

# KENT COUNTY COUNCIL – PROPOSED RECORD OF DECISION

## DECISION TO BE TAKEN BY:

**Sue Chandler, Cabinet Member for Integrated Children's Services**

## DECISION NO:

24/00051

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

## Key decision:

- It involves expenditure or savings of more than £1million.

## Subject Matter / Title of Decision

Direct Payment Support Services for Children and Young People

## Decision:

As Cabinet Member for Integrated Children's Services in consultation with Cabinet Member for Education and Skills, I agree to:

- A) Approve the commencement of a procurement to commission the Direct Payment Support Service for a period of 1 April 2025 to 31 March 2028, with an optional up to 24-month extension.
- B) Delegate authority to award the contract to the successful provider to the Corporate Director for Children, Young People and Education in consultation with the Cabinet Member for Integrated Children's Services.
- C) Delegate authority to the Corporate Director for Children, Young People and Education to take other relevant actions, including but not limited to finalising the terms of and entering into required legal agreements, as necessary to implement the decision.

## Reason(s) for decision:

### Background

As part of the support planning process, Direct Payments (DPs) are offered to individuals to provide a greater choice and control over their care and support arrangements. They are monetary payments that can be made to individuals to meet some or all of their eligible support needs. The legislative context is set out in the Care Act 2014, section 117(2c) of the Mental Health Act 1983, the Care and Support (DP) Regulations 2014 and the Children and Families Act 2014.

CYPE currently commissions the Direct Payment Support Service (DPSS) from a not-for-profit provider of Children's and Young People Services. The service is open to:

- Parents and carers of disabled children
- Parents and carers of children in receipt of an Education Personal Budget
- Young people aged 18-25 in receipt of an Education Personal Budget
- Young disabled people aged 18-25

The current Direct Payment Support Service has utilised all of its possible extensions and we are now in a position where we need to retender. A Make vs Buy assessment was completed and it is more financially viable for the council to buy this service in. As it is a statutory duty to provide Direct Payments, it is essential that the council retain this function beyond the life of the existing contract, which is due to end on 31 March 2025.

### **Financial Implications**

The costs for the contract are funded from the Children's Disability 0-18 Commissioning Revenue Budget. Special Educational Needs and Disabilities (SEND) will contribute to contract costs over the lifetime of the contract, to cover the cost of supporting direct Payments that are held in this team.

The cost of delivering the service over the full potential five-year period, 1 April 2025– 31 March 2030, is estimated to be £2,946,471.

### **Legal implications**

Direct Payments for parents or carers of disabled children are a statutory duty under the Children Act 1989 as amended by Sections 17A (inserted by the Health and Social Care Act 2001) and 17B (inserted by the Carers and Disabled Children Act 2000)

### **Equalities implications**

An Equality Impact Assessment (EQIA) has been undertaken and no issues have been identified at this stage. The equality impact assessment shall be kept under constant review as this project continues.

### **Other Alternatives Considered and risks if decision isn't taken**

The current contract will end on the 31 March 2025 and alternative arrangements for the ongoing administration, and support, for Children Young People and Education Direct Payments will need to be developed. Currently there is no internal team that undertake this work for Children and Young People Direct Payments and there is a substantial risk that the Authority will not meet its obligations.

### **Cabinet Committee recommendations and other consultation:**

The Children's and Young People Cabinet Committee consider the decision on 9 July 2024

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

- 1) Do nothing. The contract will end on the 31 March 2025 and alternative arrangements for the ongoing administration, and support, for Children Young People and Education Direct Payments. Currently there is no internal team that undertake this work for Children and Young People Direct Payments and there is a substantial risk that the Authority will not meet its statutory obligations.
- 2) Commission an enhanced service which includes the recruitment and retention of Personal Assistants in addition to the set up and monitoring of Direct Payments. A key reason for poor recruitment and retention of PAs is the low wage, without the cost setting guidance being reviewed it is unlikely a provider could resolve these issues and therefore the risk of not being able to achieve this performance indicator is too high. The appetite for additional spend with no guarantee of a clear cost benefit is low given the councils current financial situation. This option is discounted.

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

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signed

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date