

KENT COUNTY COUNCIL – RECORD OF DECISION

DECISION TAKEN BY:

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

DECISION NO:

23/00023

For publication

Key decision: YES

Title of Decision: Community Services Contract awards for Mental Health Assessment and Independent Advocacy Services

Decision: As Cabinet Member for Adult Social Care and Public Health, I agree to:
EXTEND the current Kent Advocacy Hub and Mental Health Assessment contracts for a period of up to four months;
AWARD contracts to successful providers for the provision of Community Services Contracts (Mental Health Assessment and Independent Advocacy Services);
DELEGATE authority to the Corporate Director Adult Social Care and Health to take other relevant actions, including but not limited to finalising the terms of and entering into required contracts or other legal agreements, as necessary to implement the decision; and
DELEGATE authority to the Corporate Director Adult Social Care and Health, in consultation with the Cabinet Member for Adult Social Care and Public Health and the Corporate Director Finance, to agree the relevant contract extensions as required.

Reason(s) for decision: The Authority has statutory duties to deliver independent advocacy services under the Mental Capacity Act (amended 2019), the Mental Health Act (2007), the Health and Social Care Act (2012) and the Care Act (2014), across all categories of need, including to young people in transition to adult services.

Decision No. 22/00004 was taken on 9 February 2022 to tender for new Advocacy Services contracts. The council's current contract for Independent Advocacy Services expires on the 31 March 2023.

A procurement process has been undertaken to replace contracts to ensure the continuation of the statutory services that they provide. The extension to the current contracts for Independent Advocacy Services and Mental Health Assessment Services will allow for a period of transition between contracts as required to ensure that Kent citizens are not adversely affected by the change.

Financial Implications

Independent Advocacy Services: The contract will be awarded for a period of 36 months (1 August 2023 to 31 July 2026) with two optional extension periods of 12 months each (August 2026 to 31 July 2028). The annual value of Independent Advocacy Services is £1,599,400 (£7,797,000 total, including potential contract extension periods)

Mental Health Assessment Services: The contract will be awarded for a period of 12 months (1 August 2023 – 31 July 2024) with an optional extension period of a further 12 months (1 August 2024 – 31 July 2025). Although the contract will not give any guarantees to the value of the services as it is a demand-led service, the estimated annual value to the council is £420,000 (£840,000)

including the potential contract extension period).

Legal Implications: The procurement process has been conducted in accordance with Public Contracting Regulations 2015.

Contract extension periods are being recommended under Regulation 72(c) of the Public Contract Regulations 2015, fulfilling the following conditions:

- (i) the need for modification has been brought about by circumstances which a diligent contracting authority could not have foreseen;
- (ii) the modification does not alter the overall nature of the contract;
- (iii) any increase in price does not exceed 50% of the value of the original contract or framework agreement.

Equality Implications: An Equality Impact Assessment (EqIA) has been undertaken, with no negative impacts identified.

Data Protection Implications: A Data Protection Impact Assessment will be completed as part of the contract mobilisation process.

Cabinet Committee recommendations and other consultation: The proposed decision was discussed at the Adult Social Care Cabinet Committee on 15 March 2023 and the recommendations were endorsed.

Any alternatives considered and rejected:

Do nothing: the contracts will end on 31 March 2023 with the Authority still obligated to deliver statutory functions, but these will be at increased cost, spot purchased, and deliver inconsistent and fragmented services.

Extend the current contracts for a longer period: This offers limited scope to develop the service in the future and as it does not comply with the Public Procurement Regulations (2015), increasing the risk of challenge to do so.

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

Clair Bell

5 April 2023

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signed

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date