

# KENT COUNTY COUNCIL – PROPOSED RECORD OF DECISION

## DECISION TO BE TAKEN BY:

**Cabinet Member for Integrated Children’s Services**

## DECISION NO:

21/00093

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

### Key decision: YES

*Key decision criteria. The decision will:*

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

**Subject Matter / Title of Decision:** Representation, Rights and Advocacy (RRA) Services - procurement of a new service

### Decision:

As Cabinet Member for Integrated Children’s Services, I agree to:

A) Commence formal procurement activity to tender for a service, award a contract and develop robust contract management for oversight of the contract performance.

and

B) Delegate authority for the Corporate Director Children, Young People and Education in consultation with the Cabinet Member to award a contract following a competitive tender process and implement the Decision.

### Reason(s) for decision:

- Decision required because total value of contracts will exceed £1m and impact across multiple districts of the Local Authority.

### Background:

- Kent County Council (KCC) has a comprehensive Representation, Rights and Advocacy (RRA) Service delivered by The Young Lives Foundation.
- The contract commenced on the 1 April 2015 was for a period of three years. The contract had an annual value of £250,300. The original contract had no capacity to be extended and a Single Source Justification was entered into and will end 31 March 2022.
- In 2020/2021, an additional service to the Independent Visitor element was included as a Leaving Care Mentoring Service at £8,500.
- The contract performed well and performance targets were consistently met by the provider.

- The Local Authority has a Statutory obligation to provide the elements included in this service.

## Options

Option	Advantages	Risks
1. Do nothing: The contract ends and KCC do not meet their statutory obligations.	<ul style="list-style-type: none"> <li>• <b>Annual saving of £258,800</b></li> </ul>	<ul style="list-style-type: none"> <li>• <b>KCC fail in their statutory obligations.</b></li> <li>• <b>In order to meet the statutory obligations, for example the requirement to provide an Appropriate Adult, frontline KCC staff would need to attend police custody suites.</b></li> <li>• <b>Young people who use these services will be left without support at a time when they are at their most vulnerable.</b></li> </ul>
2. Create a new service In-House: KCC to deliver countywide via new Team.	<ul style="list-style-type: none"> <li>• <b>None</b></li> </ul>	<ul style="list-style-type: none"> <li>• <b>The nature of this service has to be delivered by a third party and therefore cannot be delivered in-house</b></li> </ul>
3. Externally commission a new service as a single contract with five lots.	<ul style="list-style-type: none"> <li>• <b>Ability to work with partners to develop a new provision</b></li> <li>• <b>The use of volunteers has been instrumental to the delivery of this service. Providers are skilled in managing a volunteer workforce that also works to reduce some costings</b></li> <li>• <b>Robust contract management will be in place to monitor performance.</b></li> <li>• <b>Potentially enable a consortium approach from providers to best match skill set with need</b></li> </ul>	<ul style="list-style-type: none"> <li>• <b>A procurement process will be required.</b></li> <li>• <b>Longer timescale for implementation.</b></li> <li>• <b>TUPE implications</b></li> <li>• <b>Potential gap in service provision as a new service mobilises</b></li> <li>• <b>Prevents providers only applying for those elements (Lots) which are core business.</b></li> </ul>
4. Externally commission five separate services	<ul style="list-style-type: none"> <li>• <b>Would enable smaller providers to bid for a specific area that they would consider 'core business'</b></li> </ul>	<ul style="list-style-type: none"> <li>• <b>Very small individual services that may not be attractive to tender for from the market</b></li> <li>• <b>Risks having no bidders for any one of the 'lots'</b></li> <li>• <b>Disproportionate contract management costs for both the provider and Local Authority.</b></li> <li>• <b>A potential for five different providers to be in place which may create a disjoin between service provision.</b></li> <li>• <b>Protracted procurement exercise for little gain.</b></li> </ul>

Based on the options appraisal **Option 3 Externally commission a new service as a single**

**contract with five lots** is the recommended option

### **Financial implications**

- This service will be funded from within the existing revenue KCC base budget reported against Integrated Childrens Services in the Budget Book.
- The funding available is £258,800 per annum which totals £1,294,000 for a three-year contract with the option to extend for a further two years.
- Commissioners will work with Adult Social Care colleagues and Kent Police to access additional funding to underpin the service and consider the age demographic and a requirement for a 24/7 provision.
- Due to the size and nature of this contract there are no anticipated savings

### **Legal implications**

- Appropriate Adults Service for young people aged 10 - 17 years detained at Police Custody Suites who require support. There is a statutory obligation for young people to have access to an AA regardless of the time of day and currently, this is not being fulfilled.
- Advocacy for Children in Care and for Care Leavers aged 16 – 24. Children assessed as being in need, or need safe plans to be made for them, and those subject to a child protection plan under the Children Act 1989.
- Independent Visitor service for Children in Care aged 8 – 18 years - Children Act 1989.
- Accompanying Adults Service for the purpose of age assessment interviews for unaccompanied asylum-seeking children - Children Act 1989.

### **Equalities implications**

An Equality Impact Assessment (EqIA) screening has been completed and has concluded that the proposed decision does not present any adverse equality impact.

### **Cabinet Committee recommendations and other consultation:**

The Children, Young People and Education Cabinet Committee on 16 November 2021 were asked to CONSIDER and ENDORSE, or MAKE RECOMMENDATIONS to the Cabinet Member for Integrated Children's Services on the proposed decision (attached as Appendix A) to:

A) Commence formal procurement activity to tender for a service, award a contract and develop robust contract management for oversight of the contract performance.

and

B) Delegate authority for the Corporate Director Children, Young People and Education in consultation with the Cabinet Member to award a contract following a competitive tender process and implement the Decision.

### **Any alternatives considered and rejected:**

Option 1: Do nothing - The contract ends 31 March 2022. - KCC fail in their statutory obligations.

Option 2: Create a new service In-House: KCC to deliver countywide via new Team - This service has to be independent.

Option 4: Externally commission five separate services - Small individual services that may not be attractive to tender for from the market whilst also running the risk of having no bidders for any one of the 'lots'

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

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signed

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date