



HEALTH & WELLBEING BOARD

Subject Heading:

Joint Commissioning Arrangements
between Health and the LA for Children,
Young People and their Families with
Special Educational Needs & Disabilities in
Havering

Board Lead:

Councillor Steven Kelly

Report Author and contact details:

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The subject matter of this report deals with the following priorities of the Health and Wellbeing Strategy

- X Priority 1: Joint Commissioning between Health & Local
- X Priority 2: SEND Governance Structure

SUMMARY

The purpose of this report is to provide Health and Wellbeing Board members with a brief about the arrangements for Joint Commissioning between Havering Clinical Commissioning and London Borough of Havering for children, young people and their families with SEN and disabilities (0-25).

RECOMMENDATION

To agree the protocol and procedures as set out here.

REPORT DETAIL

1. Background

- 1.2 The Children and Families Act 2014 (the Act) which came into force in September 2014. Clause 26 brings in significant changes to services for children with special educational needs and disabilities (SEND). Clause 26

Havering Health and Wellbeing Board

requires local authorities and CCGs to commission services for special education, health and social care for children and young adults from 0-25 with SEND jointly. This must include putting dispute resolution procedures in place for when agreement cannot be reached. These new duties are in conjunction with The Health and Social Care Act 2012 which requires Health and Wellbeing Boards to develop Joint Strategic Needs Assessments and Joint Health and Wellbeing Strategies both of which support prevention, identification, assessment and early intervention and a joined up approach from those providing services.

- 1.3 Previous reports to the Health & Wellbeing Board outlined the duties for local authorities and CCGs across the Act and this paper takes forward the commissioning duties by proposing a system for joint commissioning across the LA and CCG including governance and dispute resolution.

2. The Joint Commissioning Process in Havering

- 2.1 Joint commissioning will help the local authority and the CCG together to:

- Target services to give the greatest impact on outcomes
- Avoid duplication of services
- Ensure value for money & efficiency
- Develop co-ordinated services
- Share best practice
- Share expertise
- Share intelligence about needs

- 2.2 Whilst it is appreciated that it may take some time to achieve a highly effective system it is important that the principles of an excellent service are agreed at the outset. The following principles are proposed for joint commissioning in Havering.

3. The commissioning principles:

- All decisions are based on a clear rationale for improving outcomes and are linked to organisational and partnership priorities
- Commissioning should make sure that we get the most out of every pound we spend
- Commissioning should always focus on delivering efficiencies, outcomes and quality
- Commissioning should always focus on evidence based practice
- All services are systematically commissioned
- Commissioners should make sure that outcomes are sustainable in the long term
- Children, young people, their families and communities must participate meaningfully
- Commissioners plan strategically to move resources to preventative and early intervention services

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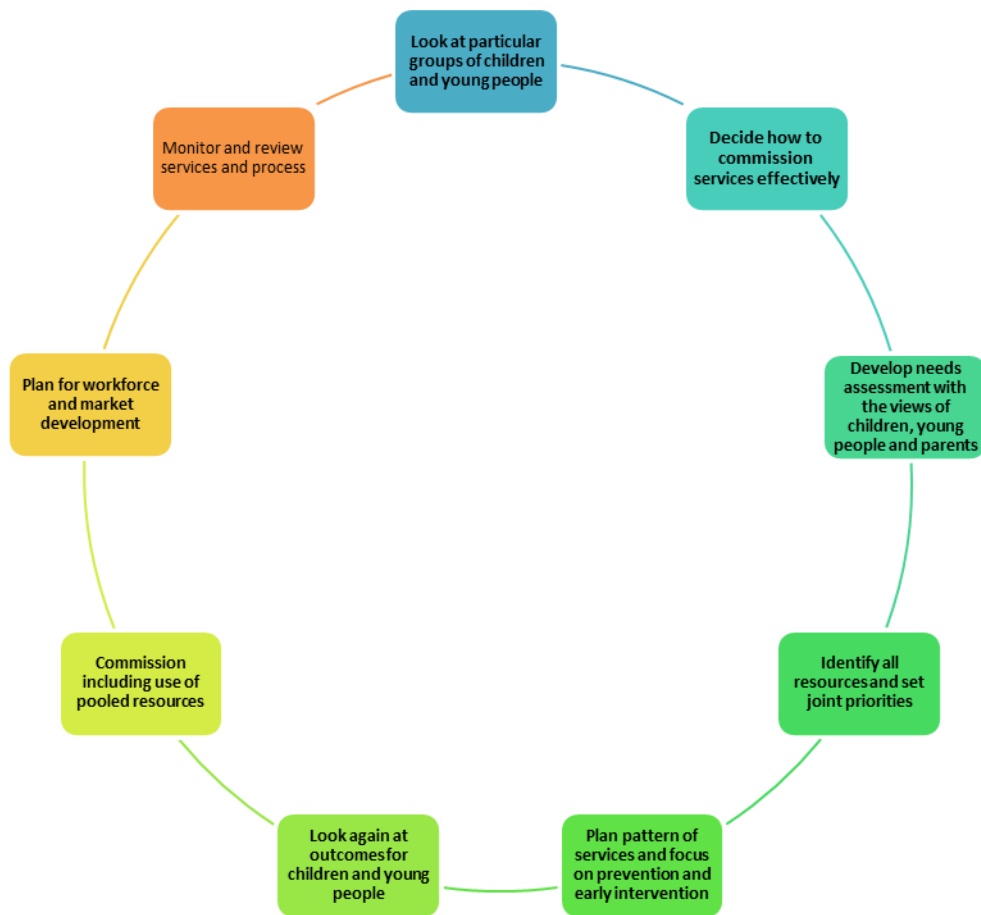
- Commissioning function exercises independence of decision making from internal and external providers
- Commission in partnership with other commissioning bodies locally or regionally, so as to maximise efficiency
- Commissioners must ensure that approaches are compatible with EU and UK law, regulations and guidance
- Decisions must be transparent and fair
- Our commissioning approach should not disadvantage small or medium sized enterprises in Havering
- There should be only one strategic commissioning plan for all SEND services
- Community involvement in delivering local services will be encouraged

4. Commissioning for outcomes - All contracts will include:

- outcome-based performance targets so as to ensure the delivery of services that focus on outcomes
- a cycle of monitoring so that performance can be measured
- quality standards that can be monitored so as to ensure the overall quality of provision. This will include consumer feedback

5. The Commissioning Cycle in Havering

- 5.1 The following set of activities will form the joint commissioning cycle. As all services are currently at a different stage in their commissioning relationship with the CCG and the local authority these activities should not necessarily be seen in chronological order but as a continuous process which can start at any stage in the cycle which is illustrated in figure 1 below.



6. Governance and Dispute Resolution (see diagram)

6.1 A Joint Health & Local Authority Commissioning Working Group has been meeting since autumn 2013. The SEND Project Team which is the project management board for the introduction of the SEND procedures under the Act reports to the Joint Commissioning Working Group. It is proposed that this group, which is chaired by the Head of Learning & Achievement, becomes a formal sub group of the Joint Health and Social Care Commissioning Board. The sub group will ensure that the tasks within the commissioning cycle for services for children and young people with SEND are undertaken effectively.

7. Membership of the sub group

- Head of Learning & Achievement - Chair
- Senior Locality Lead – Change Projects (CCG)
- Joint CCG/LA Children’s Commissioning Manager
- L & A Finance Manager
- SEND Project Officer
- CAD Service Manager
- CAD 5-19 Team Manager
- CAD Commissioning Procurement & Quality Assurance Team Manager
- Adults Learning & Disability Commissioning Manager

Havering Health and Wellbeing Board

Commissioning & Project Manager, Children's Social Care

- 7.1 A Commissioning Report will be produced annually by the chair of this group and submitted to the Joint Commissioning Board for approval before being submitted to the Health and Well Being Board. The report will outline the priorities for joint commissioning over the next twelve months and report on the previous year's work using an outcome based approach. The plan will include proposed arrangements for pooling budgets where appropriate and in future years will report on the value for money of these arrangements and make recommendations for change where necessary.
- 7.2 The Act also requires arrangements for dispute resolution where agreement cannot be reached between the local authority and CCG over the provision of services. It is anticipated that the sub group will be able to reach agreement in most instances however exceptionally the chair of the sub group may bring issues to the Joint Commissioning Group outside the annual planning cycle for resolution by the chair.

8. Next Steps

- 8.1 It is proposed that the above formal system begins from September 2014. The Act also requires that the arrangements for Joint Commissioning are included on the local authorities Local Offer website. This will be done once this paper has been approved by the Health & Wellbeing Board. The sub group has begun to review a small number of services and progress on this work as well as plans for the future will be included in the first annual report which will be submitted to the Health & Wellbeing Board later this year.

IMPLICATIONS AND RISKS

Financial implications and risks:

The costs of the Joint Commissioning in Arrangements are met from within existing resources. Future plans will include the pooling of resources between Education, Social Care and Health to provide a more seamless service for the user, however this will be subject to a further decision process as necessary.

The DfE has allocated a one-off SEN Reform grant of £275,974 to Havering to support the implementation of the Children and Families Act 2014 and one-off allocation of £206,612 as New Burdens funding.

David Allen / Rav Nijjar

Legal implications and risks:

The proposed procedures and protocols appear prudent from a strategic perspective and there appear to be no legal implications in recommending these principles.

In terms of individual commissioning decisions arising out of the use of the protocol there may be a need for detailed legal advice.

Stephen Doye

Human Resources implications and risks:

There are no direct HR implications or risks for the Council, or its workforce, that can be identified from the recommendations made in this report.

Eve Anderson (Strategic HR Business Partner – Children, Adults & Housing and Public Health)

Equalities implications and risks:

The Joint Commissioning arrangements are intending to have a positive impact for children and young people (aged 0-25 years) with special educational needs and disabilities. The arrangements includes the requirements for outcome-based performance targets, quality standards and monitoring in order to identify any issues that have an unintentional negative impact.

Paul Green
Corporate Policy & Diversity Advisor