

KENT COUNTY COUNCIL – PROPOSED RECORD OF DECISION

DECISION TO BE TAKEN BY:

Sue Chandler, Cabinet Member for Integrated Children's Services

DECISION NO:

23/00014

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

Key decision: YES

Decision required because the total value of the contract will exceed £1m and affects more than two Electoral Divisions.

Subject Matter / Title of Decision

Independent Adoption Support Services Commissioning Strategy

Decision:

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

- i) Competitively tender a new contract for Independent Adoption Support Services, from 1 October 2023 to 30 September 2027 (four years) with two additional two-year extension options.
- ii) Delegate decisions and necessary actions including the award and implementation of any contract extensions allowable within the terms and conditions of the contract to the Corporate Director for Children, Young People and Education, or other Officer as instructed by the Corporate Director for Children, Young People and Education, in consultation with the Cabinet Member.

1. Reason(s) for Decision:

- 1.1 Local Authorities as part of their statutory duties must take steps to provide assistance to adopted children and adults, such as counselling and finding out the details of their adoption. The proposed decision directly relates to the provision of this duty by aiming to provide independent adoption support services for adopted children, adoptive parents, adult adoptees, and birth families.
- 1.2 The proposed decision is for the commissioning of independent adoption support services through an activity-based contract. This will be competitively tendered and will support KCC and Adoption Partnership South East (APSE) in meeting its statutory duties and which will meet the requirements of the Public Contracts Regulations 2015.

2. Preferred Option

- 2.1 The preferred option is to competitively tender for a new activity contract. The contract would be from 1 October 2023 to 30 September 2027 (four years) with two additional two year extension options.

2.2 The proposed decision to competitively tender for a new activity contract will cause the least disruption to KCC, its partners and to those receiving the services. It offers stability to the market and a longer contract term means there is less procurement activity to be carried out on behalf of the Council's, thereby reducing costs. In addition, this commissioning and procurement approach enables the Council to:

- Test the market in terms of innovation on delivering contact through digital platforms.
- Compare costs between tender submissions and identify the provider who demonstrates a value for money approach.
- Promote the reputational benefits of working with a Voluntary Adoption Agency/Adoption Support Agency.
- Ensure strong contract management arrangements are in place with agreed performance and quality levels.

2.3 This is the preferred and recommended option which was agreed by the Adoption Partnership South East Board.

3. Consultation

3.1 No formal public consultation was undertaken as we are not proposing any changes to this statutory service. However local consultation was undertaken with key partners including the Service Users, Adoption Partnership South East, Service Managers and Children in Care Teams.

4. Equalities Assessment

4.1 An Equalities Impact Assessment (EQIA) screening has been completed and no high negative impacts have been identified. The EQIA will continue to be developed and reviewed as this project progresses.

5. Financial Implications

5.1 The budget for commissioned services sits within the APSE core budget. The current value of the contract is £426,020 per annum exclusive of VAT, based on these costs the total value of the commission is £3,408,160 for the period of the contract term and extensions (eight years).

5.2 It is likely that any tendered prices will be influenced by recent inflationary, and cost of living pressures and the procurement and pricing strategy will need to consider what mitigations can be applied at the beginning of the contract and how future uplifts are managed. Albeit a restricted market, by going out to tender an element of competition is introduced and pricing will form part of the tender evaluation.

5.3 Any price review processes will be agreed with Finance before the Invitation to Tender is issued and embedded within the terms and conditions of the new contract. From the 1 October 2024 and the 1 October in each subsequent year of the contract an automatic price increase to the Contract Price will be applied. This will take into consideration metrics such as CPI including proportional increases in staffing and non-staffing costs over the previous twelve months. However, any increase to the contract price will be authorised by our elected Members.

Cabinet Committee Recommendations and Other Consultation:

This decision will be considered at the meeting of the Children's, Young People and Education Cabinet Committee on 8 March 2023.

Any Alternatives Considered and Rejected:

Option 1.

Do Nothing

The contract would lapse and the Council's would not meet their statutory duties. An alternative means to deliver these statutory services would be required. With no agreed alternative in place, new systems would need to be implemented and additional resource would be required.

Option 3.

Bring Services in-house (In-sourcing), to commence 1 October 2023

The current commissioned provider's team who deliver these services would be subject to TUPE. APSE Partnership Board would be required to make a decision as to which of the three local authorities would wish take on the relevant workforce. Bringing the service in-house would require significant investment to enable the setup of new systems and processes to support delivery. Currently APSE lacks sufficient expertise to deliver these services and would require significant upskilling which would take resources away from other parts of adoption support as this was not originally factored into the Partnership. This option would also mean that the location of teams across APSE may need re-organising to ensure consistency of access and delivery.

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