

KENT COUNTY COUNCIL – RECORD OF DECISION

DECISION TAKEN BY:

Clair Bell, Cabinet Member for Adult Social Care and Public Health

DECISION NO:

23/00059

For publication

Key decision: YES

Title of Decision: Strategic Partnership Agreement for Neurodiversity

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

- a) **ENTER** into a new Strategic Partnership Agreement for Neurodiversity with NHS Kent and Medway; and
- b) **DELEGATE** authority to the Corporate Director Adult Social Care and Health to vary the agreement to widen the geographical scope and parties to the agreement and to take other relevant actions including, but not limited to finalising the terms of and entering into required contracts or other legal agreements as necessary to implement the decision.

Reason(s) for decision: Since April 2016 Kent County Council (KCC) has been in a formal partnership with the previous Kent and Medway Clinical Commissioning Groups, supported by a Section 75 Agreement. The original ambition to develop wider partnership for service delivery was delivered in 2018 when the Learning Disability Alliance was signed. Since the Alliance Agreement ended on 31 March 2021 there has been no use of delegated functions under section 75 of the NHS Act 2006.

The development of understanding and relationships, supported by the Section 75 and Alliance Agreements, combined with the development of Integrated Care Systems in the context of the Health and Care Act, and the continued inequality experienced by neurodivergent people presented an opportunity to review and develop a consistent, coordinated approach and equitable service across the Kent and Medway geographical areas.

The new Strategic Partnership Agreement for Neurodiversity is ready for implementation between Kent County Council and NHS Kent and Medway, with potential for variation by 31 March 2024 to widen the geographical scope and the parties to the agreement in line with the review for a whole System Delivery Partnership for Neurodiversity.

The proposed decision supports Priority 4 of Kent County Council's Strategic Statement 2022-2026 to integrate our commissioning and planning of services to improve health and social care outcomes.

Financial Implications: The pooled fund hosted by KCC under the current Section 75 for learning disability and autism manages the partnership's commissioning staff arrangements and flows funds into the pool for permanent staffing costs. This includes a KCC contribution of £21,000 per annum. This pool, including other contributions from NHS Kent and Medway for aftercare costs, and Tier 4 contributions via NHS England, based on net discharge of learning disabled and autistic inpatients will continue under the new arrangements.

Legal Implications: The completion of the new Strategic Partnership Agreement for Neurodiversity

will automatically terminate the current Section 75 Agreement for learning disability and autism. The new Strategic Partnership Agreement for Neurodiversity will start on 1 September 2023.

Equalities implications: An Equality Impact Assessment (EQIA) has been undertaken and reviewed with no negative impact on people with protected characteristics. The EQIA will continue to be reviewed and updated.

Data Protection implications: A Data Protection Impact Assessment is confirmed as not required

Cabinet Committee recommendations and other consultation: The proposed decision was discussed at the Adult Social Care Cabinet Committee on 6 July 2023 and the recommendations were endorsed.

Any alternatives considered and rejected:

Do nothing option discarded - the current Section 75 Agreement is in perpetuity but does not offer the flexibility for the partnership to adapt as required to continuously meet the needs of neurodivergent citizens.

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

Clair Bell

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signed

2 August 2023

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date