

Health and Adult Social Care Overview and Scrutiny Committee

5 December 2024

Kent and Medway Integrated Care Board Community Services Transformation Update

Report from: Lee-Anne Farach, Director of People and Deputy Chief Executive
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Summary

This report provides an update on the progress of the ICB's Community Services re-procurement, since the last report to the committee. It also provides answers to questions from the Committee provided to the ICB outside of the last meeting. These are attached at Appendix 1.

1. Recommendations

1.1 Members are asked to note the update.

2. Budget and policy framework

2.1 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.

2.2 Given that the re-procurement includes children's services this Committee still remains the responsible Committee to lead on the scrutiny of this in line with Committee's terms of reference set out at section 21.2 (c) of Charter 4, Part 5 of the Council's Constitution, which states:

“The Health and Adult Social Care Overview and Scrutiny Committee will be the lead on scrutiny of health insofar as it relates to the transition between childhood and adulthood or where consultation by relevant NHS bodies or relevant health service providers bridge services for children and adults, with participation by representatives of the Children and Young People Overview and Scrutiny Committee when such matters are discussed”.

3. Background

- 3.1 At a special meeting of this Committee in September 2023 Members decided that proposals from the ICB for the re-procurement of community services constituted a substantial variation or development of a health service. Whilst the information provided by the ICB in the agenda specified that both adults' and children's services were to be included in this re-procurement, the ICB representative clarified at the meeting that the children's services contracts mentioned in the paper did not apply to Medway ([minute no. 254/2023 refers](#)).
- 3.2 At the December 2023 meeting of the Committee, Members considered an updated paper from the ICB seeking to address Members' concerns and proposing an extension of current contracts to the three community providers to allow the ICB to undertake engagement and transformation processes across the community services prior to new contract awards ([minute 444/2023 refers](#)).
- 3.3 The Committee agreed to defer until the January meeting a decision on whether these revised proposals constituted a substantial variation to health services in Medway.
- 3.4 The issue was then presented to the Committee in January of this year, where the Committee agreed that the proposals did constitute a substantial variation or development in the provision of health services in Medway ([minute no. 533/2024 refers](#)).
- 3.5 At a special meeting of the Committee on 7 August 2024, the Committee were informed of a decision to include Children's Services into this procurement exercise for community services. At that meeting the Committee:
 - a) noted the update from the Integrated Care Board (ICB), as set out in Appendix 1 to the report.
 - b) agreed that the updated proposals from the ICB constituted a substantial variation or development in the provision of health services in Medway.
 - c) requested the ICB to publish the timescale, specifically the date by which it requires the Committee to provide its comments in response to the outcome of consultation and the date by which it intends to make a decision, as set out in paragraph 4.9 of the report.
 - d) requested that the ICB provide a briefing paper on the questions in relation to the consultation process

- 3.6 In relation to decision d, the ICB provided answers to those questions through its submission to the last meeting of this Committee on 15 October 2024.
- 3.7 At the last meeting Members received a further update from the ICB but during debate there were still concerns raised about the substantial variation status and the difference in opinion of that between the Committee and the ICB. There were also concerns raised about the lack of detail of information the ICB was able to provide and the tension this caused to the Committee in being able to scrutinise effectively ([Minute no. 352/2024 refers](#)).
- 3.8 It was reiterated at the meeting that there was a collective understanding that change was needed and the opportunity to develop services to achieve improvement was welcomed. The difficulty the Committee had was the approach in how this was undertaken and it was agreed that the Chairperson, Vice-Chairperson and Opposition Spokespersons of the Committee would meet with lead officers and lead ICB representatives to develop a way through in an informal meeting and then report back to this Committee on the way forward.
4. Follow up meeting
- 4.1 A follow up meeting took place on 30 October 2024 with the Chairperson, Vice-Chairperson and Opposition Spokespersons in attendance, along with Senior Council staff and Senior ICB representatives.
- 4.2 The meeting was very productive and provided an opportunity to explore the SV status and what that meant in real terms and to agree a way forward of working between the partner organisations.
- 4.3 Key points from the meeting were as follows:
- 4.3.1 A request that Medway officers remain part of the discussion on both Adults and Children's Community Services to enable constructive working relationships between organisations to allow the Council to effectively discharge its responsibilities.
- 4.3.2 Concerns were raised in relation to the Needs Assessment being used by the ICB in the commissioning process for community services. The Council's view is that it is weak in relation to Medway and the Council would therefore welcome the opportunity to add to and enrich the current needs assessment.
- 4.3.3 The Council also remained concerned about the engagement process for community services and an offer was made to augment the engagement process by facilitating links to Medway Council's networks, particularly for children. With an improved engagement process that would stand up to scrutiny, it was felt the ICB would strengthen its position with Medway's residents.
- 4.3.4 The Council sought assurance in relation to the Swale element of the procurement and the involvement of Kent County Council in this as the other key partner, alongside Medway Council.

- 4.3.5 It was reiterated that the SV was a positive move that allowed HASC to support the transformation journey alongside the ICB. It was explained that HASC's intention was collaborative, not oppositional. There was acknowledgement that the SV status did not mean formal submissions by the ICB to NHS England at this stage but just formalised the relationship between the ICB and the Committee in terms of the Committee's involvement on the journey.
- 4.3.6 It was agreed that regular short updates would be provided to HASC via its pre-agenda meetings, to enable discussions on when more detailed and fuller reports will be required for main HASC Committee meetings. The ICB have been asked to keep in regular dialogue with the Principal Democratic Services Officer, who supports HASC, to ensure there is capacity built into the Committee's work programme to accommodate future reporting as the transformation develops.
- 4.3.7 The ICB also provided answers to a number of questions submitted to them after the last HASC meeting. These are set out at Appendix 1 to this report.

5. Next steps

- 5.1 The ICB are currently at the final stages of verifying the Intention to Tender (ITT) documentation. Final drafts are currently being reviewed by AGEM and Capsticks (experts assisting the ICB with procurement and market engagement and healthcare law respectively), in line with the Programme Plan. Following this the documentation will be presented to the ICB's Executive Management Team (EMT) meeting week commencing 25 November 2024 for approval before publication of the ITT, which is anticipated early December.
- 5.2 For information the ITT documentation will include the following:

ITT Documents
Document 1: Process overview
Document 2: Declaration
Document 3: Contract particulars
Document 4: Service conditions
Document 5: TUPE
Document 6: Assets
Document 7: Premises
Document 8: FoI
Document 9: Market engagement
Document 10: Reference
Document 11: Risk template
Document 12: Financial Model Template
Document 13: Atamis System
Document 14: Hints and Tips
Questions

5.3 It is anticipated that the ICB will be ready to bring the engagement strategy to this Committee at its January or March meeting.

6. Risk management

6.1 There are no significant risks to the Council arising directly from this report.

7. Financial implications

7.1 There are no financial implications to Medway Council arising directly from the recommendations of this report.

8. Legal implications

8.1 The legal implications are set out in the report and in previous reports (which are listed within background papers).

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Appendices

Appendix 1 – Question from HASC and answers from ICB

Appendix 2 – List of service specifications for children's and adults (to follow)

Background Papers

[Report to HASC - 15 October 2024](#)

[Report to HASC - 7 August 2024](#)

[Report to HASC - 18 January 2024](#)

[Report to HASC - 7 December 2023](#)

[Report to HASC - 20 September 2023](#)