

KENT COUNTY COUNCIL – URGENT RECORD OF DECISION

DECISION TAKEN BY:

Diane Morton
Cabinet Member for Adult Social Care and Public Health

DECISION NO:

25/00055

For publication

Key decision*

Affects more than 2 Electoral Divisions and expenditure of more than £1m

Subject: Kent Community Equipment Service – Direct Award of contract under Framework Y24008

Decision: As Cabinet Member for Adult Social Care and Public Health, I:

- a) **AGREE** to the direct award of the contract under the Framework Y24008 for the delivery of the Community Equipment Service on general terms as set out in the Decision Report;
- b) **DELEGATE** authority to the Corporate Director Adult Social Care and Health to negotiate, finalise and enter into the required contracts with the selected provider; and
- c) **DELEGATE** authority to the Corporate Director Adult Social Care and Health to take other relevant actions, including but not limited to entering into other contracts or legal agreements, as necessary to implement the decision.

Reason(s) for decision: The Council has a statutory obligation to provide the community equipment service to support people with health and/or social care needs following discharge from hospital as detailed within the Care Act 2014.

The Kent Community Equipment Service (“KCES”) plays an essential role for both Health and Social Care in meeting the needs of Kent residents and has a significant impact on the smooth functioning of acute and community health services. Failure, even for a relatively brief period of time of the KCES would have severe and far-reaching consequences for people who use the service.

Financial Implications:

This is a demand-led service and activity can fluctuate as can other variables within the contract such as delivery times/costs. The total value for the length of the five-year contract term awarded was up to £82.5m, increasing to £115.5m if the two-year extension option was implemented, the approximate split of the contract is 53% Health, 25% Joint and 22% KCC. It is anticipated that this value may increase based on activity and the implications of a change of provider.

Legal Implications:

The Council has a statutory obligation to provide the community equipment service to support people with health and/or social care needs following discharge from hospital as detailed within the Care Act 2014.

The Kent Commercial Services’ Integrated Community Care Equipment and Associated Services Framework (Y24008) allows for customers to place their orders via either direct award or further competition. KCC can direct award by placing an order with any capable supplier on the framework, without re-opening competition, by satisfying that any one of the following conditions have been met:

- KCC is satisfied that, following their own due diligence, they can identify the supplier that offers best value for their requirement;
- The supplier is able to supply the required goods/services within the customers timescales; or
- The supplier achieved the highest total score during the evaluation process

Equality Implications:

A new Equality Impact Assessment (EQIA) has been carried out. The EQIA shows no substantive change given that the purpose of the decision is to secure continued service provision with minimal change impact on people who use the service. The EQIA will be monitored as part of ongoing implementation.

Reason for Urgency:

The decision may not be reasonably deferred because failure of the KCES contract, and therefore not having continuity of service provision, would detrimentally impact; the Council's ability to deliver against their statutory duties; delay hospital discharge; increase hospital admission; be a real risk to individuals and therefore safeguarding; increase pressure on Mental Health and Carers' services; and have a potential impact on increased costs to the health and social care sector. The timelines for securing continued service delivery do not allow for compliance with normal Executive Decision-making notice periods and arrangements.

Member and other consultation:

No Cabinet Committee consultation possible due to urgency process.

The Chair of the Scrutiny Committee, in addition to agreeing that the decision could not be reasonably deferred provided the following comments:

Mr Streatfeild (Liberal Democrat)

Residents will be concerned that an important supplier, relatively recently selected, has had to be changed at short notice. A review of the original decision should be undertaken and brought to the next meeting of the Adult Social Care committee.

Of the range of options presented the Council has favoured, for obvious and important reasons, security of supply over best value. Nevertheless I recognise that this leaves the cost of risk mitigation with the council tax payer.

The Adult Social Care committee should assess whether there was a reasonable balance applied in retrospect even though the urgency of this decision precludes examining this detail ahead of the deadline for the decision.

The Group Spokespeople of the Scrutiny Committee providing the following comments:

Mr Eustace (Reform)

Considering the extraordinary circumstances and extremely tight timelines for this decision I am fully supportive of the decision taken by the Cabinet Member for Adult Social Care and Public Health on the advice given by the Corporate Director for Adult Social Care & Health.

The risks associated with not making this decision at this time concerning a statutory duty by KCC are noted and the proposal to secure a new provider has been clearly positioned and outlined in detail in light of the tight deadline of 31st July 2025 is the best and right decision at this time.

I would like to thank the Officers and all parties involved in bringing this forward in such short time.

The Chair and Group Spokespeople of the Adult Social Care Cabinet Committee provided the following comments:

None

Any alternatives considered:

Various options including retendering the services on the open market and awarding short term contracts for replacement services have been considered, but these were not taken forward due to the need to have continuity of provision to meet statutory obligations under the Care Act 2014

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

N/A

Diane Morton

31/07/2025

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Signed

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date