

# KENT COUNTY COUNCIL – PROPOSED RECORD OF DECISION

## DECISION TO BE TAKEN BY:

Diane Morton, Cabinet Member for Adult Social Care and Public Health

## DECISION NUMBER:

25/00116

### Executive Decision – key

#### 25/00116 – Kent Carers’ Support Service

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

- a) **APPROVE** the contract award for the Kent Carers’ Support Service;
- b) **APPROVE** a direct award of the Carers’ Short Breaks contract, for a period of up to four months, from 1 April 2026 to 31 July 2026, in accordance with the relevant justifications set out in Regulation 32(2)(c) of the Public Contract Regulations 2015;
- c) **APPROVE** a modification in the form of an extension of the contract for a period of up to four months for Community Navigation Services (Part B), from 1 April 2026 to 31 July 2026, in accordance with the relevant justifications set out in Regulation 72 of the Public Contract Regulations 2015;
- d) **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
- e) **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 for the Kent Carers’ Support Service Contract as required.

**Reasons for decision:** A key decision (decision number 24/0113) was taken on 31 January 2025 to start the procurement exercise for a new Carer’s Support Services Contract, combining the current Carers’ Short Breaks and Community Navigation (Part B) services.

The new Carers’ Support Service Contract is split into two Lots – Lot 1 for East Kent and Lot 2 for West Kent.

Procurement for the Carers’ Support Service was undertaken and tenders were given from 30 June and 1 August to submit. Following formal evaluation of the bids submitted as part of the procurement exercise identified neither tenderer met the individual minimum thresholds required for specific quality-related questions submitted for Lot 1 (East Kent), therefore Lot 1 was deemed not successful. Procurement for Lot 2 (West Kent) was successful.

Following advice from the council’s Commercial and Procurement division a further procurement exercise will need to be undertaken for Lot 1.

Kent County Council has statutory responsibilities under The Care Act 2014 which include assessing the needs of any adult (cared for or carer) with an appearance of need for care and support, and arranging services where appropriate to meet the unmet eligible needs of adults living in Kent. Currently the Community Navigation Services (Part B) and Carers' Short Breaks contracts support the council to meet this duty until 31 March 2026.

This decision seeks to:

- award contracts to successful providers for Lot 2;
- extend the current contractual arrangements for Community Navigation Services (Part B) and Carers' Short Breaks for up to four months (from 1 April 2026 to 31 July 2026) to allow a further procurement exercise to be undertaken for Lot 1 (East Kent); and
- award contracts to successful providers for Lot 1 following completion of procurement exercise.

**Financial implications:**

The four month extension (1 April 2026 – 31 July 2026) to the existing contracts will be on the same terms and conditions at the same price. Therefore, no increase in cost.

The Kent Carers' Support Service Contract will run for an initial period of three years (1 August 2026 to 31 July 2029) with options for two two-year extensions (1 August 2030 – 31 July 2034).

The annual price for Lot 2 is £2,647,176 and will be up to £18,530,235 over the lifetime of the contract (initial three years including the two two-year extension options).

The annual price for Lot 1 will not exceed the maximum value of £3,360,400 and will be up to £23,522,800 over the lifetime of the contract. The combined lifetime contract value will not exceed £42,053,035.

This is a fixed price contract to ensure budget predictability and prevents overspend. KCC will pay 1/12 of the budget each month to avoid large upfront payments, which is also in line with other prevention contracts. Providers are encouraged to use resources efficiently to meet the high demand for services, ensuring value for money.

The use of the Supplier Incentive Programme has been utilised in this procurement.

**Legal implications:**

KCC has statutory responsibilities under The Care Act 2014 which include assessing the needs of any adult (cared for or carer) with an appearance of need for care and support, and arranging services where appropriate to meet the unmet eligible needs of adults living in Kent. Where it appears to the local authority that a carer may have needs for support (whether currently or in the future), a carer's assessment must always be offered.

In summary, the services are necessary and have allowed KCC to recommission a new carers offer that better meets the needs of carers.

A short term contract extension will be awarded to the incumbent suppliers of the Carers Short Breaks contract, and Community Navigation (Part B) contract for a period of 4 months. The short term extensions enable KCC to complete the re-procurement of a joint service. By awarding the short term extension, it mitigates any loss in the provision of service while the re-procurement is underway. In addition, it will also enable ample mobilisation time for the winning bidder.

A contract extension of the Carers Short Break contract for a period of 4 months from 01 April 2026 to 31 July 2026 is in accordance with the relevant justifications set out in Regulation 72(1)(b)(c) of the Public Contract Regulations 2015.

A contract extension of the Community Navigation (Part B) contract for a period of 4 months from 01 April 2026 to 31 July 2026 is in accordance with the relevant justifications set out in Regulation 72(1)(b)(c) of the Public Contracts Regulations 2015.

#### **Procurement Regulations Implications**

Regulation 72 (3) of PCR2015, requires Contracting authorities which have modified a contract in either of the cases described under Regulation (1)(b) and (c), as is recommended in this paper, should send a notice to that effect for publication, in accordance with Regulation 51. The risk to the council is that an alternate service provider may bring a legal challenge, arguing that the modification of the services does not satisfy Regulation 72. Officers will mitigate the risk of such a challenge by publishing a VEAT Notice on the central government "Find a Tender Service". This will notify the market of the council's intention to extend these contracts under Regulation 72 while a re-procurement for the failed lot is carried out. A 10 day standstill period will then commence before formally awarding the contract extensions.

Commissioners will follow the procurement regulations and Spending the Council's Money in relation to any procurement that is undertaken.

#### **Equalities implications:**

An Equality Impact Assessment has been completed for the activity of recommissioning the service. The aim of the new service offer will be to deliver a service which is more identifiable to carers, able to reach a greater number of carers from different communities and with different protected characteristics. The Equality Impact Assessment for the new service will look at all areas and in particular the issue of 'intersection' of different characteristics on people who may be impacted by more than two protected characteristics at the same time.

#### **Data Protection implications:**

A DPIA initial screening has been completed. No personal identifiable information was collected for the procurement process. The full DPIA will be completed once the successful bidders have been identified.

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**Cabinet Committee recommendations and other consultation:** The proposal was considered at the Adult Social Care and Public Health Cabinet Committee on 21 January 2026 and the recommendations were endorsed.

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**Any alternatives considered and rejected:**

Following the unsuccessful procurement for Lot 1 the option of 'doing nothing' was considered, however it was quickly dismissed. Without a new contract in place to support carers across the county it will have a negative impact on carers put the council at risk on both a financial basis and with regard to meeting statutory duties.

- Option 1

Undertake a negotiation and direct award for Lot 1 with one of the bidders for Lot 2 who met the minimum quality threshold. This would be a short process.

- Option 2

Undertake a competitive process, in the form of a procurement exercise, for Lot 1.

Option 2 is the preferred option as it will ensure KCC is achieving best value and the required level of quality for this contract.

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

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Signed

Date