

KENT COUNTY COUNCIL – RECORD OF OFFICER DECISION

Executive

DECISION TAKEN BY:

Anjan Ghosh, Director of Public Health

DECISION NO:

OD-26-00029

For publication

Subject matter: The emergency procurement of an interim solution due to the insolvency of Metro Centre Ltd who provided the Provision of a Free Condom Programme for Young People Under 25s in Kent.

Cabinet Member decision to which this action relates:

Relating to key decision 18/00051b, taken in October 2018, [Key Decision - 18/00051b - Sexual Health Services Provision / Award of contract for online condom scheme and outreach services](#)

Decision:

As the Director of Public Health, I agree to put in place interim service solutions as follows:

- Contract variation for the West Kent Integrated Sexual Health Service, with Maidstone and Tunbridge Wells NHS Trust (MTW), for an Online Condom distribution service. This will be for a period of 12 months, until 15th April 2027, with an option to extend by up to 6 months.
- Contract variation for the West Kent Integrated Sexual Health Service, with Maidstone and Tunbridge Wells NHS Trust (MTW), for an Outreach and training service. This will be for a period of 12 months, with an option to extend by up to 6 months. This will start no earlier than the 1st July 2026.
- Contract variation for the East Kent Integrated Sexual Health Service, with Kent Community Health NHS Foundation Trust (KCHFT), for an outreach and training service for 12 months, with an option to extend by up to 6 months. This will start no earlier than the 1st July 2026.
- A contract award for *Kent's Enhancing Quality, Equity and Reach of Sexual Health For Young People Programme* contract for SedX Ltd for 12 months, until 20 May 2027, with an option to extend by up to 6 months.

These awards are in line with the Key decision taken in 2018. This Officer ROD will cover the initial award of the contract and the variations, with subsequent RODs required for extensions where they are due. The estimated spend for the one year of delivery will be up to £270,000.00, and total value with the optional extensions will be up to £400,000.00 over the 18 months.

Reason(s) for decision:

Kent County Council (KCC) entered into a contract with Metro Centre Ltd to deliver a free condom programme for young people aged under 25, from 1st April 2019 for a contracting period of 3 years with two optional 3-year extensions up to 31st March 2028. The service included three core components: distribution of free condoms to under 25s via discreet online ordering and selected physical locations; training for professionals working with children and young people to promote the programme and support wider sexual health conversations; and targeted outreach to priority groups of young people.

On 23 March 2026, Metro Centre Ltd formally notified KCC of its intention to cease all service delivery with effect from 31 March 2026. This represented extremely short notice and created an immediate and unplanned gap in provision. Given the statutory and public health importance of

maintaining uninterrupted access to sexual health prevention services for young people, there was insufficient time to undertake a full procurement process prior to service cessation. Sexual health team undertook an urgent review of the contract and service activity, exploration of delivery options, and rapid engagement with key stakeholders to identify the best possible interim solution to mobilise for Kent residents so that service quality and continuity are minimally impacted.

In order to ensure continuity of service and mitigate risks to young people’s sexual health outcomes, KCC has had to undertake an emergency procurement. KCC will replace the programme for an interim 12–18-month period with a set of provisions, whereby elements of the previous service are delivered by a mixture of providers. This interim arrangement will enable the continued delivery of the core elements of the condom programme while providing sufficient time to undertake a robust and compliant commissioning and procurement exercise to secure a long-term provider.

The existing Integrated Sexual Health service providers will enhance and expand their outreach and training offer, and MTW will outsource the Online condom distribution via the existing subcontracted Online STI Testing service provider, Preventx. KCC will award a 12-month contract to SedX to manage the network of physical distribution sites, to review and develop the outreach and training offer, and to provide KCC insights on young people’s voice and to support quality assurance, service review and development.

The interim services will include:

- Contract variation for the West Kent Integrated Sexual Health Service, with Maidstone and Tunbridge Wells NHS Trust (MTW), for an Online Condom distribution service. This will be for a period of 12 months, until 15th April 2027, with an option to extend by up to 6 months.
- Contract variation for the West Kent Integrated Sexual Health Service, with Maidstone and Tunbridge Wells NHS Trust (MTW), for an Outreach and training service. This will be for a period of 12 months, with an option to extend by up to 6 months. This will start no earlier than the 1st July 2026.
- Contract variation for the East Kent Integrated Sexual Health Service, with Kent Community Health NHS Foundation Trust (KCHFT), for outreach and training service for 12 months, with an option to extend by up to 6 months. This will start no earlier than the 1st July 2026.
- A contract award for *Kent’s Enhancing Quality, Equity and Reach of Sexual Health For Young People Programme* contract for SedX Ltd for 12 months, until 20 May 2027, with an option to extend by up to 6 months.

This approach is considered proportionate, necessary, and in the best interests of service users, ensuring service continuity while allowing appropriate time for future commissioning planning.

This interim arrangement is intended solely to ensure continuity of statutory duties. The interim service solution remains within the financial envelope and the timescale approved under the original Key Decision. Under the Council’s Scheme of Delegation, the authority to award a contract and to modify a contract are delegated to the CMT Director, in this case Dr Anjan Ghosh Director of Public Health. There is a plan to recommission elements of the service for the longer term, which will be subject to a separate Key Decision.

Financial Implications:

The proposed total cost for the new interim services will be circa £270,000.00 per annum, and total value with the optional extensions will be circa £400,000.00 over the 18 months. This is fully funded from the public health grant.

Provider	Annual Cost	Total Cost (over 18 months)	Description
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MTW	£118,000.00	£177,000.00	Subcontracted online and bulk supply of condoms, outreach and training
KCHFT	£36,000.00	£54,000	Outreach and training
SedX	£105,679.00	£158,518.50	Management of distribution site network, outreach and training, evaluation and quality assurance of outreach and training
Total	£259,679.00	£389,518.50	

The Online condom distribution element pricing is activity based therefore the value is an estimate and dependant on uptake from the Kent population.

The interim service solution remains within the financial envelope approved under the original Key Decision, which approved the total value of £2,538,823.

Legal implications:

The provision of open access sexual health services is a statutory responsibility for local authorities as per The Local Authorities (Public Health Functions and Entry to Premises by Local Healthwatch Representatives) regulations 2013. The condom programme is deemed an essential service as it is one of the services KCC commission to achieve this statutory obligation.

The Public Contract Regulations 2015 provided the legal framework by which local authorities were permitted to procure public goods and services at the time of the original contract award to METRO LTD. The extensions to the contract were managed under that legislation. Now that the original contract ceases to exist due to liquidation of the provider, the new interim solution will be awarded under Procurement Act 2023 (Act) and the Provider Selection Regime Regulations 2023. The recommendation is being made in line with the guidelines of this legislation.

Emergency variations to the Integrated Sexual Health contracts to enable delivery of the new 2026/27 service model with MTW and KCHFT Regulation 14(2) of the Provider Selection Regime Regulations 2023. Where there has been an urgent modification, a publication of the modification should be published including information set out within Schedule 14.

The contract to SedX is awarded as a below threshold procurement. The award has been granted permission to waive Spending the Councils money due to urgency and continuity of service.

Legal services were consulted for commercial, contractual, and TUPE advice, including termination considerations. Following liquidation of METRO LTD, TUPE does not apply due to Regulation 8(7) of TUPE, that states the regulation applies when proceedings which have been instituted with a view to the liquidation of the assets of the company.

Equality Implications:

An Equality Impact Assessment (EqIA) has been completed for the Kent Condom Programme service change. The change represents an unplanned provider transition following provider insolvency. While the overall service offer remains unchanged, the move to three alternative providers introduces a short-term risk of disruption and variation in delivery, which could disproportionately affect some protected groups if not carefully managed.

The EqIA identifies significant positive equality impacts, particularly improved access to free, confidential contraception for young people and groups experiencing sexual health inequalities, supporting the prevention of sexually transmitted infections and unintended pregnancies. Identified equality risks will be mitigated and monitored through mobilisation and ongoing contract management.

Comments received from any Members or Officers consulted:

Cabinet Member Jamie Henderson

Professor Durka Dougall, Public Health Consultant

Vicky Tovey, Assistant Director of Integrated Commissioning

Matt Wellard, Commercial and Procurement Manager

Julie Samson, Strategic Financial Adviser

Any alternatives considered and rejected:

1. KCC delivers in house: Positives: Control over provision and continuation of access to free condoms for young people. The disadvantage is that appropriate staff resources may not be available. Infrastructure for packing and distribution is needed. Staff do not have relevant experience or qualifications in SH outreach / training.
2. Vary other existing KCC commissioned services e.g., school health, youth services: Creative use of existing relationships and contracting assets. The risk will be lengthy governance processes to vary contracts, may not be willing to incorporate or have the training, may dilute focus from primary contracted elements.
3. Do nothing. No procurement, service would cease. This will reduce access for young people. Risks of increasing STI transmissions, unintended pregnancies, increased demand on Integrated Sexual Health. Reduction in KCC's ability to meet statutory obligations.

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

None



18/06/2026

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signed

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date