

FORWARD PLAN OF DECISIONS

Each month the Council publishes a Forward Plan of Decisions expected to be taken during the following six months.

A “Key Decision” is an Executive-side Decision which is likely to:

- (a) result in the council incurring expenditure which is, or the making of savings which are, significant having regard to the council’s budget for the service or function to which the decision relates; or
- (b) be significant in terms of its effects on communities living or working in an area comprising two or more electoral divisions in the area of the local authority.

Key Decisions can only be taken by the Cabinet, the Leader or an individual Cabinet Member.

Decisions which should be regarded as Key Decisions because they are likely to have a significant effect either in financial terms or on the Council’s services to the community include:

- (a) Decisions about expenditure or savings over £1,000,000 which are not provided for within the approved budget or Medium Term Financial Plan
- (b) Adoption of major new policies not already included in the Policy Framework (Constitution Appendix 3) or changes to established policies
- (c) Approval of management and business plans
- (d) Decisions that involve significant service developments, significant service reductions, or significant changes in the way that services are delivered, whether County-wide or in a particular locality. For example, closure of a school, approval of a major project (such as a highway scheme) or programme of works, major changes in the eligibility criteria for provision of a service, major changes in the fees charged for a service, or proposals that would result in a service currently provided in-house being outsourced.
- (e) Decisions where the consequences are likely to result in compulsory redundancies or major changes in the terms and conditions of employment of a significant number of employees in any of the Council’s functions.

Preparation of the Forward Plan helps the Council to programme its work and ensures compliance with the Local Government Act 2000. Every month, the period covered by the Plan will be rolled forward by one month and the plan will be republished.

The Plan outlines the consultation that is proposed in respect of future decisions and who members of the public and the Council should contact to make comments on any particular item. Anyone is entitled to obtain copies of the documents that will be relied upon when a decision is taken, unless those documents are ‘Exempt’ within the meaning of the relevant sections of the Local Government Act 1972 (as amended).

Reports related to decisions will be published on the Council's web site at www.kent.gov.uk at least five days before the decision it is due to be taken. Once the decision has been taken, a copy of the Record of Decision will also be published on the Council's website.

The Kent County Council Cabinet Members are:	
Mr Roger Gough	Leader of the Council
Mr Peter Oakford	Deputy Leader and Cabinet Member for Finance, Corporate and Traded Services
Mrs Clair Bell	Cabinet Member for Adult Social Care and Public Health
Miss Susan Carey	Cabinet Member for Environment
Mrs Sue Chandler	Cabinet Member for Integrated Children's Services
Mr Mike Hill	Cabinet Member for Community and Regulatory Services
Mr Richard Long	Cabinet Member for Education and Skills
Mr Michael Payne	Cabinet Member for Highways and Transport
Mrs Shellina Prendergast	Cabinet Member for Communications, Engagement and People
Mr Mike Whiting	Cabinet Member for Economic Development

All Members can be contacted by writing to Kent County Council, Sessions House, County Hall, Maidstone, Kent, ME14 1XQ or by email via the Council's website.

NEW

<p>Responsible Cabinet Member - Cabinet Member for Adult Social Care and Public Health</p> <p>Reference No: none</p> <p>Key Yes</p>
<p>Section 1 – the decision needed, how it relates to the Council’s Corporate Outcomes and the Costs and risks involved.</p>
<p>Title: 23/00021 - The Kent Drug and Alcohol Strategy 2023-2028</p> <p>The Decision needed: <u>Proposed decision –</u></p> <p>Adopt the Kent Drug and Alcohol Strategy 2023-2028 and delegate authority to the Director of Public Health to refresh and/or make revisions as appropriate during the lifetime of the strategy.</p> <p>Reason for the decision – The previous Kent Drug and Alcohol Strategy ran from 2017 to 2022 and was a joint strategy with Kent Police. During 2021/2022, a number of new issues came to light, firstly, the Dame Carol Black report, and the government’s new drug strategy, “From Harm to Hope”, which prompted local areas to create a combating drugs plan, secondly, as a result of increasing drug deaths in Kent and increasing alcohol consumption during COVID-19 the risks to the most vulnerable have increased, thirdly, a new partnership structure in Kent is in place. These three issues mean that it is important to have this new and refreshed Drug and Alcohol Strategy for Kent to tackle the substance misuse harms for the next 5 years, which was developed in partnership and has completed public consultation.</p> <p>The new Kent Drug and Alcohol 5-year Strategy</p> <p>The new strategy takes a whole system approach, improving the range of partners signed up to the Kent Alliance for Substance Misuse (including social care and safeguarding) and making better links to NHS. It is a partnership strategy which aligns visions and priorities across the Alliance.</p> <p>The Alliance is now Chaired by the Cabinet Member for Adult Social Care and Public Health. The Alliance’s governance is both to the Kent and Medway Health and Wellbeing Board and the Kent Community Safety Partnership, and will also be accountable to the Integrated Care Board via the health inequalities subgroups.</p> <p>The Substance Misuse Alliance along with the new executive group will drive the new Strategy forward. The new Strategy has been informed by a</p>

council-to-council quality improvement peer review in 2020. The new Strategy has 13 key priorities and aims to prioritise the causes and the consequences of drug and alcohol harm. It will also seek to implement a range of harm reduction strategies and ensure there are quality services for the very high-risk families, vulnerable people and communities.

The draft Strategy has been endorsed by partners via the Kent Substance Misuse Alliance. The public consultation supported the 13 priorities and gave good guidance for the specific objectives and suggested actions that will be feature in those plans e.g. strengthening carer and service user engagement.

Risks: The risk of not having a partnership wide strategic plan will leave Kent vulnerable to poor co-ordination, duplication of funding, confusion across the system, poorer communication, and poor opportunities to work together; ultimately for people not using our substance misuse services.

Supporting Challenges: The proposed decision supports the Council's Strategic Statement – Framing Kent's Future in relation to economic challenge, demand challenge, partnership challenge, and financial challenge.

Section 2 – Who is taking the final decision and when

Who is taking the Decision

Cabinet Member for Adult Social Care and Public Health

Date:

Not before April 2023

Reason if Key Decision

Reason if this decision has been delayed/withdrawn from a previous plan

Section 3 – – Who is to be consulted, how and when, (The Duty to Inform/consult/Involve) including relevant scrutiny councillors

Consultees

Section 4 – Responsible Officer – Who to contact for more information.

Your name, Your Service, Your phone number and email address:

Specifically, under this strategy there won't be any financial implications. Needs and work identified from the strategy may lead to financial, implications however these will each be taken as their own individual decision.

Support documents

Responsible Cabinet Member - Cabinet Member for Adult Social Care and Public Health

Reference No: The change in legislation in 2021, means that the council now has statutory duties to provide support to those residing in 'safe accommodation'. The Kent SAFER Scheme including the property target hardening element will ensure the council meets its new duties under the DA Act.

Commissioners will follow the Public Contract Regulations (2015) and Spending the Council's Money guidance in relation to the procurement undertaken.

Key Yes

Section 1 – the decision needed, how it relates to the Council's Corporate Outcomes and the Costs and risks involved.

Title:

23/00022 - Procurement of the Property Target Hardening Element of the Countywide Sanctuary Access for Eligible Residents (SAFER) Scheme

The Decision needed:

Proposed decision:

Approve the procurement of the property target hardening element of the countywide Sanctuary Access for Eligible Residents (SAFER) Scheme and delegate authority to the Corporate Director Adult Social Care and Health to take relevant actions to facilitate the required procurement activity.

Reason for the decision:

Kent County Council (KCC) has a statutory responsibility under the Domestic Abuse (DA) Act 2021 to assess need, publish a strategy and commission Safe Accommodation support services to survivors of domestic abuse. Since 2021, the Department of Levelling Up Housing and Communities (DLUHC) has awarded a total of £12.6m new Grant funding to the council to support implementation of these duties until 2025.

Under the Act the definition of 'safe accommodation' includes refuges, Sanctuary Schemes, move-on, and dispersed accommodation.

A Sanctuary Scheme is a property where security or target hardening

measures have been installed, enabling survivors to remain in their own homes safely if they chose to do so. It also incorporates an element of specialist domestic abuse support to the individuals residing there.

The countywide assessment of need for support within 'safe accommodation' identified a gap in provision and found that there is not a geographically equitable Sanctuary offer across the county.

Options Considered & Disregarded:

Option 1 - Do nothing. The Needs Assessment has shown that there is not a consistent offer of sanctuary across the county, resulting in an inequitable offer of support to survivors and their children. Doing nothing will not address this identified gap in services and therefore the council will not be meeting its statutory duties.

Option 2 – Delegate funding and responsibility for delivery of property target hardening measures to district and boroughs across Kent and commission support for adult survivors residing in properties where measures have been applied. It is recognised that this would likely result in multiple procurements and the opportunity for efficiencies through collaborative commissioning would be lost. There would be 12 separate sanctuary offers across the county with separate referral routes, making pathways unclear for survivors and referrers.

Option 3 – Procure a Sanctuary Scheme (property target hardening measures and support for adult survivors) for areas where there is not currently a provision in place only. (Canterbury, Gravesham, Thanet, Dover, Sevenoaks, Tonbridge and Malling and Tunbridge Wells) It is recognised that this would likely result in 7 separate sanctuary offers across the county with separate referral routes, making pathways unclear for survivors and referrers. All offers would need to ensure a clear pathway for the provision of support for adults and new support service for children (due to be procured in April 2023) It is viewed that option 3 would be challenging to implement and deliver geographic equity and the opportunity to achieve full efficiencies through collaborative commissioning would be lost.

Option 4 - Procure a countywide Sanctuary Scheme including Single point of access, Property target hardening and Support package for adult survivors. This is the preferred option. It will support the council to address the findings of the needs assessment and meet its statutory duties by maximising the opportunities and offer of support within safe accommodation. In turn removing barriers to underserved groups in accessing existing safe accommodation and improving the council's offer to survivors of domestic abuse. Developing one service offer will create geographic equity and clear referral pathways. One contract and procurement exercise will create economies of scale and efficiencies. There is also the opportunity to utilise existing contractual arrangements in place which will create further efficiencies. Commissioning and procurement resources are in place within the county council.

Service design:

Kents proposed Sanctuary Access for Eligible Residents (SAFER) Scheme has been co-designed through extensive engagement with survivors, stakeholders, the market, and other Local Authorities with similar successful schemes.

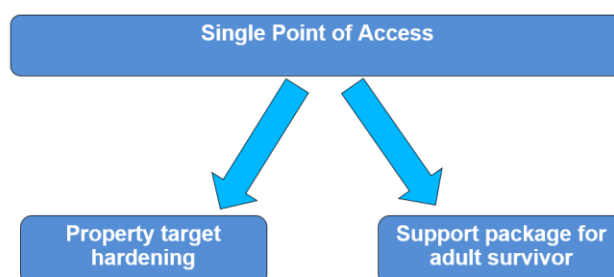
There are 3 main aims/objectives for SAFER including, but not limited to:

1. Enable people to remain in their own homes, within their local support networks.
2. Improve safety, health, and wellbeing.
3. Prevention of harm

Additional outcomes of the scheme will hopefully also see:

- Reduction in risk.
- Victim/s able to remain within their local support networks (family/friends etc)
- Enable families to remain together.
- Improved access to support for underserved groups
- Reduction in repeat offences.

The countywide SAFER Scheme will be split into three service elements.



This proposed decision is in relation the Property target hardening element and it is proposed this service element is procured through a competitive procedure.

Financial Implications:

Since 2021, the Department of Levelling Up Housing and Communities (DLUHC) has awarded the council £12.6m in new Grant funding, to support implementation of these duties until 2025.

The proposed contract start date for the property target hardening service is 1 August 2023 and will be funded in full by the council's DA Act funding allocation. The proposed contract length is two years with two one-year extension options. Delivery will be by preferred bidders identified following a competitive tendering exercise.

Financial modelling has been undertaken based on extensive market consultation and engagement with other local authorities who have implemented a similar scheme.

The table below outlines the costs to KCC for the initial two years and

extension options and can be met within the council's approved budget.

	KCC Domestic Abuse Act funding
Initial two-year contract term	£800,000
Two, one-year optional extension periods	£800,000
Total (Initial two-year contract term PLUS Two, one-year optional extension periods)	£1,600,000

To ensure a sustainable offer, engagement will commence with all stakeholders to seek ongoing funding for the property target hardening measures and development of an integrated, partnership funded service from year three, if Government grant funding does not continue.

Data Protection Implications:

A full Data Protection Impact Assessment (DPIA) will be developed and amended as necessary for the new service.

Section 2 – Who is taking the final decision and when

Who is taking the Decision

Cabinet Member for Adult Social Care and Public Health

Date:

Not before April 2023

Reason if Key Decision

An Equality Impact Assessment has been completed and did not identify any potential adverse effects. This is a live document and will be updated as the new service is procured.

Reason if this decision has been delayed/withdrawn from a previous plan

Section 3 – – Who is to be consulted, how and when, (The Duty to Inform/consult/Involve) including relevant scrutiny councillors

Consultees

The proposed decision will be discussed at the Adult Social Care Cabinet Committee meeting on 15 March 2023.

Section 4 – Responsible Officer – Who to contact for more information.

Your name, Your Service, Your phone number and email address:

Support documents

Responsible Cabinet Member - Cabinet Member for Adult Social Care and Public Health

Reference No: The procurement process has been conducted in accordance with Public Contracting Regulations 2015.

Contract extension periods are being recommended under Regulation 72(c) of the Public Contract Regulations 2015, fulfilling the following conditions:

- (i) the need for modification has been brought about by circumstances which a diligent contracting authority could not have foreseen;
- (ii) the modification does not alter the overall nature of the contract;
- (iii) any increase in price does not exceed 50% of the value of the original contract or framework agreement.

Key Yes

Section 1 – the decision needed, how it relates to the Council's Corporate Outcomes and the Costs and risks involved.

Title:
23/0023 - Community Services Contract awards for Mental Health Assessment & Independent Advocacy Services

The Decision needed:

Proposed decision:

Extension of current Kent Advocacy Hub and Mental Health Assessment contracts for a period of up to four months;
Award contracts to successful providers for the provision of Community Services Contracts (Mental Health Assessment and Independent Advocacy Services);
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
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 as required.

Reason for the decision:

The Authority has statutory duties to deliver independent advocacy services under the Mental Capacity Act (amended 2019), the Mental Health Act

(2007), the Health and Social Care Act (2012) and the Care Act (2014), across all categories of need, including to young people in transition to adult services. The contract awards ensure the council meets the requirements of Advocacy, Deprivation of Liberty Safeguards and Liberty Protection Safeguards.

Decision No. 22/00004 was taken on 9 February 2022 to tender for new Advocacy Services contracts. The council's current contracts for Independent Advocacy Services and Mental Health Assessment Services both expire on the 31 March 2023.

A procurement process is underway to replace these contracts to ensure the continuation of the statutory services that they provide. The extension to the current contracts for Independent Advocacy Services and Mental Health Assessment Services will allow for a period of transition between contracts as may be required to ensure that Kent citizens are not adversely affected by the change.

Alternatives considered and rejected:

Do nothing: the contracts will end on 31 March 2023 with the Authority still obligated to deliver statutory functions, but these will be at increased cost, spot purchased, and deliver inconsistent and fragmented services.

Extend the current contracts for a longer period: This offers limited scope to develop the service in the future and as it does not comply with the Public Procurement Regulations (2015), increasing the risk of challenge to do so.

Data Protection implications:

A Data Protection Impact Assessment will be completed as part of the contract mobilisation process.

Section 2 – Who is taking the final decision and when

Who is taking the Decision

Cabinet Member for Adult Social Care and Public Health

Date:

Not before April 2023

Reason if Key Decision

An Equality Impact Assessment (EqIA) scoping has been undertaken, with no issues identified. An EqIA will be included the decision paperwork.

Reason if this decision has been delayed/withdrawn from a previous plan

The proposed decision will be discussed at the Adult Social Care Cabinet Committee meeting on 15 March 2023.

Section 3 – – Who is to be consulted, how and when, (The Duty to Inform/consult/Involve) including relevant scrutiny councillors

Consultees
Section 4 – Responsible Officer – Who to contact for more information.
<p>Your name, Your Service, Your phone number and email address: Independent Advocacy Services: The contract will be awarded for a period of 36 months with two optional extension periods of 12 months each. The annual value of Independent Advocacy Services is £1,599,400 (£7,797,000 total, including potential contract extension periods)</p> <p>Mental Health Assessment Services: The contract will be awarded for a period of 12 months with an optional extension period of a further 12 months. Although the contract will not give any guarantees to the value of the services as it is a demand-led service, the estimated annual value to the council is £420,000 (£840,000 including the potential contract extension period).</p> <p>Support documents</p>

<p>Responsible Cabinet Member - Cabinet Member for Community and Regulatory Services</p> <p>Reference No: There are no legal implications arising from the adoption of the Strategy.</p> <p>Key Yes</p>
Section 1 – the decision needed, how it relates to the Council’s Corporate Outcomes and the Costs and risks involved.
<p>Title: 23/00024 - Kent Country Parks Strategy 2023-28</p> <p>The Decision needed: Proposed decision:</p> <p>To adopt the Country Parks Strategy 2023-28.</p> <p>Reason for the decision:</p> <p>The Kent Country Parks Service manages nine country parks and three smaller countryside sites across the county. The current strategy ran from 2017 – 2021 and as such a new strategy was drafted during 2021/22, informed by an informal Members’ Working Group. The draft 2023 – 2028 Strategy was consulted upon from 4th October 2022 to 12th December 2022, following its endorsement by the Growth, Economic Development</p>

and Communities Cabinet Committee in March 2022. The results of the consultation have been received and incorporated into the Strategy as appropriate, and the 2023-28 Strategy is now considered ready for adoption.

Background:

The Kent Country Parks Service:

- Receives 1.6 million annual visitors;
- Benefits from regular volunteering opportunities at five sites and over 10,000 volunteer hours per year;
- Delivers environmental education, Forest Schools and nature-themed birthday parties to 7,000 children per annum;
- Incorporates over 30km of accessible routes;
- Offers accessible Changing Spaces toilets at three sites;

The proposed strategy put forward three Strategic Aims:

1. **Provide a Country Park network of well-connected high quality and biodiverse greenspace across Kent.**
2. **Sustain and manage visitor numbers to our Country Parks by always providing a quality customer experience alongside a comprehensive environmental education service, facilities, events, and activities that encourage increased or repeat visits especially amongst under-represented groups.**
3. **Consolidate the financial sustainability of the Country Parks through maximising self-financing and external funding opportunities.**

Options (other options considered but discarded):

Not to revise the Strategy. This was rejected as Country Parks make a significant contribution to wider outcomes important to Kent County Council, including those in the strategic framework, 'Framing Kent's Future 2022-2026'.

How the proposed decision supports Framing Kent's Future 2022-2026:

(<https://www.kent.gov.uk/about-the-council/strategies-and-policies/corporate-policies/our-council-strategy>)

The Country Parks make a significant contribution to all outcomes in the strategic framework:

Priority 1: Levelling Up Kent

- Providing apprenticeships and volunteering opportunities.
- **Providing local opportunities for Kent residents to exercise outdoors through our network of trails, trim trails and both formal and informal walks and events.**

Priority 2: Infrastructure for Communities

- **The Country Parks are managed for biodiversity and actively seek**

opportunities for biodiversity enhancement. The Country Parks contain Sites of Special Scientific Interest, Local Wildlife Sites, and four of the parks are situated within the Kent Downs Area of Outstanding Natural Beauty.

- The Country Parks offer regular conservation volunteering opportunities.
- Country Parks staff lead on the Kent and Medway Green Social Prescribing Forum and actively seek opportunities to link the Country Parks with Public Health initiatives as well as links with charitable organisations and partners.
- The Country Parks engage with Children and Young People through a range of school-based, educational activities, holiday events for families, toddler groups and more.

Priority 3: Environmental Step Change

- The Country Parks are linked to the Public Rights of Way network and promote these through signage and interpretation.
- The Country Parks management plans are linked to Kent's Plan Bee and actively managed for pollinators.
- Country Parks staff take part in the Kent Nature Partnership's Management Working Group and are actively seeking ways to maximise nature-based solutions through delivery of the Kent Environment Strategy.

Priority 4: New Models of Care and Support

- Country Parks staff collaborate regularly with other Kent County Council teams such as Community Safety, Active Kent and Medway and Public Health to establish a joined-up approach to prevention.

Data Protection Implications:

There are no data protection implications arising from the adoption of the Strategy.

Section 2 – Who is taking the final decision and when

Who is taking the Decision

Cabinet Member for Community and Regulatory Services

Date:

Not before April 2023

Reason if Key Decision

The EqlA on the proposed Strategy determined that there is no indication that it will have an adverse equality impact on any of the protected characteristics. This will be reviewed as delivery against the Strategy continues.

Reason if this decision has been delayed/withdrawn from a previous plan

Section 3 – – Who is to be consulted, how and when, (The Duty to Inform/consult/Involve) including relevant scrutiny councillors

Consultees

Growth, Economic Development and Communities Cabinet Committee was asked to consider and make recommendations to the Cabinet Member on the content of the draft Strategy in March 2022.

The Strategy will be considered at Growth, Economic Development and Communities Cabinet Committee on 14th March 2023.

Section 4 – Responsible Officer – Who to contact for more information.

Your name, Your Service, Your phone number and email address:

This Strategy will be delivered through the County Council's capital and revenue funding of the Kent Country Parks Service, and through the income that the service generates year on year. The Service in 2021/22 was 76% cost neutral to the authority and as per Strategic Aim 3, it will consolidate its financial sustainability over the course of the Strategy. Monitoring and performance will be through the Medium-Term Financial Planning process.

The delivery of the Strategy falls within the following budget lines from the 2023/24 approved budget:

- APPENDIX B - CAPITAL INVESTMENT SUMMARY 2023-24 TO 2032-33, Growth Environment and Transport (GET) Line 1. Country parks Access and Development: improvements and adaptations to country parks
- APPENDIX E – REVENUE BUDGET SUMMARY, Growth, Environment and Transport (GET) Line 83. Growth and Communities/Community (Assets and Services).

Support documents

Responsible Cabinet Member - Cabinet Member for Community and Regulatory Services

Reference No: This procurement has not been subject to an open competitive procurement process. In accordance with regulation 12 of the Public Contract Regulations 2015 (PCR15), Public contracts between entities within the public sector are excluded from the provisions detailed in PCR15. This allows the Council to award a contract directly to each of the four NHS trusts. To meet its Value for Money obligation, the Council will negotiate with the Trusts to ensure consistency across the contracts and that it is within budgets.

Key Yes

Section 1 – the decision needed, how it relates to the Council's

Corporate Outcomes and the Costs and risks involved.

Title:

23/00025 - New Contracts for the Provision of Post-Mortem Facilities for the Mid Kent & Medway, Northwest Kent, and East Kent Coroner Areas Commencing 1st April 2023

The Decision needed:

Proposed Decision:

To award an annual contract that can be renewed/extended up to two times, for provision of Post-Mortem (PM) facilities to the Dartford and Gravesham NHS Trust, East Kent Hospitals University Foundation Trust, Maidstone and Tunbridge Wells NHS Trust and Medway NHS Foundation Trust.

Background and Reason for the Decision:

The Coroners and Justice Act 2009 places a duty on Coroners to investigate deaths that are referred to them if they have reason to think that:

- The death was violent or unnatural;
- The cause of death is unknown; or
- The deceased died while in prison, police custody or another form of state detention, for example, where a Deprivation of Liberty Safeguard Order (DoLS) is in place.

In some cases, the Coroner will order a post mortem (PM) to establish the cause of death, and in such cases, the deceased is taken to a pre-designated mortuary for this purpose. On behalf of the Kent Senior Coroners, KCC ensures access to body storage and PM facilities across the four Kent coroner areas.

KCC does not have its own public mortuary facility and so like many other coroner areas across England and Wales it relies on local NHS hospitals which have the necessary facilities for this purpose; there are no private sector providers of PM facilities anywhere in England and Wales.

All four of the contracts for body storage and PM facilities for the four Kent coroner areas expire on 31 March 2023 and it is necessary to put in place new contracts to secure this critical service, at which point new contracts can be awarded. Contract terms have been updated and developed using our findings and in line with KCC's future needs, including the implementation of the Digital Autopsy (DA) service. An annual contract that can be renewed/extended will allow more time for KCC to determine DA's direction of travel and develop a contractual arrangement that complements the DA service once it goes live.

Options (other options considered but discarded):

Option 1: Do nothing

This is a statutory service, and unless contracts are put in place the system of

coronial death investigation and certification in the Northwest Kent, Northeast Kent and Central & Southeast Kent coroner areas will fail. The Council will also be at risk of receiving an inconsistent provision and quality of service, a lack of control over costs, and subsequent reputational ramifications.

Option 2: Go out to tender Competitive Tender Process

There are no private sector organisations within this marketplace locally, and previous experience of mortuary use outside of Kent has not delivered a suitable service. A competitive tender process will not yield a competitive process.

Option 3: Use a framework or other viable contract mechanism

There are no known frameworks or other viable mechanisms for the provision of mortuary facilities in England and Wales.

Option 4: One NHS Trust delivers all PMs

No single facility can accommodate the number/level of PMs.

Option 5: Renew contract through single source procurement Direct award new contracts to the NHS Trusts

Direct award new contracts to the NHS trusts through the regulation 12 exclusion permitted within PCR15. This option is recommended given the very specialist nature of the work and the absence of any alternative providers with sufficient capacity in Kent or nearby adjoining areas.

- How the proposed decision supports Framing Kent's Future 2022-2026: (<https://www.kent.gov.uk/about-the-council/strategies-and-policies/corporate-policies/our-council-strategy>)

The proposed Digital Autopsy facility, to which these contracts are directly linked, supports Priority 2: Infrastructure for Communities via a further digitalisation of KCC's service offer, and finding better ways to deliver services for Kent. This short-term flexible contract allows for DA to come in midway through the contract period.

Financial Implications:

Unless contract renewals are put in place, the NHS Trusts can charge as much as they want for the provision of mortuary services. The new contracts will provide service continuity and cost certainty in times of current double digit inflation uplifts if no contract were in place.

The contract with East Kent NHS Trust is a fixed fee regardless of activity levels and is paid in 6 equal instalments, however the discussions for the new contract will include payment based on activity levels. The contracts with the other NHS Trusts are charged on a cost per PM basis.

In 22/23, including capital and revenue across the whole project or the full lifetime of the contracts, the total cost was £1,350,635.75, 23/24 is still pending negotiation.

e Coroners service cover Kent and Medway and Medway are charged an

element of all costs based on population numbers. Currently they are charged approx. 15% of all Coroner costs.

Arrangements are in place with the NHS Trust Mortuary Services to make provisions for the temporary and longer-term storage of the deceased while under the jurisdiction of the Kent and Medway coroners. This will include the provision of refrigerated and deep freeze storage. The Trusts will make suitable provisions for alternative storage of the deceased should fridge or freezers be dysfunctional, or capacity is exceeded during exceptional circumstances.

Ongoing negotiations, the new contracts will also give us the option of terminating after 12 months with a notice period of 6 months.

Data Protection Implications:

A Data Protection Impact Assessment screening form has been completed, which concludes that a DPIA is not required.

Section 2 – Who is taking the final decision and when

Who is taking the Decision

Cabinet Member for Community and Regulatory Services

Date:

Not before April 2023

Reason if Key Decision

The Equalities Impact Assessment (EQIA) completed in 2023 for this service has been reviewed this year, there have been no changes or issues identified by the service.

Reason if this decision has been delayed/withdrawn from a previous plan

Section 3 – – Who is to be consulted, how and when, (The Duty to Inform/consult/Involve) including relevant scrutiny councillors

Consultees

The decision will be considered at the Growth, Economic Development and Communities Cabinet Committee on 14 March 2023.

Section 4 – Responsible Officer – Who to contact for more information.

Your name, Your Service, Your phone number and email address:

Support documents

Responsible Cabinet Member - Cabinet Member for Highways and Transport

Reference No: • KCC will need to enter a Memorandum of Understanding with DfT which will be fully assessed by legal services to ensure all risks to KCC are identified as part of the key decision-making process.

Key Yes

Section 1 – the decision needed, how it relates to the Council's Corporate Outcomes and the Costs and risks involved.

Title:
23/00027 - Bus Service Improvement Plan (BSIP) - Grant Funding

The Decision needed:

Proposed decision

To accept Section 31 grant funding up to £18.9m, subject to receipt of final confirmation and detailed review of terms and conditions to deliver the projects supporting the Kent Bus Service Improvement Plan.

Reason for the decision

KCC will be entering into an agreement with DfT for funding over £1m to deliver significant passenger service improvements and future operational cost savings efficiencies to bus services across Kent.

Background

Department for Transport (DfT) had awarded KCC an indicative funding allocation of (circa.) £35m payable over a three-year period commencing April 2022 for its Bus Service Improvement Plan. DfT remain supportive of the full BSIP funding but due to a protracted clarification process and a review by DfT of their short and medium-term spending commitments, this allocation has not been formally confirmed. However, DfT has confirmed there is an opportunity to receive the first two years funding, subject to KCC agreeing to certain conditions which are being developed. KCC has therefore worked with the DfT to identify a range of initiatives that could be delivered within a curtailed, 12-month period which would require £18.9m This decision covers this funding allocation.

Options (other options considered but discarded)

To forego the funding award. This is rejected as the funding still represents a significant investment into public transport services to build a more sustainable future service.

How the proposed decision supports Framing Kent's Future 2022-2026:

The decision supports Priority 2: Infrastructure for communities and the specific commitment Work with our partners through the Kent Enhanced Bus Partnership and with Government to explore sustainable and commercially viable options for providing bus transport to meet people's needs, making the best use of Bus Service Improvement Plan funding.

Data Protection implications

An overarching Data Protection Impact assessment will be undertaken on the acceptance of the grant funding and for each project.

Section 2 – Who is taking the final decision and when**Who is taking the Decision**

Cabinet Member for Highways and Transport

Date:

Not before April 2023

Reason if Key Decision

- An overarching Equalities Impact Assessment (EqIA) has been undertaken which has not identified any negative implications from accepting the grant funding.
- An EqIA will be undertaken for individual projects.

Reason if this decision has been delayed/withdrawn from a previous plan

The formation of the Kent Bus Service Improvement Plan and the development of initiatives forming KCC's initial application was formed following public consultation and stakeholder engagement. Some individual projects will require public consultation and this will be timetabled into the detailed project delivery plan.

Once funding is confirmed, an All-Member Briefing will be arranged.

Section 3 – – Who is to be consulted, how and when, (The Duty to Inform/consult/Involve) including relevant scrutiny councillors**Consultees****Section 4 – Responsible Officer – Who to contact for more information.****Your name, Your Service, Your phone number and email address:**

- The total funding available and deliverable is £12.4m capital and £6.5m revenue.
- There is no financial contribution required from KCC, however, if projects are not delivered as agreed in the funding agreement, the DFT may require payback of the whole or any part of the grant funding and also hold back funding for other projects. The mechanism for this forms part of further work, subject to final confirmation, in respect to the MoU.
- Acceptance of funding would require KCC to “lock in” 2022/23 funding levels of subsidy until March 2024.

URGENT DECISION 6 MARCH 2023 - IMMEDIATE IMPLEMENTATION

Responsible Cabinet Member - Cabinet Member for Adult Social Care and Public Health

Reference No: There have been no legal implications identified as it is for local authorities to set their own prices in the light of current market activity and status, and in accordance with stipulations in the relevant clauses within the contract. Given current economic circumstances, this is a significant price rise compared to previous years; however other Councils are enacting similar, or higher, increases, in recognition of the unprecedented pressures affecting the sector.

Key Yes

Section 1 – the decision needed, how it relates to the Council’s Corporate Outcomes and the Costs and risks involved.

Title:

23/00029 - Fee Uplifts for Adult Social Care Providers for 2023/2024

The Decision needed:

Proposed decision:

Approve the fee uplifts for Adult Social Care Providers for 2023/2024 and delegate authority to the Corporate Director Adult Social Care and Health to take relevant actions, including any changes to the percentage uprates, as necessary to implement the decision.

Reason for the decision:

In previous years, practice has been to increase provider fees across services at a standard, blanket, percentage rate, in accordance with stipulations in the contracts, either relating to average changes in the CPI (Consumer Price Index) or other review clauses. Constraints in available funding coupled with both the cost-of-living crisis and recent increasing inflationary pressures have had a material impact on the profitability and, in some cases, the viability of care providers in the light of current fees paid by local authorities.

The proposed allocations are those which are affordable in the Council’s recently agreed budget.

Due to various market pressures facing the sector it is proposed that the percentage fee increase paid to framework providers, varies according to the service provision, in line with the budget availability and the Adult Social Care Making a Difference Every Day approach. Leads from Commissioning and Finance have scoped the impact of each service, applying the percentage award to fees based on market sustainability factors.

The Homecare sector has the greatest current issues with supply and cost control owing to market pressures specific to it. This has led to an increasing reliance on non-contractual spend, with 45% of homecare packages purchased off contract in January 2023 compared to 18% at the beginning of the 2021/22 financial year.

Conversely, failing to increase fees for framework providers sufficiently leads to a reduction in framework capacity and supply, an increasing reliance on non-framework provision, and significantly increased costs. To a lesser extent, there have been similar impacts on the Older Person’s residential and nursing care market. It is therefore proposed to apply differing standard percentage rates to different services to ensure markets are managed appropriately.

Options (other options considered but discarded):

- Apply standard percentage uplift across all service provisions: this was discarded as it would not allow sufficient funding to be allocated to homecare provision to address the specific market pressures highlighted above, so that off-framework contract spend can be controlled in an effort to reduce overall costs.
- Apply no uplifts across all services: this was also discarded as market pressures and inflationary costs are already leading to placement officers having no choice but having to purchase more expensive packages of care off contract.

How the proposed decision supports the Framing Kent’s Future:

The decision supports Priority 4 of the ‘Framing Kent’s Future’, to ensure the sufficiency of the market of social care in Kent, and work with providers to address the supply issues in certain parts of the county where geographic or workforce challenges impact on provision”.

Financial Implications:

Table 1 below shows the proposed percentage fee uplift, as a proportion of the overall provision in the budget. The first section represents those services where a standard percentage uprate will be provided to all framework providers.

Providers on individual (non-framework/INDI contracts) will receive no automatic uprate to their fees although, additional funding is available for individual price negotiations. Allocation of this funding will be governed by the development of a standard approval process based on the financial viability and benchmarking of the provision in question.

The exception to this is Equipment provision for which provision has been made based on 5% of the net equipment forecast and included as part of the provision for other price negotiations.

Table 1 – Price Uplift – Budget Impact 2023/2024

<u>Proposed Allocations to Framework Providers</u>	<u>%</u>	<u>KCC</u>	<u>Mkt Sus & Imp Fund</u>	<u>Total</u>
		<u>£000</u>	<u>£000</u>	<u>£000</u>
-				

-		-	-	-
Homecare/Care and Support in the Home (CSiH)	10%	1,421.6	1,421.6	2,843.2
Older Persons (OP) Residential	7%	3,600.4	1,440.1	5,040.5
Older Persons (OP) Nursing	7%	1,558.8	623.5	2,182.3
Learning Disability, Physical Disability, Mental Health (LDPDMH) Residential	6%	5,618.8		5,618.8
** Supporting Independence Service (SIS) / Supported Living	6%	5,465.4		5,465.4
Supported Accommodation	6%	234.4		234.4
Total - Direct Allocation to Framework Providers		17,899.4	3,485.2	21,384.6
Provision for Other Price Negotiations		5,938.4		5,938.4
Direct Payments Provision	7%	2,365.8	946.2	3,312.1
Total		26,203.6	4,431.4	30,635.1

** The general uprate is 6% for framework provision across Supported Living (SL) and Supporting Independence (SIS) Services, but within this, service elements relating to sleep night rates will be increased by 9.68% to maintain parity with the National Living Wage.

Data Protection implications:

A Data Protection Impact Assessment is not required as there are no material changes to the way in which personal data is handled, nor the way in which it is used. Similarly, this work does not involve data profiling or changes to the way in which special category data is handled.

Section 2 – Who is taking the final decision and when

Who is taking the Decision

Cabinet Member for Adult Social Care and Public Health

Date:

March 2023

Reason if Key Decision

An Equality Impact Assessment has been completed. This is a live document and will continue to be updated as required, but the EQIA outlines how certain client groups will be impacted by the decision, where the full cost of the care is paid, or where the assessed contribution is greater than the full cost. It also sets out the mitigating factors in these instances.

Reason if this decision has been delayed/withdrawn from a previous plan

Section 3 – – Who is to be consulted, how and when, (The Duty to Inform/consult/Involve) including relevant scrutiny councillors

Consultees
Section 4 – Responsible Officer – Who to contact for more information.
Your name, Your Service, Your phone number and email address:
Support documents

NOT BEFORE 29 MARCH 2023

<p>Responsible Cabinet Member - Cabinet Member for Education and Skills</p> <p>Reference No: Any legal implications will be explained in the report to the Cabinet Members prior to taking their decision.</p> <p>Key Yes</p>
<p>Section 1 – the decision needed, how it relates to the Council’s Corporate Outcomes and the Costs and risks involved.</p>
<p>Title: 23/00018 - Additional funding required to complete the satellite provision of The Beacon, Folkestone at the former Walmer Science College</p> <p>The Decision needed: <u>Proposed decision –</u></p> <ul style="list-style-type: none"> (i). Release a further £15,924,438 of capital funding from the Children’s, Young People and Education Capital Budget to enable the delivery of the satellite to be completed; (ii). Authorise the Director of Infrastructure in consultation with the General Counsel to enter into any necessary contracts / agreements on behalf of the County Council; and (iii). Authorise the Director of Infrastructure to be the nominated Authority Representative within the relevant agreements and to enter into variations as envisaged under the contracts. <p>Background –</p> <p>The Beacon Folkestone is a special school for pupils with Profound Severe and Complex Needs (PSCN). There is no PSCN special school in Dover district, provision has hitherto been made through Specialist Resourced</p>

Provision at Whitfield Aspen School (primary) and Dover Christ Church Academy (secondary), together with pupils travelling to special schools in Canterbury, Thanet and Folkestone. In March 2020 this Committee considered a proposal to expand The Beacon School via a satellite site at the former Walmer Science College, Dover, following which the proposal was approved by the Cabinet Member for Education and Skills.

The report of March 2020 stated that the estimated cost of delivering the satellite, at that point 168 places, had been estimated at £4m, with the first phase costing £1.6m. This Committee recommended the proposal be amended to deliver 240 places, rather than 168, to enable the satellite to deliver two forms of entry throughout the age structure. It was recognised this would increase the cost. This recommendation was endorsed in the final decision (20/00001).

The costs of delivering this satellite have increased significantly. The first phase of the satellite opened in April 2021, following the upgrading of a detached block at the College. This provides 64 places for pupils aged 4-8 years at a cost of £3.1m. The full scheme is now expected to cost £19,924,438. Details as to why are set in the report to CYPECC.

How the proposed decision meets the KCC objectives

The commissioning Plan for Education Provision In Kent states that: our (KCC's) vision is that every child and young person should go to a good or outstanding school. The proposal supports that vision.

SEND Strategy 2021-24 has five priorities. The proposal will support the following priorities :

- **Priority Four: Improve education, care and health outcomes for children and young people with SEND.**
- **Priority Five: Ensure children and young people with SEND are included in their local community.**

Section 2 – Who is taking the final decision and when

Who is taking the Decision

Cabinet Member for Education and Skills

Date:

Not before March 2023

Reason if Key Decision

The original EqIA has been reviewed and no changes are required. This found that the proposal has an overall positive impact as it increases the number of outstanding special school places available for pupils who require the specialist support the school can offer. It will also release capacity in The Beacon Folkestone and other PSCN provisions for other

need types.

Analysis continues to show that girls will be less likely to benefit from this proposal than boys. As of May 2022, there were 2,460 boys and 1,115 girls on roll in the ten PSCN special schools across the County. In addition, the most physically disabled may be indirectly discriminated against as the satellite building will support the more ambulant pupils. Therefore, some Dover residents may still need to travel out of the district to attend a suitable provision.

Reason if this decision has been delayed/withdrawn from a previous plan

Section 3 – – Who is to be consulted, how and when, (The Duty to Inform/consult/Involve) including relevant scrutiny councillors

Consultees

Section 4 – Responsible Officer – Who to contact for more information.

Your name, Your Service, Your phone number and email address:

The cost of this proposal is now estimated at £19,924,438. The capital cost will be fully covered from the Government's High Needs Provision Capital Allocation (HNPCA). The Council's approved capital programme includes the HNPCA allocations for 2022/23 and 2023/24, which together total just under £41.5m. This means the increased cost for this scheme, will not impact on the main Basic Need Capital Programme.

The proposal has been presented to Education Asset Board and agreed, in KCP 2020-24.

Revenue:

£8,000 per classroom for fixtures and resources will be allocated to the school as the phases are occupied. The total cost being c£240,000.

Split site funding of £42,810 was allocated for the financial year 2022-23.

Split site funding will be allocated in future years as agreed in the schools funding policy.

Support documents

Responsible Cabinet Member - Cabinet Member for Education and Skills

Reference No: The provision of sufficient school places is a statutory duty and contributes to the Strategic Business Plan Priorities to ensure that "Children and Young People in Kent get the best start in life.

Borden Grammar School has completed and submitted a full Business Case to the ESFA regarding the expansion of the school by 1FE.

Key Yes

Section 1 – the decision needed, how it relates to the Council's Corporate Outcomes and the Costs and risks involved.

Title:

23/00019 - Allocation of additional Basic Need funding to permanently expand Borden Grammar School, Avenue of Remembrance, Sittingbourne, ME10 4DB from 120 places to 150 places for September 2024

The Decision needed:

Proposed decision.

- i. Agree to increase the funding allocated to expand Borden Grammar School from £6,975,000 to £8,950,282 through providing £1,975,282 additional funding from the Basic Need capital budget.
- ii. Authorise the Director of Infrastructure in consultation with the General Counsel and Director of Education to enter into any necessary contracts / agreements on behalf of the County Council.
- iii. Authorise the Director of Infrastructure to be the nominated Authority Representative within the relevant agreements and to enter into variations as envisaged under the contracts. Variations to contract value to be no more than 10% above the capital funding agreed by the Cabinet Member without requiring a new Record of Decision.

- Reason for the decision

Additional funding of £1,975,282 is required for the expansion of Borden Grammar school by 1FE from September 2024. Additional costs have been identified since the decision to allocate £6.975m to this project.

The revised project cost is now £8,950,282. As the revised project cost is more than the ROD of £6,975,000 (22/00011) a new ROD is required to authorise the additional funding for this project.

- Background

The Kent Commissioning Plan (KCP) 2020-2024 identified the need for additional selective places for the Sittingbourne and Sheppey Planning group. The Kent Commissioning Plan 2021 - 2022 forecasts indicated a deficit of up to 64 Year 7 places for 2022 and a continual need through the plan period of between 1.5FE and 2.5FE of additional selective school places. Discussions have been held with both grammar schools in Sittingbourne and each school has agreed to progress a 1FE expansion, delivering a total of 60 additional places from September 2022 on a temporary basis with a subsequent permanent expansion.

It was agreed to expand Borden Grammar School by 1FE and allocate funding of £5.460m at the Children's, Young People and Education Cabinet Committee on 14 September 2021. (Decision number 21/00069)

and additional funding was subsequently agreed to increase the allocation to £6.975m in at the Children’s Young People and Education Cabinet Committee on 1 March 2022 (Decision number 22/00011)

- Options (other options considered but discarded)

There are two grammar schools in Sittingbourne, and they have both agreed to a 1FE expansion. Neighbouring planning groups, including Faversham and Canterbury Selective and Maidstone Selective planning group, have a deficit of year 7 places.

- How the proposed decision meets the objectives of ‘Increasing Opportunities, Improving Outcomes: Kent County Council’s Strategic Statement (2015-2020)’

This proposal will help to secure our ambition “to ensure that Kent’s young people have access to the education, work and skills opportunities necessary to support Kent business to grow and be increasingly competitive in the national and international economy” as set out in ‘Increasing Opportunities, Improving Outcomes: Kent County Council’s Strategic Statement (2017 - 2022)’.

The Commissioning Plan for Education Provision in Kent 2020-24 identified the need to commission additional capacity in Sittingbourne Selective Schools.

Section 2 – Who is taking the final decision and when

Who is taking the Decision

Cabinet Member for Education and Skills

Date:

Not before March 2023

Reason if Key Decision

An Equality Impact Assessment has been produced and the assessment identified the following positive impacts:

- Sufficient year 7 places will be provided for Grammar eligible pupils.
- Year 7 pupils will be able attend Grammar school provisions in their locality.
- More pupils will be able to attend a good or outstanding school.

Reason if this decision has been delayed/withdrawn from a previous plan

Section 3 – – Who is to be consulted, how and when, (The Duty to Inform/consult/Involve) including relevant scrutiny councillors

Consultees

Section 4 – Responsible Officer – Who to contact for more information.

Your name, Your Service, Your phone number and email address:

The total capital allocation of £8,950,282 is required to deliver a programme providing the additional general and specialist classrooms plus a new sports hall required to meet the additional pupil place need. The need for additional funding of £1,975,282 has arisen due to the further increases in the cost of materials, the costs associated with further abnormalities uncovered during further investigations and enabling works, including the removal of a soakaway for the kitchen extension, tracking and diversion of 2 water pipes in the sports field, asbestos removal / containment from the existing building, kitchen roof repairs, drainage and ventilation associated with new provisions within the existing school, investigation into the boundary wall due to its poor condition, water hydrant, the cost of the removal of a WWII Air raid shelter, additional archaeological investigation due to planning requirements and the requirement for additional temporary teaching space due to delays in

Support documents

Responsible Cabinet Member - Deputy Leader and Cabinet Member for Finance, Corporate and Traded Services

Reference No: External legal advisors will be appointed as appropriate, in consultation with General Counsel.

Key No

Section 1 – the decision needed, how it relates to the Council's Corporate Outcomes and the Costs and risks involved.

Title:

23/0020 - Formal Lease for Sub Station at St Edmunds Church of England Primary School, West Kingsdown.

The Decision needed:

Proposed Decision:

The Deputy Leader and Cabinet Member for Finance, Corporate and Traded Services to agree to:

1. authorise the granting of a new lease, for a term in excess of 20 years, in order for a new electricity substation to be built within the school grounds. This will serve new operational accommodation and development within the school grounds; and
2. authorise the Director of Infrastructure, in consultation with the Deputy Leader and Cabinet Member for Finance, Corporate and Traded Services, to take necessary actions, including but not limited to entering into

relevant contracts or other legal agreements, as required to implement this decision.

Reason for the Decision

KCC is converting and upgrading the heating system at St Edmunds Church of England Primary School in West Kingsdown. In order for the new air source heat pumps to be commissioned and become operational, a new electricity substation is required to be provided on the school site by UK Power Networks and therefore requires Kent County Council (KCC) to grant them a lease of a term of 99 years.

Background

KCC is currently converting and upgrading the heating system from oil to a much more efficient air source heat pump system following the receipt of external funding. The air source heat pumps cannot be powered by the existing electricity supply to the school. In order that an adequate electricity supply can be provided for the new pumps, it is necessary for a new electricity substation to be provided on site by UK Power Networks.

The proposed new substation will serve the school only and no other properties.

For consistency with other leases granted on operational school sites to UK Power Networks and similar Statutory Undertakers, a lease of 99 years will need to be granted for the provision and operation of the new substation.

Options Considered

No other options were considered as the new air source heat pumps cannot be operated via the school's existing electricity supply, and the substation is necessary to ensure the new plant can be completed and brought into use.

Section 2 – Who is taking the final decision and when

Who is taking the Decision

Deputy Leader and Cabinet Member for Finance, Corporate and Traded Services

Date:

Not before March 2023

Reason if Key Decision

An Equality Impact Assessment (EqIA) has been completed and it is not felt that this decision presents any impact on any of the nine areas specified by KCC.

Reason if this decision has been delayed/withdrawn from a previous plan

Section 3 – – Who is to be consulted, how and when, (The Duty to Inform/consult/Involve) including relevant scrutiny councillors

Consultees
Section 4 – Responsible Officer – Who to contact for more information.
<p>Your name, Your Service, Your phone number and email address: The rent payable under the proposed formal lease shall be a peppercorn rate per annum, for consistency with other similar leases granted to UK Power Networks and other Statutory Undertakers, for the provision of substations within operational school sites to serve developments for the school.</p> <p>Each party will bear its own surveyors fees and legal costs upon completion of the Formal Lease.</p> <p>Support documents</p>

NOT BEFORE 23 MARCH 2023

<p>Responsible Cabinet Member - Cabinet Member for Integrated Children's Services</p> <p>Reference No: The Council has entered into a Memorandum of Understanding (MOU) with the Department of Education (DfE) which creates obligations to progress transformation scoping and proposal development activity this financial year.</p> <p>Access to the associated funding of up to £10m, depending on the type and level of transformation activity eventually progressed, is conditional on compliance with the terms of the MOU and demonstration of progress toward an effective Family Hub Model.</p> <p>Aspects of the Family Hubs Transformation Programme is dependant on the outcomes of the Community Assets consultation.</p> <p>KCC will seek permission from the DfE if it is acceptable to amend the terms of the MOU and delay further Family Hub Transformation work until conclusion of the Community Assets consultation.</p> <p>Key Yes</p>
Section 1 – the decision needed, how it relates to the Council's Corporate Outcomes and the Costs and risks involved.
Title:

23/00015 - Family Hub Transformation Funding

The Decision needed:

Proposed decision –

- a. to commence development and co-design of the Family Hub model for Kent in line with Government Family Hub framework for delivery and associated plans.
- b. to allocate and spend funding allocated via the Family Hub Transformation Authority for 2022/23 financial year.
- c. to delegate authority of expenditure to the Corporate Director of Children, Young People and Education, in consultation with the Cabinet Member for Integrated Children's Services and the Cabinet Member for Adult Social Care and Public Health

- Reason for the decision

Summary: Kent County Council has been successful in receiving Family Hub Transformation Authority status and has therefore received designated Family Hub Transformation Funding.

Further work now needs to commence to begin exploring how the Family Hub model could work in Kent. To align with this, expenditure of funding allocated for Financial year 2022-2023 needs to take place.

Following key decision 22/00094 which relates to the acknowledgement of status and acceptance of funding as part of the Family Hubs Transformation programme, a further key decision is now required in order to allocate expenditure for financial year 2022 – 2023 and commence development activity for Family Hubs.

The Council must take a formal decision to enable this financial year's funding to be allocated and support the development of further proposals regarding future delivery.

Allocation of this initial expenditure will allow further work to be undertaken to develop more detailed and co-designed proposals for delivery alongside proposed allocation of expenditure for subsequent years, which will be subject to governance through normal Executive Decision making arrangements.

- Options (other options considered but discarded)

Do nothing – additional funding to support the improvement of Family Services in Kent will not be able to be utilised failure to make use of this grant may result in it needing to be repaid unless confirmed otherwise by DfE.

Should funding not be utilised for this financial year it could put any future Family Hubs Transformation Funding for subsequent years at risk of non-receipt.

Progress expenditure - of the limited funding allocated for this financial year and utilise it to further develop and progress further exploration of what Family Hub services could look like, including improving access through community outreach and an enhanced digital offer.

Delay – further delivery of Family Hubs Transformation and request for Kent's delivery timeframes to be pushed back. DfE have outlined that they would not be in agreement, and this may impact future funding and outcomes reporting.

There is also, currently an expectation from DfE that as part of this Transformation Programme, Kent will have opened some Family Hubs by the first half of 2023.

Financial Implications

The Council has been notionally allocated to receive up to £10million over three years as part of the Family Hubs Transformation Funding Programme.

The Department of Education (DfE) have specified this funding should be used to develop and scope how Family Hubs could be transformed, incrementally add to existing services, complement existing services and/or offer new services in order to improve services to whole families in Kent, ensuring open access provides a 0-19 years model and children get the 'Best Start to Life'.

For 2022-23, £2,830,000 Family Hubs funding has been provisionally allocated by the DfE to Kent, with £138,164 of this being capital expenditure. A further £183,000 in revenue funding has also been allocated specifically to begin to undertake preliminary transformation activity during this financial year.

Initial payments of £1.4m from the total year 1 allocation, have been received by the Council in November 2022 and January 2023.

Discussions remain ongoing with the DfE in relation to the remaining funding with further payments anticipated to be received by the Council by March 2023.

Of the initial funding received, £1,3m has been forecasted to be spent by the end of March 2023, and the remainder of year 1 allocation is committed to be spent subject to DfE approval. The majority of this expenditure has been on staffing costs for planning and preparatory work and purchasing of some equipment to support outreach services, where needed.

Due to Family Hub Transformation Programme delays and DfE deadlines extending, spending the allocated funding has been delayed and the Council remain in discussions with DfE around expectations and timelines

for monies which are committed but not spent at the end of this financial year.

Work is also underway to extend engagement with key stakeholders including through Parent and Carer Panels to ensure meaningful co-production of Family Hub Transformation activity in line with Family Hub Programme guidance.

Section 2 – Who is taking the final decision and when

Who is taking the Decision

Cabinet Member for Integrated Children's Services

Date:

Not before March 2023

Reason if Key Decision

Initial assessment and attached Equalities Impact Assessment (EQIA) has not identified any negative implications. Further EQIAs will need to be developed as part of future decision making in relation to individual aspects of Family Hub delivery once developed.

Reason if this decision has been delayed/withdrawn from a previous plan

Section 3 – – Who is to be consulted, how and when, (The Duty to Inform/consult/Involve) including relevant scrutiny councillors

Consultees

Section 4 – Responsible Officer – Who to contact for more information.

Your name, Your Service, Your phone number and email address:

Support documents

Responsible Cabinet Member - Cabinet Member for Education and Skills

Reference No: Planning permission will be required for the new accommodation to enable the rebuilding and expansion of the school.

Key Yes

Section 1 – the decision needed, how it relates to the Council's

Corporate Outcomes and the Costs and risks involved.

Title:

23/00016 - Proposed Expansion of Wrotham School, Borough Green Road, Wrotham, Sevenoaks, Kent, TN15 7RD

The Decision needed:

Proposed decision –

The Cabinet Member for Education and Skills is asked to:

- a) authorise the allocation of £6,372,043 from the Children Young People and Education Services Basic Need Capital Budget to fund the permanent expansion of Wrotham School, with the provision of 265 additional places across the year groups to increase its Published Admission Number (PAN) to 210 places from September 2024.
- b) authorise the Corporate Director of Finance (s151 officer) and Director of Infrastructure, Strategic and Corporate Services in consultation with the General Counsel and Director of Education to enter into any necessary contracts/ agreements on behalf of the County Council.
- c) authorise the Director of Infrastructure, Strategic and Corporate Services to be the nominated Authority Representative within the relevant agreements and to enter into variations as envisaged under the contracts.

Reason for Decision

KCC has identified the need for additional places within the Sevenoaks and Borough Green Non-Selective Planning Group. It has therefore agreed with the Character Education Trust to permanently expand Wrotham School's PAN to 210 from September 2024 via the commissioning of 265 additional places across the school year groups.

KCC as the Local Authority (LA), has a statutory duty to ensure sufficient school places are available. The County Council's Commissioning Plan for Education Provision in Kent 2023-27 is a five-year rolling plan which is updated annually. It sets out KCC's future plans as Strategic Commissioner of Education Provision across all types and phases of education in Kent. A copy of the plan can be viewed from this link:

<https://www.kent.gov.uk/about-the-council/strategies-and-policies/education-skills-and-employment-policies/education-provision-plan>

Background

In July 2021 Wrotham School was selected for rebuilding as part of the second set of The School Rebuilding Programme (SRP). The SRP is a Department for Education (DfE) scheme that carries out major rebuilding and refurbishment projects at school and sixth-form college buildings across England, with buildings prioritised according to their condition.

The Wrotham School project comprises the full rebuilding of the current

school accommodation within its existing site. The rebuilding scheme will be managed and funded (via the SRP award) by the DfE.

Additionally, KCC has identified a need for additional places within the Sevenoaks and Borough Green Non-Selective Planning Group. It has therefore agreed with the academy and the DfE to commission 265 additional places across the year groups at Wrotham school to enable its PAN to be increased permanently to 210. The additional places will be included within the rebuilding project, which will be managed by the DfE and KCC will meet the associated costs of the additional works via Basic Need Capital funding.

Options

There are only 3 three schools within the Sevenoaks and Borough Green non-selective planning group, including Wrotham, and the other 2 schools have recently been expanded and therefore cannot easily accommodate additional places.

Section 2 – Who is taking the final decision and when

Who is taking the Decision

Cabinet Member for Education and Skills

Date:

Not before March 2023

Reason if Key Decision

An Equality Impact Assessment (EqIA) has been produced and no issues were identified in the early stage EqIA, but the assessment will be reviewed as the project continues.

Reason if this decision has been delayed/withdrawn from a previous plan

Section 3 – – Who is to be consulted, how and when, (The Duty to Inform/consult/Involve) including relevant scrutiny councillors

Consultees

Section 4 – Responsible Officer – Who to contact for more information.

Your name, Your Service, Your phone number and email address:

The total scheme cost is £30,554,758, with the DfE providing £24,182,713 from the SRP scheme to fund the rebuilding of the existing accommodation and KCC providing £6,372,043 from the Basic Need Capital Budget to fund the additional places.

Support documents



NOT BEFORE 14 MARCH 2023

<p>Responsible Cabinet Member - Cabinet Member for Economic Development</p> <p>Reference No: A robust application process is in operation for the secured loans including independent risk assessments carried out by NUE team. The loans approved adhere to KCC Financial delegations of responsibility for spend.</p> <p>Key Yes</p>
<p>Section 1 – the decision needed, how it relates to the Council’s Corporate Outcomes and the Costs and risks involved.</p>
<p>Title: 23/00013 - No Use Empty (NUE) update and continuation of the initiative</p> <p>The Decision needed: Proposed decision: Continuation of No Use Empty funding and delegation of authority to Director of Growth and Communities to take appropriate actions to deliver the initiative to 2027-28 and a further update given at that time.</p> <p>Reason for Decision: A decision is required such that:</p> <ul style="list-style-type: none">(a) Kent County Council (KCC) shall agree to continue the countywide No Use Empty initiative; and(b) KCC shall agree how No Use Empty is funded and seek the agreement of the Section 151 officer or the Cabinet Member for Finance as appropriate for approval to spend: and(c) KCC shall agree that authority be delegated to the Director of Growth and Communities to take appropriate actions, including but not limited to, entering into legal agreements (loan agreements, equity loans, joint ventures, additional funding opportunities), consider and approve requests which may require consent and discharge of legal charges, as necessary to implement this decision. <p>Background: Kent County Council (KCC) launched the No Use Empty (NUE) initiative in 2005 as part of its second round PSA2 commitments to examine better ways of delivering services, and particularly at working more effectively with district councils. The primary aim of the Initiative is to improve the physical urban environment in Kent by bringing long-term empty properties back into use as quality housing accommodation.</p>

Initial focus was on the Urban coastal areas of East Kent (Districts: Dover, Thanet, Folkestone & Hythe, and Swale). Following the success of NUE in East Kent, the initiative was rolled out across Kent in 2008/09.

In October 2021, the unitary authority of Medway Council joined the initiative giving blanket coverage across Kent and Medway. In February 2022 Southend on Sea City Council entered into an agreement with NUE to assist with the delivery of a NUE loan scheme which operates in South Essex to provide administration and legal services. To confirm that Medway Council and Southend on Sea City Council fund these schemes and NUE are paid on a per application arrangement.

Options considered:

- (a) Do Nothing – to proceed as planned which means that the main No Use Empty initiative is phased out after 23/24 and no longer funded under the Capital Programme.
- (b) Do minimum – to proceed as planned with reduced funding coming out of the initiative (£4.7m in 24/25) but look to defer later withdrawals to keep £7m in the initiative.
- (c) Do switch funding – to proceed as planned with reduced funding coming out of the initiative (£4.7m in 24/25 and in later years) but increase the call on Treasury Investment Funds from 24/25 onwards, which would require more of the £40m currently available for investment being allocated to NUE.
- (d) Do defer- to rephase all the repayments under the Capital Programme by 3 years.
- (e) Do optimal – to proceed as planned with reduced funding from the Capital programme but increase the Treasury Investment funding for NUE to £40m over the coming years or increasing the limit for investment opportunities to allow the NUE initiative to be fully funded.
- (f) Do maximum – to increase Treasury Investment funding by £4.7m in 24/25 and in later years to entirely offset the reduced funding from the Capital programme.

Preferred options:

(e) followed by (c)

A reduction in funding for NUE would further impact on the number of empty properties being brought back into use. Districts are already reporting vacancies across their respective housing teams which are not being recruited to due to funding, which limits their capacity to tackle empty properties. use.

NUE supports Framing Kent's Future by working with a range of partners including the Kent Districts and Medway taking a co-ordinated approach

when it comes to tackling empty properties making a valid contribution to two of the four priorities, namely:

Priority 1: Levelling up Kent.

Priority 2: Infrastructure for communities.

Financial Implications:

Revenue - Breakdown of 23/24 expected.

Staff inc. Travel, Training	£168,700
Legal Services	£95,500
Website	£1,200
Empty Homes Membership	£1,300
Treasury Return on Investment	£283,400
Application Fees	(£161,600)
Interest Collected	(£388,500)
Total	£0

There is no revenue budget allocated for NUE operational costs (staff, legal, web). An administration fee based on the value of the loan is collected and under the main empty property initiative a policy for 'repeat customers' was introduced whereby the first loan is interest free and then the next loan is offered on interest bearing terms. This together with the administration fee and interest being collected on the loans provided with Treasury investment funds has allowed NUE to become self-financing.

Capital

£11.5m Capital for recycled loans

Reference: Draft Budget Report 2023-24 (due for approval 9 February 2023, Page 6 & 10, Row 19 Appendix B – Capital Investment Summary 2023-24 to 2032-33)

In 2024-25, there is a requirement to commence repayment of the original sum provided to NUE (-£4.7m) followed by a further repayment in 2025-26 (-£2.1m). NUE are seeking to defer this to later years or to switch funding so that Treasury Investment funds are used to substitute loss of funding from the Capital Programme.

Section 2 – Who is taking the final decision and when

Who is taking the Decision

Cabinet Member for Economic Development

Date:

Not before March 2023

Reason if Key Decision

NUE reviewed its EqIA in January 2023. No adverse negative impacts were

<p>identified.</p> <p>NUE have completed a DPIA which is published on KCC website.</p> <p>Reason if this decision has been delayed/withdrawn from a previous plan</p>
<p>Section 3 – – Who is to be consulted, how and when, (The Duty to Inform/consult/Involve) including relevant scrutiny councillors</p>
<p>Consultees</p> <p>The proposed decision will be discussed at the Growth, Economic Development and Communities Cabinet Committee on 14 March 2023.</p>
<p>Section 4 – Responsible Officer – Who to contact for more information.</p>
<p>Your name, Your Service, Your phone number and email address: As above.</p> <p>Support documents Proposed Record of Decision Decision Report EqIA</p>

<p>Responsible Cabinet Member - Cabinet Member for Integrated Children's Services</p> <p>Reference No: KCC is obliged to fulfil its statutory responsibilities regarding adoption support services. If the services are sourced externally, we need to comply with the Public Contracts Regulations 2015.</p> <p>These services are included as part of an Ofsted inspection and are subject to a comprehensive legal framework including The Adoption and Children Act (2002) and the Education and Adoption Act 2016 which identifies measures which allow the Government to require local authorities to make arrangements for their adoption functions to be carried out by another adoption agency, allowing for regional approaches.</p> <p>Key Yes</p>
<p>Section 1 – the decision needed, how it relates to the Council's Corporate Outcomes and the Costs and risks involved.</p>
<p>Title: 23/00014 - Independent Adoption Support Services</p> <p>The Decision needed: Proposed decision: i) Competitively tender a new contract for Independent Adoption Support</p>

Services, effective from 1 October 2023 to 30 September 2027 (four years) with an additional two, two-year extensions options.

- ii) Delegate decisions and necessary actions, including the award and implementation of any contract extensions allowable within the terms and conditions of the contract, to the Corporate Director for Children, Young People and Education, or other Officer as instructed by the Corporate Director for Children, Young People and Education, in consultation with the Cabinet Member.

Reason for the decision:

The proposed decision is regarding the commissioning of independent adoption support services through an activity-based contract from 1 October 2023 to 30 September 2027 (four years) with an additional two, two-year extension options. This will be competitively tendered and will support KCC and Adoption Partnership South East in meeting its statutory duties.

Background:

In 2015 the Government set out its vision and commitment to deliver a regional adoption system where adoption agencies would come together to deliver adoption services on a larger scale. Adoption Partnership South East (APSE) is a Regional Adoption Agency (RAA) comprising of the London Borough of Bexley, Kent County Council and Medway Council. It launched on 1 November 2020 and delivers adoption services on behalf of the three Local Authorities.

The Regional Adoption Agency is operated under the terms of a Partnership Agreement, which confirms the legal and governance arrangements; the budget; staffing and funding contributions for the three Local Authorities.

Local Authorities, as part of their statutory duties, must take steps to provide assistance to adopted children and adults such as counselling and finding out the details of their adoption. KCC has a statutory responsibility to safeguard and promote the welfare of Kent Children in Care and ensure best value for money it spends on behalf of the Kent population

The service will meet the requirements of the applicable regulatory framework, the National Minimum Standards (NMS) and APSE's identified service outcome of "Children, birth parents/guardians and families and adoptive parents and families will be valued and respected."

Service Objectives are:

- To ensure that our strategic partner delivers our statutory obligations regarding the provision of birth parent counselling, access to birth records and intermediary services and ensuring that family time is protected, promoted, and delivered as per agreed Contact Plans.
- To meet the needs of children, birth families, adoptive parents and adopted adults and all those who are subject to or who are affected by Adoption.
- To ensure the voices of children, birth families, adoptive parents and adopted adults and all those who are subject to or who are affected by Adoption are sought and listened to.

Available Options:**1. Do Nothing**

The contract would lapse and the Council would not meet its statutory duties. An alternative means to deliver these statutory services would be required. With no agreed alternative in place, new systems would need to be implemented and additional resource would be required – see Option 3 In-sourcing.

2. Competitively tender for a new activity contract

The proposed decision to competitively tender for a new activity contract will cause the least disruption to KCC, its partners and to the market. The contract would be effective from 1 October 2023 to 30 September 2027 (four years) with an additional two, two-year extension options. This option offers stability to the market and a longer contract term requires less procurement activity to be carried out on behalf of the Council's, thereby reducing costs. In addition, this commissioning and procurement approach enables the Council to:

- test the market in terms of innovation on delivering contact through digital platforms.
- compare costs between tender submissions and identify the provider who demonstrates a value for money approach.
- promote the reputational benefits of working with an Adoption Support Agency/Voluntary Adoption Agency.
- ensure strong contract management arrangements are in place with agreed performance and quality levels.

This is the preferred and recommended option which is supported by the Adoption Partnership South East Board.

3. Bring Services in-house (Insourcing), to commence 1 October 2023

The current commissioned provider's team who deliver these services would be subject to TUPE. APSE Partnership Board would be required to make a decision as to which of the three Local Authorities would wish to host the relevant workforce. Bringing the service in-house would require significant investment to enable the set-up of new systems and processes to support delivery. Currently APSE lacks sufficient expertise to deliver these services and would require significant upskilling which would take resources away from other parts of adoption support as this was not originally factored into the Partnership. This option would also mean that the location of teams across APSE may need re-organising to ensure consistency of access and delivery.

Financial Implications:

The budget for commissioned services sits within the APSE core budget. The current value of the contract is £426,020 per annum exclusive of VAT, based on these costs the total value of the commission is £3,408,160 for the period of the contract term and extensions (eight years).

It is likely that any tendered prices will be influenced by recent inflation and cost of living pressures and the procurement and pricing strategy will

need to consider what mitigations can be applied at the beginning of the contract and how future increases are managed. Albeit a restricted market, by going out to tender an element of competition is introduced and pricing will form part of the tender evaluation.

Any price review processes will be agreed with Finance before the Invitation to Tender is issued and embedded within the terms and conditions of the new contract. From the 1 October 2024 and the 1 October in each subsequent year of the contract an automatic price increase to the Contract Price will be applied. This will take into consideration metrics such as CPI including proportional increases in staffing and non-staffing costs over the previous twelve months. However, any increase to the contract price will be authorised by our elected Members and agreed across the partners.

Section 2 – Who is taking the final decision and when

Who is taking the Decision

Cabinet Member for Integrated Children's Services

Date:

Not before March 2023

Reason if Key Decision

An Equalities Impact Assessment (EQIA) screening has been completed and no high negative impacts have been identified.

Reason if this decision has been delayed/withdrawn from a previous plan

Section 3 – – Who is to be consulted, how and when, (The Duty to Inform/consult/Involve) including relevant scrutiny councillors

Consultees

No formal public consultation was undertaken as we are not proposing any changes to this statutory service. However local consultation was undertaken with key partners including the VSK, Area Directors, Service Managers and Providers.

Section 4 – Responsible Officer – Who to contact for more information.

Your name, Your Service, Your phone number and email address:

As above.

Support documents

<p>Responsible Cabinet Member - Cabinet Member for Adult Social Care and Public Health</p> <p>Reference No: The procurement process has been conducted in accordance with Public Contracting Regulations 2015.</p> <p>Key No</p>
<p>Section 1 – the decision needed, how it relates to the Council’s Corporate Outcomes and the Costs and risks involved.</p>
<p>Title: 23/00011 - Interpreting and Communication Services for People who are D/deaf and Deafblind - Contract Award</p> <p>The Decision needed: Proposed decision:</p> <p>Award contracts to the successful providers for the provision of Interpreting and Communication Services for People who are d/Deaf and Deafblind and 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.</p> <p>Reason for the decision:</p> <p>Kent County Council’s (KCC) statutory responsibilities under The Care Act 2014, Equality Act 2010 and the Accessible Information Standard 2016 are partly met through an Interpreting and Communication service for People who are D/deaf or Deafblind. The framework contract provides a list of pre-vetted and approved communication professionals from whom interpreting and translation services can be purchased as and when required.</p> <p>This decision supports the delivery of the corporate equality objective to ensure council information and services are accessible for everyone identified in Framing Kent’s Future – Our Council Strategy 2022-2026, and in the Adult Social Care strategy, Making a Difference Every Day, by offering a person-centred approach to accessing communication support to people who need it.</p> <p>The council’s current framework commenced in June 2019 and will expire in June 2023. New contractual arrangements for purchasing these communication services need to be in place by 17 June 2023. Decision number 22/00090 was taken on the 5 October 2022 to tender for a new Interpreting and Communication Services framework of providers.</p> <p>Options considered and discounted:</p>

Do nothing – This would pose risks to the council in terms of control over costs, service quality and inconsistent service provision.

Commission managed interpreting services from a single provider – This option has been discounted due to the lost opportunity to develop relationships with and support local interpreters, and the potential to lose control over quality and interpreter availability.

Commissioning D/deaf interpreting services from an external provider via an existing Framework – National frameworks do not guarantee the provision of qualified interpreters, and research suggests this type of framework directly leads to a poor service to users which in turn increases the demand on social services e.g., poor interpreting can lead to people not understanding an issue and the person may require additional support from health and social care providers.

Section 2 – Who is taking the final decision and when

Who is taking the Decision

Cabinet Member for Adult Social Care and Public Health

Date:

Not before March 2023

Reason if Key Decision

An Equality Impact Assessment has been carried out and has concluded that there should be no negative impact on people with protected characteristics.

Data Protection implications:

It is likely that a Data Protection Impact Assessment will be required, and this will be completed as the service is mobilised.

Reason if this decision has been delayed/withdrawn from a previous plan

Section 3 – – Who is to be consulted, how and when, (The Duty to Inform/consult/Involve) including relevant scrutiny councillors

Consultees

Engagement has been carried out with a number of stakeholders, including the Deaf community, language professionals, external contract partners, existing users of the service and other local authorities.

The proposed decision will be discussed at the Adult Social Care Cabinet Committee meeting on 15 March 2023.

Section 4 – Responsible Officer – Who to contact for more information.

Your name, Your Service, Your phone number and email address:

The estimated annual cost of this service to Kent County Council is £20,000 per annum, or £80,000 over the proposed four-year contract period. In addition, other public sector authorities will also be able to access the council's contract to purchase interpreting services, making the total estimated spend via the contract £50,000 per annum and £200,000 over the four-year contract period.

Support documents

NOT BEFORE 3 MARCH 2023

Responsible Cabinet Member - Cabinet

Reference No: The agreement will involve binding commitments on delivering systemic change (alongside partners) and this may involve future policy action. Detailed assessments of the implications will be necessary once agreement is received.

Key Yes

Section 1 – the decision needed, how it relates to the Council's Corporate Outcomes and the Costs and risks involved.

Title:

23/00012 - Safety Valve Agreement

The Decision needed:

Proposed decision

To enter into the "Safety Valve" agreement with the Department for Education (DfE), enabling Kent County Council (KCC) to receive funding over a 5 year period to substantially fund the accumulated deficit on the Dedicated Schools Grant (DSG) High Needs Block (HNB). The agreement will require commitment to areas of review and improvement identified by Department for Education (DfE) to bring in year spend in line with the in-year budget by 2027/28. A financial contribution from the Council will also be expected.

Reason for Decision

Funding for pupils with special educational needs and disabilities (SEND) and associated support services comes from the Department for Education's (DfE) Dedicated Schools Grant (DSG) High Needs Block (HNB). The Council has been spending significantly more on this area than it receives in grant. The cumulative HNB revenue deficit is predicted to be £147m by the end of this financial year and will continue to grow beyond then if the current trajectory continues.

The Council cannot subsidise activity funded from the DSG High Needs Funding stream without the explicit permission of the Secretary of State. Therefore, there is a pressing need to ensure that spend is brought within the grant funding made available.

The Safety Valve programme is voluntary and involves DfE providing funding to partly extinguish the cumulative debt arising from existing and forecast overspends on High Needs Funding. This involves the Council reviewing its local High Needs systems so that it is on a more sustainable footing and better placed to respond to pupils' needs. This requires ensuring that in-year spend is in line with in-year grant funding within a five year period.

The DfE invited the Council to be part of the Safety Valve programme which is directed at local authorities with large DSG deficits. The Safety Valve arrangements involve substantial funding from DfE, in return for improvements in local systems providing support for children and young people with SEND, that also ensure that spend comes into balance with grant. A financial contribution from the Council will also be expected.

The DfE intend to share a draft Safety Valve agreement with the Council in February and require the agreement to be formally approved in very early March. It is expected that the proposal will identify the sum the DfE is willing to offer towards the cumulative deficit, alongside local service areas that DfE expect to see reviewed.

An exempt Cabinet report on 1 December 2022 provided more detail and there was a briefing on the current position at Scrutiny committee on 25 January 2023. DfE has communicated that, in principle, the Secretary of State is content to enter into a Safety Valve agreement with the Council. However, a draft agreement document that contains the financial offer and the service areas that DfE expect to see reviewed is still awaited.

Other options considered

KCC could reject the opportunity to receive Safety Valve funding but this would place the Council at significant financial risk. This would require substantial service review activity to manage the funding situation to eliminate the deficit, without additional Government assistance, with the potential for negative impact on all areas of children's service delivery.

How the proposed decision supports the [Framing Kent's Future - Our Council Strategy 2022-2026](#)

The proposed decision would primarily support Priority 4: New Models of Care and Support, around the commitment to making rapid and sustained improvements in the support provided to children with Special Educational Needs and Disabilities (SEND) and their families.

Financial Implications

The formal offer of funding from DfE to partly extinguish the cumulative debt is

not yet known, but it is expected to be included in the draft agreement. The current cumulative debt is forecast to be £147m by the end of the 2022/23 financial year and will continue to grow beyond then without intervention, so any offer of funding will need to be substantial. The Council will also need to make a significant contribution over the next 5 years which will most likely be funded from general fund reserves. The Council has below average reserves and will therefore need to identify how it will ensure the Council's Safety Valve agreement contribution does not weaken the Council's financial resilience. If the Council chose not to accept the Safety Valve proposal, or failed to make an agreement with DfE, it would still need to fund the whole of the cumulative High Needs spending deficit at some point in time. As the cumulative deficit is substantial, any failure to reach agreement would most likely lead to a Section 114 notice being issued. Under the Local Government Finance Act 1988, this is where the Chief Finance Officer makes a report where expenditure in a financial year is likely to exceed the resources available, leading to no new expenditure being permitted, with the exception of that funding statutory services.

Data Protection implications

DPIA not relevant at present – service review requirements as part of the Agreement may prompt further review.

Section 2 – Who is taking the final decision and when

Who is taking the Decision

Cabinet

Date:

Not before March 2023

Reason if Key Decision

Details for the Equality Impact Assessments will partly depend on the actions required by the Department of Education, in terms of any service reviews needed to deliver improvements and manage the High Needs Block spend.

Reason if this decision has been delayed/withdrawn from a previous plan

Section 3 – – Who is to be consulted, how and when, (The Duty to Inform/consult/Involve) including relevant scrutiny councillors

Consultees

Public consultation has not been undertaken and is not planned. The School Funding Forum have been briefed on progress.

Cabinet Committee consultation planned:

The timing of the decision does not allow for Cabinet Committee consideration. Updates will be provided to Members as required (prior to approving the agreement) with follow up reports presented to relevant committees.
Section 4 – Responsible Officer – Who to contact for more information.
Your name, Your Service, Your phone number and email address:
Support documents Safety Valve Cabinet Report Exempt Appendix

NOT BEFORE 8 FEBRUARY 2023

Responsible Cabinet Member - Cabinet Member for Education and Skills
Reference No: Any legal implications will be identified in the report to the Cabinet Member for Children, Young People and Education before he takes his decision.
Key Yes
Section 1 – the decision needed, how it relates to the Council’s Corporate Outcomes and the Costs and risks involved.
<p>Title: 23/00004 - Proposal to rebuild and expand Teynham Parochial CEP Primary School from 210 places to 420 places, increasing the published admission number (PAN) from 30 to 60 for September 2025.</p> <p>The Decision needed: Proposed decision –</p> <p><i>(i) Agree to the proposal to rebuild and expand Teynham Parochial CEP Primary School from 210 to 420 places increasing the published admission number (PAN) from 30 to 60 for September 2025 (1FE to 2FE) from September 2025.</i></p> <p>This decision is conditional upon planning permission being granted.</p> <ul style="list-style-type: none"> Reason for the decision <p>Agreement is required to rebuild and expand Teynham Parochial CEP Primary School from 210 to 420 places increasing the published admission number (PAN) from 30 to 60 for September 2025 (1FE to 2FE). The proposal includes demolition and rebuilding of the current school due to the building condition and complexity attached to expanding the current</p>

building. It therefore proves more cost effective and efficient to rebuild and expand. Project costs have been estimated at £10,000,857 The proposal will be brought back to Children's, Young People and Education Cabinet Committee for a further decision on the allocation of Capital budget and to gain permission to issue a public notice.

- Background – Provide brief additional context

The current primary school building was constructed circa 1970 as a temporary building using a basic SEAC component type construction. The building is now approximately 50 years old and shows many symptoms associated with being beyond economic repair, making it difficult and costly to expand and more cost effective to re-build. We are proposing to permanently increase the size of the school by 1FE to meet the primary school pupil needs in Teynham related to housing developments in the area.

Current plans are to construct the new school first and subsequently demolish the current school building, plus provide a multi- use games area (MUGA) on the location of the old school. The expansion in the number of pupils would be a gradual process from September 2025 onwards. The additional places will enable the school to run a two form of entry school starting in September 2025 when the published admission number would increase from 30 to 60. The school capacity would grow each year, finally reaching a capacity of 420 in 2031.

- Options (other options considered but discarded)

Consideration was given to expanding the current school building by 1 form of entry; however the building is now approximately 50 years old and shows many symptoms associated with being beyond economic repair, making it difficult, risky and costly to expand and more cost effective to re-build the school.

- The option of delaying the school was considered and 2025 represents a delay from the opening date originally planned. One of the housing developments has already built-out, another is in planning and a third has gone to appeal.

- How the proposed decision meets the objectives of 'Framing Kent's Future – Our Council Strategy (2022-2026)

This proposal will help to support Framing Kent's Future – Our Council Strategy (2022-2026) Priority 1 - Levelling up. 'To maintain KCC's strategic role in supporting schools in Kent to deliver accessible, high quality education provision for all families.'

The Commissioning Plan for Education Provision in Kent 2021-2025 sets out the need for commissioning additional school places in Kent.

- Financial Implications

Capital

A feasibility study estimated final costs at pre planning stage at £10,000,857. The project includes a total rebuild of the whole school designed to BB103.

The expansion of Teynham school is also linked to new housing developments in the Teynham area. A total of £3,851,155.89 in developer

contributions has been requested with £1,413,243.89 agreed and £2,437,912 still requested. A total of £201,844.17 has been collected. This would indicate a KCC Capital Contribution of £6,149,701 would be required and is expected to be funded from Basic Need Capital Programme. However, this is subject to a further key decision by the Cabinet Member for Education & Skills once planning permission and final costings have been agreed.

Revenue

Revenue costs of expanding the school under basic need is expected to be fully funded from the ring-fenced Dedicated Schools Grant: School Block. Available revenue funding will be allocated in accordance with the prevailing Kent County Council School's Growth Funding Policy. The current funding offer is:

- a total of £6,000 per new classroom will be provided to the school to support initial set up costs.
- Guaranteed funding for the first three years to support the school financially to ensure it can put in place a staffing structure to provide the school places required (this will be reviewed closer to the time of opening).

There are no revenue Council General Fund implications expected from this proposal.

Section 2 – Who is taking the final decision and when

Who is taking the Decision

Cabinet Member for Education and Skills

Date:

Not before February 2023

Reason if Key Decision

An Equality Impact Assessment has been produced as part of the consultation process and is attached. The assessment identified the following positive impact:

- Sufficient local Primary provision for children in Teynham and the local area.

No adverse impacts were identified during the assessment.

The EqIA:

<https://letstalk.kent.gov.uk/20142/widgets/57062/documents/33341>

Reason if this decision has been delayed/withdrawn from a previous plan

Section 3 – – Who is to be consulted, how and when, (The Duty to Inform/consult/Involve) including relevant scrutiny councillors

Consultees

Section 4 – Responsible Officer – Who to contact for more information.

Your name, Your Service, Your phone number and email address:

Support documents

NOT BEFORE 29 NOVEMBER 2021

Responsible Cabinet Member - Cabinet Member for Community and Regulatory Services

Reference No:

Key Yes

Section 1 – the decision needed, how it relates to the Council's Corporate Outcomes and the Costs and risks involved.

Title:

21/00096 - Contract for Post Mortem Facilities for the North West Kent Coroner area

The Decision needed:

Proposed Decision:

To award a 12 month extension to the contract for the provision of post mortem (PM) facilities to Dartford & Gravesham NHS Trust.

Background

The Coroners and Justice Act 2009 places a duty on Coroners to investigate deaths that are referred to them if they have reason to think that:

- The death was violent or unnatural;
- The cause of death is unknown; or
- The deceased died while in prison, police custody or another form of state detention eg where a Deprivation of Liberty Safeguard Order (DoLS) is in place

In some cases the Coroner will order a PM to establish the cause of death and in such cases the deceased is taken to one of 5 NHS mortuaries across Kent and Medway located at Margate, Ashford, Dartford, Tunbridge Wells and Gillingham.

On behalf of the Senior Coroners, KCC ensures there is adequate storage

capacity for coroner's bodies and that the coroners have access to PM facilities. KCC does not have its own public mortuary facility, and so like many other coroner areas across England and Wales it has no choice but to use local NHS hospitals which have the necessary facilities for this purpose; there are no private sector providers of PM facilities anywhere in England and Wales.

The contract with Dartford & Gravesham NHS Trust expired on the 30th September 2021 and it has been necessary to put a contract extension in place to secure this critical service until such time as the proposed Digital Autopsy facility at Aylesford opens for business, currently estimated for August/September 2022. The Trust is agreeable to extend the contract for 12 months as this will guarantee that all their fixed and variable costs are met, which is an understandable approach. It has therefore been agreed that the contract will be extended from 1 October 2021 to 30 September 2022 and if need be, can be terminated early by KCC serving six months' notice.

Section 2 – Who is taking the final decision and when

Who is taking the Decision

Cabinet Member for Community and Regulatory Services

Date:

November 2021

Reason if Key Decision

Reason if this decision has been delayed/withdrawn from a previous plan

Section 3 – – Who is to be consulted, how and when, (The Duty to Inform/consult/Involve) including relevant scrutiny councillors

Consultees

Consultation has been undertaken with:
Senior Coroner, Mid Kent & Medway
Senior Coroner, North West Kent
Head of Coroner Service

Section 4 – Responsible Officer – Who to contact for more information.

Your name, Your Service, Your phone number and email address:

The contract with the Trust is based on a cost per PM, so if there are no PM's, there are no costs to KCC. This means that at the point where the DA facility opens, KCC will only have to meet the scan charge. Based on 2020 activity levels the estimated costs of the Medway contract extension is within the budgeted revenue cost for 2021-22.

Support documents

NOT BEFORE 12 NOVEMBER 2021

Responsible Cabinet Member - Cabinet Member for Environment

Reference No: The County Council has a statutory responsibility to review its Local Plan every 5 years and to prepare revised policy and guidance as necessary in accordance with the Town and Country Planning (Local Planning) (England) Regulations 2012. Failure to have an up to date Plan risks the Secretary of State appointing others to undertake the Council's plan making function.

Key Yes

Section 1 – the decision needed, how it relates to the Council's Corporate Outcomes and the Costs and risks involved.

Title:

21/00089 - Kent Minerals and Waste Local Plan 2013-30: 2021 Review - Public Consultation

The Decision needed:

Proposed decision

Following a review of the 2016 Kent Minerals and Waste Local Plan, to approve and publish for public consultation (Regulation 18) proposed changes to the Kent Mineral and Waste Local Plan 2013-30 (the 2021 Review).

Background

The County Council has a statutory responsibility to plan for future minerals supply and waste management within Kent as set out in the National Planning Policy Framework 2021 (NPPF) and the National Planning Policy for Waste 2014 (NPPW). This responsibility is realised through the preparation of a Local Plan, in line with the Town and Country Planning (Local Planning) (England) Regulations 2012 (The Regulations).

The Kent Minerals and Waste Local Plan 2013-30 (KMWLP) was adopted by Full Council in July 2016 and subject to an early partial review of a limited number of policies in 2020 represents the planning policy framework for minerals and waste development in Kent. The KMWLP contains a number of policies relating to strategic planning for minerals supply and waste management capacity, as well as Development Management policies against which planning applications for these types of development should be assessed. The Plan also includes a number of policies related to the safeguarding of mineral resources and waste management facilities.

The Regulations require Local Planning Authorities to review their Local Plans every 5 years. This is to ensure that the policies remain relevant, conform to national policy and guidance and satisfactorily address the needs of the local community. Policies must be both legally compliant and sound, and in order to be considered sound they should meet the tests of being positively prepared, justified, effective and compliant with national policy. The Plan was partially reviewed in 2020 in the KMWLP Early Partial Review 2020.

In accordance with plan making requirements set out in the Regulations, the Council has undertaken a 5 year review of the 2016 adopted KMWLP and identified a number of policies as outdated or no longer meeting the tests of soundness. This assessment is set out in detail in the Review of the Kent Minerals & Waste Local Plan 2021. The identified changes needed to the 2016 Kent Mineral and Waste Local Plan form the basis for the next plan making cycle.

Revisions are proposed to the Local Plan to principally reflect changes in national policy and guidance since 2016. These include amongst others changes to the National Planning Policy Framework, government policy and guidance on the achievement of a circular economy and those concerned with climate change and protection and enhancement of the natural environment. Revised draft policy and supporting text has been prepared. To satisfy the requirements of the Plan Making Regulations, consultation is now required on the proposed revisions to the adopted Plan so as to inform and influence future local plan work and the version that the Council will ultimately submit for examination to the Planning Inspectorate.

How the proposed decision meets the objectives of ‘Setting the Course’: Kent County Council’s Interim Strategic Statement (December 2020)

The Kent Minerals and Waste Local Plan delivers the Council’s adopted Mineral and Waste planning strategy and policies and is important in the determination of planning applications in Kent. A local plan is in accordance with national planning policy and guidance and provides a local perspective. It supports the County Council’s corporate policies contained within the Council’s Setting the Course – Kent County Council’s Interim Strategic Plan 2020, which sets the Council’s priorities until 2022.

Kent’s mineral and waste planning policies support and facilitate sustainable growth in Kent’s economy. In addition, they support the protection and creation of a high-quality environment, with accessible local services that reflect the needs of the community. The proposed revised policy will reflect recent changes to the environmental agenda including mitigation and adaptation to climate change and Kent’s Climate Change Statement and measures to support covid recovery.

Section 2 – Who is taking the final decision and when

Who is taking the Decision

Cabinet Member for Environment

Date:

<p>Not before November 2021</p> <p>Reason if Key Decision An Equalities Impact Assessment (EqIA) will be undertaken as part of the proposed changes to the adopted Local Plan. No equalities implications are anticipated to arise from the review work</p> <p>Reason if this decision has been delayed/withdrawn from a previous plan</p>
<p>Section 3 – – Who is to be consulted, how and when, (The Duty to Inform/consult/Involve) including relevant scrutiny councillors</p>
<p>Consultees</p>
<p>Section 4 – Responsible Officer – Who to contact for more information.</p>
<p>Your name, Your Service, Your phone number and email address: The costs of preparing a review of the 2016 Kent Minerals and Waste Local Plan will need to be met from existing KCC budgets.</p> <p>There is a risk and likelihood that any changes proposed to the Local Plan will attract objection in response to the public consultation. These will be considered as part of the plan making process and where appropriate defended via the planning examination.</p> <p>Support documents</p>

NOT BEFORE 8 OCTOBER 2021

<p>Responsible Cabinet Member - Cabinet Member for Community and Regulatory Services</p> <p>Reference No:</p> <p>Key Yes</p>
<p>Section 1 – the decision needed, how it relates to the Council's Corporate Outcomes and the Costs and risks involved.</p>
<p>Title: 21/00079 - Contracts for Post Mortem Facilities for the Mid Kent & Medway, North East Kent and Central & South East Kent coroner areas</p>

The Decision needed:

Proposed Decision

To award 12 month extensions to the contracts for the provision of post mortem (PM) facilities to East Kent Hospitals NHS Trust and Medway NHS Trust.

Further Information

The Coroners and Justice Act 2009 places a duty on Coroners to investigate deaths that are referred to them if they have reason to think that:

- The death was violent or unnatural;
- The cause of death is unknown; or
- The deceased died while in prison, police custody or another form of state detention eg where a Deprivation of Liberty Safeguard Order (DoLS) is in place

In some cases the Coroner will order a PM to establish the cause of death and in such cases the deceased is taken to one of 5 NHS mortuaries across Kent and Medway located at Margate, Ashford, Dartford, Tunbridge Wells and Gillingham.

On behalf of the Senior Coroner, KCC ensures there is adequate storage capacity for Coroner's bodies and that the Coroner has access to PM facilities. KCC does not have its own public mortuary facility and so like many other coroner areas across England and Wales it has no choice but to use local NHS hospitals which have the necessary facilities for this purpose; there are no private sector providers of PM facilities anywhere in England and Wales.

The contracts with these two NHS Trusts expire on the 30th September 2021 and it is necessary to put in place contract extensions to secure this critical service until such time as the proposed Digital Autopsy facility at Aylesford opens for business, currently estimated for July 2022. Discussions have been held with each of the Trusts and whilst they are happy to extend the contracts they have insisted this must be for 12 months to guarantee that all their fixed and variable costs are met, which is an understandable approach. It has therefore been agreed that the contracts will be extended from 1 October 2021 to 30 September 2022 and if need be, can be terminated early by KCC serving six months notice.

Financial Implications

The contract with East Kent NHS Trust is a fixed fee regardless of activity levels and is paid in 12 equal installments. At the point where the DA facility opens, all deceased that would normally have undergone an invasive PM will be scanned, so dependent on if and when notice is served to end the contract extension, KCC could potentially be liable for both DA scanning charges and the monthly charge for PM's even though no PM's will be taking place in the East Kent area. To mitigate this scenario, the move over to DA will be phased with deaths in the East Kent area not being scanned until the contract extension comes to an end. Based on 2020 activity levels the estimated cost of the East Kent contract extension is within the budgeted revenue cost for 2021-22.

The contract with Medway NHS Trust is based on a cost per PM, so if there are no PM's, there are no costs to KCC. This means that at the point where the DA

facility opens, KCC will only have to meet the scan charge. Based on 2020 activity levels the estimated costs of the Medway contract extension is within the budgeted revenue cost for 2021-22.

Section 2 – Who is taking the final decision and when

Who is taking the Decision

Cabinet Member for Community and Regulatory Services

Date:

Not before October 2021

Reason if Key Decision

Reason if this decision has been delayed/withdrawn from a previous plan

Section 3 – – Who is to be consulted, how and when, (The Duty to Inform/consult/Involve) including relevant scrutiny councillors

Consultees

Section 4 – Responsible Officer – Who to contact for more information.

Your name, Your Service, Your phone number and email address:

Support documents

Responsible Cabinet Member - Cabinet Member for Integrated Children's Services

Reference No: Activities and services undertaken are covered under the Children and Families Act 2014, and the new provision will be fully compliant with Statutory Duties included within this legislation.

This procurement makes the previous activity of spot purchasing compliant with the Public Contract Regulations (2015) and Spending the Council's Money.

Key Yes

Section 1 – the decision needed, how it relates to the Council's Corporate Outcomes and the Costs and risks involved.

Title:
21/00076 - Provision of Community Support Services for Disabled Children and Young People - Outcome of Procurement Process

The Decision needed:

Proposed decision –

Contracts to be awarded to successful providers for the provision of Community Support Services (Care and Support in the Home) for Disabled Children and Young People following a recent procurement exercise linked to the Adults Care and Support in the Home contract.

Delegate decisions on the implementation to the Corporate Director of Children, Young People and Education, or other Officer, in consultation with the Corporate Director of Adult Social Care and Health as appropriate.

Further information –

Decision 20/00102 - Community Support Services for Disabled Children & Young People was taken on 19 March 2020 and allowed officers to follow a competitive procurement process for children's community support services within the Adults 'Care and Support in the Home' contract.

Following the competitive procurement process a further decision is required to award the contracts to the successful providers.

Section 2 – Who is taking the final decision and when

Who is taking the Decision

Cabinet Member for Integrated Children's Services

Date:

Not before October 2021

Reason if Key Decision

An Equality Impact Assessment scoping has been undertaken as part of the Care and Support in the Home contract provision last year. Preliminary scoping has confirmed that this is adequate for Children's activity.

Reason if this decision has been delayed/withdrawn from a previous plan**Section 3 – – Who is to be consulted, how and when, (The Duty to Inform/consult/Involve) including relevant scrutiny councillors****Consultees****Section 4 – Responsible Officer – Who to contact for more information.****Your name, Your Service, Your phone number and email address:**

Each year, approximately £1.3m of Children's Community Support Services is commissioned, the actual spend is normally less as actual services provided can vary depending on circumstances. This is fully funded through the KCC revenue base budget and reported within the within key service line Children in Need (disability) – Care and Support in the budget book.

The contract for new provision (Care and Support in the Home) is due to expire on 31 March 2024, with potential for extension for a further 36 months. Over the life of the contact, the total financial implication of this decision is therefore circa £3.9m followed by a potential further circa £3.9m should extensions be put in place. This is subject to budget setting decisions and fluctuations in need.

The contract has been designed to reduce the dependence of spot purchases

Support documents

NOT BEFORE 24 MARCH 2021

Responsible Cabinet Member - Cabinet Member for Adult Social Care and Public Health

Reference No: A new section 75 agreement will be needed between the council and CCG that sets out the governance requirements and accountability that will cover the proposed LD&A strategic leadership body

and system provider partnership.

Key Yes

Section 1 – the decision needed, how it relates to the Council's Corporate Outcomes and the Costs and risks involved.

Title:

21/00033 - Review of Kent County Council and Kent and Medway Clinical Commissioning Group Integrated Commissioning Framework, covering health services, social care and community support for people with a learning disability and autistic people (LD&A)

The Decision needed:

ISSUE WITHDRAWN: Please note that due to ongoing work around the development of the new framework, a decision was taken to withdraw the current issue (21/00033). A new issue will be generated, containing up-to-date information; and this will align with the decision report which will be considered at a future meeting of the Adult Social Care Cabinet Committee.

Proposed decision

To enter into such agreements that are necessary with the Kent and Medway Clinical Commissioning Group (CCG) and other local NHS organisations to create a new strategic planning and delivery framework for Kent's residents with a learning disability and autistic people and delegate authority to Corporate Director of Adult Social Care and Health to finalise and approve the formal agreements to establish the new framework.

Reason for the decision

In 2015/16 Kent County Council and the seven NHS Clinical Commissioning Groups (CCG) covering Kent and Medway, agreed to establish an integrated and partner strategic planning, commissioning and delivery framework covering healthcare, council social care and other support for Kent's residents with a learning disability, and autistic residents. This framework is governed by an agreement between Kent County Council and Kent and Medway CCG, agreed in accordance with the provisions of section 75 of the NHS Act 2006. This framework includes an Alliance Partnership comprising the council's adults social care service and the two NHS provider trusts that deliver specialist community health care for people with a learning disability and autistic people. This includes Kent Community Health NHS Foundation Trust (KCHFT) and *Kent and Medway NHS and Social Care Partnership Trust (KMPT)*.

The framework covers community delivered services for people living in nursing and residential care; residents living with carers and their families and people living in their own homes or who live in specialist housing with support. The arrangement also covers specialist healthcare and support for residents with a learning disability and autistic people with highly

complex needs, including Kent residents admitted to specialist hospitals located both in and outside Kent.

A review of the arrangements summarised above, commissioned by Kent County Council but jointly agreed with Kent and Medway CCG identified challenges with how the council and NHS plan together to design and deliver effective solutions that can achieve strong and improving health and well being outcomes for Kent's residents with a learning disability and autistic people.

The challenges identified:

- Kent's current Learning Disability and Autism (LD&A) governance and programme management framework is:
 - Confusing with several bodies duplicating effort and decision making and ineffectual structural relationships between each body
 - Not competent to develop and implement a whole system strategy and strategic commissioning programme
 - Not fully sighted or driven by the priorities, challenges and resource pressures of all partners and is largely reactive to short term issues and targets
 - Less than clear about how the voices of learning disabled and autistic people impact or affect key decisions, with a deficient approach to coproduction and system codesign
- Improvement is required in the effectiveness of whole system commissioning and programme management
- Significant improvement is needed in whole system accountability and performance reporting, as investment decisions lack clarity on why and how they were determined and there is a lack of effective data and narrative to demonstrate the outcomes that are being achieved
- Improvement is also needed in the alignment, commissioning and coordination of service delivery across adults, children and young people and complex needs to ensure:
 - Effective and seamless care pathways;
 - Person centred and codesigned support;
 - Outcome driven delivery;
 - Stronger market management and micro-commissioning, to address service deficits and to support innovation to address changing needs and expectations.

Through extensive engagement and coproduction of the solutions to address the challenges above, the proposals summarised below emerged through a clear consensus of council and NHS leaders, frontline professionals and health clinicians and critically through face to face engagement and workshops with people with a learning disability, autistic people and carers supported by advocates and advocate organisations.

Summary proposals

The establishment of:

- A single senior level strategic leadership body of equal partners across

<p>the local authority, CCG, user and carer voice and system provider</p> <ul style="list-style-type: none"> ▪ A joint LD&A strategic commissioning and programme management unit, supporting whole system planning, development and change management and the function of the strategic leadership body ▪ A trusted system provider based on an effective NHS and council partnership, delegated to deliver and micro commission all LDA health and social care support.
<p>Section 2 – Who is taking the final decision and when</p>
<p>Who is taking the Decision Cabinet Member for Adult Social Care and Public Health</p> <p>Date: Not before March 2021</p> <p>Reason if Key Decision An equalities impact assessment has been completed. It identified significant wellbeing and health inequalities affecting the lives of Kent’s residents with a learning disability and autistic people including:</p> <ul style="list-style-type: none"> -A lack of effective health checks linked to residents with a learning disability and autistic people having a substantially lower life expectancy than all other residents and significantly increased risk of death from Covid -More Kent autistic residents and residents with a learning disability with additional mental health and behavioural needs, are in specialist hospital services in comparison to the rest of England -This adversely affects and impacts their choice, independence and human rights -There is a need for more effective equalities monitoring of people with a learning disability and autistic people cared for in specialist hospitals as national evidence suggests that black and black British people are 4 times more likely to be compulsorily admitted to spec <p>Reason if this decision has been delayed/withdrawn from a previous plan</p>
<p>Section 3 – – Who is to be consulted, how and when, (The Duty to Inform/consult/Involve) including relevant scrutiny councillors</p>
<p>Consultees</p>
<p>Section 4 – Responsible Officer – Who to contact for more information.</p>
<p>Your name, Your Service, Your phone number and email address: The expectation is that the proposals set out will not result in any significant additional funding or investment commitment from the council.</p>

However, the proposals are expected to maximise the potential of council and NHS investments, to deliver significant improvements in the outcomes achieved for people with a learning disability and autistic people through more effective and focused partner planning and decision making of all LD&A health, social care and other services.

Support documents

NOT BEFORE 14 APRIL BY CABINET MEMBER

Responsible Cabinet Member - Cabinet

Reference No: There are no legal implications arising from the decision.

Key Yes

Section 1 – the decision needed, how it relates to the Council's Corporate Outcomes and the Costs and risks involved.

Title:

20/00027 - Clean Up Kent and Public Realm Improvements

The Decision needed:

Proposed Decision:

- a) Approve a programme of works to deliver a range of projects to 'clean up' Kent and to improve the public realm across Kent
- b) Approve the proposed funding allocations and project development arrangements required to support and deliver the programme; and
- c) Delegate authority to the Corporate Director for Growth Environment and Transport to take relevant actions, including but not limited to, entering into relevant contracts, legal arrangements or other arrangements, as necessary to implement this decision.

Background:

Kent's Future, Our Priority will become Kent County Council's new 5 Year Plan, to replace the previous strategic statement '*Increasing Opportunities, Improving Outcomes (2015-2020)*'. The Plan is structured around seven outcomes which reflect the key things that residents and businesses said were essential to a good quality of life in Kent. One of the seven outcomes is, 'A cleaner and greener Kent.'

A key message from the recent public consultation was that residents care

about the places they live in, they are proud of where they live, and want to protect these places by looking after the quality, maintenance and cleanliness of our physical environment, especially town centres, local streets, beaches, public rights of way and green spaces.

Options:

It was also clear from the public consultation that residents wanted the County to be clear how it will deliver the plan. This detail is contained within the 5-Year Plan objectives including working with partners to improve the quality of Kent's public realm. It is intended that a range of physical improvements will be developed, in conjunction with local stakeholders to reflect different priorities but will be targeted at cleaning up and improving the quality and appearance of the public realm.

Section 2 – Who is taking the final decision and when

Who is taking the Decision

Cabinet

Date:

Not before April 2020

Reason if Key Decision

- Equalities implications

Equalities Implications:

There are no equality implications directly arising from the decision. An EqIA will be undertaken for individual projects as they are developed.

Data Protection implications

No personal data will be collected, therefore there are no data protection implications.

Reason if this decision has been delayed/withdrawn from a previous plan

Section 3 – – Who is to be consulted, how and when, (The Duty to Inform/consult/Involve) including relevant scrutiny councillors

Consultees

The decision is based on consultation feedback from the 5 Year Plan.

Consultation included targeted workshops and a public consultation.

Members were also involved via a cross-party Member workshop and political group briefings. The Leader also wrote personally to key partners to welcome their views in the consultation.

The proposed decision will be discussed at the Environment and Transport Cabinet Committee on 31 March and final decision will be taken at Cabinet on 27 April 2020.

Section 4 – Responsible Officer – Who to contact for more information.

Your name, Your Service, Your phone number and email address:

An allocation for funding has been made from the Growth for Strategic Statement Priorities revenue budget line. There is also potential for Districts and Boroughs to match fund.

Support documents

NOT BEFORE 18 DECEMBER BY 2019 CABINET / CABINET MEMBER

Responsible Cabinet Member - Cabinet Member for Economic Development

Reference No: A legal agreement will need to be drawn up between KCC and Essex County Council to effect the transfer of Growing Places Fund monies to KCC.

A legal agreement will need to be drawn up between KCC and the borrower to transfer the Growing Places Fund monies to the borrower. The loan agreement would incur a charge being taken against the assets of the borrower.

KCC would maintain responsibility for monitoring repayments from the successful borrower.

Key Yes

Section 1 – the decision needed, how it relates to the Council's Corporate Outcomes and the Costs and risks involved.

Title:

19/00095 - Discovery Park: Growing Places Fund

The Decision needed:

Proposed Decision:

- *Kent County Council be the administration and funding decision authority for the £5.3m allocation from SELEP's Growing Places Fund;*
- *KCC draws down capital funds of £5.3m from the Growing Places Fund;*
- *KCC makes available loan finance of up to £5.3m from the Growing Places Fund to support works at Discovery Park to build a spine road and associated infrastructure to enable the building of 500 new residential homes;*
- *Authority be delegated to the Director of Economic Development to take appropriate actions, including but not limited to, entering into legal*

agreements as necessary to implement this decision.

Provided that:

1. Kent County Council is able to agree a satisfactory loan agreement from Essex County Council as the accountable body for SELEP's Growing Places Fund; and
2. The receipt of a satisfactory application for loan finance for the works at Discovery Park subject to the rules of the Growing places Fund and the findings of an independent financial appraisal.

Background:

KCC shall invite applications for loan finance of up to £5.3m for infrastructure at Discovery Park. This £5.3m will be obtained from the Growing Places Fund (GPF), which is administered by the South East Local Enterprise Partnership (SELEP). Applications will then be appraised and considered through the same process as that which is currently used to determine applications for loans from the Kent and Medway Business Fund (KMBF). This means that any application will be required to submit a full business plan, be subject to independent appraisal and be considered by the KMBF Investment Advisory board before a decision is made by KCC. The owners of the Discovery Park site are aware of this proposed process and we anticipate that an application will be forthcoming when the process is launched. In parallel with this process, KCC shall seek to enter into a loan agreement with Essex County Council (the Accountable Body for GPF). These terms have been discussed with Essex County Council and have received an in-principle agreement. However, they will need to be formalised when an agreement to lend to a borrower have been reached.

Options (it is a legal requirement (2012 Executive Arrangements regulations) to outline other options considered)

The alternative would be for Kent County Council not to act as an agent for SELEP for the £5.3m Growing Places Fund loan. There is no evidence that this would be a more effective way of achieving the outcome of securing investment in Discovery Park, and there is a risk if the funding allocation is returned to SELEP that it is no longer ring-fenced for investment in Discovery Park or the wider Kent area.

Section 2 – Who is taking the final decision and when

Who is taking the Decision

Cabinet Member for Economic Development

Date:

Not before December 2019

Reason if Key Decision

<p>Equalities implications – An Equalities Impact Assessment will be undertaken should a loan application be received.</p> <p>Data Protection implications – To enable KCC to administer the Kent and Medway Business Fund, it is required to hold personal details about the borrower. KCC also collects anonymised information about protected characteristics as part of its Equalities Impact Assessment monitoring.</p> <p>Reason if this decision has been delayed/withdrawn from a previous plan</p>
<p>Section 3 – – Who is to be consulted, how and when, (The Duty to Inform/consult/Involve) including relevant scrutiny councillors</p>
<p>Consultees</p> <p>The proposed Key Decision will be discussed at the Growth, Economic Development and Communities Cabinet Committee on 28 November 2019.</p>
<p>Section 4 – Responsible Officer – Who to contact for more information.</p>
<p>Your name, Your Service, Your phone number and email address: The loan of £5.3m will be capital funding allocated from non KCC funding sources (that is, the SELEP Growing Places Fund). KCC estimates that there will be revenue costs associated with application processing, appraisal, valuation and legal costs: these can be confirmed at the application stage. There will also be an ongoing administrative cost to KCC related to monitoring over the period of the loan, which would be covered by an administration charge levied on the borrower.</p> <p>Support documents</p>

NOT BEFORE JANUARY 2018 BY CABINET MEMBER

<p>Responsible Cabinet Member - Deputy Leader and Cabinet Member for Finance and Traded Services</p> <p>Reference No: Provision of this service is a statutory responsibility. The market was tested to establish levels of interest.</p> <p>Key Yes</p>
<p>Section 1 – the decision needed, how it relates to the Council’s Corporate Outcomes and the Costs and risks involved.</p>
<p>Title: 17/00125 - Healthwatch Kent interim contract</p>

The Decision needed:

ISSUE WITHDRAWN: This issue was superseded by decision 22/00062 – People’s Voice Activity Contract (including Healthwatch Kent)

Proposed decision: To agree:-

- a) the implementation of an interim contract for the provision of a Local Healthwatch for Kent for the period April 1st 2018 to March 31st 2020, with sufficient break clauses to end earlier where appropriate; and
- b) To incorporate the Service User Forum and Mental health Action Groups into the Healthwatch Kent contract

How the decision relates to Corporate Objectives

- Commissioning Framework Principle 7: Customers at the heart of our commissioning approach
- KCC’s commissioning of a Healthwatch for Kent is required by duties under the Health and Social Care Act 2012, which built upon the Local Government and Public Involvement in Health Act 2007

The matter is referred to in the Business Plan/Medium Term Capital Programme.

Section 2 – Who is taking the final decision and when

Who is taking the Decision

Deputy Leader and Cabinet Member for Finance and Traded Services

Date:

Not before January 2018

Reason if Key Decision

No equalities implications – whole Kent provision.

Reason if this decision has been delayed/withdrawn from a previous plan

Section 3 – – Who is to be consulted, how and when, (The Duty to Inform/consult/Involve) including relevant scrutiny councillors

Consultees

The proposed incorporation of the Service User Forum and Mental health Action Groups into the Healthwatch Kent contract was discussed by the Adult Social Care Cabinet Committee on 23 November 2017.

The interim contract will be discussed by the Health Reform and Public Health Cabinet Committee on 24 January 2018.

Section 4 – Responsible Officer – Who to contact for more information.**Your name, Your Service, Your phone number and email address:**

The value of the proposed interim contract is up to £1.46M (£730k pa) for the period 1 April 2018 to 31 March 2020.

Support documents**NOT BEFORE OCTOBER 2017 BY CABINET MEMBER**

Responsible Cabinet Member - Cabinet Member for Corporate and Democratic Services

Reference No: None

Key Yes

Section 1 – the decision needed, how it relates to the Council's Corporate Outcomes and the Costs and risks involved.**Title:**

17/00094 - Disposal of Land East of Great Chart Primary School, Singleton

The Decision needed:

Approval to the Director of Infrastructure to progress with and enter into the necessary documentation to complete the disposal of the aforementioned property in consultation with the Cabinet Member for Corporate and Democratic Services. The Decision will seek legal agreements to be actioned to complete the sale of the relevant properties.

Section 2 – Who is taking the final decision and when**Who is taking the Decision**

Cabinet Member for Corporate and Democratic Services

Date:

Not before October 2017

Reason if Key Decision

None

Reason if this decision has been delayed/withdrawn from a previous plan

Securing a capital receipt to fund the capital programme and to streamline the Council's property portfolio to achieve financial and efficiency benefits in line with appropriate policy

Section 3 – – Who is to be consulted, how and when, (The Duty to

Inform/consult/Involve) including relevant scrutiny councillors

Consultees

Property decisions to be discussed at the Property Sub Committee.

Section 4 – Responsible Officer – Who to contact for more information.

Your name, Your Service, Your phone number and email address:

Property holding costs will cease upon sale.

Support documents

– Who is to be consulted, how and when, (The Duty to Inform/consult/Involve) including relevant scrutiny councillors