

## **HEALTH AND ADULT SOCIAL CARE OVERVIEW AND SCRUTINY COMMITTEE**

**19 JANUARY 2021**

### **KENT AND MEDWAY NEURODEVELOPMENTAL PATHWAY (ADULT AUTISM/ADHD)**

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#### **Summary**

Proposals for an enhanced Kent and Medway adult neurodevelopmental health pathway for adults with autism and attention deficit hyperactivity disorder (ADHD) were considered by the Committee in January 2020. This report provides an update on progress and achievements as well as next steps for contracting arrangements.

1. Budget and policy framework
  - 1.1. This report relates to health policy and strategy.
  - 1.2. Under the Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013 the Council may review and scrutinise any matter relating to the planning, provision and operation of the health service in Medway. In carrying out health scrutiny a local authority must invite interested parties to comment and take account of any relevant information available to it, and in particular, relevant information provided to it by a local Healthwatch. The Council has delegated responsibility for discharging this function to this Committee and to the Children and Young People Overview and Scrutiny Committee as set out in the Council's Constitution.
  - 1.3. The Autism Act (2009)<sup>1</sup> and The Autism Strategy (2014)<sup>2</sup> both set out comprehensive guidance on the future expectations of services in local communities for people with autistic spectrum condition (ASC) and ADHD.

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<sup>1</sup> <https://www.legislation.gov.uk/ukpga/2009/15/contents>

<sup>2</sup> <https://www.gov.uk/government/publications/adult-autism-strategy-statutory-guidance>

Further legislation and guidelines including the Mental Capacity Act (2005), Mental Health Act (2007), Equality Act (2010) and Nice Guidelines NG87 (2018) and NG142 (2012), have to date driven the agenda forward.

- 1.4. The Care Act (2014)<sup>3</sup> sets out a range of statutory duties for Local Authorities, including a number related to the prevention agenda. It requires all Local Authorities to work in partnership to provide, or arrange services, facilities, resources, or take other steps, towards preventing, delaying or reducing the development of need for care and support. These statutory duties include people with ASC and ADHD.
- 1.5. The NHS Long Term Plan (2019)<sup>4</sup> sets out specific actions that the local health and social care economy must address in order to improve outcomes for people with ASC and ADHD. The NHS Plan specifically identifies improved community-based support for autism as a priority; further reducing reliance on specialist hospitals, making sure all NHS commissioned services are providing good quality health, care and treatment for autistic people and their families. This will be achieved by ensuring equal access to and experience of positive outcomes from care and treatment. Reducing health inequalities, reducing over-medication and acting to prevent avoidable deaths.
- 1.6. During October 2020 the Kent and Medway Clinical Commissioning Group (CCG) Finance and Performance Committee approved the restart of the procurement process within the agreed business case budget.
- 1.7. The Kent and Medway Adult Neurodevelopmental Business case budget agreed in December 2019 is set out below:

	2021/22	2022/23	2023/24	2024/24
Medway	£0.31m	£0.33m	£0.34m	£0.38m
Kent and Medway	£2.87m	£3.02m	£3.17m	£3.49m

## 2. Background

- 2.1. In December 2019 the Kent and Medway Clinical Commissioning Group (CCG) approved the procurement of a Kent and Medway Neurodevelopmental (ND) Health Service for Adults (18+) which will improve quality and value for money and is fully supported and identified as a priority need by the Sustainability and Transformation Partnership (STP) and NHS Long Term Plan (LTP) objectives (2019). The primary purpose of the proposed Kent and Medway ND pathway is to reduce health inequalities and improve the quality of life for Medway

<sup>3</sup> <http://www.legislation.gov.uk/ukpga/2014/23/contents/enacted>

<sup>4</sup> <https://www.england.nhs.uk/long-term-plan/>

residents with Autistic Spectrum Conditions (ASC) and/or Attention Deficit Hyperactivity Disorder (ADHD).

- 2.2. The proposed new service model will enhance both the quantity and quality of existing services and support for people living with an ASC and/or ADHD across Kent & Medway. The developed service specification incorporates pre diagnosis, diagnosis, and post diagnostic interventions along with a complex autism service and improvements for young people transitioning from Children's services. As such none of the current pathway provision will be reduced or removed, but instead enhanced and improved, whilst other additions will be made to provide a more comprehensive pathway.
- 2.3. This will ensure that locally based community services in Medway align with previous guidance set out in the Autism Strategy 2014 and NICE clinical guidelines for Autism and ADHD.

### 3. Engagement

- 3.1. In January 2020 this Committee acknowledged that there has been insufficient engagement in Medway. Kent CCGs had already commenced engagement during 2018/19. The Committee considered the proposal to procure an enhanced Kent and Medway wide ND Health service to reduce health inequalities and improve the quality of life for residents in Medway with ASC and/or ADHD and determined that the proposals did not amount to a substantial variation to the health service in Medway. The Committee also agreed the outline proposal for engagement/consultation.
- 3.2. An engagement and communications plan was agreed by the Joint Commissioning Management Group (JCMG) in Medway in March 2020.
- 3.3. Engagement activity took place from March to July 2020 and included:
  - Survey for Patients, Family and Carers
  - Survey for Clinicians and paid staff
  - Six Focus Groups (Designed and facilitated with Involving Medway)
  - One to one interviews with patients
  - Responses from an Adult Social Care Autism survey that was completed in January 2020 were also incorporated into the feedback
- 3.4. An online feedback session was given in September 2020 to share the findings from engagement activities and discuss key areas in more detail. The event was attended by people with autism and/or ADHD and family members, local authority and health commissioners, councillors, voluntary organisations, a primary care network (PCN) clinical director and an independent facilitator. Overall, the event was well received, and patients and family members were keen to be part of ongoing work.
- 3.5. Key messages from the engagement work:
  - Patients struggle due to the lack of pre diagnostic support while waiting for assessment and had little or no support after receiving their diagnosis.

- There is a lack of information and communication throughout
  - There is a sudden disappearance of support when transitioning from children's to adults services.
  - Feedback evidenced the need for urgent improvement to services
- 3.6. Responses from engagement have been used to update the service specification which reflects patient's requirements to access services outside of standard working hours and to be able to access services online.
- 3.7. Further detail and all the engagement activities have been published on the Kent and Medway Clinical Commissioning Group website<sup>5</sup>.
- 3.8. Going forward engagement will involve both Kent and Medway stakeholders as we look to shape and develop the service. There are plans to develop a stakeholder group that will be led by patients and carers. The group will support the development of the service and members will also be invited to support contracting activity.

#### 4. Contracting Arrangements

- 4.1. A paper was presented to the KMCCGs' Finance and Performance Committee in December 2019 which approved the business case to procure a Kent and Medway service following agreement by the Clinical Cabinet in September 2019.
- 4.2. Pre-procurement market engagement events were held in August 2019 and March 2020 with several providers expressing an initial interest in the scope of the service. This is common in the pre-procurement phase and not necessarily an indication of the number of potential bidders. The outcome of those events indicated that a Joint Venture Agreement (JVA) across providers may be a feasible way of ensuring that all aspects of the care pathway could be delivered i.e. support before, during and after diagnosis including complex care and transitional support for young people.
- 4.3. Regrettably the Covid-19 pandemic has since caused delays to the start of the procurement process and therefore there continues to be fragmented service provision across Kent and Medway.
- 4.4. Papers were presented to KMCCG's Finance and Performance Committee in October and another subsequently in December 2020, requesting a restart of the procurement process. Between the October and December 2020 Finance and Performance Committee, a proposal was received from a local Kent and Medway provider collaborative to consider a partnership model for the delivery of the adult ND services across Kent and Medway.
- 4.5. This fits with the national direction of travel as set out in the NHS Mental Health Implementation Plan<sup>6</sup> that all appropriate specialised mental health services,

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<sup>5</sup> <https://www.kentandmedwayccg.nhs.uk/get-involved/our-involvement-work>

learning disability and autism services will be managed through NHS-led provider collaboratives over the next five years. Provider collaboratives are a group of providers who have agreed to work together to deliver services for their local population. Providers that work together in collaborative arrangements can be from a range of organisations, for example, the voluntary sector, independent sector and other NHS trusts. Provider collaboratives take responsibility for the budget and pathway for their given population and are led by a lead NHS provider. The lead provider is accountable to the commissioner for the provision of high-quality services.

#### 4.6. Key principles for Provider Collaboratives:

- Collaboration between providers and across local systems
- Experts by experience and clinicians leading improvements in care pathways
- Managing resources across the collaborative to invest in community alternatives and reduce inappropriate admissions/care away from home
- Working with local stakeholders
- Improvements in quality, patient experience and outcomes driving change
- Advancing equality for the local population

4.7. A provider collaborative model for the delivery of the ND pathway may offer an alternative to an open competitive procurement process. However, further work is required to develop this as a viable alternative option. The Committee agreed that commissioners working with the provider partnership develop a more detailed proposal for the development of an alliance model of delivery and the most appropriate contractual method for achieving the desired outcomes.

4.8. The proposal for developing an alliance delivery model will be subject to due diligence, and an assessment of market challenge and risk.

4.9. This would be undertaken in the context of understanding the risks of legal challenge within the current policy and legal framework with advice given by the CCG procurement advisors NHS Arden GEM.

4.10. It was agreed that an update paper on the proposed Provider Collaborative delivery model and most appropriate contractual methods for procurement would be presented to the February 2021 Finance and Performance Committee.

4.11. The timeline for implementation of the adult pathway has been remodelled with an intended contract start date around the summer of 2021 at the earliest and will be dependent on the viability of a local provider model and contracting method.

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<sup>6</sup> <https://www.longtermplan.nhs.uk/wp-content/uploads/2019/07/nhs-mental-health-implementation-plan-2019-20-2023-24.pdf>

## 5. Current patient support

### 5.1. Kent and Medway Learning Disability and Autism collaborative

5.2. At the start of the pandemic a Kent and Medway Learning Disability and Autism collaborative meeting was convened by the Kent Autism Collaborative. The new group includes commissioned and voluntary, community and social enterprise (VCSE) providers from across Kent and Medway, Kent and Medway local authority and health commissioners, and adults with Autism and or ADHD.

5.3. Attendees look at impacts of the pandemic on service users and their families and work together to share information and find solutions to ensure service users and their family are supported in practical ways. An example of this includes the distribution of s.15 key fobs during the first lockdown.

5.4. Section 15 of government guidance permitted adults with autism to go out for more than one hour per day to exercise, however some individuals were concerned about being challenged by Police if they chose to do this. North Kent Independent Advocacy Scheme had links with Kent Police and, by working together as a collaborative, key fobs were distributed by local service providers so that adults with autism could show their key fob if challenged. Adults who used the key fobs reported that they provided them with the confidence to go out for exercise when they would otherwise have remained at home.

5.5. Collaborative meetings occur fortnightly via conference calls during lockdowns. After each meeting a digest information email is circulated with key links to topics discussed and current news across health and social care so that providers can share within their organisations and where appropriate, their service users and families.

5.6. The Kent and Medway Learning Disability and Autism collaborative meeting is also used to keep attendees updated on progress with the adult neurodevelopmental pathway for Autism and/or ADHD, along with current local initiatives.

### 5.7. Addressing waiting lists

5.8. Existing service provision from providers delivering assessment and diagnosis has remained consistent since reporting to the Committee in January 2020 however service delivery was impacted by COVID due to digital adaptations which increased pressure on patient waiting lists.

5.9. Kent and Medway data captured in August 2020 estimated diagnostic backlogs in the adult pathway for autism and or ADHD in excess of 2,057 (186 for Medway); of which 406 (24 for Medway) are transitioning children and young people (17.5yrs+).

5.10. To address the waiting lists Kent and Medway integrated commissioners are looking at options to move patients to providers with greater capacity. A pilot was conducted in East Kent where waiting times were significantly reduced. To

ensure parity across Kent and Medway an options paper will be presented to the Finance and Performance Committee in early 2021 to address waiting lists before the new pathway is implemented.

5.11. Kent and Medway Dynamic Support Register

5.12. A key national priority is to reduce the reliance on inpatient beds for patients on the ND pathway. The Kent and Medway Dynamic Support Register (DSR) is part of the Kent & Medway Learning Disability and Autism Restore and Recovery plan to achieve this.

5.13. The DSR is a key enabler for ensuring that people receive timely and appropriate support in the community and reduce the need for inpatient care.

5.14. The DSR project commenced in June 2019. Stakeholder collaboration across Kent & Medway was used to inform the development of the project. Two DSRs, one for adults and one for children, was approved.

5.15. Both the children’s and adults’ pilot DSRs were launched in December 2020 and an audit and review scheduled for January 2021. Detailed co-production with people who use services, carers and other stakeholders will be ongoing during implementation.

5.16. Kent & Medway Complex Autism Service (KAMCAS)

5.17. The Kent & Medway Complex Autism Service (KAMCAS) commenced service delivery in May 2018. This health & social care service is helping to avoid individual’s needs escalating and supporting patients with Autism in locally based community services. This existing service will form part of the new pathway.

6. Risk management

6.1. Table of risk and mitigation:

Risk	Description	Action to avoid or mitigate risk
Ongoing delays on KMCCG contracting arrangements.	Patients do not have access to a comprehensive Autism and/or ADHD service, which will impact on patient outcome and health and social care resources.	Continue to work in partnership to improve current access for patients and reach a commissioning decision as swiftly as possible to move the project forward at pace.
Direct award	Direct award to a Provider Collaborative. Risks of legal challenge	Robust due diligence process to test viability of collaborative delivery model and assess risks of market challenge

Risk	Description	Action to avoid or mitigate risk
Open competitive procurement	Timescale for delivery and model of commissioning that may not deliver the full pathway for patients.	Provider Collaborative models being reviewed as an alternative option.

## 7. Consultation

- 7.1. Commissioners are working with CCG Communication and Engagement Team to ensure all stakeholders, including patients, families and carers, Medway Parent and Carers Forum, Kent Autistic Trust, Medway Voluntary Action and Medway GPs who took part in engagement activity are updated on the current situation and reassure them that work will resume early in 2021. Communications have also been shared with the Kent and Medway Autism and Learning Disability collaborative.

## 8. Financial implications

- 8.1. There are no financial implications for Medway Council as the new pathway will be entirely health funded as per agreed budgets within the business case.

## 9. Legal implications

- 9.1. There are no legal implications for Medway Council as this is a health service commissioned by KMCCG.
- 9.2. Medway Council Legal team advise that Public Authorities are under a legal obligation to procure services in a fair, transparent and non-discriminatory way. The CCG must therefore ensure that it procures with these principles in mind, while also ensuring that it adheres to the procurement rules set out in its constitution and governing documents. Failure to do this places it at risk of a legal challenge; any decision to not adhere to these rules must therefore be considered carefully, and full legal advice should be sought prior to any decision being made.

## 10. Recommendation

- 10.1. The Committee is asked to note this report.



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## Appendices:

None

## Background papers

Health and Adult Social Care Overview and Scrutiny Committee, January 2020  
<https://democracy.medway.gov.uk/mgconvert2pdf.aspx?id=50580>