

Item 5: Section 136 pathway and health-based place of safety service improvement

By: Kay Goldsmith, Scrutiny Research Officer

To: Health Overview and Scrutiny Committee, 31 January 2023

Subject: Mental Health Transformation: Section 136 pathway and health-based places of safety service improvement

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Summary: This report falls under the transformation of mental health services in Kent and Medway.

The Committee has yet to determine if this workstreams' proposals constitute a substantial variation of service.

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## 1) Introduction

- a) The Kent and Medway Integrated Commissioning Board have asked to present HOSC with proposed service improvements to the Section 136 (Mental Health Act 1983, as amended 2007) pathway and health-based places of safety (HBPOS) for the adult population of Kent and Medway.

## 2) Potential Substantial variation of service

- a) On 10 June 2021, HOSC received a paper setting out the a programme of change for mental health and dementia services in Kent and Medway. The Committee agreed to receive updates on the progress of the overall transformation, as well as accepting individual reports on each of the workstreams at the appropriate time. This would allow the Committee to determine if each item is a substantial variation of service and proceed accordingly.
- b) The Committee is asked to review whether this proposal constitutes a substantial variation of service. There are no formal criteria setting out what a substantial variation of service is, and it is down to the Committee to decide.
- c) Where the Committee deems the proposed changes as not being substantial, this shall not prevent it from reviewing the proposed changes at its discretion and making reports and recommendations to the NHS.
- d) Where the Committee deems the proposed changes as being substantial, the NHS must consult with it prior to a final decision being made, though the NHS always remains the decision maker.
- e) Once the final decision has been reported to HOSC, the Committee shall decide if it supports the decision, does not support the decision, and/or provide comment on it. Where it does not support the decision, the Committee can refer it to the Secretary of State.

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- f) Medway Council's Health and Adult Social Care Overview and Scrutiny Committee (HASC) has considered the changes and determined they are not substantial.

**3. Recommendation**

*If the proposals relating to places of safety are deemed substantial:*

RECOMMENDED that:

- (a) the Committee deems that proposed changes to places of safety are a substantial variation of service.
- (b) NHS representatives be invited to attend this Committee and present an update at an appropriate time.

*If the proposals relating to places of safety are deemed not substantial:*

RECOMMENDED that:

- (a) the Committee deems that proposed changes to places of safety are not a substantial variation of service.
- (b) NHS representatives be invited to attend this Committee and present an update at an appropriate time.

**Background Documents**

Kent County Council (2021) Health Overview and Scrutiny Committee (10/06/21)  
<https://democracy.kent.gov.uk/ieListDocuments.aspx?CId=112&MId=8501&Ver=4>

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