

Derbyshire

# Joint Commissioning Strategy

for

## Children with SEND

(Derbyshire Local Authority, Derby and Derbyshire Integrated Care Board)

2022-2025



Derbyshire Local Area SEND 0-25

**Version: 1.1**  
**Review Date: July 2023**

## Foreword

This Joint Commissioning Strategy sets out our ambition for children and young people with SEND in Derbyshire and their families. It will play a vital role in making sure that we will have a transparent and open sharing of our priorities enabling every child or young person aged 0-25 with Special Educational Needs Disability to reach their full potential and to feel that they are contributing to our local community. The strategy outlines the principles, approaches, and key actions we will take to deliver our vision and will evolve as we progress. We will work towards the principles of co-production in Derbyshire's co-production framework and seek to embed them at all stages of joint commissioning work. We are committed to reviewing this three-year strategy, biannually so we can continue to drive the improvements needed and to make the strategy a 'live' document that responds to the needs of children and their families.

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## Introduction

This document sets out the strategic direction of commissioning for children and young people with special educational needs and disability (SEND) in Derbyshire. The strategy sets out how we will work together to ensure through commissioning we achieve good outcomes for our children & young people. In line with the vision of the Derbyshire Strategic Commission this strategy aims to ensure a fully integrated approach to the commissioning and delivery of services for children and young people with SEND. (A terms of reference is available upon request).

## Why a Joint Commissioning Strategy?

This joint commissioning strategy was developed to facilitate cross organisational dialogue and guide the direction of the local authority (LA) and integrated care board (ICB) Commissioners, ultimately aimed at improving outcomes for children and young people through better joint commissioning across the local area.

Specifically, to:

- Enable cohesive planning across the footprint.
- Provide consistency, a framework and shared “way of working”.
- Improve efficiency by ensuring commissioning decisions are streamlined.
- Help organisations to operate proactively and move forward together.
- Maximise combined LA & ICB expertise and experience to optimal effect.

## The National and Local Context

Whilst some areas of change identified were organisation-specific, many were recognised as having a shared impact and would benefit from a joined-up response:

Following several years of locally led development, recommendations of NHS England and NHS Improvement and Royal Assent of the Health and Care Act (2022), 42 ICSs will be established across England on a statutory basis on 1 July 2022.

Integrated Care Systems (ICSs) are partnerships of organisations that come together to plan and deliver joined up health and care services, and to improve the lives of people who live and work in their area.

The **purpose** of ICSs is to bring partner organisations together to:

- **improve outcomes** in population health and healthcare
- **tackle inequalities** in outcomes, experience and access
- enhance **productivity and value for money**
- help the NHS support broader **social and economic development**.

Collaborating as ICSs will help health and care organisations tackle complex challenges, including:

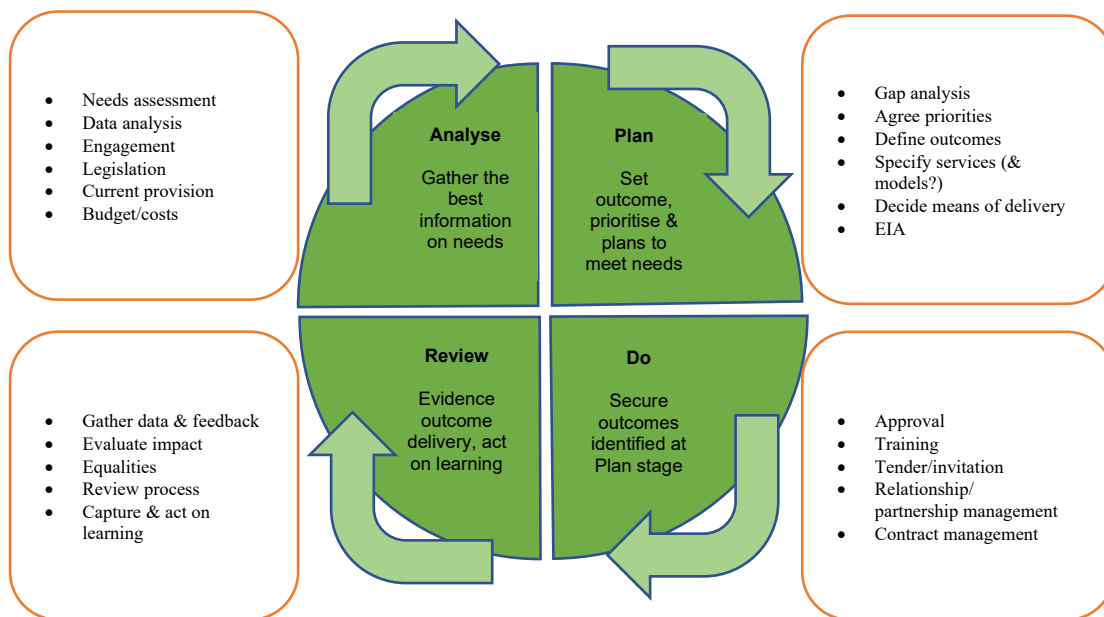
- improving the health of children and young people
- supporting people to stay well and independent
- acting sooner to help those with preventable conditions
- supporting those with long-term conditions or mental health issues
- caring for those with multiple needs as populations age
- getting the best from collective resources so people get care as quickly as possible.

Whilst the structure and governance of the Derby and Derbyshire ICS is still emerging the main change is that many decisions are now being made jointly across system partners. As part of the border changes Glossop in the far north of Derbyshire now falls under Derby and Derbyshire ICS whilst remaining within Derbyshire County Council boundaries. Additionally some services hosted by NHS England such as Dental are now transferred to ICS responsibility.

	National	Local
ICB	ICS / STP Resource impact Difficulty recruiting clinical posts	Joined Up Care Derbyshire (Childrens) workstream Primary Care Networks Financial pressures Planning towards 'all age'
Joint	Children & Families Act 2014 (SEND Reforms) NHS Long term plan NHS 5 year Forward View Increasing demand National pandemic / Covid 19	Review of Childrens commissioning Inspection outcomes Demand continuing to outstrip capacity Joint Strategic Needs Assessment Impact on health, families, education and employment / Covid 19 / Local Recovery Plan Section 75 Commissioning arrangements for Complex Needs
Local Authority	Changes to Education & Learning (Multi Academy Trusts) Financial pressures	Rising requests for individual formal assessments of need Rising dissatisfaction with the SEND assessment process Rising numbers of children being educated outside of the mainstream system Foster Carer recruitment & Children in Care Placements Ongoing financial pressures

## What does Joint Commissioning look like in Derbyshire?

### The commissioning cycle



Derbyshire County Council and Derbyshire CCGs (clinical commissioning groups) have a long history of collaboration and joint commissioning. Inspection reports from the CQC and Ofsted have commented very positively regarding the integrated commissioning functions in place. For example, highlighting our ability to make decisions easily, jointly and in the best interests of the child or young person. Both Safeguarding/LAC and SEND inspections have stressed the importance of these commissioning approaches in strengthening partnership working and improving outcomes.

In preparation for the move to ICS, feedback received from NHSE/I on Derby & Derbyshire (ICS) SEND governance and infrastructure self-assessment tool, (May 2022) was also very positive, citing "the breadth of evidence showing how SEND is well and truly on the ICS agenda and how you intend to progress this further".

Commissioning decisions and strategy are agreed at the SEND Commissioning Hub, which meets monthly and includes commissioning managers from Public Health, ICB, Education and Social Care. The terms of reference have recently been updated to clarify exactly which statutory responsibilities are delegated to the Commissioning Hub.

In Derbyshire we have a long-established section 75 agreement (National Health Service (NHS) Act 2006). This has been in operation since April 2013. Historically a pooled budget arrangement with health partners has existed since July 2010 to enable health, education and social care to work together to meet the needs of children and young people with complex needs.

In our current arrangements ICB and local authority commissioners work closely together on a number of needs led commissioning arrangements. Some examples of Joint Commissioning can be found in the table below.

<b>Joint Commissioning Example:</b>	<b>Value</b>
S75 Complex Cases are all jointly commissioned.	£7.2m per annum
Trauma Informed Emotional Health and Wellbeing Service for Children in Care and Care Leavers-joint commission with DDCCG and Derby City Council.	£1.53m per annum
Autism accelerator	£100k per annum
Children & Young People key working (Complex LD and autism support)	£543k per annum
Specialist Community Equipment	£300k per annum

## Case Study

LM is a 17-year-old child who has been in a children's mental health hospital bed for over a year.

When the young person was ready for discharge a placement search was initiated. The young person had several mental health diagnoses which regularly manifested in attempts to commit self-harm. The child needed a nurturing and therapeutic home with staff trained to meet needs and access to specialist services and professionals to support care.

LM's needs therefore crossed health and social care. Once a suitable placement was found the social care team approached the CCG for joint package support. We worked together to draw together the requested paperwork and to seek formal sign off in our separate organisations, the decision was made within a week to ensure L was placed with a joint package of support to meet L's outcomes.

## Our Vision, Strategies & Plans

The partnership priorities in the plans outlined below were based on needs analysis from pre-pandemic data. It is acknowledged that these will change based on current healthcare factors. However, the links remain in place, and can be read by clicking on the appropriate link.

[Health & wellbeing strategy](#)

[Children & young people's plan](#)

[Joined up care Derbyshire plan](#)

[SEND JSNA](#)

[SEND strategy](#)

## Scope

This strategy covers the joint commissioning of services for children and young people with special educational needs and disability who are aged 0-24 (up to their 25th birthday).

## Definitions

A child or young person is defined as having special educational needs (SEN) if he or she “has a learning difficulty or disability which calls for special education provision to be made for him or her”. [Children and Families Act 2014 Section 20].

A child or young person is considered to have a learning difficulty if she or he:

- has a significantly greater difficulty in learning than the majority of others of the same age; or
- has a disability which prevents or hinders them from making use of facilities of a kind generally provided for others of the same age in mainstream schools or mainstream post-16 institutions

Disability is defined in the Equality Act 2010. “A person is disabled if they have a physical or mental impairment that has a substantial and long-term adverse effect on a person’s ability to carry out normal day-to-day activities”.

This definition provides a relatively low threshold and includes more children and young people than many realise: ‘long-term’ is defined as ‘a year or more’ and ‘substantial’ is defined as ‘more than minor or trivial’. This definition includes sensory impairments such as those affecting sight or hearing, and long-term health conditions such as asthma, diabetes, epilepsy, and cancer.

Children and young people with such conditions do not necessarily have SEN, but there is a significant overlap between disabled children and young people and those with SEN. Where a disabled child or young person requires special educational provision, they will also be covered by the SEN definition.

The Special Educational Needs and Disability Code of Practice, DfE, July 2014 states:

“EHC plans can be put in place from birth, and up to 25 where it is agreed that a young person requires more time to complete their education and has not yet met the outcomes agreed as part of their plan. In the case of a young person who reaches their 25th birthday before their course has ended, the EHC plan can be maintained until the end of the academic year in which they turn 25”



Children, young people and their families are at the centre of our work. Supporting their interests and welfare is paramount. The following principles guide our approach to commissioning:

- We will keep children and young people safe through effective safeguarding practice.
- We will work with children, young people and families meaningfully at all stages of the commissioning cycle.
- We will work within a framework of fair, open and transparent processes.
- We will make evidence-informed decisions about the commissioning and decommissioning of services.
- We will strive to continually improve outcomes for children, young people and their families.
- We will focus on early intervention and prevention to reduce high-cost services in the future.
- We will promote equality (including equality of access to services) in relation to age, disability, gender/gender reassignment, race, religion or belief and sexual orientation.
- We will deliver efficiencies and quality through robust risk, contract and performance management.
- We will work in a spirit of co-production and partnership with parents and their children and young people with SEND, involving them in all key decisions.
- We will work in partnership with partner agencies and schools to deliver an effective SEND system that ensures effective early identification of need followed by robust assess- plan-do-review processes and clear pathways.
- We will have the highest expectations for children and young people with SEND, ensuring that they are fully included in all educational settings and that their needs are met by high performing local schools.
- We will ensure a rigorous focus on the preparation for adulthood outcomes and life after school.
- We will ensure that resources are fairly and consistently allocated according to needs.

We are committed to the arrangements for safeguarding and promoting the welfare of children and young people through the joint Derby - Derbyshire Safeguarding Children Partnership.

Derby City Council, Derbyshire County Council, Derby and Derbyshire Integrated Care Board, and Derbyshire Constabulary (the statutory partners) will work in partnership with relevant agencies such as health providers, schools and education settings, probation providers and others to challenge and hold each other to account as to how they are keeping children safe.

[Derby Safeguarding Children Partnership \(ddscp.org.uk\)](http://ddscp.org.uk)

We work in accordance with the Equality Act 2010, which consolidates protection against discrimination on the grounds of age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation. It also put in place a public sector equality duty, which gives public authorities a legal

responsibility to provide this protection and make decisions which are fair and transparent, including the allocation of public money.

We will achieve value for money by securing effective services which meet local needs and deliver improved outcomes

## Guiding Priorities and Principles

### Priorities

- Increase local sufficiency and joined up working, enabling children & young people to remain in their communities.
- Commission based on population needs and use of JSNA.
- Minimising any long-term impact of the health care concerns due to Covid 19;
- Build strong foundations between organisations to enable effective joint commissioning.
- Ensure value for money, efficient & effective services.

### Principles

- Person centred rather than service centred, commissioning for outcomes.
- Sustainable outcomes supporting increased independence and reducing demand for specialist services through greater prevention and self-management.
- Maximising effectiveness and efficiency through collaboration and joint commissioning.
- Delivery of social value.
- Commissioning approaches for smaller organisations.
- Listening to and responding to the Voice of the Child and family.
- Consideration of digital offer in service delivery reviews and any new commissioning.
- Resources targeted on need.
- Commissioning approaches based on Strengths/Assets, and Pathways.
- Graduated response across the system, for all commissioned services using common language.
- Risk & benefits sharing approaches.

## Local Population

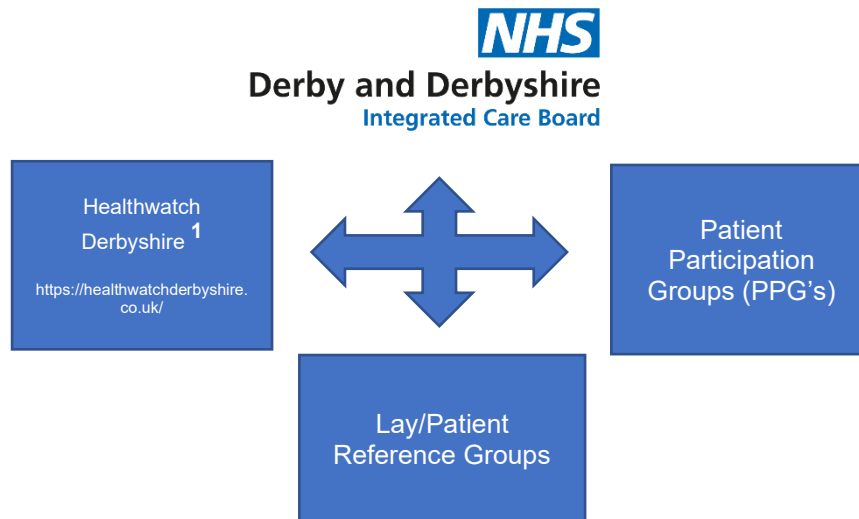
- 807,183 total population of Derbyshire (mid 2020)
- Working with 420 schools (including support centres), approx. 6000 teachers teaching 109,000 children (Jan 2021)
- 18,019 pupils with SEN in Derbyshire (Jan 2021)
- Economy worth £15.4 billion
- 103 of 151 Upper Tier Local Authority's in respect to deprivation (where 1 is the most deprived)
- 89% satisfaction with Derbyshire as a place to live
- £29,467 Average earnings of residents

## Co-Production

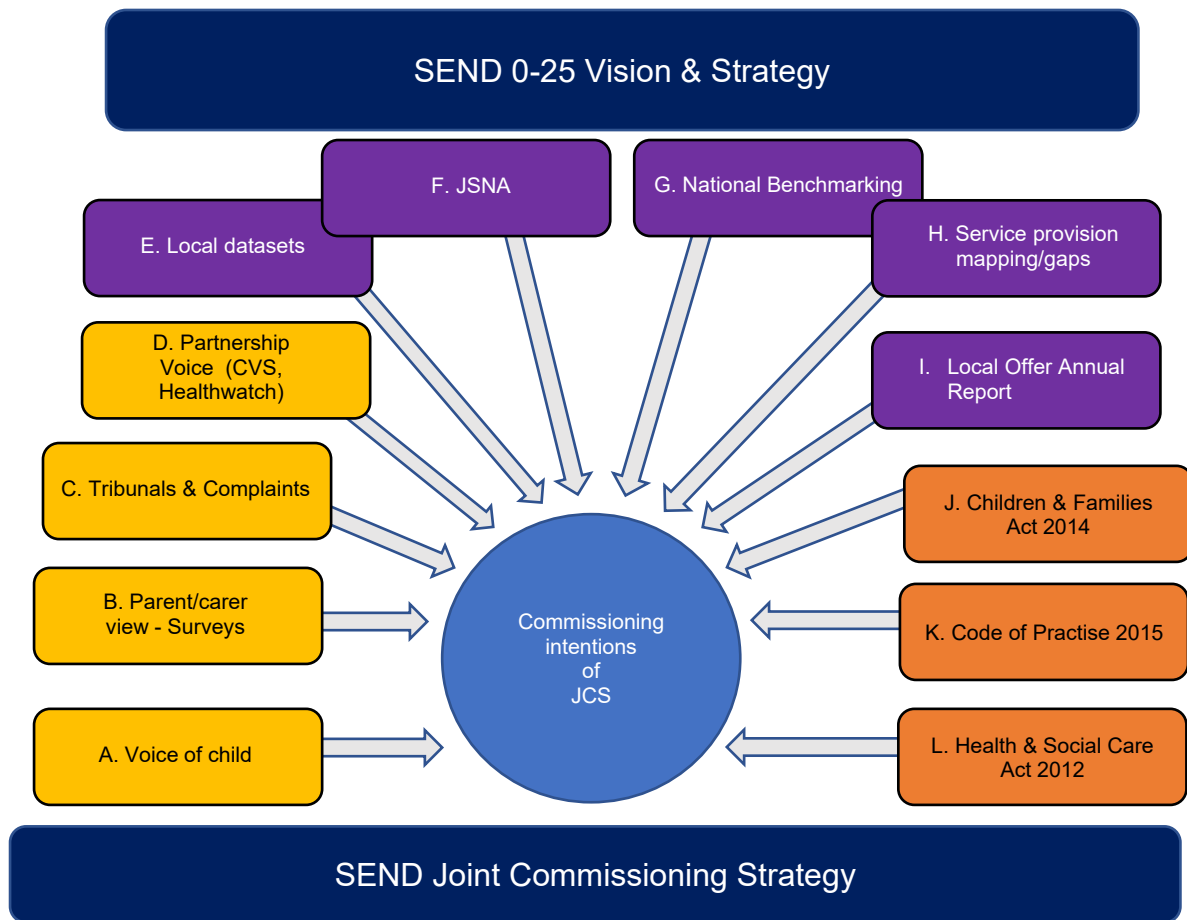
Derbyshire County Council engage with residents through Derbyshire Parent Carer Voice, Derbyshire Information and Advice Support Service, the Strategic Network of Young People, which includes special schools, SEND community groups and locality youth forums. This Joint Commissioning Strategy has been co-produced with Derbyshire Parent Carer Voice.

### Derbyshire ICB Co-Production

Derbyshire involve the public and patients in a variety of ways and use developed processes to ensure views are captured, reaching seldom heard communities, ensuring views are influencing decision making and feeding back to those who have been involved. Examples of a few engagement opportunities within this framework are:



## Commissioning Intentions



Key:

A to D - Views of Children, Young People, and their families

E to I - Legislative content

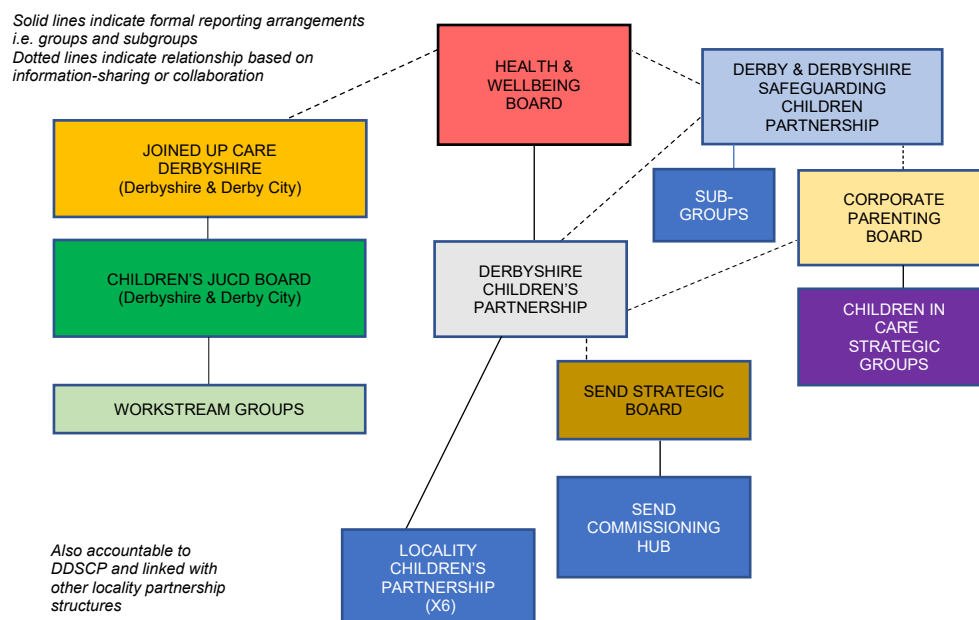
J to K - Evidence based

Using a combination of stakeholder views, datasets and legislation, we have developed the following priorities:

- **Develop a formal framework of joint working between all commissioners of service to children and young people with additional needs.**
- **Support and contribute to a Joint Communication plan.**
- **Develop a joint response to disagreement and resolution.**
- **Support and contribute to the local area response to autism.**
- **Support and contribute to the local area response to social emotional and mental health needs.**
- **Develop a standard operating procedure for joint placements that are not met through the pooled budget.**
- **Develop a joint understanding of the commissioning of placements for those beyond school age and the mechanisms to review those arrangements placements.**

- **Align NHS health priorities to the cohort of children and young people who have additional needs.**
- **Collectively transition to a new Integrated Care Service.**
- **Support and contribute to the local area response to speech, language, and communication needs.**

## Governance



Accessible Diagram Data:	Formal Reporting Arrangement	Info Sharing and Collaboration
Health and Wellbeing Board	Derbyshire Children's Partnership	<ul style="list-style-type: none"> <li>• Joined Up Care Derbyshire (Derbyshire and Derby City)</li> <li>• Derby and Derbyshire Safeguarding Children Partnership</li> </ul>
Derby and Derbyshire Safeguarding Children Partnership	Sub-Groups	<ul style="list-style-type: none"> <li>• Derbyshire Children's Partnerships</li> <li>• Corporate Parenting Board</li> </ul>
Corporate Parenting Board	Children in Care Strategic Groups	Derbyshire Children's Partnerships
Derbyshire Children's Partnerships	Locality Children's Partnership	SEND Strategic Board
SEND Strategic Board	SEND Commissioning Hub	
Joined Up Care Derbyshire (Derbyshire and Derby City)	Children's JUCD Board	
Children's JUCD Board	Workstream Groups	

The SEND Commissioning Hub and its members are responsible for delivering the priorities identified above. This will be coordinated through a joint action plan owned by the SEND Commissioning Hub, and progress made against this action plan will be monitored by the SEND strategic board through updates on a quarterly basis.

Version	Date	Detail	Author
1.0	28/9/2022	Approved by James Gracey	Colin Bradley
1.1	3/10/2022	Diagram amendments to comply with web content accessibility guidelines	Nett Spracklen