

KENT COUNTY COUNCIL – PROPOSED RECORD OF DECISION

DECISION TO BE TAKEN BY:

Sue Chandler, Cabinet Member for Children, Young People and Education

DECISION NO:

To be allocated by Democratic Services

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

Key decision: YES

Key decision criteria. The decision will:

- a) result in savings or expenditure which is significant having regard to the budget for the service or function (currently defined by the Council as in excess of £1,000,000); or
- b) be significant in terms of its effects on a significant proportion of the community living or working within two or more electoral divisions – which will include those decisions that involve:
 - the adoption or significant amendment of major strategies or frameworks;
 - significant service developments, significant service reductions, or significant changes in the way that services are delivered, whether County-wide or in a particular locality.

Subject Matter / Title of Decision

Rights, Representation and Advocacy Service

Decision:

As Cabinet Member, I agree to:

- i) DIRECTLY AWARD a new contract, under the same terms and conditions to the Young Lives Foundation for a period of six-months from 1 April 2022 to 30 September 2022
- ii) DELEGATE the authority to the Corporate Director, Children, Young People and Education, or other officer, to undertake such actions as necessary to implement this decision, in consultation with the Cabinet Member

Reason(s) for decision:

Background

The Representation, Rights and Advocacy (RRA) Service Contract expires on the 31 March 2022 and there is no option to extend within the contract.

Discussion at CYPE Cabinet Committee in November 2021 resulted in a Key Decision (21/00093) for Children's Commissioners to commence a procurement for a new service from 1 April 2022. The CYPE Cabinet Committee raised questions about the involvement of the Office of the Police and Crime Commissioner (OPCC) and, in addition to the commitment in the report to "work with Adult Social Care colleagues and Kent Police to access additional funding to underpin the service and consider the age demographic and a requirement for a 24/7 provision", the OPCC and Adult Social Care colleagues were contacted for the Appropriate Adult element of the service and seeking their formal engagement in the tender.

At the same time (November/December 2021), there was an Inspection by Her Majesty's Inspectorate of Constabulary and Fire and Rescue Services. This concluded that "The arrangements for appropriate adults to support children and vulnerable adults in detained in custody are not good enough." The OPCC made representation to Commissioners to allow additional time for the tender to be able to fully understand and specify the requirements and improvements needed in the

commission to meet the issues reported from the Inspection. Adult Social Care colleagues also needed to understand the outcome of the Inspection and what that means for vulnerable adults and their statutory responsibilities.

The OPCC and Adult Social Care requested further time to adequately complete this work.

There are five service elements detailed below and are required as part of a range of statutory requirements and cover the KCC geographical area (and include service users out of county where Kent County Council is the appropriate agency):

- Advocacy for Children in Care, Care Leavers aged 16 – 24, children assessed as being in need or need safe plans to be made for them and those subject to a Child Protection Plan under the Children Act 1989.
- Independent Visitors for Children in Care aged 8 – 18 years.
- Independent Persons for Stage 2 complaints under the Children Act 1989.
- Appropriate Adults for young people aged 10 - 17 years and vulnerable adults detained at police custody suites who require support.
- Accompanying Adults for the purpose of age assessment interviews for unaccompanied asylum-seeking children.

The risks of not co-operating with OPCC or Adult Social Care would provide a gap in service for those 18+ or an outdated specification in a three-year contract. The Young Lives Foundation requested a twelve-month extension and whilst this would also have been preferable to the OPCC, the risks involved in not procuring the CYPE service through competitive tender increase over time.

Options considered:

Whilst the preferred option for CYPE is to do nothing and continue as planned with the procurement, the feedback from market engagement was that it is the whole package together that makes the service attractive. Losing the Appropriate Adults element of the service would not provide the flexibilities needed across all elements.

CYPE recognises the importance of the Appropriate Adults contract, having commissioned it for many years and supports the need to extend the contract for six months pending work from the OPCC and Adult Social Care.

Initially, Commissioners were hopeful a three-month extension would suffice. The Young Lives Foundation advised this was insufficient as a business model for them.

A twelve-month extension was also explored, however the longer the extension through Direct Award, the greater the challenge from Providers to KCC. This contract was last competitively tendered in 2014 with a Direct Award/Single Source Justification agreed in 2017 for the three-year contract starting April 2018 and the subsequent Direct Award in April 2021 due to Covid-19. A six-month extension is an agreed compromise.

Financial Implications

This service has been funded from within the existing revenue KCC base budget reported against Integrated Children's Services in the Budget Book.

The funding has been £258,800 per annum. The reason this is a Key Decision is because there is no current Key Decision covering the spend from the last time the service was tendered. Appropriate governance and accountability was adhered to throughout, however the cumulative spend now requires a Key Decision.

The initial three-year Direct Award (April 2018 to March 2021) was £258,800 per annum totalling £776,400. This was approved by the Corporate Director for Children, Young People and Education

under the scheme of delegations.

The second Direct Award (April 2021 to March 2022) was £258,800 per annum. This was approved by the Director for Integrated Children's Services under the scheme of delegations. The totality of spend at this point is £1,035,200. A further six-month extension with a value of £129,400 takes the total spend to £1,164,600.

Legal Implications

Appropriate Adults Service for young people aged 10 - 17 years detained at Police Custody Suites who require support. There is a statutory obligation for young people to have access to an AA regardless of the time of day and currently, this is not being fulfilled.
Advocacy for Children in Care and for Care Leavers aged 16 – 24. Children assessed as being in need, or need safe plans to be made for them, and those subject to a child protection plan under the Children Act 1989.

Independent Visitor service for Children in Care aged 8 – 18 years - Children Act 1989.
Accompanying Adults Service for the purpose of age assessment interviews for unaccompanied asylum-seeking children - Children Act 1989.

Adherence to the Public Contract Regulations (2015) has been considered and it is understood that with the unforeseen circumstances of the findings of the Inspection, this could legitimately be covered due to reasons of extreme urgency (reg. 32(2)(c))

Equalities implications

An Equality Impact Assessment (EqIA) was completed as part of the recommissioning of the service.

Directly awarding this contract would pose no immediate change to the service for those young people and therefore the risk of any adverse impact is limited. A full EqIA will be completed as part of the new full commissioning activity with the inclusion of Adult Social Care and the OPCC.

Data Protection Implications

A Data Protection Impact Assessment (DPIA) for the new service will be implemented following contract award.

Cabinet Committee recommendations and other consultation:

This decision will be considered at the meeting of the Children's, Young People and Education Cabinet Committee on 1 March 2022

Any alternatives considered and rejected:

Explained above

Any interest declared when the decision was taken and any dispensation granted by the Proper Officer: None

.....
signed

.....
date