

# KENT COUNTY COUNCIL – RECORD OF DECISION

**DECISION TAKEN BY:**

**Cabinet Member for Integrated Children’s Services**

**DECISION NO:**

22/00107

**For publication**

**Key decision: YES**

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

**Decision:**

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

A) Extend the Commissioned Youth Service Provision via a direct award to the seven current providers 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 Integrated Children’s Services, to negotiate, finalise and enter into the relevant contracts; 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 2016 with one direct award previously issued 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 following the development of a Family Hub model and ensuring that there is no break in provision. Any procurement of a new commissioned youth 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 £1.2m taking the total spend since the last formal procurement to £12.75m across the seven-year life of provision.

**Background:**

- In addition to the 12 in-house Youth Hubs, there are seven providers delivering Youth Services across the 12 Districts for children aged 8-19 as well as those with disabilities up to 25. Contracts with Commissioned Providers have been in place since 2016 to support the Council’s Open Access Offer
- Known as the Youth Services Duty, Local Authorities have a statutory duty to “secure, so far as is reasonably practicable, sufficient provision of educational and recreational leisure-time activities for young people.”
- Following a procurement and consultation process the contracts with the seven Youth Providers were tendered and awarded in 2016. They expired at the end of November 2021. A

Key Decision (21/00086) was taken on 10 November 2021 to directly award contracts to the existing providers under the same terms and conditions to end on 31 March 2023.

- The table below details the organisations impacted by this decision.

Service	Area	Provider	Current per annum contract value
Youth	Ashford	The Canterbury Academy	£95,749.80
	Canterbury		£109,331.40
	Dartford	Play Place	£87,990.00
	Dover	Pie Factory	£99,980.40
	Thanet		£136,947.96
	Folkestone & Hythe	Salus	£86,700.00
	Maidstone		£91,700.04
	Tonbridge & Malling		£81,799.92
	Tunbridge Wells		£75,799.92
	Gravesham	The Grand	£99,999.96
	Sevenoaks	West Kent Extra	£75,000.00
	Swale	Optivo	£133,950.00
<b>Totals</b>			<b>£1,174,949.40</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, 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 a new Youth 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.

### 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.
- The commissioning costs for the Direct Award for contracts are limited as the terms and conditions will not change and will be largely a desk-based exercise in completing relevant paperwork. This process can be managed by a Commissioner and a Commissioning and Commercial Assistant and therefore should not exceed £800.

### Legal implications

- Known as the Youth Services Duty, Local Authorities have a statutory duty to “secure, so far as is reasonably practicable, sufficient provision of educational and recreational leisure-time

activities for young people.”

- 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.

<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 on 29 November 2022.

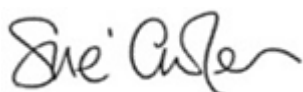
### **Any alternatives considered and rejected:**

Option 1: Do nothing - The contract ends 31 March 2023. - KCC will lose a vital element of Open Access 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 Local Authority 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



30<sup>th</sup> December 2022

signed

date