

KENT COUNTY COUNCIL – RECORD OF OFFICER DECISION

Executive

DECISION TAKEN BY:

Sarah Hammond, Corporate Director, Children, Young People and Education

DECISION NO:

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

Subject matter: Shared Accommodation two-year directly awarded contract – change of terms relating to the Court Possession Order Process.

Cabinet Member decision to which this action relates:

Cabinet Member Decision Number: 23-00083 ([Record of Decision](#))

Supported Accommodation Service 16-19 and Transitional arrangements report presented to CYPE Cabinet Committee on 12 September 2023, decision taken 17 October 2023

Decision:

As Corporate Director for Children, Young People and Education, I:

- Agree to the change of terms relating to the Court Possession Order process (Section 21 Notice) for over 21 year olds, following the issue of a 56 day Notice to Vacate, under the two-year direct award contract to Clearsprings Ready Homes from 1 April 2024 to 31 March 2026.
- This executive officer decision is linked with the executive officer decision No OD/24/00012 and No OD/24/00013.

Key Decision 23-00083 was taken by the Cabinet Member for Integrated Children's Services on 17 October 2023. In this decision, the Cabinet Member:

- B) agreed to directly award a new contract, under the same terms and conditions to Clearsprings Ready Homes from 1 April 2024 to 31 March 2026 for 18+ Shared Accommodation services to support transition and
- D) agreed to delegate authority to the Corporate Director of Children, Young People and Education, to take other relevant actions, including but not limited to, finalising the terms of, and entering into required contracts or other legal agreements, as required to implement the decision.

Reasons for Decision

The Key Decision taken by the Cabinet Member for Integrated Children's Services to award a two-year Direct Award contract to Clearsprings Ready Homes. This allowed a phased programme of move on for those young adults in the service once they age through to 21, as Kent County Council does not have a duty to accommodate them. One of the main issues is that the majority of young adults who have turned 21 have refused to move on, which is having a significant financial impact to Kent County Council. There are currently 252 young adults within this service, 126 of which are currently over 21 and 63 are 20-year-olds. It is anticipated that there could potentially be 56 young

adults that will not have turned 21 by the end of the Direct Award, 31 March 2026.

Following the Sharaky Judgment (February 2022), a former Unaccompanied Asylum Seeking Child (UASC) with No Right to Remain, challenged the Notice to Vacate his accommodation, issued by Clearsprings Ready Homes. When a young adult contributes towards the accommodation costs, it provides them with protection from eviction as their signed Agreement with Clearsprings Ready Homes becomes 'for money or money's worth'. The implications are that in order to move them on, a Section 21 Notice is needed to be served via the Court, with a fee of approx. £391 per application, £143 per bailiff application (based on one application being made).

The terms and conditions of the two-year Direct Award does not incorporate an agreed process for Kent County Council and Clearsprings Ready Homes to issue Section 21 Court proceedings. Therefore, a proposal on an agreement was reached between the legal teams of Kent County Council (Bevan Brittan) and Clearsprings Ready Homes. Clearsprings Ready Homes will manage the court proceedings, appoint the Barristers (if applicable) and will attend any hearings. Kent County Council will be responsible for the Court Application fees, adjournment and appeal costs (if applicable) and the bailiff fees.

This agreed process is an operational/administrative element of managing the legal process and is not a change to the Policy. Therefore progression of it via an Officer Decision is supported by the delegation within the original Key Decision - *'to take other relevant actions, including but not limited to, finalising the terms of, and entering into required contracts or other legal agreements, as required to implement the decision'*

Financial Implications:

The implications of the new terms that relate to the agreed Court process will involve some additional one-off costs for the Council to issue Court application/bailiff fees at an estimated minimum cost of £0.1m (excluding any adjournment or appeal costs , if required).

These costs are expected to be fully met from the Home Office grant received by KCC to support UAS Care Leavers. It is expected that by enacting the decision will increase the number of young people seeking their own accommodation arrangements, rather than dependence on council commissioned accommodation. Any resulting savings from these actions will fund the associated one-off fees and possible appeal costs, along with helping to ensure this Council can continue to fully fund eligible UASC and Care Leavers costs from the Home Office Grants provided, without the need to draw on Council funds. This is required where grant rates have remained static for a number of years, whilst inflationary and market pressures continue to increase costs of support.

There are no direct costs to KCC's General Fund as a result of this decision.

Legal Implications:

The Council must provide Care Leavers (including former UAS Children) with support and financial support to assist in promoting their welfare, especially in relation to maintaining suitable accommodation and helping them access education, training, and employment. There is no statutory duty for Kent County Council to provide accommodation to Care Leavers above the age of 18.

Equality Implications:

An Equality Impact Assessment (EqIA) was originally completed as part of the planned redesign and commissioning of the Supported Accommodation service, which included a recommended transitional year for legacy placements in the Shared Accommodation service.

The majority of young adults aged 18+ in the service are former UAS children that have aged through the Shared Accommodation service and the expectation is these individuals will be moved into their own home, supported by their Personal Advisor.

Comments received from any Members or Officers consulted:

The Children, Young People's and Education Cabinet Committee considered and endorsed the decision at its meeting on 12 September 2023.

Any alternatives considered and rejected:

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

No.

Sarah Hammond

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signed

1 April 2025

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date