From: Paul Webb, Cabinet Member for Children's Services

Christine McInnes, Corporate Director for Children, Young People and Education

To: Children, Young People and Education Cabinet Committee – 26 November 2026

Subject: Rights, Representation and Advocacy Service - Direct Award of a two-year contract

Decision no: 26/00075

Key Decision: It affects more than two Electoral Divisions

Classification: Unrestricted

Past Pathway of report: N/A

Future Pathway of report: Cabinet Member Decision

Electoral Division: All

Is the decision eligible for call-in? Yes

Summary: This report sets out the proposal to directly award a two-year contract to the incumbent provider, Young Lives Foundation, for the continued delivery of the Rights, Representation and Advocacy service.

Recommendation(s):

The Children, Young People and Education Cabinet Committee is asked to CONSIDER and ENDORSE, or MAKE RECOMMENDATIONS to the Cabinet Member for Children's Services in relation to the proposed decision as detailed in the attached Proposed Record of Decision document (Appendix A) which is to directly award a contract for two years to the Young Lives Foundation, commencing 1 September 2027.

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1. Introduction

1.1. Services covering Appropriate Adults, Advocacy, Independent Visitors, Independent Persons, Accompanying Adults and Care Leaver Mentoring are delivered under one contract, known in Kent as Rights, Representation and Advocacy (RRA).

1.2. Provision for RRA has been in place since at least 2012, with a commissioned service operating continuously since 2015. The current contract was last competitively tendered in 2022 with the service, delivered by the Young Lives Foundation (YLF), commencing 1 October 2022. The current annual contract

value is £284,600, and all allowable extensions have been enacted, giving a total contract value over the five years of £1.29m.

1.3. The RRA Service comprises of six distinct elements as demonstrated in the table below.

Service Elements	Description	Statutory obligation
Appropriate Adults	Support for children aged 10–17 detained in police custody under the Police and Criminal Evidence Act (PACE) 1984, who do not have a parent, carer or other adult available to them at point of arrest and/or interview. Appropriate Adults safeguard children's rights during detention and interview, prevent unfair or unreliable evidence, support communication, and ensure procedures are followed lawfully	Police and Criminal Evidence Act 1984 (PACE) and its Code of Practice C.2 [1]
Independent Advocacy	Provides Independent Advocacy for children in care, care leavers aged 16–24, children in need, those requiring safe plans, and those subject to child protection processes. Independent Advocacy under the Children Act 1989, ensures children's voices are heard, their rights are protected, and decisions are made with their wishes central to the process.	Adoption and Children Act 2002, ss.26a [2]
Independent Visitors	Matched volunteer relationships providing long-term support for children in care aged 8–18, as required under the Children Act 1989. IVs offer stable, reliable relationships outside care arrangements, helping children develop confidence, emotional stability, and a sense of normality. They also provide additional safeguarding oversight.	Children Act 1989, ss.23ZB [3]
Independent Persons (Stage 2 Complaints)	Provides impartial oversight for Stage 2 complaints. A Stage 2 complaint is a formal, independent investigation used when a care-related concern is too complex for early resolution or the person remains dissatisfied after Stage 1. It involves a detailed review of evidence by an independent person and results in a written report with findings and recommendations for action. It is a statutory requirement under the Children Act 1989 Representations Procedure (England) Regulations 2006. Independent Persons ensure fairness, accountability and transparency during formal investigations.	Children Act 1989, ss.24d[4] and 26 [5]
Accompanying Adults	Provides independent support during age assessment interviews which assist with identifying the correct level of support for individuals accessing services. Accompanying Adults ensure the interview process is fair, that individuals understand their rights, and that their welfare is protected.	Case law – including B v Merton and FZ v Croydon, together with Home Office policy, [6]

[1] **CODE C Revised Code of Practice for the detention, treatment and questioning of persons by Police Officers**
[2] **Children Act 1989**
[3] **Children Act 1989 23ZB**
[4] **Children Act 1989 24d**
[5] **Children Act 1989 section 26**
[6] https://gardencourtchambers.co.uk/r-fz-v-london-borough-of-croydon-2011-ewca-civ-59-court-of-appeal-guidelines-on-correct-test-at-permission-stage-in-an-age-dispute-case/

Service Elements	Description	Statutory obligation
Leaving Care Mentoring	Provides mentoring for care leavers aged 18–25 who are transitioning to independent living. In the last year, 70 young people left care and moved into independent living arrangements with support, and 53 left care and moved into independent living arrangements with no support. Care leavers face significantly higher risks of poor outcomes than their peers, with evidence showing gaps in social networks, trusted adult relationships and practical guidance after leaving care. Legislation places duties on Local Authorities to support care leavers up to, and in some cases beyond, age 25. The Care Leaver Mentoring Service supports Personal Advisers to meet this statutory obligation. Mentoring builds stability and supports emotional resilience, life skills, education, employment and mental health.	No statutory obligation, however, supporting the delivery of wider statutory duties

1.4. With the existing the contract ending 30 September 2027, the proposal is to directly award a new two year contract under from 1 October 2027 to 30 September 2029, at a value of approximately £569,360. The proposal would maintain the existing service model and contract value.

2 Key Considerations

2.1 The current contract will end on 30 September 2027.

2.2 Delivered by the Young Lives Foundation since 2015, the service supports young people by providing the six elements detailed in the table above, to ensure that needs are recognised and promoted whilst also providing vulnerable children with consistent, reliable support from a trusted adult.

2.3 Given the continuing uncertainty regarding the timetable and final arrangements for Local Government Reorganisation (LGR) and a lack of clarity as to how districts could contribute to the Advocacy element of this contract, it is proposed to make a time-limited direct award to the incumbent provider. This will maintain continuity while future commissioning responsibilities and funding arrangements are clarified.

2.4 The directly awarded contract would be for two years from 1 October 2027 to 30 September 2029, at a total value of approximately £569,360..

2.5 A direct award would provide a period of stability while future commissioning responsibilities are clarified in light of LGR, and potential future funding arrangements with District and Borough Councils, the Office of the Police and Crime Commissioner and/or successor authorities are explored..

3 Background

3.1 The current service has consistently met or exceeded demand targets across most service areas, despite operating within a contract value that has remained largely unchanged for over a decade.

3.2 Previous market engagement identified concerns from potential providers regarding the sustainability of delivering the service within the current budget. Feedback suggested a future procurement may require a significantly larger budget than is currently available.

3.3 Demand has continued to increase across several service elements, including Independent Advocacy, Appropriate Adults, Independent Visitors and Accompanying Adults. Growth has been particularly notable in advocacy associated with housing assessments for which the districts also hold statutory responsibility and currently do not contribute financially. Evidence will presented to Leaders and Chiefs of the District and Borough Councils to consider their obligation for the Advocacy element of this provision and how this will be managed with any potential changes under LGR.

4 Options considered and dismissed, and associated risk

4.1 The options included for consideration were:
Option 1 – Procure a new contract – recommended.
Option 2 – Commission a new countywide service – This option was dismissed as any new contract would need to incorporate a district-based funding model, with clarity on the respective statutory responsibilities and financial contributions of KCC and District and Borough Councils. The impact of LGR means there is currently insufficient certainty around how these responsibilities and funding arrangements would operate, both during the transition and under any future local government structure.
Option 3 – End the contract – this was dismissed as ending the contract without replacement arrangements would place KCC at risk of failing to meet relevant duties as set out above.

4.2 The preferred option and recommendation for decision is Option 1, to procure a new contract through a direct award. The current contract, which supports delivery of the Council's statutory responsibilities, has reached the end of its permitted term and will expire on 30 September 2027. A new contract would therefore be directly awarded from 1 October 2027 for a period of two years, ending on 30 September 2029, at an approximate total value of £569,360. The new contract would maintain the existing service model and contract value, with no substantive changes to eligibility, delivery arrangements or service scope.

5 How the proposed decision supports the Council's Strategic Statement

5.1 The proposal supports Reforming Kent 2025–2028 Aim 3 'supporting residents who need help', by maintaining access to advocacy, representation and independent support for children and young people who may need additional help to ensure their rights, wishes and interests are understood and represented. The proposed time-limited arrangement also supports the Council's focus on delivering sustainable and value-for-money services by maintaining continuity while longer-term commissioning, funding and partnership responsibilities are clarified.

6 Financial Implications

6.1 This service is currently budgeted funded from a combination of the Council's General Fund and Home Office Asylum Grant (we appropriate). Spend is reported within the revenue budget against the Key service line Children in Need – Care and Support (payments and commissioned services).

6.2 Market engagement undertaken as part of previous commissioning activity identified concerns regarding affordability of delivery within the current budget, with providers indicating that significantly higher levels of funding may be required in a future procurement.

6.3 The proposed contract would avoid immediate exposure to market cost pressures whilst further work is undertaken to understand future demand, partnership funding opportunities and commissioning responsibilities.

7 Legal implications

7.1 The statutory obligations are listed in the table in Paragraph 1.3 above.:

7.2 Legal advice notes that that a direct award is permissible provided KCC complies with the core procurement principles of value for money, transparency, fairness and integrity, secures the appropriate internal approvals, and maintains a clear audit trail documenting the rationale for the decision and consideration of alternative options.

7.3 Legal advice has confirmed that a lawful route exists to directly award a new contract for this service. The RRA Service falls within the light touch regime under the Procurement Act 2023. The proposed two-year contract value of approximately £569,360 is below the current £663,540 threshold for light touch contracts. As a result, the requirements applicable to a covered procurement do not apply and a direct award is permissible, subject to compliance with KCC's internal governance and procurement requirements and the core procurement principles of value for money, transparency, fairness and integrity.

8 Equalities implications

8.1 The Equality Impact Assessment identified no adverse impacts arising from the direct award contract proposal and concluded that continuity of provision is likely to produce positive outcomes by ensuring vulnerable children, young people and care leavers continue to access advocacy, representation and procedural safeguards without disruption.

9 Data Protection Implications

9.1 Upon awarding the contract, KCC will continue to ensure that all contract activities are undertaken in accordance with the terms of the contract and the requirements set out within the existing Data Protection Impact Assessment (DPIA).

10 Other corporate implications

10.1 The commissioning team will engage with the Commercial and Procurement Division to confirm the arrangements needed for directly awarding the contract.

11 Governance

11.1 This report sets out the proposal for the Cabinet Member for Children's Services to approve the direct award of a contract for the provision of Rights Representation and Advocacy.

11.2 Subject to the decision being taken, authority will be delegated to the Corporate Director of Children, Young People and Education or other Officer authorised by the Corporate Director, to take relevant actions, including but not limited to, awarding and implementing the contract; managing the resulting contractual arrangements; exercising any permitted contract extensions; undertaking contract re-openings; agreeing any variation, novation and disaggregation arrangements permitted under the terms of the contract and associated contracts; and finalising the terms of and entering into any necessary contracts or other legal agreements, as necessary to implement the decision.

12 Conclusions

12.1 The Rights, Representation and Advocacy service enables KCC to meet a range of statutory and legal responsibilities and provides continuity of advocacy, representation and independent support for children and young people. The current contract will end on 30 September 2027 following the expiry of all available extension options.

12.2 A two-year directly awarded contract to the incumbent provider, under the same terms and conditions from 1 October 2027 to 30 September 2029, would maintain service continuity while longer-term commissioning, funding and partnership responsibilities are clarified. This includes consideration of responsibilities relating to advocacy and the potential implications of Local Government Reorganisation. The proposed award would maintain the existing service scope and delivery arrangements.

Recommendation(s):

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13 Background Documents

None

Appendices

Proposed Record of Decision
Equality Impact Assessment

14 Contact details

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