

Record of operational decision

Decision title:	Decision to vary the 'Independent Advocacy Service for Adults across Herefordshire' contract, in order to clarify access arrangements to Independent Mental Health Advocates, for children and young people detained under the Mental Health Act 1983.
Date of decision:	27/04/2022
Decision maker:	Service Director for All Age Commissioning, Community Wellbeing
Authority for delegated decision:	Key decision taken by Cabinet Members for Adults and Wellbeing on 03/02/2021, That: (a) the commissioning of an independent advocacy service for adults through an open procurement process be approved; (b) the director for adult and communities be authorised to take all operational decisions necessary to implement the service including award of contract for the independent advocacy service for a period of up to five years. The decision details can be found at the following link: Decision - Recommissioning of Independent Advocacy Services - Herefordshire Council
Ward:	All wards
Consultation:	None
Decision made:	<p>The purpose of the contract variation is to add the following qualifying paragraph into section C (Independent Mental Health Advocates) of the Service Specification (Schedule 4) of the Independent Advocacy Service for Adults contract:</p> <p style="text-align: center;"><i>'The provider will make available IMHA services to any young person who has been temporarily detained at Hereford County Hospital. The level and frequency of IMHA activity provided to qualifying patients who are under the age of 18 will be kept under review during contract monitoring meetings.'</i></p> <p>This variation clarifies the situation for IMHA provision to a very small number of qualifying patients who are under the age of 18. Any additional work generated by this variation will be limited in time and scope, and will fall within the expected activity levels for this element of the contract, so no changes to the contract value will be required.</p>
Reasons for decision:	<p>This change in contract is required to clarify the expectations of the contract in relation to children and young people who have been detained under the Mental Health Act 1983 as amended by the Mental Health Act 2007 ("the Act")</p> <p>The current contract is for the provision of independent advocacy services for adults in Herefordshire. However, there is no age differentiation with regards to the implementation of the Mental Health Act. A person is either detained under the Act or they are not, age is not a qualifying or determining factor. As paragraph 19.17 of the current Mental Health Act Code of Practice states: 'There is no minimum age limit for detention in hospital under the Act. It may be used to detain children or young people who need to be admitted to hospital for assessment and/or treatment of their mental disorder...'</p> <p>When a child or young person is detained under the Act, they will be transferred to a specialist hospital, commonly referred to as a 'Tier 4 unit'. Young people under the age of 18 cannot be detained in psychiatric units for adults.</p>

	<p>Herefordshire does not have any Tier 4 hospitals or specialist mental health units. When a young person is detained under the Mental Health Act, they will normally be transferred to an appropriate hospital elsewhere in the West Midlands.</p> <p>However, there can be occasions when delays occur between detention under the Act and suitable Tier 4 hospital provision being identified. In those circumstances the young person will be detained temporarily on the Children’s Ward at Hereford County Hospital. These situations are rare; over the two year period between the beginning of 2020 and the end of 2021, there were a total of 6 children/young people detained at Hereford County Hospital, with an average stay of two weeks or less.</p> <p>The variation to the current independent advocacy contract, will ensure that any young person who is detained and temporarily placed at Herefordshire County Hospital, will have prompt access to an Independent Mental Health Advocate. As noted above, IMHA support for qualifying patients under the age of 18 is expected to be very low, and is not anticipated to have an impact on the expected workload of IMHA’s within this contract. The level of activity associated with qualifying patients under the age of 18 will be kept under review during contract monitoring meetings</p> <p>This variation to contract will not impact the contract value.</p>
Highlight any associated risks/finance/legal/equality considerations:	<p>The contract variation has been scrutinised by Procurement and Legal Services. No risks or concerns were raised.</p> <p>There are no financial risks identified.</p>
Details of any alternative options considered and rejected:	<p>The only alternative option would be to leave the contract as it is. This is not recommended. Although in theory the access to IMHA’s for children and young people should be covered by the existing contract, the wording is unclear and can cause confusion, as the overall contract is for the provision of advocacy services for adults.</p>
Details of any declarations of interest made:	<p>None</p>

Signed..... Date:

Please ensure that signatures are redacted before publishing.