

HEALTH AND ADULT SOCIAL CARE OVERVIEW & SCRUTINY COMMITTEE

17 OCTOBER 2023

SECTION 136 PATHWAY AND HEALTH-BASED PLACE OF SAFETY SERVICE IMPROVEMENT

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Summary

This report serves to inform the Medway Health and Adult Social Care Overview and Scrutiny Committee of the decision made by NHS Kent and Medway Integrated Care Board on 5 September 2023 to approve the Section 136 Pathway and Health Based Place of Safety Service (HBoS) Improvement Decision Making Business Case (DMBC).

1. Recommendation

1.1 Members are asked to note the decision made by NHS Kent and Medway to approve the Decision-Making Business Case.

2. Budget and policy framework

2.1 Section 136 of the Mental Health Act 1983 is the power that allows a police officer to detain and remove a person they believe to be mentally disordered and in need of immediate care or control to a HBPoS for a period of up to 24 hours. A HBPoS is commonly a designated assessment area/room in an NHS-provided mental health service that is staffed by a mental health nursing team. Once at a HBPoS a Mental Health Act assessment is undertaken by a psychiatrist and an approved mental health practitioner (AMHP) to determine whether the individual is suffering from a mental disorder and whether a period of inpatient admission is required.

2.2 In May 2022 NHS England invited Integrated Care Systems across the country to bid for capital funding ringfenced for safety improvements to mental health urgent and emergency care pathways. A short timescale of only three weeks was given for bid submission, precluding opportunities for wide reaching

consultation. To help seize this funding opportunity, NHS Kent and Medway Integrated Care Board (ICB), the commissioner, and Kent and Medway NHS and Social Care Partnership Trust (provider), with strategic/senior support from Kent Police, the two local authority approved mental health practitioner (AMHP) services and South East Coast Ambulance (SECAmb) NHS Trust, submitted a bid for service improvement to the Section 136 pathway and HBPoS, in the knowledge that a public consultation would nonetheless be required for a significant change and that comprehensive information would need to be provided to evidence the case for change and support a final decision.

2.3 A Public Consultation took place from the 21st February 2023 to midnight on the 18th April 2023. The outcome of the Public Consultation was presented at the HASC meeting on the 20th June 2023. In August 2023, Kent Healthwatch undertook a Good Practice Scrutiny of the Public Consultation, concluding that the Consultation process was positive and strong with no major concerns.

2.4 The Section 136 service improvement relates to the following national and local health and social care policy and strategy.

- The 2014 'A Safe Place to be' 2014 Care Quality Commission's (CQC) report sets out the role of effective partnership working, inter-agency training and support in helping to reduce the use of Section 136 and, as a result, the demand for places of safety. It describes emerging evidence from innovative triage schemes that joint working between the police and health care staff to provide people in crisis with the right help and support can contribute to reducing the use of Section 136 overall. However, it is clear that there will be a continuing need for health-based places of safety to which distressed and vulnerable individuals will need to be taken by police officers and that these places must be fit-for-purpose.
- The 2019 NHS England (NHSE) 'NHS Mental Health Implementation Plan' sets out plans for delivery of a spectrum of mental health pathways, including development and provision of a whole system comprehensive 24/7 mental health urgent and emergency care pathway for people of all ages. As the mental health equivalent of an emergency service the Section 136 facility is by definition going to be used for people at a point of extreme distress, at least some of whom will be at a very acute stage of illness, when risks to self and others are highest. This makes it critical that, in addition to an excellent clinical service, the facility used is designed appropriately, to provide a therapeutic environment and the highest safety standards. As access to the service is likely to be urgent, the facility must have sufficient capacity to deal with times of peak demand and, most importantly, the professional staff resources to effectively assess people's needs in a timely way must be available when required.
- The 2019 'Kent and Medway Crisis Care – Section 136 Pathways Standards and Health-based Place of Safety Specification' sets out those responsibilities for each partner within the Kent and Medway integrated care system, for the delivery of a Section 136 pathway that ensures effective

partnership working and communication; timely access to assessment in a therapeutic place of safety staffed by highly competent staff.

- 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.

3. Background

Centralisation of the HBPoS within Kent and Medway.

- 3.1 Following the successful bid for £3.7m against national capital funding, ringfenced for Mental Health Urgent and Emergency Care (MHUEC), Kent and Medway ICB have worked closely with system partners to develop proposals to create a fit for purpose centralised HBPoS a critical component of the Mental Health Urgent and Emergency care pathway. This will transform the current 136 Pathway and improve Medway patients' care by enabling timelier access to assessment and reduction in length of 136 detention, reduced travel time, and an improved and more therapeutic physical environment. In addition, this will support improved deployment of out of hours Medical and Approved Mental Health Professionals and support improved retention and recruitment.
- 3.2 The centralised HBPoS will be available for persons detained under a section 136 wherever they live in Kent and Medway, and replaces the current 3 HBPoS sites at Maidstone, Dartford, and Canterbury which are all in need of significant modernisation and do not provide the right therapeutic environment to aide recovery. Having three disparate sites presents challenges to the way that the 136 pathway is delivered and serviced by the Medical and Approved Mental Health Professional workforce.
- 3.3 The driving force for centralisation is not financial, but rather focuses on quality, safety, and patient experience. The scheme objectives for the proposed changes are:
 - i. To improve the quality of care, improved privacy and dignity, patient, and staff experience for those involved in the Section 136.
 - ii. To ensure timely access to, and assessment for those attending HBPoS.
 - iii. Promote improved internal and system operating resilience within 2 years of opening.
 - iv. To meet all required standards for HBPoS within 12 months of opening as far as possible.

4. Options

- 4.1 Both the Pre-Consultation Business Case and Decision-Making Business Case describe the comprehensive Options Appraisal and Travel Impact Assessment undertaken as part of this Service Improvement.

5. Risk management

- 5.1 Risks around the proposal are being managed and mitigated through the Kent and Medway NHS Social Care Partnership Trust (KMPT). KMPT will deliver the project, so are the owners of the risks associated with the project. The main risk attached to the current HBPoS is Poor Service User Experience and the impact on other partners due to HBPoS closure.

Risk	Description	Action to avoid or mitigate risk	Risk rating
Poor Service User experience	Delays in undertaking S136 Mental Health Act Assessments combined with substandard Health Based Place of Safety physical environments impact negatively upon service users' experience when they are already in a mental health crisis and do not meet recommended national and local standards.	Revised S136 pathway and workforce model and re-provision of health-based places of safety	Likelihood B High Impact 2 Critical
Impact of HBPoS closure on other partner organisations. (Kent Police, Kent and Medway Acute Trusts and Southeast	Increased demand on services (acute Trusts and SECamb) and prolonged commitment to support patients (Kent Police)	Provide a centralised fit for purpose HBPoS estate, preventing closure due to patient damage and staffing issues	Likelihood B High Impact 2 Critical

Risk	Description	Action to avoid or mitigate risk	Risk rating
Coast Ambulance Service NHS Foundation Trust Service (SECAmb)			

Likelihood	Impact:
A Very high B High C Significant D Low E Very low F Almost impossible	1Catastrophic (Showstopper) 2Critical 3Marginal 4Negligible

6. Consultation

- 6.1 The outcome of the Public Consultation was presented at the HASC meeting on the 20th June 2023. The Committee noted the Public Consultation and recommended that this be considered in the Decision-Making Business Case (DMBC) to support and inform the decision making within the Integrated Care Board.
- 6.2 In August 2023, Kent Healthwatch undertook a Good Practice Scrutiny of the Public Consultation, concluding that the Consultation process was positive and strong with no major concerns.

7. Climate change implications

- 7.1 As part of the travel assessment, it identified that there is likely to be a reduction in travel for patients, AMHP, Kent Police and the SECAmb. This may see a reduction in the Co2 emissions related to HBPoS. There will be no increase from the proposed centralisation of the HBPoS on Co2 emissions.
- 7.2 Throughout the delivery of the construction wherever possible the team will use look to create a more efficient building materials and incorporate BREEAM's approach to refurbishment and construction.

8. Financial implications

- 8.1 There is no direct financial impact to the Local Authority.
- 8.2 With regard to NHS funding implications, following the publication of the NHS Long Term Plan, the Department of Health and Social Care is providing £150m of capital funding to the Mental Health sector to support Integrated Care Systems (ICS) with pressures on the urgent and emergency mental health care

pathway. This is part of wider programme of transformation to provide rapid access to care for people in crisis, thereby reducing avoidable hospital admissions and attendances at ED, increasing appropriate local alternatives, and improving patient experience and outcomes.

- 8.3 KMPT/ICS applied for capital funding under this initiative and was successful in securing funding to the value of £3.785m, supplied via public dividend capital (PDC).
- 8.4 The ICS recognises the current financial uncertainties, especially around prevailing rates of inflation. This case has support for additional capital funding from the system allocation if the project should be impacted by this. This position has been confirmed and is supported by the ICB.
- 8.5 KMPT are expecting to see a minimal revenue reduction from the implementation of the proposed centralisation of the HBPoS, with no increased revenue from any of the partner organisation.

9. Legal implications

- 9.1 There are no legal implications for the Local Authority regarding this proposal.

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Appendices:

None

Background papers:

[Report to Kent and Medway Integrated Care Board on 5 September 2023 \(agenda item 13 pages 97-267\)](#)