

Item 6: Review of the Frank Lloyd Unit, Sittingbourne

By: Kay Goldsmith, Scrutiny Research Officer

To: Health Overview and Scrutiny Committee, 5 March 2020

Subject: Review of the Frank Lloyd Unit, Sittingbourne

Summary: This report invites the Health Overview and Scrutiny Committee to consider the information provided by West Kent CCG.

It provides additional background information which may prove useful to Members.

The proposed changes around the Frank Lloyd Unit have been deemed a **substantial variation of service**.

1) Introduction

- a) The Frank Lloyd Unit is an inpatient unit for individuals with complex dementia needs and challenging behaviour.¹ It is accessed by patients across Kent and Medway.
- b) The service is provided by Kent and Medway NHS and Social Care Partnership Trust (KMPT).
- c) Due to the falling number of patients receiving care at the Unit, the Trust has deemed its operation as unviable. In April 2019, the CCG's served notice on the Frank Lloyd Unit with a proposal to close on 31 March 2020.

2) Previous monitoring by the Kent HOSC

- a) HOSC received notification at their meeting on 21 September 2018 that the Frank Lloyd Unit was under review.
- b) HOSC received further written updates at its June and July 2019 meetings, when the CCG acknowledged that work had progressed slower than anticipated.
- c) At its 19 September 2019 meeting, HOSC resolved the following:
 - i. *the Committee deem the proposed changes to the Frank Lloyd Unit to be a substantial variation of service;*
 - ii. *an informal briefing be arranged to go into more detail concerning the Unit; and*
 - iii. *the NHS be invited to attend a future meeting when there was more information available on the new model of care being developed.*

¹ KMPT (2019) Frank Lloyd Unit, <https://www.kmpt.nhs.uk/our-services/frank-lloyd-unit/>

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- d) In response to point ii) above, an informal briefing was held on 29 January 2020.
- e) West Kent CCG have been invited to today's meeting to provide more information on the new model of care and provide final clarity on the closure of the Frank Lloyd Unit.

3. The Next Steps

- a) The Committee has deemed the closure of the Frank Lloyd Unit to be a substantial variation of service. The Unit is due to close on 31 March 2020. Therefore, this meeting is the last practical opportunity for HOSC to consider whether they are minded to refer the closure to the Secretary of State for Health and Social Care.
- b) As set out in the Protocol for the Health Overview and Scrutiny Committee in the KCC Constitution, a substantial variation of service may only be referred to the Secretary of State for Health and Social Care where one of the following applies:
 - i. The consultation with the HOSC on the proposal is deemed to have been inadequate in relation to content or time allowed;
 - ii. The reasons given for not consulting with the HOSC on a proposal are inadequate; or
 - iii. The proposal is not considered to be in the interests of the health service of the area.
- c) If the HOSC does not feel that any of the above apply to the matter under discussion, it will not be able to make a legitimate referral. It will still be able to monitor the implementation of the service and make comments and recommendations directly to the relevant health provider or commissioner.
- d) If the HOSC believes that one of the reasons above applies, it cannot make a final determination at this meeting. It must agree which of the above grounds provisionally apply and communicate this to the NHS in writing as soon as possible along with the date it will meet to make its final determination. The NHS must be given time to consider and respond to the Committee's decision.
- e) The Committee will meet to consider the NHS response and any other discussions that have taken place, prior to making its final determination.

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- f) Any referral to the Secretary of State must contain the following:
- i. Full evidence of the case for referral;
 - ii. Evidence that all other options for resolution have been explored, along with all additional requirements for the submission of a referral required by legislation and statutory guidance.
 - iii. Where the referral is on the grounds that the Committee believes the proposal is not in the interests of the health service of the area, a summary of the evidence considered must be provided, including any evidence of the effect or potential effect of the proposal on the sustainability or otherwise of the health service of the area.
- g) A decision to support the CCG Governing Body decision, or support with qualifications and/or comments could be made at this meeting.
- h) The Committee has not yet made a decision around the continuing model of care being a substantial variation, because there was not adequate information available to them at the last meeting to make that decision. Therefore, Members can continue to request updates around the new model of care, but this will be separate to the Frank Lloyd Unit item.

4) Recommendation

The Committee is asked to consider the decision of the Kent and Medway CCGs to close the Frank Lloyd Unit and take one of the following actions:

- a) Support the decision of the Kent and Medway CCGs and make any additional comments the Committee deems appropriate; or
- b) Specify concerns that the Committee has with the decision of the Kent and Medway CCGs and invite the NHS to a future meeting of the Committee where their response to these concerns will be considered ahead of a final determination by the Committee as to whether or not to refer the decision to the Secretary of State for one of the reasons set out in 3c above.

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Background Documents

Kent County Council (2018) '*Health Overview and Scrutiny Committee (21/09/18)*',
<https://democracy.kent.gov.uk/ieListDocuments.aspx?CId=112&MId=7921&Ver=4>

Kent County Council (2019) '*Health Overview and Scrutiny Committee (06/06/19)*',
<https://democracy.kent.gov.uk/ieListDocuments.aspx?CId=112&MId=8281&Ver=4>

Kent County Council (2019) '*Health Overview and Scrutiny Committee (23/07/19)*',
<https://democracy.kent.gov.uk/ieListDocuments.aspx?CId=112&MId=8282&Ver=4>

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