

KENT COUNTY COUNCIL – RECORD OF DECISION

DECISION TAKEN BY:

Cabinet Member for
Adult Social Care and Public Health

DECISION NO:

21/00050

For publication

Key decision: Expenditure in excess of £1m and affects more than two electoral divisions

Title of Decision

Deprivation of Liberty Safeguards Mental Health Assessments Contract Extension

Decision: As Cabinet Member for Adult Social Care and Public Health, I agree to:

- a) **EXTEND** the current contract with South East Memory Assessment Services from 1 September 2021 to 31 March 2022, by means of a Written Justification for Exemption from the Normal Contract Procedure; and
- b) **DELEGATE** authority to the Corporate Director of Adult Social Care and Health to take relevant actions, including but not limited to finalising the terms of and entering into required contract or other legal agreements, as necessary to implement the decision.

Reason(s) for decision: The Mental Capacity Act (MCA) states that Deprivation of Liberty Safeguard (DoLS) assessments require a mental health assessment to be completed by a qualified mental health assessor (i.e. an approved Section 12 mental health doctor/clinician).

Since April 2016 Kent County Council has commissioned South-East Memory Assessment Services (SEMAS) to complete mental health assessments for DoLS clients. Liberty Protection Safeguards (LPS) was planned to replace DoLS legislation from October 2020. During the pandemic the UK Government delayed the implementation of LPS.

During the pandemic the current SEMAS contract was extended to 31 August 2021, alongside uncertainty regarding the go-live of LPS.

UK Government have since confirmed LPS will replace DoLS from 1 April 2022. As a result, the SEMAS contract will need to be extended to 31 March 2022 to coincide with the implementation of the new legislation. The extensions to the SEMAS contract (first during the pandemic, and second proposed extension to 31 March 2022), place the total spend on the contract over £1,000,000.

Financial Implications: The value of the seven months contract extension will be approximately £250,000 (dependant on demand). Total spend on purchasing Mental Capacity Assessments (non-Project DOLs) through the contract will be over £1,000,000 by the end of March 2022, thereby requiring a key decision.

Legal implications: The extension to the SEMAS contract is procured under Procurement Policy Note (PPN 01/20) which was released in March 2020 setting out information and associated guidance on the public procurement regulations and responding to the current coronavirus, COVID-19, outbreak.

Equalities Implications: EQIA is part of the current service documentation.

Data Protection Implications: General Data Protection Regulations are part of current service

documentation.

Cabinet Committee recommendations and other consultation: The proposed decision was discussed at the Adult Social Care Cabinet Committee on 22 June 2021 and the recommendations were endorsed.

Any alternatives considered and rejected:

Continue to operate under DoLS framework beyond LPS implementation in April 2022.
Rejected – transition to LPS is legal requirement

Any interest declared when the decision was taken and any dispensation granted by the Proper Officer: None

Clair Bell

27 July 2021

signed

date