

**By:** Kevin Lynes, Cabinet Member for Adult Social Services  
Oliver Mills, Managing Director, Kent Adult Social Services

**To:** Cabinet – 14 July 2008

**Subject:** **KENT & MEDWAY MENTAL HEALTH AND SOCIAL CARE  
NHS PARTNERSHIP TRUST – FOUNDATION TRUST  
APPLICATION**

**Classification:** Unrestricted

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**Summary:** This report seeks endorsement of KMPTs application for Foundation Trust status.

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1. KCC integrated its mental health services and related purchasing budgets into the NHS's specialist mental health services in 2002 when 2 specialist mental health trusts were established in Kent. These were brought together into the single Kent & Medway Partnership Trust (KMPT) in 2006/07, along with the continued full integration of services from KCC and Medway Council, including continuing the secondment of KCC specialist staff.

2. Just as all NHS Trusts are required to progress between 2006 and 2010, KMPT is currently preparing an application to Monitor, the Government-appointed independent regulator of Foundation Trusts, to achieve Foundation Trust (FT) status. This is a detailed and exacting assessment process designed to ensure that successful applicants are strong, viable organisations in terms of service quality and patient care, with secure finances, strong leadership and excellent managerial and public-facing governance arrangements.

3. A Briefing Paper from the Trust is attached (Appendix 1) which includes extracts from the presentation made by the Chairman, Peter Smallridge, to the Adult Social Services Policy Overview Committee (ASSPOC) on 30 May 2008. The Chief Executive, Erville Millar, will be at Cabinet to give a brief introduction and answer questions.

4. Senior Adult Social Services staff have worked closely with the Trust to make sure that, in wishing to support the Trust's application, the importance KCC attaches to values of excellence in social care and commitment to improving people's life chances is embedded in the Trust's vision for the future of mental health services in Kent and that these meet the standards KCC expects of a fully-integrated and person-centred mental health service.

5. Notwithstanding the Section 75 arrangements that are in place to manage the operational and financial arrangements between KCC and the Trust, KCC is not a party to the application for FT status.

6. In the course of arriving at a recommendation on behalf of the County Council to Cabinet, the Trust's application has been discussed at the ASSPOC on 30 May 2008 to which all Members of the Council were invited, and at the Health Overview & Scrutiny Committee, most recently on 13 June 2008. Members of those Committees have had the opportunity to question the Chairman and Chief Executive of the Trust.

7. The key issue for KCC is that the Trust continue to deliver excellent core services for the most vulnerable clients for whom the County Council has a statutory responsibility. KCC will hold the Trust, including an FT, to account through its contract under Section 75 of the NHS Act 2006. In addition the Trust needs to manage the transfer of learning disability services to the PCT so that the proper revenue baseline is established and the capital assets are safeguarded. The Trust needs to ensure that the proposed governance arrangements work effectively for a wide range of statutory and voluntary partners and in the best interests of service users and their carers.

8. The Trust is currently approaching the end of the Strategic Health Authority's 'due diligence' process which quality assures the application process and the how the service development, organisational and financial viability of the application has been documented and evidenced. This process includes the Kent and Medway PCTs. There are no indications that the South East Coast NHS Strategic Health Authority will hold back the application being formally submitted to Monitor, subject to technical financial matters around historical accounts being resolved. The earliest that the Trust could 'activate' FT status is February 2009.

9. The position of the seconded social care staff from KCC will remain unaffected by the move to Foundation Trust status. If the application is successful, KCC will continue to give careful consideration to the best interests and position of the seconded staff.

## **Recommendation**

10. Cabinet is asked to:-

- (i) ENDORSE the application for Foundation Trust status, and
- (ii) NOTE that, subject to Monitor's granting of Foundation Trust status, KCC will enter contractual arrangements with the new Trust which best promote joint working arrangements to secure better outcomes for people in Kent using specialist mental health services

Steve Leidecker  
Director of Operations  
Tel: 01622 694592  
Email: [steve.leidecker@kent.gov.uk](mailto:steve.leidecker@kent.gov.uk)

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*Background documents: None*