

# KENT COUNTY COUNCIL – RECORD OF OFFICER DECISION

**DECISION TAKEN BY:**

Ellen Schwartz, Acting Director of Public Health

**DECISION NO:**

OD/23/00001

**For publication****Subject matter:**

Novation of Specialist Bereavement Service for under 25-year-olds

**Cabinet Member or Council/Cabinet decision to which this action relates:**

Please insert the Cabinet Member decision number and link or Council/Committee decision link  
[DECISION NO: 20/00132](#)

**Decision:**

To novate the *Specialist Bereavement Service for under 25-year-olds (SC20060 – Lot 1)* contract between KCC and CHUMS Social Enterprise CIC, to the NHS Kent and Medway Integrated Care Board (ICB) and CHUMS Social Enterprise CIC from 1<sup>st</sup> January 2023.

**Reason(s) for decision:****Background**

In 2020, due to the similarity of the two Specialist Bereavement Support services and market similarities, KCC agreed to lead on a procurement process on behalf of Kent and Medway Clinical Commissioning Group, now known as the Kent and Medway Integrated Care Board (ICB). This service was broken down into two lots:

1. Specialist Bereavement Support Service for under 25 years olds
2. Suicide Bereavement Service

The collaboration between the ICB and KCC was set out in a Memorandum of Understanding (MOU), which included an agreement that KCC would procure, contract with the winning bidder(s), and lead contract management of the Specialist Bereavement Support Service for under 25 years olds (lot 1). The service commenced on 1st September 2021 for the duration of 36 months with provision to extend by 2 x 12 months.

The ICB is the sole funder of the Specialist Bereavement Service for under 25-year-olds as stipulated in the MOU, but passports the funding to KCC who manage the contract. The Suicide Prevention Team will continue to fund Suicide Bereavement Service Lot 2. The ICB funds an additional 5% to KCC for procuring and managing the contract. The annual contract value of the service is £125,000.00 plus a provision for an additional flexible funding pot of £50,000.00 per annum, which has not been utilised.

**Rationale****Key reasons for this change are as follows:**

- **Financial** – The ICB holds the budget for this service and KCC income for contract management of £6,250.00 per annum, has not matched the cost of the staff resource that has been required to manage the contract.

- **Efficiency** - Over the contract term, contract management has involved a disproportionate number of staff from both organisations and there is a mutual desire to simplify this. The novation will free up staff time for other priorities, in Public Health Commissioning (Senior Commissioner, Trainee Commissioner, Billing Officer) and Finance teams. In addition, there has been no benefit in KCC managing both bereavement contracts together as clients and suppliers are different.
- **Accountability and alignment** - the commissioning responsibility and funding for the Specialist Bereavement Service sits with the ICB. The ICB as the contracting authority will be better placed to manage the contract effectively and efficiently, in alignment with other specialist mental health services. KCC will still work effectively as partners as required.

KCC PH staff resource freed up by the novation will provide additional capacity to support other priorities as per Public Health Business plan.

### **Service continuity**

The support for individuals in Kent and Medway who are experiencing high levels of distress and grief as an impact of their bereavement will remain in place without interruption. KCC will support an effective handover to the Kent and Medway ICB during quarter 4 of 2022/23.

### **Financial Implications:**

Value of the loss of income is very low (£6,250.00 per annum) and offset by gains in staff time. Whilst the funding was a pass-through arrangement there is no further budgetary impact, although the novation transfers contractual risks related to the annual value of £125,000.00 for the remaining contract term (due to end September 2024 or 2026 if extended).

Any legal costs relating to this contract following the novation will be incurred by Kent and Medway ICB.

### **Legal implications:**

KCC have sought legal advice and input on the novation.

The novation transfers the contracting authority and responsibilities of the supply of the Specialist Bereavement Service for under 25-year-olds (Contract Number: SC20060 – Lot 1) from KCC to ICB.

As from the Effective Date, references to KCC as the Outgoing Party in the Contract shall be deleted and replaced by references to ICB as the Incoming Party. It is a mandatory requirement for NHS Kent and Medway ICB to commission healthcare services using the NHS Standard Contract. It is therefore agreed that the terms and conditions of the NHS Standard Contract (Full Form) will be implemented by 31/03/2023. There will not be any change in service delivery due to this change.

### **Equality Implications:**

There will be no changes to the service provision from the change of contracting authority and therefore no equality implications.

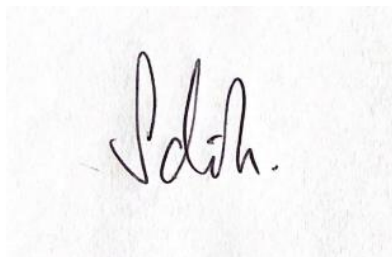
### **Comments received from members consulted:**

Clair Bell is in support of this decision.

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

- Continuing in the current arrangement has been assessed to be an inefficient way forward, as the contract management has been taking a disproportionate amount of resource from both KCC and ICB.
- Discontinuing the contract is not a viable option under the funding arrangement or in the best interests of the Kent population.

**Any conflict of interest declared by any executive member consulted by the decision maker and any dispensation granted by the Proper Officer:**

A photograph of a handwritten signature in black ink on a light-colored, textured paper background. The signature is cursive and appears to be 'J. Smith'.

.....  
signed

.....  
Date 9<sup>th</sup> February 2023