:

- a) **DIRECTLY AWARD** a new contract, under the same terms and conditions to the Young Lives Foundation for a period of six-months from 1 April 2022 to 30 September 2022
- b) **DELEGATE** the authority to the Corporate Director, Children, Young People and Education, or other officer, to undertake such actions as necessary to implement this decision, in consultation with the Cabinet Member

1 Introduction

1.1 The Representation, Rights and Advocacy (RRA) Service Contract expires on the 31 March 2022 and there is no option to extend within the contract.

1.2 Discussion at CYPE Cabinet Committee in November 2021 resulted in a Key Decision (21/00093) for Children's Commissioners to commence a procurement for a new service from 1 April 2022. The CYPE Cabinet Committee raised questions about the involvement of the Office of the Police and Crime Commissioner (OPCC) and, in addition to the commitment in the report to "work with Adult Social Care colleagues and Kent Police to access additional funding to underpin the service and consider the age demographic and a requirement for a 24/7 provision", the OPCC and Adult Social Care colleagues were contacted for

the Appropriate Adult element of the service and seeking their formal engagement in the tender.

- 1.3 At the same time (November/December 2021), there was an Inspection by Her Majesty's Inspectorate of Constabulary and Fire and Rescue Services. This concluded that "The arrangements for appropriate adults to support children and vulnerable adults in detained in custody are not good enough." The OPCC made representation to Commissioners to allow additional time for the tender to be able to fully understand and specify the requirements and improvements needed in the commission to meet the issues reported from the Inspection. Adult Social Care colleagues also needed to understand the outcome of the Inspection and what that means for vulnerable adults and their statutory responsibilities.
- 1.4 The OPCC and Adult Social Care requested further time to adequately complete this work.
- 1.5 There are five service elements detailed below and are required as part of a range of statutory requirements and cover the KCC geographical area (and include service users out of county where Kent County Council is the appropriate agency):
 - Advocacy for Children in Care, Care Leavers aged 16 – 24, children assessed as being in need or need safe plans to be made for them and those subject to a Child Protection Plan under the Children Act 1989.
 - Independent Visitors for Children in Care aged 8 – 18 years.
 - Independent Persons for Stage 2 complaints under the Children Act 1989.
 - Appropriate Adults for young people aged 10 - 17 years and vulnerable adults detained at police custody suites who require support.
 - Accompanying Adults for the purpose of age assessment interviews for unaccompanied asylum-seeking children.

2 Options Considered

- 2.1 Whilst the preferred option for CYPE is to do nothing and continue as planned with the procurement, the feedback from market engagement was that it is the whole package together that makes the service attractive. Losing the Appropriate Adults element of the service would not provide the flexibilities needed across all elements.
- 2.2 CYPE recognises the importance of the Appropriate Adults contract, having commissioned it for many years and supports the need to extend the contract for six months pending work from the OPCC and Adult Social Care.
- 2.3 Initially, Commissioners were hopeful a three-month extension would suffice. The Young Lives Foundation advised this was insufficient as a business model for them.
- 2.4 A twelve-month extension was also explored, however the longer the extension through Direct Award, the greater the challenge from Providers to KCC. This contract was last competitively tendered in 2014 with a Direct Award/Single Source Justification agreed in 2017 for the three-year contract starting April 2018 and the subsequent Direct Award in April 2021 due to Covid-19.
- 2.5 A six-month extension is an agreed compromise.

3 Financial Implications

- 3.1 This service has been funded from within the existing revenue KCC base budget reported against Integrated Children's Services in the Budget Book.
- 3.2 The funding has been £258,800 per annum. The reason this is a Key Decision is because there is no current Key Decision covering the spend from the last time the service was tendered. Appropriate governance and accountability was adhered to throughout, however the cumulative spend now requires a Key Decision.
- 3.3 The initial three-year Direct Award (April 2018 to March 2021) was £258,800 per annum totalling £776,400. This was approved by the Corporate Director for Children, Young People and Education under the scheme of delegations.
- 3.4 The second Direct Award (April 2021 to March 2022) was £258,800 per annum. This was approved by the Director for Integrated Children's Services under the scheme of delegations.
- 3.5 The totality of spend at this point is £1,035,200. A further six-month extension with a value of £129,400 takes the total spend to £1,164,600.

4 Challenges and Risks impacting on recommissioning and service provision

- 4.1 The risks of not co-operating with OPCC or Adult Social Care would provide a gap in service for those 18+ or an outdated specification in a three-year contract. The Young Lives Foundation requested a twelve-month extension and whilst this would also have been preferable to the OPCC, the risks involved in not procuring the CYPE service through competitive tender increase over time.

5 Legal Implications

- 5.1 Appropriate Adults Service for young people aged 10 - 17 years detained at Police Custody Suites who require support. There is a statutory obligation for young people to have access to an AA regardless of the time of day and currently, this is not being fulfilled.
- 5.2 Advocacy for Children in Care and for Care Leavers aged 16 – 24. Children assessed as being in need, or need safe plans to be made for them, and those subject to a child protection plan under the Children Act 1989.
- 5.3 Independent Visitor service for Children in Care aged 8 – 18 years - Children Act 1989.
- 5.4 Accompanying Adults Service for the purpose of age assessment interviews for unaccompanied asylum-seeking children - Children Act 1989.
- 5.5 Adherence to the Public Contract Regulations (2015) has been considered and it is understood that with the unforeseen circumstances of the findings of the Inspection, this could legitimately be covered due to reasons of extreme urgency (reg. 32(2)(c)).

6 Equality Implications

- 6.1 An Equality Impact Assessment (EqIA) was completed as part of the recommissioning of the service.
- 6.2 Directly awarding this contract would pose no immediate change to the service for those young people and therefore the risk of any adverse impact is limited. A full EqIA will be completed as part of the new full commissioning activity with the inclusion of Adult Social Care and the OPCC.

7 Other Corporate Implications

- 7.1 The Council is the Corporate Parent for Children in Care and Care Leavers and has duties and responsibilities through its offer to the Children and Young People in, or leaving, our care.

8 Governance

- 8.1 Accountability sits with the Corporate Director for Children, Young People and Education. Responsibility sits with the Directors of Integrated Children's Services.

9 Data Protection Implications

- 9.1 A Data Protection Impact Assessment (DPIA) for the new service will be implemented following contract award with the successful provider(s).

10 Recommendations

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- b) DELEGATE the authority to the Corporate Director, Children, Young People and Education, or other officer, to undertake such actions as necessary to implement this decision, in consultation with the Cabinet Member

11 Background Documents

- 11.1 [THE REPORT \(kent.gov.uk\)](#)
[Decision - 21/00093 - Representation, Rights and Advocacy \(RRA\) Services - procurement of a new service \(kent.gov.uk\)](#)

12 Contact details

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