

EXECUTIVE DECISION

From: Sarah Hammond, Corporate Director of Children, Young People and Education

To: Sue Chandler, Cabinet Member for Integrated Children's Services

Subject: Kent County Council's contribution to the Children and Young People's Mental Health Service (CYPMHS)

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

Classification: Unrestricted

Past Pathway of report: Children, Young People and Education Cabinet Committee – 6 March 2024

Future Pathway of report: Cabinet Member Decision

Electoral Division: All

Summary:

This report provides an overview of the proposed decision to cease the Council's financial contribution to the NHS Commissioned Children and Young People Mental Health Service (CYPMHS) in relation to the fast-track assessments for Looked after Children and Harmful Sexual Abuse.

Recommendation(s):

The Cabinet Member for Integrated Children's Services is asked to take the proposed decision to:

- a) Provide five months notice on 1 April 2024 to the Kent and Medway Integrated Care Board (ICB) of the withdrawal of investment for fast-tracked assessments for Looked After Children and Harmful Sexual Abuse from 1 September 2024
 - b) Continue to contribute £150,000 annual funding for services to the Pupil Referral Units and Post Sexual Abuse
- and
- c) Delegate decisions and necessary actions to the Corporate Director for Children, Young People and Education, or other Officer as instructed by the Corporate Director for Children, Young People and Education, in consultation with the Cabinet Member to implement the decision

1. Introduction

- 1.1 Kent County Council (KCC) has a long-established partnership with the ICB, schools, and other agencies, to enable a “whole system approach” to improve children and young people’s mental health. The Children and Young People Mental Health Service (CYPMHS) is provided by the North-East London Foundation Trust (NELFT) and forms one part of this system providing specialist support. The service was procured by the ICB in 2017 with KCC making a financial contribution to fast-track assessments for Looked After Children (LAC) and for support to the Pupil Referral Units (PRU).
- 1.2 Strategic oversight of the contract has been in place through the Kent and Medway Children and Young People Programme Board and managerial oversight for our financial contribution has been through a Section 76 Agreement (S76) between KCC and the ICB, as lead commissioners. The cost of the KCC investment into CYPMHS per annum is £1,267,000. This is broken down as follows:
- £1,117,000 is the contribution to the ICB/NELFT contract for fast-tracked assessments for Looked After Children.
 - £1,000,000 LAC Priority Assessment
 - £117,000 Harmful Sexual Abuse
 - £150,000 is Services from Local Authorities
 - £50,000 Pupil Referral Unit
 - £100,000 Post Sexual Abuse
- 1.3 The current contract is due to end on 31 August 2024 (two-year contract extension currently operating) with the ICB looking to directly award for a further 12 months before recommissioning a like for like service with an up-to 13-year contract, commencing from September 2025, with transformational change embedded through the term.

2. Current Arrangement

- 2.1 KCC contributes £1m per year to enable NELFT to prioritise referrals of Looked After Children (LAC). This element of the service has performed to the required contractual standard however, NELFT have not been able to distinguish between KCC LAC and those LAC who were placed in Kent by another local authority.
- 2.2 Throughout the contract period, NELFT have consistently met and exceeded the performance target of the contract, and this has been demonstrated through the monthly data reporting. However, it has not been determined since 2017 whether Kent LAC, having received their initial assessment, are waiting the standard time for the start of intervention or not. It has not been demonstrated that a Kent LAC has a priority service over other non-LAC referrals. The funding is for a fast-track assessment, not fast-track intervention.
- 2.3 Work has been undertaken by KCC and the ICB to improve the data collection that is provided by NELFT and to understand how the KCC investment is utilised within the contract. A workshop was held in September 2020 which

looked at ways NELFT could provide additional data in relation to the number of LAC referrals that were Kent children. As a result of this, the KCC Management Information and Intelligence Unit were able to match child level data with NELFT on several occasions.

- 2.4 In 2021, a deep dive was completed to identify any trends with cases that are declined by NELFT at the point of initial assessment. Although the deep dive did not conclude sufficient evidence to show whether LAC children are being treated more disproportionately than other vulnerable children accessing the CYPMHS, it did show that further consideration should be given as to whether to continue with the investment or to reinvest the £1m into an independent assessment service.
- 2.5 Associated with the LAC Priority Assessments is additional funding of £117k to support meeting the needs of children and young people who present with Harmful Sexual Abuse. The CYPMHS provides evidence-based interventions for children and young people who have been sexually abused or who exhibit harmful sexual behaviour. KCC has historically contributed financially to support this, however, there is no statutory mandated requirement to do so and as such no reporting mechanism. These interventions are already part of NELFT's complex/behaviour pathway; therefore, children and young people would continue to access services through that route.
- 2.6 If KCC does not continue investing into the CYPMHS, there is no evidence to suggest that this would result in a reduced service, however the initial assessment time for Kent LAC would increase from two to four weeks. Once assessment has taken place all children and young people access the service based on a clinical need. It has always been acknowledged that children and young people access the service based on risk and clinical need.
- 2.7 In addition to the LAC element, KCC contributes £150k per annum for the Pupil Referral Unit (PRU) which incorporates support for Post Harmful Abuse as part of NELFT's complex pathway work. The PRUs aim is to provide continuity of education for pupils who are unable to attend school due to health needs. This includes:
 - An education support service to schools for young people with physical medical conditions; and
 - An education outreach service for young people with mental health needs.
- 2.8 There are six PRUs in Kent. The units operate in term time only.
- 2.9 Regulations require local authorities to establish management committees to run PRUs in their area, to make provision for the constitution (including composition) and procedures of management committees, and to delegate specific powers to management committees (The Education (Pupil Referral Units (Management Committees etc. (England))) Regulations 2007 (as amended by the Pupil Referral Units (Miscellaneous Amendments (England)) Regulations 2012).

2.10 In September 2014, a new duty was laid upon governing bodies to make arrangements to support pupils with health conditions at school (DfE guidance, April 2014). KCC has reviewed the existing provision for pupils with health needs, who are unable to attend school. The Council's policy is intended to ensure that children with serious health conditions in terms of both physical and mental health, are properly supported so that they can achieve their academic potential.

3. Future of the CYPMHS Service

3.1 The ICB are engaging all stakeholders in developing the potential changes to future services. KCC has been fully engaged in this process. As an example, the future contract will likely be for a Kent and Medway service for diagnosis and treatment. Currently these are two separate contracts. One of the key differences is that Medway supports Care Leavers up to 19 years of age whereas the Kent contract stops at 18 years of age. There are more commonalities, for example, the Single Point of Access (SPA) and crisis pathways are the same.

3.2 The ambition is to develop a distinct multi-agency offer based on national best practice. Feasibility assessments will be undertaken during the pre-procurement stage to establish financial viability of all proposed models. The ICB want to issue a 12-month Direct Award for the existing contract to work with partnerships to develop a model to meet the needs of the population which will include exploring different models of care for LAC and Unaccompanied Asylum-Seeking (UAS) children. It is their expectation that KCC will continue the current level of investment through to the revised contract end date 31 August 2025.

4. Options Considered

4.1 An options appraisal has been completed and is shown in Appendix 1.

4.2 The recommended option (Option 5) is to give notice to the ICB of the withdrawal of the £1.117m contribution for KCC.

Option 5	Benefits	Risks
Give notice to ICB of withdrawal of £1.117m investment	<ul style="list-style-type: none"> • £1,117m savings for CYPE achieved. • Opportunity to use £1.117m within the wider CYPE directorate. 	<ul style="list-style-type: none"> • Kent's LAC may have to wait longer for initial assessments. Contractual target for routine assessments to be completed within four weeks of accepted referral is 45%. August 2023 data reports 54.78% (data includes Medway). • Depending on how the contract is structured, could impact service delivery

- 4.3 There is no evidence to suggest this would result in a significantly reduced service for Kent LAC and those children and young people accessing support through the complex pathway for Harmful Sexual Behaviours.

5. Financial Implications

- 5.1 Kent County Council's Medium Term Financial Plan (MTFP) for 2024-27 includes an estimated saving of £1.0m from reviewing the ICB/NELFT contract for fast tracking mental health assessments for Looked After Children in 2025/2026. This proposal will deliver this saving and if KCC withdraws its investment in line with the contract renewal (1 September 2024) this would deliver an additional saving for 2024/2025 of £0.558m, and £0.117m in 2025/2026. This additional saving will be reported in the financial monitoring report and will be reflected in the MTFP for 2025/2028. Identifying additional savings in 2024/2025, over and above the MTFP for 2024/2025, is important to support further financial resilience of the Council as set out in Securing Kent's future.
- 5.2 This ICB CYPMHS contract has an annual value of £16m. KCC's contribution of £1.117m equates to 7% of the overall annual contract value.
- 5.3 The ICB's intention is to go out to the market in 2025 to procure a 13-year contract. This would tie KCC to a financial outlay of £14.5m over the contract lifetime.
- 5.4 The funding contribution for the PRUs would continue at £150k per annum. This will be funded from the High Needs Block of the Dedicated Schools Grant (ring-fenced education grant from the Department of Education).

6. Securing Kent's Future

- 6.1 This meets Objective 2 in Securing Kent's Future: Delivering savings from identified opportunity areas to set a sustainable 2024/2025 budget and Medium Term Financial Plan.

7. Legal Implications

- 7.1 The NHS holds a statutory duty to provide a CYPMHS service under the NHS Long Term Plan 2013/2014 which set out the priorities for expanding Children and Young People's Mental Health Services over the following ten years. This included a commitment to expand mental health services through schools and colleges so that an extra 345,000 children and young people aged 0-25 can get support when they need it, in ways that work better for them.
- 7.2 KCC does not hold a statutory duty to deliver the service to fast-track assessments for Looked After Children or for the provision of Harmful Sexual Abuse interventions, however it does for services to the PRU's as stated in The Education (Pupil Referral Units (Management Committees etc. (England)))

Regulations 2007 (as amended by the Pupil Referral Units (Miscellaneous Amendments (England)) Regulations 2012.¹

8. Equalities Implications

- 8.1 Kent's LAC may have to wait longer for initial assessments. The contractual target for routine assessments to be completed within four weeks of accepted referral is 45%. August 2023 data reports 54.78% (data includes Medway). There would be no impact on Kent LAC receiving a service.
- 8.2 Children and young people will continue to access Harmful Sexual Abuse interventions through the complex/behaviour pathway managed by NELFT.

9. Data Protection implications

- 9.1 The ICB are responsible in developing and reviewing the DPIA as the procurement of the new CYPMHS progresses.

10. Recommendation(s):

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 - b) To continue to contribute the £150,000 annual funding for services to the Pupil Referral Units and Post Sexual Abuse
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- c) Delegate decisions and necessary actions to the Corporate Director for Children, Young People and Education, or other Officer as instructed by the Corporate Director for Children, Young People and Education, in consultation with the Cabinet Member, to implement the decision

Background Documents

None

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¹ [The Education \(Pupil Referral Units\) \(Management Committees etc.\) \(England\) Regulations 2007 \(legislation.gov.uk\)](#)