

From: Rory Love, Cabinet Member for Education and Skills

Sarah Hammond, Corporate Director for Children, Young People and Education

To: Children's, Young People and Education Cabinet Committee – 24 September 2024

Subject: Options for future Holiday Activity and Food (HAF) Programme – 2025-2026 and beyond.

Key decision: Overall service value exceeds £1m and affects more than two Electoral Divisions.

Classification: Unrestricted

Past Pathway of report: None

Future Pathway of report: None

Electoral Division: All

Summary: The Government funded Holiday Activity and Food Programme (HAF) provides free access to healthy food and exciting opportunities and activities for children and young people, across Easter, Summer and Christmas holidays, who are in receipt of benefits-related Free School Meals (FSM).

In March 2023 the Cabinet Member for Education and Skills authorised the Corporate Director Children, Young People and Education to accept future allocations of HAF grants in full for use in accordance with the grant determination letter which is issued by the Department for Education and delegated authority to Corporate Director Children, Young People and Education to manage and deploy the accepted HAF grant in accordance with the grant conditions and arrangements ([Decision - 23/00009 - Holiday Activity and Food Programme](#))

Funding for HAF is available under a three-year Government commitment. This commitment ends 31 March 2025. A decision from the new Government on the future of HAF is expected as part of the autumn budget statement.

Currently, KCC delivers some HAF provision internally through Family Hubs, with the majority of delivery through external providers. KCC commissions The Education People (TEP) to co-ordinate and manage its HAF programme. It was recognised in the report of March 2023 that for 2023-2024, KCC would not be in a position to change delivery partner, and stated options for future delivery were being explored.

This report sets out the engagement work undertaken to review Kent's HAF programme and makes recommendations for the future delivery of the HAF programme for 2025 and beyond, should funding be confirmed.

Recommendation(s):

The Children's, Young People and Education Cabinet Committee is asked to **CONSIDER** and **ENDORSE**, or **MAKE RECOMMENDATIONS** to the Cabinet Member for Education and Skills on the proposed decision as set out in the Proposed Record of Decision (PROD).

1. Introduction

- 1.1 The Holiday Activities and Food (HAF) Programme in Kent focuses on children's physical health and wellbeing by providing healthy food and exciting activities for children and young people during the school holidays. Families of children aged four to 16 years, who are in receipt of benefits-related Free School Meals (FSM), can access free opportunities during the Easter, summer, and Christmas holidays.
- 1.2 Whilst the focus of HAF is on provision for eligible children who currently receive benefits related free school meals, up to 15% of the funding can be used to provide free or subsidised holiday club places for other children who are considered by the local authority as vulnerable or in need of this provision. The County Council has used this provision to enable children open to Early Help or with a social worker to access free provision. The Department for Education (DfE) also encourages holiday clubs to be available to any children who can pay to attend.
- 1.3 There is a particular aim in Kent to increase the reach of HAF provision amongst children and young people who are currently underrepresented, such as:
 - those with low school attendance
 - secondary school aged young people
 - those with SEND, by ensuring more robust links with special schools and supporting the priorities set out in [Kent's Strategy for Children and Young People with Special Educational Needs and Disabilities 2021-2024](#)
- 1.4 Local authorities have flexibility about how they spend the HAF grant and deliver this provision to best serve the needs of the children and families in their areas, however, provision should remain in line with the framework of standards set out in the programme guidance: [Guidance: Holiday activities and food programme 2024](#).
- 1.5 The table below shows the number of children and young people across Kent, as at May 2024, who were of statutory school aged and eligible for FSM. This data shows the target cohort for the HAF funding per district, with Thanet and Dover having the highest percentage of FSM eligible young people.

District	Total of primary, secondary and special schools.		
	Number of Statutory Age Pupils May 2024	Number Eligible FSM**	% Eligible FSM**
Kent Total - All Schools	219613	56864	25.9
Ashford	19119	4913	25.7
Canterbury	18779	5089	27.1
Dartford	20938	4452	21.3
Dover	14551	5013	34.5
Folkestone and Hythe	13466	4254	31.6
Gravesham	17507	4738	27.1
Maidstone	26374	5760	21.8
Sevenoaks	11793	2427	20.6
Swale	21602	6643	30.8
Thanet	18053	7092	39.3
Tonbridge and Malling	20514	3806	18.6
Tunbridge Wells	16917	2677	15.8

Note:

****FSM is based on statutory age pupils only and refers to those pupils eligible for FSM at the time of the October census.**

- 1.6 The DfE refer to two measures – reach and engagement. Reach is the number/proportion of eligible children and young people who access any HAF provision (that may be simply one session), whilst engagement considers the average number of days a child or young person attends. National data shows summer programmes have the best reach and engagement, whilst Christmas programmes are the least popular.

2. Background

- 2.1 Since 2021, The Education People (TEP) is commissioned (through an “additional works request”) to manage the HAF programme. TEP use a grant process to engage its HAF delivery providers. During this time, the programme has become more established. The certainty of funding until 2025 enabled providers to invest in their businesses to facilitate regular delivery. Families have become aware of the offer and increasingly utilising it.
- 2.2 The HAF model currently in place is a result of the need identified in 2021 to set up a HAF programme at speed. TEP responded at pace to put in place the structure and processes required to delivery of HAF activities, grow the number and range of providers, introduce an eligibility confirmation and booking system and quality assure the providers’ delivery. Since 2021 delivery of the programme has evolved. HAF funding is used to provide short break and holiday clubs for disabled children through KCC’s commissioned services and this financial year delivery is also taking place through Family Hubs.
- 2.3 It is clear HAF Programmes are established in very different ways around the country, for example, some commissioned a single lead provider, others deliver in-house. Until very recently it was not possible to compare how KCC’s programme performed compared to others. In July 2024 the DfE’s consultants issued a benchmarking sheet for Kent. This shows:

Season/year	National average FSM reach	Kent FSM reach	National average days attended per child (engagement)	Kent average days attended per child
Easter 23	16.13%	10.0%	3.13	4
Summer 23	23.82%	18.6%	6.76	4
Christmas 23	11.82%	10.1%	2.55	2
Easter 24	14.26%	10.5%	3.05	3

The data indicates KCC's programme mirrors national programmes in terms of seasonal fluctuations although is underperforming in respect of reach in particular. It is interesting to note the national reach figure for Easter 2024 was lower than the previous Easter, while KCC's programme made a small gain in this respect, and the fact remains KCC's programme needs to reach and engage more children and young people. The delivery via Family Hubs this summer is likely to improve reach. In terms of the quality of provision, the programme's "average" score is 83.0% compared to a national average of 82.4%.

- 2.4 CYPE is exploring opportunities regarding a move towards a more long-term provision for HAF and how this may look from June 2025 and beyond, should the funding continue. A collaborative approach to the review was undertaken gathering the voice of young people, schools and providers, as demonstrated in Section 3, to ensure future provision represents the views, ideas and experiences of all those who participated in the feedback sessions.

3. Scoping and Engagement with Providers and Stakeholders

- 3.1 In developing a different approach, soft market engagement events were held in May 2024 with current and interested providers. In addition, engagement with young people and schools was carried out, to gather their views, ideas and suggestions regarding HAF delivery and activities.

3.2 Engagement with Providers

A Prior Information Notice (PIN) was advertised on the Kent Business Portal from 18 April 2024 to 9 May 2024 solely for the purpose of conducting pre-procurement market testing along with directly contacting the current 89 HAF providers to inform them of the market engagement and direct them to the Kent Business Portal, with the following aims:

- To understand what a suitable delivery model would look like.
- To understand the market and readiness to deliver the HAF Programme across Kent.
- To explore the most viable commissioning approach to deliver the HAF Programme.
- To explore how the current approach does or does not impact on recruitment and retention of good staff.

As part of this process, a short questionnaire and four workshops were made available to interested providers.

There were 35 expressions of interest, 14 questionnaires were returned and 11 providers attended the workshops. Although numbers were fairly low, the providers that responded equated to 60% of the top ten providers, based on spend, and shared a wealth of feedback, views and ideas.

Key messages from providers were:

- The significant workload in making an initial application may put off smaller providers;
- Having an umbrella organisation (TEP) easily contactable resolved issues quickly;
- Expectations have been raised in terms of delivery whilst budgets have remained the same;
- A contract would allow for greater planning and support staff resourcing;
- The e-voucher system needs to be reviewed;

- Funding for quality pre-engagement work needs to be a priority.

3.3 Engagement with Schools:

A survey was sent to all KCC-Maintained schools (296 schools), with start and end dates aligned to the PIN. This included Special Schools and Pupil Referral Unit's. The survey requested feedback on areas such as: wider promotion of HAF, barriers to delivering HAF and solutions to overcome barriers, access by children and young people with SEND, low school attendance and secondary age young people, feedback from families and the benefits of attending HAF activities.

48 schools responded. Schools were positive about their relationship with TEP, citing good communication and support. Staffing and costs were identified as the main challenges to schools delivering HAF sessions, with schools also citing transportation and the current booking system as barriers to attendance. They also noted a need to promote better understanding and awareness of HAF among schools and families. By implementing contractual arrangements with a range of providers, support for booking, awareness and attendance could be built into delivery.

3.4 Kent Youth Council/Kent Youth Voice:

A workshop was held with Kent Youth Voice on 11 May 2024. This was to raise awareness of the HAF programme to those eligible for benefits-related Free School Meals and to capture more in-depth feedback from all Kent young people. Approximately 70 young people were in attendance. As a practical exercise, the young people were asked to feedback on the current flyer for HAF, for example, the language used, visuals, where best to promote HAF and explore ways to encourage attendance. Young people actively critiqued and came up with better solutions for promotion as part of this engagement. This included a poster competition, the results of which were shared with TEP with the aim of having an immediate impact on the next round of delivery.

3.5 Young People's Input During any Procurement Process:

The involvement and engagement of young people through commissioning is important to continue to have young people's input in the selection of future HAF providers, which will depend on the agreed procurement method. Young people will be given the opportunity to contribute to the writing of the specification, to include what they would like to see from a HAF service. This will include the young people drafting a question for the tender and agreeing clear guidelines for each of the scores to be used during the evaluation. This will capture the voice of the young person during the tender process and will be supported by KCC's Participation Team.

4. **Outcome of Scoping and Engagement**

4.1 In order to move towards a more long-term provision for HAF from 2025-2026 and beyond the following needs to be taken into account:

4.1.1 In 2024-2025, £1.35m of the overall budget is allocated for the delivery of HAF programmes by either internal teams within CYPE or through services they commission. It is anticipated this approach should be continued and therefore, a similar proportion of the £5.6m DfE funding will be utilised within CYPE.

4.1.2 Based on the feedback from the scoping and engagement, the Commercial and Procurement Team carried out an Options Appraisal and proposed a Dynamic Purchasing System (DPS) would meet the needs of the HAF Programme. As procurement regulations are undergoing change and new rules will come into play 28 October 2024, the term "compliant route" will be used to reflect the potential changes as a DPS falls under the existing procurement regulations. By implementing the compliant route, alongside internal provision and the extension of commissioning arrangements with existing short break organisations, KCC will be able to offer a range of commissioning and procurement solutions to achieve the best outcomes for children and young people. The compliant

route will provide greater rigour and oversight of funding and ensuring flexibility to commission services in areas of need.

- 4.1.3 TEP do not have the appropriate procurement expertise in place to either develop a DPS or similar compliant route or undertake an open tendering process that would be compliant with the Procurement Act 2023. Therefore, any future commissioning would need to be undertaken by the local authority.
- 4.1.4 There will be a continued need for a management function to collate the reporting information required for the DfE, policy formation, sufficiency, forecasting demand and determining need, as well as coordinating the HAF booking system.
- 4.1.5 Currently, the quality assurance of the HAF Programme is spread across TEP and CYPE. Under the current arrangements, if the number of HAF providers increases substantially, TEP would not have the capacity alone to support quality assurance without increasing staffing. Greater oversight and consistency for providers would be gained by the quality assurance role in its totality sitting under CYPE.
- 4.1.6 To mitigate any possible duplication and enable the implementation of commissioning options, it makes sense for the HAF Programme to be sitting in one place, with clear oversight of the total HAF funding pot.
- 4.1.7 Bringing all of the functionality together would allow for join up in the management information oversight and quality assurance.
- 4.1.8 The implementation of a new approach, alongside internal provision and the extension of commissioning arrangements with existing short break organisations, aims to improve the targeting of the HAF programme to support wider agendas, such as improving school attendance, protecting vulnerable children and young people and reducing anti-social behaviour.
- 4.1.9 The national ambition to have wrap-around childcare available to all primary aged children supports the development of more local HAF provision based on school sites.
- 4.1.10 There will still be a need for those organisations that deliver to a larger number of children and young people, across several districts.
- 4.1.11 Through engagement with secondary age young people, it was highlighted a wider variety of activities, including the opportunity to learn and improve skills, would encourage greater attendance. The proposed commissioning approach can ensure these preferences are taken into account, along with attracting smaller grassroot organisations that can cater to specific, more niche interests of young people, which in turn increases attendance.

5. Delivery Model and Commissioning Approach

- 5.1 Any future delivery model will include in-house delivery, principally via Family Hubs, incorporation of HAF delivery within the commissioned provision for children with disabilities and Service Level Agreements (SLAs) with state funded schools.
- 5.2 The following options for procuring external providers were explored and discounted for the following reasons:
 - Option 1: Do Nothing
 - There is a desire in CYPE to move towards a more long-term provision for HAF.
 - Option 2: Set up a Grant scheme to be managed by either TEP or KCC
 - Funding the service through Grants would reduce KCC's oversight, scrutiny and challenge and there is the potential for Grants to be non-compliant with Public Contracts Regulations 2015.

Option 3: Develop a DPS or compliant route with soft lots

- This is the proposed option.

Option 4: Commission one provider or multiple providers to cover the county through a Framework contract arrangement on a prime provider model

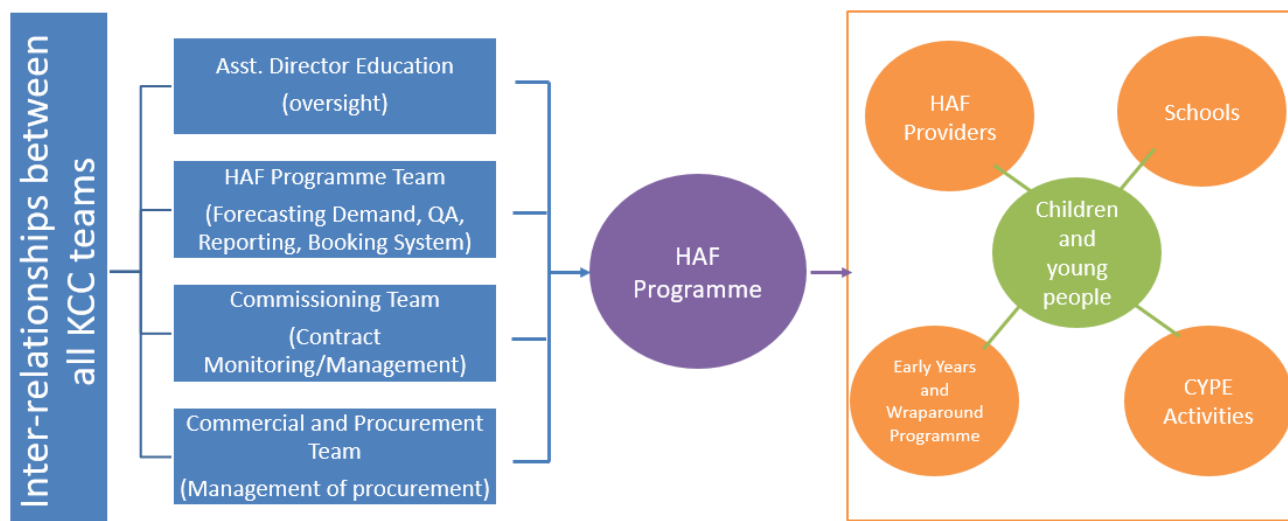
- There would not be an opportunity for new providers to join the Framework, potentially limiting diversity of provision.

Option 5: A mix of the above to include a grant programme for funding amounts below £14,999 per district per annum and a DPS or compliant route for providers to bid for amounts over this for a range of activities across district boundaries.

- There is a desire to reduce the complexity and maintain consistency when procuring and managing a HAF service.

5.3 The proposed decision for procuring external providers is the use of a DPS or compliant route. A detailed Commercial and Procurement Team Options Appraisal can be found in Appendix A.

5.4 This approach will require a different administration and management model. The proposal is:



5.5 In the proposed administration and management model the Responsible Officer will remain an Assistant Director Education. It requires the creation of a HAF Programme Team to undertake some of the activity the current TEP based team undertake, primarily forecasting the demand and determining needs for provision across the county, identifying gaps in provision and target groups, quality assurance of providers' delivery, commissioning and overseeing the booking and eligibility system, communications with parents and providers and reporting to the DfE in line with the grant conditions. They will also lead on any training required. This is likely to have TUPE implications.

5.6 In order to implement a compliant procurement, input will be required from both commissioning and commercial colleagues. By the very nature of a DPS or similar compliant route, this will need to be ongoing support to ensure organisations are onboarded and managed throughout the life of the Programme. Work will be awarded based on criteria defined in the contract.

5.7 It is expected the contract term will be for an initial three years, with a break clause after 12 months that outlines the contract is subject to further HAF funding. There will be an option to extend the contract for a further one-year, plus one-year following the initial three year term.

5.8 Once the contracts are awarded, the Commissioning team will be responsible for contract management regarding performance against KPIs and will assist with quality assurance visits to activities. This will include annual quality assurance visits, a cycle of contract management arrangements, data performance analysis and engagement with children and young people using the provision to embed user voice.

6. Financial Implications

6.1 HAF funding is received from the Department of Education. The funding amount is yet to be confirmed for 2025-2026, and assuming the level moving forward remains as 2024-2025, this would be £5,604,960 per annum. The grant and associated spend is reported against the “other schools services” key service budget line.

6.2 Assuming the same grant terms will apply; up to 10% can be spent on management and administration, and up to 2% on capital items with the remainder spent on delivery (88% to 90%). Any unspent funds must be returned to the Department for Education.

6.3 The costs of administration and management will need to be funded within the 10% allowance. The costs of all delivery, including via the Family Hubs, would be within the 90% allowance. There is no expectation this programme will be a cost to the General Fund and associated management and delivery costs are expected to be fully funded from the grant in accordance with the conditions.

6.4 Local authorities are encouraged to use up to 15% of the delivery funding to provide free or subsidised holiday club places for children who are not in receipt of benefits-related FSM and who the local authority believe could benefit from HAF. This will enable targeted support to include any vulnerable children and young people.

6.5 If the decision is to move forward with the proposal and the creation of an internal CYPE HAF Programme Team, TUPE may apply. Further HR and finance advice will be taken on this if the proposal proceeds.

6.6 The estimated cost of procurement is £99,370 based on the use of existing staff. This cost forms part of the management and delivery costs to be fully funded from the grant in accordance with the conditions.

6.7 This proposal complies with Spending the Council’s Money requirements.

6.8 In accordance with the Cabinet decision to support the recommendations in the paper [Securing Kent’s Future](#) on 5 October 2023, the approach set out, in line with Objective 2 (Delivering savings from identified opportunity areas to set a sustainable 2024-2025 budget and MTFP) any future procurement does not over specify need, ensuring best value for the Local Authority. Spend will be limited to the total value of the grant funding received.

7. Legal implications

7.1 The move away from the current grants process will enable greater clarity over provision and data. This is primarily due to the legal standing of grants and how they can be administered versus those of a contract. The table below shows the key differences between grants and contracts:

Grants	Contracts
Grant funding is a subsidy/gift towards a service.	Adhere to “Spending the Council’s Money”, the Procurement Act 2023 and the Financial Regulations.
Grant Agreements do not enable the same level of	Specification and Standard Terms and

control on compliance to delivery (you can however use lack of provision to inform decisions over future grant allocations, i.e. not award to somebody who has not previously performed).	Conditions in place - what are we buying and at what unit cost. Contractual levers can be used to ensure delivery standards are met without financial risk to the local authority.
Proportionate performance information.	Key Performance Indicators.
Insecure funding and seen as 'discretionary'.	Funding more secure for the duration of the contract.
VAT – the issue of VAT is about service activity, the delivery of and who benefits. If VAT consideration applies, the funding agreement should not be a grant.	VAT – the issue of VAT is about service activity, the delivery of and who benefits. If VAT consideration applies, the funding agreement should be a contract.
Ability to “clawback” unused funding, however this is both difficult and costly to do.	If service not fulfilled, formal processes to pursue breach of contract. As payments are made in arrears, financial risk to local authority is reduced.

7.2 All expenditure will be audited by the DfE to ensure compliance with the DfE grant conditions.

7.3 There is no contractual obligation beyond 2024 between KCC and TEP to continue to engage the services of TEP via an additional works request to deliver HAF. However, assuming HAF continues, it will not be possible to move to the proposed delivery model in time for delivering HAF provision for Easter 2025, as the planning for this starts immediately after Christmas. KCC will need to commission TEP to continue to manage HAF for this delivery point and move to the proposed model for summer 2025.

7.4 The potential for TUPE to apply is outlined above.

8. Equalities implications

8.1 An Equality Impact Assessment (EqIA) screening was completed, there are no individual groups significantly more impacted by this change and individuals with protected characteristics will continue to be supported through the HAF Programme.

9. Other corporate implications

9.1 The Early Years Review and delivery of the Wraparound Programme (the national ambition to have all primary aged children able to access provision 8am to 6pm without parents returning to the school site) both have potential implications for the HAF programme. The HAF Team in TEP sits within the Early Years and Childcare Service. This Service is subject to the Early Years Review which may influence the future shape of that Service. Delivering the aspiration all primary school children can access wraparound provision 8am to 6pm term time provides an opportunity to dovetail with HAF and ensure provision for all children is available all year, it being more sustainable through HAF delivery.

9.2 It is proposed c£1m (approximately 18% at 2024-2025 grant monies level) would be spent on in-house CYPE provision, including Family Hubs which would also promote HAF activities.

9.3 By developing a future model for ongoing HAF provision, officers will be supporting [Framing Kent's Future](#) by contributing to the commitment to 'work within the system to ensure a strong focus on preventative community services, building a strong strategic relationship with the social sector in Kent and their role in supporting a system-wide focus on prevention' and support vulnerable children and young people across the county.

10. Governance

10.1 Accountability for the service sits with the Corporate Director for Children, Young People and Education. Responsibility sits with the Director for Education and SEND.

11. Recommendation(s):

The Children's, Young People and Education Cabinet Committee is asked to **CONSIDER** and **ENDORSE**, or **MAKE RECOMMENDATIONS** to the Cabinet Member for Integrated Children's Services on the proposed decision as set out in the Proposed Record of Decision (PROD).

Background Documents

11.1 Decision Report - <https://democracy.kent.gov.uk:9071/ieDecisionDetails.aspx?ID=2676>

11.2 EqIA - [2024-08-08 Commissioning options for future Holiday Activities and Food HAF Programme for 2025 26 and beyond.docx](#)

12. Contact details

Report Authors:

Christy Holden, Head of Children's Commissioning
03000 415356
christy.holden@kent.gov.uk

David Adams, Assistant Director Education (South Kent)
03000 414989
david.adams@kent.gov.uk

Relevant Director:

Christine McInnes, Director of
Education
03000 418913
christine.mcinnnes@kent.gov.uk