

Cabinet

26 August 2025

Gateway 1 Procurement Commencement/Options Appraisal: Provision of Residential and Nursing Care for Older People (Aged 65+)

Portfolio Holder: Councillor Teresa Murray, Deputy Leader of the Council

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Procurement Overview:

Total Contract Value (estimated): £330,876,622

Regulated Procurement: Yes

Proposed Contract Term: 96 months

Summary

This report seeks permission to commence the procurement of the contract for the provision of Residential and Nursing Care for Older People (Aged 65+).

1. Recommendation

- 1.1. The Cabinet is requested to agree to pursue the procurement of the Residential and Nursing Care for Older People (Aged 65+) contract as per the preferred option identified in paragraph 7.2.4 of the report, following legislation contained within the Procurement Act 2023.

2. Suggested reasons for decision

- 2.1. The new Residential and Nursing Care for Older People (Aged 65+) contract will deliver a service that will enable the following:
 - Aim to reduce the need to spot purchase or individually contract for complex/specialist care for older people (Aged 65+). This will be achieved by reviewing the current bandings to reflect an individual's mental and physical level of need rather than a diagnosis of dementia).

- To standardise services across Medway Council and Kent County Council and create a clearer understanding between authorities about the services commissioned through the alignment of specifications for example in terms of provider quality, KPI's and performance. This considers the Local Government Reorganisation proposals.
- Creates comparative services for providers who operate across the Kent and Medway border, contributing to greater market management on a collective basis.
- Supports the national and local principles of social care and health integration.

3. Budget and Policy Framework

- 3.1. Ensuring that the most vulnerable in our community are cared for and supported is one of the most important roles of the council. Priority 1 of the One Medway Council Plan is Delivering quality social care and community services.
- 3.2. Under the Care Act 2014 local authorities have a statutory duty to support vulnerable people assessed as being eligible for adult social care support. One way in which local authorities do this is by commissioning Residential and Nursing Care providers to deliver care and support to their residents.
- 3.3. Residential care supports a person's health, wellbeing, and safety to those needing substantial support with activities of daily living. In addition to the services offered at a residential care home, a nursing home will provide 24-hour nursing care and support people with complex conditions, or those who have a disability or are living with a terminal illness. Within nursing care homes, care is delivered under the supervision of a Registered General Nurse (RGN).
- 3.4. Where Residential and Nursing Care is provided by the local authority a financial assessment will be conducted to determine the contribution a person will make towards the cost of care.
- 3.5. A failure to facilitate a supply of good quality Residential or Nursing Care could result in avoidable hospital admissions, with subsequent high social and financial costs.
- 3.6. A lack of Residential Care would also affect the ability to discharge individuals from hospital in a timely manner, which Medway Council has a role within the Health and Care Partnership and Kent and Medway Integrated Care System to facilitate.
- 3.7. It is the responsibility of Medway Council to ensure availability and a range of quality provision of these services.
- 3.8. The provision of Residential and Nursing Care for Older People (Aged 65+) is funded through the Adult Social Care budget.

4. Background Information and Procurement Deliverables

4.1. Background Information

- 4.2. In July 2025, Care Quality Commission (CQC) data confirmed there are currently 14 nursing and 29 residential care homes in Medway for older people (Aged 65+). These homes have a combined total of 1546 registered beds. Medway Council individually purchases placements for older people outside of Medway's geographical area where specialist care provisions cannot be found.
- 4.3. The current contract for Residential and Nursing Care for Older People (Aged 65+) was written a significant time ago in 2007, and there is a need to update the contract terms and conditions, not only to include reference to new regulations and legislation but also to ensure the service continues to support the needs of an increasing older local population.
- 4.4. In the Autumn 2019 the Adults Partnership Commissioning Team began the governance process to recommission the Residential and Nursing Care for Older People (Aged 65+) contract.
- 4.5. Due to COVID-19 restrictions, limited engagement took place in the summer of 2020 and in November 2020 Cabinet approved the Gateway 1 report to progress. Due to altered commissioning functions and priorities related to the pandemic this work did not progress further.
- 4.6. Since then, occupancy rates within Medway care homes have remained high, as a result the Brokerage Team have experienced challenges in sourcing placements for individuals needing long term care. While not a new pressure, Medway Council has difficulty sourcing placements for older people with complex needs and/or behaviors that challenge. The difficulty has been amplified by the lack of capacity in the local market
- 4.7. While not a new pressure, Medway Council has difficulty sourcing placements for older people with complex needs and/or behaviours that challenge. The difficulty has been amplified by the lack of capacity in the local market. This problem is not confined to Medway.
- 4.8. Medway Council has three 25-year block contracts providing residential care for older people (Aged 65+). Each has planned bed capacity reductions during the lifetime of each of the contracts. The block contracts outlined below are out of scope of this procurement exercise and remain unaffected.

Location	Contract period	Number of beds
Strode Park Foundation (Platters Farm)	1 April 2013 to 31 March 2038	26
Agincare (Rochester Care Home and Victory Care Home)	1 September 2013 to 31 August 2038	66
Avante Care and Support (Amherst Court)	August 20;10 to July 2035	22

4.9. The following issues have been identified in the way the current services are designed and commissioned:

- The contracts needs updating to ensure compliance with contractual obligations such as the Health and Social Care Act 2008 (Regulations 2014) and the Care Act 2014
- The creation of a specialist band for individuals assessed as needing the highest level of complex care could reduce the reliance on individually purchasing this type of care.
- There is a need to ensure care staff are continuously learning and applying the knowledge and skills to support individuals with cognitive impairments in the care home; such as dementia awareness training, cognitive decline, treatment/medicines, and management strategies.
- There is an opportunity to improve the assessment referral process and decrease the time taken to assess individuals being discharged from hospital. A KPI around referral response times, and placement commencement timeframes could help improve local system flow from hospital.
- There is a need to stimulate the local market to increase bed capacity, especially in nursing care services where referrals have increased in recent years.
- Since COVID 19, care providers have continued to experience difficult market conditions; rising costs and low wage rates persist for care workers. The sector continues to experience a high turnover of care staff. According to Skills for Care Workforce Intelligence data there was a turnover trend of 15.5% for the year 2023/24 across all areas of the sector in Medway.
- The Adult Care and Support Joint Strategic Needs Assessment (JSNA) 2024 anticipated that the percentage of residents aged over 65 years will increase by 24% by 2040, representing an additional 11,400 number of people. The largest increases are

predicted in the older age cohorts with a particularly large increase of 55% in those aged 85+, representing an extra 3,100 people.

- Care and support needs generally increase with age, with the number of people over 80 needing help and support with at least one self-care task and/or one domestic task projected to increase by 43% in women and 53% in men by 2040.
- A larger number of older people implies increasing age-related conditions such as dementia, multimorbidity (where someone has multiple health conditions), frailty and falls, as well as more older adults with disabilities.
- Service data indicates a rising prevalence of dementia in care home users, and the number of people with dementia in Medway predicted to rise by 46% between 2019 and 2030.

4.10. Procurement Deliverables

4.11. As part of the successful delivery of this procurement requirement, the following procurement project outputs / outcomes within the table below have been identified as key and will be monitored as part of the procurement project delivery process.

Outputs / Outcomes	How will success be measured?	Who will measure success of outputs/ outcomes	When will success be measured?
Appoint providers who can deliver the service requirements	Performance and compliance visits, provider reports, resident feedback/surveys	Adults Partnership Commissioning, BI Team, ASC teams	At tender evaluation and contract award. Regular post contract award meetings. Post procurement contract management.
Develop a model that leads to an increased range of services in Medway and provides stimulation for the market	Creation of complex health/behaviours that challenge banding Specialist level of care band which sits above Nursing High	Adults Partnership Commissioning BI Team ASC teams	Post procurement contract management

Outputs / Outcomes	How will success be measured?	Who will measure success of outputs/ outcomes	When will success be measured?
Sustainable services that are cost effective	<p>Continued engagement with the market about sustainability</p> <p>Local availability of beds to suit all needs at contracted rates</p> <p>Resident feedback/surveys</p>	Adults Partnership Commissioning ASC teams	Post procurement contract management
Activities in older people's care homes are standard practice and reflect the needs of residents	Performance and compliance visits, provider reports, resident feedback/surveys	Adults Partnership Commissioning ASC teams	Post procurement contract management
Embed the Council's and the Public Health prevention agenda for older people into care home services	Performance and compliance visits, provider reports, resident feedback/surveys	QA team visits, Adults Partnership Commissioning ASC teams	Post procurement contract management
Encourage and maximise residents' independence	Providers should be able to evidence they are continuously promoting residents' independence through personalised care, treatment and support	Quality Assurance visits, Adults Partnership Commissioning ASC teams and BI teams	At the point of review
A service that meets the needs of Residents and achieve an individuals	Evidence that providers take an individual's views, requests and preferences into account during the design of how	Social work teams – to determine that care has been provided in a way that meets	<p>At the point of review</p> <p>Annually through a QA visit and contract</p>

Outputs / Outcomes	How will success be measured?	Who will measure success of outputs/ outcomes	When will success be measured?
desired outcomes	care and support is provided Providers' performance in dealing with complaints and Residents' feedback	the individual's needs. Adult's Partnership Commissioning, QA Team	management meetings

5. Parent Company Guarantee/Performance Bond Required

- 5.1. Commissioners request that the requirement for a Performance Bond be waved for this procurement based on the additional costs to bidders who may be deterred from participating in the procurement process.

6. Procurement Dependencies and Obligations

6.1. Project Dependency

6.1.1. The service model is dependent on the existence of:

- The Council's Integrated Discharge Team (IDT), and Hospital Brokerage Team or similar, to refer and place individuals from hospital into Residential and Nursing Care homes.
- The Council's Brokerage Team who source long-term residential or nursing care for older people who have been assessed as requiring the service. This service could include individuals who have been financially assessed, self-funded and those eligible for continuing health care.
- The Council's Adult Social Care Quality Assurance Team who visit care premises where Medway residents are placed, monitor care quality, provider performance, and provide support where resilience planning or CQC improvements are identified.

6.2. Statutory/Legal Obligations

- 6.2.1. The Council has a range of statutory duties and powers to provide services to vulnerable adults such as; older people, people with learning disabilities, physically disabled people and/or mental health conditions.
- 6.2.2. The Care Act 2014 and statutory guidance forms the basis of duties for Local Authorities. A key principle within the Act is to promote an individual's wellbeing by ensuring the care and support received meets

the individual's identified outcomes, which in turn supports people to live as independently as possible for as long as possible. Under the Act, local authorities can provide or commission services in a variety of ways, including through a Direct Payment, to meet the needs of those it assesses as eligible for services.

6.2.3. When arranging services, local authorities must also ensure commissioning practices and the services delivered comply with legal frameworks such as; the Human Rights Act 1998, the Equality Act 2010, and the Mental Capacity (Amendment) Act 2019.

6.2.4. Section 82 of the National Health Service Act 2006 ('the NHS Act 2006') requires that NHS bodies and local authorities should agree the discharge models that best meet local needs and are effective and affordable within the budgets available to NHS commissioners and local authorities.

6.3. Procurement Project Management

6.3.1. The management of this procurement process will be the responsibility of the Category Management team.

6.4. Post Procurement Contract Management

6.4.1. The management of subsequent contracts will be the responsibility of the Adults Partnership Commissioning Team, Adult Social Care.

6.4.2. The Provider will be required to keep and maintain a data dashboard for KPI purposes. A full list of KPIs will be detailed in the Gateway 3 report.

6.4.3. Data from providers will be reviewed monthly. This collation will enable the production of quarterly performance reports on individual providers and the service overall. Those not performing will be reported to the next available Departmental Management Team (DMT) meeting for discussion and agreed remedial action.

Title	Short Description	%/measurement criteria
Risk management	Percentage of care and support plans must have a risk assessment completed and updated every month or sooner if a person's needs change	95%
Timely Assessments	New residents have a full care needs assessment completed within 72 hours of admission	100%
Co-Produced Care Plans	Support Plans must evidence input from the individual and their representative(s) to	90%

Title	Short Description	%/measurement criteria
	demonstrate collaboration and co-production	
Regular reviews	Residents must have their Support Plans formally reviewed every month or sooner if their needs change	95%
Access to health services	Residents must have access to GP services, dentistry, podiatry, and optometry within NHS timeframes. The provider must facilitate any other health appointments or service access the resident requires (for example NHS screening appointments)	100%
Complaints	Complaints must be acknowledged within 3 working days Complaints must be investigated within 20 working days and resolved (where possible) within 30 days or escalated if not resolved	95%

7. Market Conditions and Procurement Approach

7.1. Current Market conditions indicate a good level of interest within the marketplace. Commissioners are confident that Providers will tender for the Open Framework

7.2. Procurement Options

7.2.1. The following is a detailed list of options considered and analysed for this report:

7.2.2. Option 1 – Do nothing

Advantage: Continue to collate activity/finance data to inform the design of an improved service in the future.

Disadvantage: This is a statutory service the Council has to provide for residents. This option puts the Council at risk both reputationally and legislatively.

By doing nothing, the Council loses the opportunity to update the terms and conditions of the existing contract which was written more than 15 years ago.

This option does not enable a review of the current bandings or potential creation of a complex/specialist banding to reduce individually purchasing services.

7.2.3. Option 2 – Utilise an existing framework or contract to meet this need:

There is no current open framework that meets the requirements of the Residential and Nursing Care for older people (Aged 65+) in Medway.

7.2.4. Option 3 – Competitive procurement:

Open (single stage) Procedure:

Advantages: A simple and straightforward process with all bidders submitting their proposals at once.

This is a limited market, so the intention is to attract as many applicants as possible.

Disadvantages: This would only be disadvantageous if a large number of bids were received which would require a significant amount of evaluating officer's time.

Under this procedure the framework would be reopened for new providers at Q4 2027 to Q1 2028, to coincide with Local Government Reorganisation, and again Q1 2030.

Competitive Flexible (multi-stage) Procedure:

Advantages: This procedure allows for increased flexibility and is a multi-stage procurement process, which can be tailored to specific needs.

Disadvantages: A multi-stage process involves short listing and breaking the process down into stages which would extend the timeline. The intention is not to short list down the supplier market on the basis that the market is already limited.

7.2.5. Subject to approval, it is proposed the Open Framework procedure is designed as follows:

Procurement stage	Purpose/detail	Deadline
Issue tender documents	Advertise the opportunity to the market	1 October 2025
Tender deadline	Opportunity closes	31 October 2025

Procurement stage	Purpose/detail	Deadline
Review of tender responses	To evaluate the tender responses prior to negotiation – fail any responses that fall under the pre-disclosed quality threshold	November 2025
Contract award	Inform successful providers	February 2026
Mobilisation period	Prepare providers to deliver the contracted services	March 2026
New Contract Start date	Service Go Live	April 2026

7.3. Contractual synergies

7.3.1. There are no contractual synergies that could potentially be combined within the organisation.

7.4. Advice and analysis

7.4.1. The Procurement Board is recommended to approve commencement of the provision of Residential and Nursing Care for Older People (Aged 65+) using an Open Framework as outlined under option 3. See 7.2.4.

7.4.2. It is recommended that the contract length be a 96-month term.

7.5. Evaluation Criteria

7.5.1. Whilst not finalised at this stage, officers propose to evaluate bidders against the following criteria within the tender.

#	Question	Weighting (%)	Purpose
1	<p>Service Delivery</p> <p>How you support individuals with their care and wellbeing needs, include how you devise support plans and the continuing monitoring of these plans.</p> <p>How you deliver safe, supportive person-centred care to service users to ensure that people's preferences, needs, and values are met.</p> <p>Please provide details of how your organisation implements measures to ensure that Residents:</p>	30	Examples of delivering previous/similar services on each element

#	Question	Weighting (%)	Purpose
	<ul style="list-style-type: none"> do not suffer from loneliness or social isolation have quality of life (I/We statements) are protected under the Equality Act 2010 		
2	<p>Staffing and workforce</p> <p>A description of the roles and responsibilities of management, office staff and care workers including the number/size of the workforce</p> <p>The experience, training, and qualifications requirements of management personnel and care staff.</p> <p>How your organisation recruits and retains employees along with your workforce retention, recruitment and development strategies, including staff training, staff development and supervision.</p> <p>Details of how your organisation builds workforce resilience.</p>	20	Organisation al structure, how they recruit and retain employees and build resilience
3	<p>Partnership arrangements</p> <p>Provide a description of any partnership arrangements you may have with other stakeholders, examples of such stakeholders could be but not limited to:</p> <ul style="list-style-type: none"> Other Service Providers NHS Services Voluntary Community Organisations Healthy Lifestyle Services Third Sector Universal Services 	15	Evidence or examples of collaborative working
4	<p>Safeguarding adults</p> <p>Please demonstrate how your organisation complies with the Mental Health Capacity Act 2005, in particular how you ensure that those within your care are free from harm, abuse and neglect.</p> <p>Providers to detail how they comply with the 'Multi-Agency Safeguarding Adults Policy, Procedures and Practitioner Guidance for Kent and Medway'</p>	25	Demonstrating how the organisation keeps residents safe, awareness of legislation and policies and procedures

#	Question	Weighting (%)	Purpose
5	Social Value	10	To ensure delivery of social value
6	Price	Pass / Fail	Providers must confirm they can deliver at the rate specified within the invitation to tender

8. Risk Management

- 8.1. The risk of not having a contract in place increases the risk of spot purchasing specialist placements for people with complex and/or behaviors that challenge. The contract will outline the physical and mental health needs within bandings and include a new band for specialist/complex health needs.

Risk	Description	Action to avoid or mitigate risk	Risk rating
Service Model	The model will see a reduction in the number of contracted providers. This could destabilise the market and unintentionally create gaps in provision	Existing Providers will be consulted on the model and have the opportunity to feed into the service design. The Council will not actively remove services from providers and will allow for the natural cessation of placements. This will allow providers increased time to adjust to the change in the system	CII
Procurement Process	Providers fail to register as a supplier on the Central Digital Platform (CPD), a requirement under the Procurement Act 2023	Existing Providers have been made aware of the need to register; This will be communicated via different channels in the future. This does not affect existing placements.	CIV
Contractual Delivery	Providers fail to fulfil contractual obligations	Commissioners will work in partnership to ensure early identification of issues. Contract management will	CII

Risk	Description	Action to avoid or mitigate risk	Risk rating
		be robust and performance reviews will be conducted regularly. Stakeholders including social workers, BI and QA will support the management of the service.	

For risk rating, please refer to the following table (please **retain** table in final report):

Likelihood	Impact:
A Very likely B Likely C Unlikely D Rare	I Catastrophic II Major III Moderate IV Minor

9. Consultation

- 9.1. On 29 April 2025 Adult's Partnership Commissioning held a market engagement event with Residential and Nursing Care Providers, facilitating workshops around specific themes to gain feedback and improve the existing service
- 9.2. Healthwatch Medway representatives attended the event to promote the Care Home Managers Project which seeks views on development opportunities, system relationships and feedback on winter planning.
- 9.3. Healthwatch have also agreed to visit care homes to engage with residents both face to face and survey as part of their 'Have Your Say' workstream.
- 9.4. The outcomes and views captured by Healthwatch Medway will be shared with Adults Partnership Commissioning by August 2025 and considered as part of the wider stakeholder engagement exercise for the provision of Residential and Nursing Care for Older People (Aged 65+). In addition, Medway Council will be engaging with service users during August 2025 through a survey. The intention is to capture their views and use this to inform service design and further improve the quality of services commissioned.

10. Service Implications

10.1. Financial Implications

- 10.1.1. Existing Residential and Nursing Care placements for Older People sit under four bandings Standard Residential, Residential Dementia, Standard Nursing and Nursing Dementia at a fixed price per week, as shown in the table below:

Older People (Aged 65+)	2025/26 £	2024/25 £	2023/24 £
Standard Residential	800.00	690.74	485.07
Residential Dementia	850.00	800.00	595.58
Standard Nursing *	1,000.00	874.64	579.60
Nursing Dementia *	1,050.00	945.64	703.64

*FNC, or NHS-funded Nursing Care is a weekly payment made by the NHS to care homes with nursing facilities to help cover the cost of registered nursing care. The funding is provided to support the nursing component of care for individuals who require the services of a registered nurse but are not eligible for full NHS Continuing Healthcare. On 1 April 2025, the rate was set at £254.06 a week (standard rate).

10.1.2 The Council has to individually purchase placements for people with complex and/or behaviours that challenge at a higher rate than detailed above.

10.1.3 Adults Partnership Commissioning are developing new bandings with Adult Social Care colleagues. An exercise will be conducted with Finance colleagues to ensure the projected demand for the service at the new contract rates is within the Adult Social Care budget for 2026/27.

10.1.4 The table below shows the Adult Social Care spend over the last 4 years, split into Residential and Nursing Care.

Older People (Aged 65+)	ASC spend 2024/25 £	ASC spend 2023/24 £	ASC spend 2022/23 £	ASC spend 2021/22 £
Residential Care	17,978,067	15,996,166	13,475,623	11,169,610
Nursing Care	12,351,027	10,441,785	8,799,461	7,388,884

10.2. Legal Implications

- 10.2.1. Under the Care Act 2014 local authorities have a statutory duty to support vulnerable people assessed as being eligible for adult social care support. The Council has a duty to ensure that the service is available to all eligible residents within the area.
- 10.2.2. This contract will be procured in accordance with the Procurement Act 2023 and its associated regulations. As such, the procurement process must adhere to the principles of transparency, equal treatment, and value for money, while also ensuring compliance with the new requirements for competitive tendering, publication of notices on the central digital platform, and alignment with the National Procurement Policy Statement.

10.3. TUPE Implications

- 10.3.1. TUPE is not applicable to this contract.

10.4. Procurement Implications

- 10.4.1. The requirements are a mixture of residential and nursing care, but the higher proportion of expenditure is classed as social care and therefore the framework will be procured under the 2024 Procurement Regulations. The commissioners advise this is a limited market and therefore an open procedure would be appropriate. The intention is to require providers to confirm they will deliver services at a price which has been set by the Council. However, this does remove any element of price competitiveness between the providers.

10.5. ICT Implications

- 10.5.1. No ICT implications have been identified.

10.6. Climate Change implications

- 10.6.1. During the tender stage, climate change topics will be asked of the Providers. For example, we will require evidence of how they deal with single use plastic, their efforts to reduce their carbon footprint, waste management and air quality measures.

11. Social, Economic & Environmental Considerations

- 11.1. In line with Medway Council's Social Value Policy, officers will include the following standard outcomes and measures (the units have also been included for illustrative purposes) within the tender. Whilst there will be no commitment for bidders to deliver against every line, the

accumulative value provided by each bidder will be scored and form part of the price evaluation score.

11.2. The Social Value commitment from the winning bidder will be transposed into contractual KPIs.

Outcomes	Measures	Standard Units
More local people in employment	No. of local direct employees (FTE) hired or retained (for re-tendered contracts) on contract for one year or the whole duration of the contract, whichever is shorter	No. people FTE
More local people in employment	Percentage of local employees (FTE) on contract	%
Improved skills	No. of staff hours spent on local school and college visits e.g. delivering careers talks, curriculum support, literacy support, safety talks (including preparation time)	No. staff hours
Improved skills	No. of weeks of apprenticeships on the contract that have either been completed during the year, or that will be supported by the organisation until completion in the following years - Level 2,3, or 4+	No. weeks
More opportunities for local MSMEs and VCSEs	Total amount (£) spent in LOCAL supply chain through the contract	£
More opportunities for local MSMEs and VCSEs	Meet the buyer' events held to highlight local supply chain opportunities	£ invested including staff time
Social Value embedded in the supply chain	Percentage of contracts with the supply chain on which Social Value commitments, measurement and monitoring are required	%
Creating a healthier community	Initiatives taken or supported to engage people in health interventions (e.g. stop smoking, obesity, alcoholism, drugs, etc.) or wellbeing initiatives in the community, including physical activities for adults and children	£ invested including staff time
Carbon emissions are reduced	Savings in CO2 emissions on contract achieved through de-carbonisation (specify how these are to be achieved)	Tonnes CO2e

Outcomes	Measures	Standard Units
Sustainable Procurement is promoted	Percentage of procurement contracts that includes sustainable procurement commitments or other relevant requirements and certifications (e.g. to use local produce, reduce food waste, and keep resources in circulation longer.)	% of contracts
Social innovation to create local skills and employment	Innovative measures to promote local skills and employment to be delivered on the contract - these could be e.g. co-designed with stakeholders or communities, or aiming at delivering benefits while minimising carbon footprint from initiatives, etc.	£ invested - including staff time and materials, equipment or other resources

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Appendices

Appendix 1 – Diversity Impact Assessment
 Exempt Appendix – Financial Analysis

Background Papers

None