KENT COUNTY COUNCIL – PROPOSED RECORD OF DECISION

DECISION TO BE TAKEN BY:	DECISION NUMBER:
Cabinet Member for Integrated Children's Services	26/00075

Executive Decision – non-key

26/00075 – Rights, Representation and Advocacy Service - Direct Award of a two-year contract

Decision:

As Cabinet Member for Integrated Children's Services, I agree to: APPROVE the direct award of a two-year contract to the Young Lives Foundation for the provision of Representation, Rights and Advocacy (RRA) services from October 2027 for a period of two years

Reasons for decision:
Decision required as the ending of contract will impact two or more electoral decisions.

Kent County Council commissioned the Representation, Rights and Advocacy service with the contract commencing 1 October 2022 with provision 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).

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.

The service is a statutory requirement and has reached the end of its permitted term. The current contract would end on 30 September 2027. From October 2027, a directly awarded contract would commence for the period of two years to 30 September 2029, at a value of approximately £569,360. The proposal would maintain the existing service model and contract value, with no substantive changes to eligibility, delivery arrangements or service scope.

Financial implications:

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).

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.

Legal implications:

Statutory obligations:

- Appropriate Adults - Police and Criminal Evidence Act 1984 (PACE) and its Code of Practice C.2
- Independent Advocacy - Adoption and Children Act 2002, ss.26a
- Independent Visitors - Children Act 1989, ss.23ZB
- Independent Persons (Stage 2 Complaints) - Children Act 1989, ss.24d and 26
- Accompanying Adults - Case law including B v Merton and FZ v Croydon, together with Home Office policy,
- Leaving Care Mentoring - No statutory obligation, however, supporting the delivery of wider statutory duties

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.

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.

Equalities implications:
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.

Data Protection implications:
There are no additional data protection implications arising from this decision, as the service will continue to be delivered by the same provider under the existing arrangements.

Cabinet Committee recommendations and other consultation:

The proposed decision will be considered by the Children, Young People and Education Cabinet Committee on 26 November 2027

Any alternatives considered and rejected:

Option 1 – Commission a replacement countywide service - this was dismissed as there a lack of clarity surrounding the advocacy element of the contract and how in line with statutory responsibilities the districts could contribute into this both prior to and following LGR.
Option 2 – 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.

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

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Signed Date