

# KENT COUNTY COUNCIL – RECORD OF OFFICER DECISION

**DECISION TAKEN BY:**

**Dr Anjan Ghosh, Director of Public Health**

**DECISION NO:**

OD/25/00004

**For publication**

**Subject matter:** Kent Young Persons Drug and Alcohol Treatment Contract – Recommission

**Cabinet Member decision to which this action relates:**

[24/00056 Kent Young Persons Drug and Alcohol Contract Commissioning](#)

**Decision:**

As Director of Public Health, I agree to:

- I. the procurement and award of a contract for the Kent Young Persons Drug and Alcohol Service effective from 01 February 2025 to 31 January 2027 (two years with two additional extension options, one for two years and the second for one year) to We Are With You
- II. CONFIRM that future Office for Health Improvement and Disparities (OHID) grant funding (if received) be deployed against this area of work in accordance with key decision [22/00041](#)

**Reason(s) for decision:**

Kent County Council has statutory responsibility as a condition of its Public Health Grant to provide specialist Substance Misuse Services aimed at reducing the harm caused by drugs and alcohol and to improve the health and wellbeing of the people of Kent.

The current Kent Young Persons Drug and Alcohol contract is due to expire on 31 January 2025 and therefore a key decision was required to plan for beyond this date.

The Record of Decision 22/00056 delegated authority to the Director of Public Health to:

- I. take relevant actions, including but not limited to, entering into and finalising the terms of relevant contracts or other legal agreements, as necessary, to implement the above decision,
- II. in consultation with the Cabinet Member for Adult Social Care and Public Health, the exercise of any extensions permitted in accordance with the extension clauses within the contract.

This Officer decision confirms direct awarding the existing Young Persons Drug and Alcohol contract to We Are With You for the continuation of their drug and alcohol services.

Awarding the contract under PSR Direct Award C has been deemed the appropriate procurement route as the new contract is not materially different in character to the existing contract, and the authority is assured that the existing provider is satisfying the existing contract and will likely satisfy the proposed contract to a sufficient standard.

In reaching this decision, an evaluation of the provider's performance to date was undertaken with reference to the following key criteria (as required under regulation 5 of the PSR):

- a. Quality & Innovation,
- b. Value
- c. Integration, Collaboration & Service Sustainability,
- d. Improving Access, Reducing Health Inequalities and Facilitating Choice, and
- e. Social Value

The results of this evaluation were then reviewed by an internal panel, which concluded the provider had evidenced each of these items to a sufficient degree.

The following call-in period did not receive any external representations to challenge the decision being approved.

### **Financial Implications:**

The funding for this contract would be funded entirely from the Public Health Grant.

The estimated financial commitment for a five year contract for the Kent Young Persons Drug and Alcohol Service is £4,099,533.88 This equates to an average of approximately £820,000 annually.

Additional OHID grant funding, linked to the 10-year national drug and alcohol strategy 'From Harm to Hope', is only currently confirmed until 31 March 2025. Should this funding be extended beyond that point, it will be treated as a contract variation and will be in addition to the above estimated values and will require the providers to deliver additional activity.

The additional grant-funded activity would include a continuation of activity currently funded by the existing OHID grants however innovation would also be considered, should funding allow.

A key decision ([22/00041](#)) has already been taken to accept and deploy the additional money received, therefore a further decision would not be required for deployment of further funding.

### **Legal implications:**

Under the Health and Social Care Act 2012, Directors of Public Health (DPH) in upper tier (UTLA) and unitary (ULA) local authorities have a specific duty to protect and enhance the population's health.

KCC commissions this service as part of its statutory responsibilities and as a condition of its Public Health Grant. Kent Drug and Alcohol Services aim to reduce the harm caused by drugs and alcohol and improve the health and wellbeing of the young people of Kent. The local authority's Public Health Grant requires the Authority to "have regard to the need to improve the take up of, and outcomes from, its drug and alcohol misuse treatment services."

The recommissioning of this service took place under the Provider Selection Regime (PSR) introduced under the Health and Care Act 2022. Appropriate legal advice was sought in collaboration with the Governance, Law & Democracy team and was utilised to ensure compliance with relevant legislation; the Provider Selection Regime is still in its infancy and so commissioners worked closely with this team as well as the Commercial and Procurement Team.

### **Equality Implications:**

An Equality Impact Assessment (EQIA) has been completed for the service. Current evidence suggests there is no negative impact and this recommendation is an appropriate measure to advance equality and create stability for vulnerable young people. The EQIA is attached as Appendix A.

Providers are required to conduct annual EQIAs as per contractual obligations

**Data Protection Implications:**

General Data Protection Regulations are part of current service documentation for the contract and there is a Schedule of Processing, Personal Data and Data Subjects confirming who is data controller/ processor. There is also an existing Data Protection Impact Assessment (DPIA) relating to the data that is shared between Kent County Council, the provider and the Office for Health Improvement and Disparities (previously named Public Health England) and the services.

DPIAs will be updated following contract award to ensure they continue to have the most up-to date information included and reflect any changes to data processing as a result of the specification enhancements.

**Comments received from any Members or Officers consulted:**

The proposed decision was discussed at the Health Reform and Public Health Cabinet Committee on 2 July 2024 and the recommendations were endorsed.

The Cabinet Member for Adult Social Care and Public Health commented: “I endorse the decision to award the Kent Young Persons Drug and Alcohol Treatment Contract to the existing provider, in order to continue the good work they are doing in reducing harm for young people around drug and alcohol use in Kent”.

**Any alternatives considered and rejected:**

Keep current service the same - no change/ do nothing - The drug landscape has changed since the current service was tendered; it is important that services are fit for purpose and meet the young person’s presenting needs and therefore this was a non-viable option.

Discontinue/ decommission current service - Decommissioning the service was concluded as a non-viable option that would place KCC in breach of the Public Health Grant conditions.

Combine the service with adult services – the offer for young people is distinct from that offered to adults and requires expertise and specialist knowledge i.e., delivering drug education and harm reduction in a way that is tailored appropriately. It was felt that combining the services ran the risk of diluting the offer.

Alignment with the Children and Young People (CYP) service transformation; the decision was made to proceed separately due to the imminent contract end dates for the Young Persons service.

Implications and opportunities as part of the CYP transformation will be considered in due course.

**Any conflict of interest declared by any executive member consulted by the decision maker and any dispensation granted by the Proper Officer:**



10 February 2025

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signed

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date