

KENT COUNTY COUNCIL – PROPOSED RECORD OF DECISION

DECISION TO BE TAKEN BY:

Georgia Foster,
Cabinet Member for Adult Social Care

DECISION NUMBER:

26/00058

Executive Decision – Key decision**26/00058 – Mental Health Assessment Service**

Decision: As Cabinet Member for Adult Social Care, I propose to:

- a) **APPROVE** the recommissioning of a new DoLS Mental Health Assessment Service and confirm the current contractual arrangements, including the approved contract modification which will enable procurement and mobilisation of the new service;
- b) **DELEGATE** authority to the Corporate Director, Adult Social Care and Health to take relevant actions to negotiate, finalise the terms of, and (in consultation with the Cabinet Member for Adult Social Care) award the contract for the Mental Health Assessment Service;
- c) **DELEGATE** authority to the Corporate Director, Adult Social Care and Health (in consultation with the Cabinet Member for Adult Social Care and the S151 Officer) to exercise any approved contract extensions; and
- d) **DELEGATE** authority to the Corporate Director, Adult Social Care and Health to enter relevant contracts or other legal agreements as required to implement the decision.

Reasons for decision:

The current Mental Health Assessment Service Contract commenced on 1 August 2023 with a duration of two years plus one year extension. A contract modification of up to nine months has been agreed by Commercial and Procurement under the Provider Selection Regime to allow for the recommissioning of the new service. The current contract arrangements expire 30 April 2027.

The proposal is to undertake a competitive procurement exercise to recommission a new Mental Health Assessment Service. This approach will ensure best value for money and gives a balance of resilience, flexibility and quality of service and supports the Council's statutory Deprivation of Liberty Safeguards (DoLS) function.

How the proposed decision supports the Council's Strategic Statement:

The recommissioning of the Mental Health Assessment Service supports the Council's Strategic Statement [Reforming Kent 2025–2028](#) by strengthening the quality, responsiveness and sustainability of a core statutory Adult Social Care function, aligning with the aims of putting residents first, supporting residents who need help, reforming the Council, and building better communities.

The new service approach will improve timely access to assessments and ensure continued compliance with statutory duties, thereby improving outcomes and safeguarding for vulnerable adults. It also contributes to the Council's transformation agenda by modernising delivery and improving efficiency and value for money.

Overall, the recommissioning is fully aligned to the Council's strategic direction and supports improved outcomes for residents alongside financial sustainability.

Financial implications:

The proposed cost of recommissioning the Mental Health Assessment Service will be up to £416,000 per annum. The contract will be let for an initial two year term, with the option to extend for a further one plus one year. The estimated maximum value over the full contract term is approximately £1.664m. However, following the change to what constitutes a deprivation of liberty it is expected demand for the service to reduce. Work is currently underway to quantify the anticipated impact on future service demand.

The funding for this service will come from the budget managed within Adult Social Care and Health DoLS Service. This is included in the Medium Term Financial Plan (MTFP).

Through the price evaluation in the procurement process we will seek to ensure best value for the council and a sustainable rate for the service.

Legal implications:

Deprivation of Liberty Safeguard (DoLS) assessments were introduced in 2009 to prevent breaches of article 5 human rights ("Right to liberty and security of person"), provide a procedure in law for those deprived in accommodation to access care and treatment, and to provide legal protection to determine the lawfulness of the deprivation. This service is a statutory responsibility for the Local authority.

Under the current arrangements a DoLS requires a mental health assessment, carried out by a mental health assessor. The Mental Capacity Act DoLS Regulations 2008 stipulate this must be a medical doctor experienced in mental health and are section 12 approved, therefore approved clinicians under the Mental Health Act 1983. Furthermore, the local authority is responsible for ensuring that sufficient mental health assessors are available.

The Mental Health Assessment Service ensures that the Council can meet its requirement to ensure that a person subject to DoLS has received statutory Mental Health and eligibility assessments in a timely manner so as not to delay any outcome issued by the Supervisory Body.

The procurement will be undertaken in accordance with The Health Care Services (Provider Selection Regime) Regulations. The regulations primarily apply to NHS England and Integrated Care Boards, and also to local authorities when arranging healthcare services. Kent County Council will use a Competitive Process to test the market and identify a suitable provider, in line with the methodology set out in Regulation 11.

Any LGR impacts will be managed through a break clause included in the contract, governance arrangements, and the standard LGR clause included in all new contracts.

Equalities implications:

A full Equality Impact Assessment (EqIA) was completed and formally signed off by the EqIA Lead in July 2026. This assessment explored the potential impact of the proposed changes on individuals with protected characteristics under the Equality Act 2010. It confirmed that the new service model is designed to promote equity of access, ensure fairness in placement decisions, and address any potential disparities in service delivery across different localities in Kent.

Data Protection implications:

A full Data Protection Impact Assessment (DPIA) has been completed and signed off by the Information Governance Lead in August 2026.

The DPIA process has helped identify potential privacy risks linked to the recommissioning of the Mental Health assessment service, particularly around the management of the special category data. Appropriate mitigations and safeguards are being incorporated into the design of the new commissioning model to ensure compliance with UK GDPR and the Data Protection Act 2018.

Cabinet Committee recommendations and other consultation: The proposed decision was considered by the Adult Social Care and Public Health Cabinet Committee on 24 September 2026 and the recommendations were endorsed.

Any alternatives considered and rejected:

Option a) 'Do nothing' is unviable.

The council has a statutory duty to provide mental health assessments under the Mental Capacity Act 2005. Without a new contract in place to mental health assessments it will put the council at risk on both a financial basis and with regard to meeting statutory duties.

Option b) Spot purchase mental health assessments without a contract.

This would result in reduced control of quality, cost and supply meaning there might be occasions where there is insufficient capacity for a service to be provided.

Any interest declared when the decision was taken and any dispensation granted by the Proper Officer:

.....
Signed

.....
Date