

# KENT COUNTY COUNCIL – RECORD OF DECISION

**DECISION TAKEN BY:**

Cabinet Member for Integrated Children’s Services

**DECISION NO:**

22/00108

**For publication**

**Key decision: YES**

**Subject Matter / Title of Decision:** Commissioned Childrens Centre Provision - Direct Award

**Decision:** As Cabinet Member for Integrated Children’s Services, I agree to

- A) Extend the Children’s Centres services currently provided by Millmead and Seashells via a direct award for a period of not more than 12 months (end 31 March 2024).
- B) Delegate authority to the Corporate Director of Children, Young People and Education, in consultation with the Cabinet Member for ICS (Integrated Children’s Services), to negotiate, finalise and enter into the contracts with Millmead and Seashells; and
- C) To take the necessary actions including but not limited to negotiating, finalising and entering into relevant legal agreements such as the direct award contract, as required to implement this decision.

**Reason(s) for decision:**

The contracts have been in place since 2019 with two direct awards previously issued. One under Covid guidance and one under extreme urgency following the budget consultation and associated impact on wider service provision.

A further direct award is required to minimise duplication of provision and ensure that future specifications compliment the Family Hub model being developed. Any procurement of a new commissioned Children’s Centre offer needs to be delayed whilst a full consultation takes place to make sure that the voice of families and young people are at the heart of Family Hub development. The value for an additional direct award is £426,429.60 taking the total spend since the last formal procurement to £2.21m, therefore in excess of the £1m boundary for a key decision.

**Background:**

- In addition to KCC’s direct delivery of Open Access Childrens Centres, contracts with Commissioned Providers have been in place since 2012 to support the Council’s Open Access Offer
- There is no statutory requirement to provide these services, however their contribution to good outcomes to Children and their Families is well recognised.
- The contracts for the two Commissioned Children’s Centres were tendered and awarded in 2020 for a period of 12 months. The contract was subject to a Direct Award from April 2021 to March 2022 under Covid-19 guidance. A Key Decision (21/00086) was taken on 10 November 2021 to directly award contracts to the existing providers for a further year and end on 31 March 2023.

Provider	Area	Contract End Date	Contract value per Annum
Millmead	Margate	31/03/2022	£222,127.44
Seashells	Sheerness	31/03/2022	£204,302.16
<b>Totals</b>			<b>£426,429.60</b>

- Despite the impact of Covid-19, providers have continued to be flexible in their approach to provision and perform well against a challenging backdrop.
- Since the implementation of all new contracts in April 2021, the DfE have launched the Family Hubs and Start for Life Programme.
- To minimise duplication of provision and ensure that future specifications compliment the Family Hub model being developed, the procurement of new commissioned Children's Centre contracts needs to be delayed whilst a full consultation takes place to make sure that the voice of families and young people are at the heart of Family Hub development.

### Financial implications

- This service will be funded from within the existing revenue KCC base budget reported against the Early Help and Preventative Services Key Service in the Budget Book.
- Any commercial negotiation in addition to the existing contract values would be subject to budget and Director approval.
- Financial risks associated with this proposal are expected to be low. Potential pressures will be managed through ongoing contract management for the commissioned service.

### Legal implications

- An implication of this approach is that the council is operating outside of Spending the Council's Money in that the contracts should have been the subject of being competitively tendered.
- The risk has been mitigated through knowledge of the market and whether there are other organisations that could deliver the services at scale and pace. The situation satisfies the requirements as set out in Public Contracts Regulations 2015 (PCR 2015) clause 72(1)(e) and clause 72(8) which permits modifications to contracts so long as not materially different.

### Equalities implications

An Equality Impact Assessment (EqIA) screening has been completed and has concluded that the proposed decision does not present any adverse equality impact. EqIA:

<https://democracy.kent.gov.uk/documents/s115392/22-00107%20-%20EqIA.pdf>

### Cabinet Committee recommendations and other consultation:

The Children's, Young People and Education Cabinet Committee considered the decision at its meeting on 29 November 2022.

**Any alternatives considered and rejected:**

Option 1: Do nothing - The contract ends 31 March 2023. - KCC will lose a vital element of OA provision.

Option 2: Initiate a procurement exercise for new provision – Any new provision will not necessarily align with the new Family Hub approach that will be worked up over the coming months and potentially render contracts unfit for purpose post award.

Option 3: Initiate a procurement for a one-year contract: The landscape of providers has not wildly changed since initial contract award, any new providers would not find a one year contract attractive, there would be a gap in provision due to contract mobilisation and a procurement exercise would cost the same (for both the LA and providers) regardless of length of contract. This would be a costly exercise for potentially no change or providers potentially deciding not to bid as it was not financially viable to do so, leaving a gaps and inevitable postcode lottery of service provision.

**Any interest declared when the decision was taken and any dispensation granted by the Proper Officer: None**



signed

date