

Committee Name and Date of Committee Meeting

Cabinet – 10 June 2024

Report Title

SEND Joint Commissioning Strategy for Rotherham 2024 – 2027

Is this a Key Decision and has it been included on the Forward Plan?

Yes

Strategic Director Approving Submission of the Report

Nicola Curley, Strategic Director of Children and Young People's Services

Report Author(s)

Helen Sweaton, Joint Assistant Director, Commissioning, Performance and Quality

Ward(s) Affected

Borough-Wide

Report Summary

This report presents the Rotherham SEND Joint Commissioning Strategy (2024 – 2027) for approval (Appendix 1). If adopted, this strategy will underpin our shared vision and principles for joint commissioning to achieve our commitment to improving the outcomes and life chances of the children and young people with Special Educational Needs and Disabilities (SEND).

By adopting the strategy, the Council will emphasise the recognition that all children and young people have individual strengths and needs, and that services and provision need to be differentiated.

The SEND Code of Practise 2014 determines how local partners should work together to jointly commission services to meet local needs and support better outcomes. Joint commissioning is the process of meeting needs and improving outcomes through joint planning, agreeing and monitoring services across agencies.

The proposed strategy meets the legislative, policy and regulatory requirement to describe how the local authority and its partner commissioning bodies engage in joint commissioning arrangements and reflects the priorities defined in the draft outcomes framework.

Recommendations

1. That Cabinet approve the Rotherham SEND Joint Commissioning Strategy (2024 – 2027).

List of Appendices Included

Appendix 1 SEND Joint Commissioning Strategy (2024 – 2027)

Appendix 1a SEND Strategy

Appendix 1b Children's Work Order

Appendix 2 Place Plan

Appendix 3 Part A - Equality Analysis Screening

Appendix 4 Part B – Equality Analysis Form

Appendix 5 Carbon Impact Assessment

Background Papers

Rotherham SEND Joint Commissioning Strategy 2020 - 2022

Consideration by any other Council Committee, Scrutiny or Advisory Panel

None

Council Approval Required

No

Exempt from the Press and Public

No

SEND Joint Commissioning Strategy for Rotherham 2024 – 2027

1. Background

- 1.1 In September 2023, following successful achievement of sustained and significant progress against the Written Statement of Action arising from the Ofsted and CQC SEND Inspection of July 2021, the Improving Lives Select Commission endorsed that the Local Area SEND Strategy and associated documents required for inspection including a SEND Joint Commissioning Strategy should be refreshed. In addition, the commissioning landscape has changed with the move from Clinical Commissioning Groups to Integrated Care Boards.
- 1.2 Rotherham Integrated Care Board (ICB) and Rotherham Council jointly commissioned consultation and engagement with key stakeholders to develop a shared outcomes framework and commitments for children and young people with SEND and their families. Regulators recommend a shared outcomes framework underpins joint commissioning for SEND.
- 1.3 This report presents the Rotherham SEND Joint Commissioning Strategy (2024 – 2027) for approval (Appendix 1).

2. Key Issues

- 2.1 Section 26 of the Children and Families Act 2014 requires the local authority and its partner commissioning bodies to engage in joint commissioning arrangements. The Act does not specify the form the arrangements should take.
- 2.2 To inspect the effectiveness of local areas in fulfilling their new duties in the ‘Special educational needs and disability code of practice: 0 to 25 years’ (the Code of Practice) Ofsted and the Care Quality Commission (CQC) jointly devised the SEND Local Area Inspection Framework which was updated in 2023. The inspection framework stipulates the requirement for a local area to be able to evidence:
 - joint commissioning arrangements enable partners to make best use of all the resources available to improve outcomes for children and young people in the most efficient, effective, equitable and sustainable way.
 - joint commissioning arrangements meet the local area’s statutory responsibilities for identifying, assessing, and meeting needs.
- 2.3 Guidance published by the Council for Disabled Children to support local areas with meeting legislative, policy and regulatory requirements, recommends that the Local Authority publish a SEND Joint Commissioning Strategy agreed by all partners which sets out the strategic ambition for children and young people with SEND, clear milestones for progression and a co-produced outcomes framework. This included arrangements for the agreement of packages of care for children with more complex needs; and arrangements for the joint commissioning of parent participation and SEND Information, Advice and Support Service (SENDIASS). The Local Authority health commissioning should also have a Section 75 or other agreement in place setting out which budgets are pooled and how resources and management structures are integrated.

2.4 During co-production workshops and engagement to develop the new SEND Strategy, key stakeholders including representatives of children, young people, parents/ carers, and families have agreed 7 outcome statements. The language used is reflective of feedback from young people that the description of outcomes needs to enable children and young people to see the impact on their lives. The key performance indicators have been developed to ensure all key partners are active participants in the delivery of the SEND Strategy. The outcomes framework within the SEND Joint Commissioning Strategy reflects these co-produced outcomes and key performance indicators (Appendix 1). Following Cabinet approval of the SEND Strategy in December it is proposed this Strategy will be updated to reflect any proposed changes to these sections and subsequently Cabinet approval will be requested for those amendments.

3. Options considered and recommended proposal

Option 1: Retain the SEND Joint Commissioning Strategy

3.1 This option would seek to retain the 2020-2022 Joint Commissioning Strategy. However, this option is not perceived to be viable as it does not consider the updated SEND Strategy or reflect the updated inspection framework and guidance.

Option 2: Adopt the new SEND Joint Commissioning Strategy (2024 – 2028)

3.2 It is recommended that Cabinet approve the new SEND Joint Commissioning Strategy for the subsequent 4-year term (2024 – 2028).

3.3 Approving the Strategy will provide clarity about the future priorities for joint commissioning which have been shaped by children, young people, parents and carers, families, and local partners. This option supports compliance with legislative and policy guidance and inspection preparedness.

4. Consultation on proposal

4.1 Comprehensive engagement has taken place to co-produce the outcomes framework involving all key stakeholders, including Rotherham Parent Carer Forum who represent families with children and young people with SEND.

4.2 The Integrated Care Board has been engaged through Place Board and the proposed Strategy was endorsed by Rotherham Place Executive Team. Following approval at Cabinet the Strategy will be presented at Health and Wellbeing Board who will provide oversight of delivery.

5. Timetable and Accountability for Implementing this Decision

5.1 July 2024 – Launch the Strategy with Health, Education and Local Authority Commissioners, Providers and Responsible Officers. This will include presentation at Place Board and a report to Health and Wellbeing Board.

- 5.2 December 2024 – Launch the Strategy within communities alongside the SEND Strategy with children and young people, parents and carers, families, partners, and stakeholders.
- 5.3 Annually – Progress on delivering the priorities in the SEND Joint Commissioning Strategy will be reported to Health and Wellbeing Board through Place Board reporting arrangements.

6. Financial and Procurement Advice and Implications

- 6.1 There are no direct financial implications on the Council from approving the Rotherham SEND Joint Commissioning Strategy (2024 – 2027) and the shared partnership priorities therein. In the main, service delivery costs associated with improving outcomes for children and young people would be managed within available resources across both CYPS and Health.
- 6.2 However, specifically, health funding has been set aside for the children and young people’s work order (sits under the Section 75 Partnership Framework Agreement) for the delivery of the CYP Place Plan Priorities. Therefore, any financial implications arising from delivering the SEND Joint Commissioning Strategy/ priorities would be contained within the set aside S75 partnership funding.
- 6.3 There are no direct procurement implications associated with the recommendations detailed in the report. Any activity procured via the Council with third party providers to deliver against the new Strategy will be subject to the Council’s Financial and Procurement Procedure Rules, and the relevant applicable legislation for the services being procured, namely the Public Contracts Regulations 2015 (as amended), Procurement Act 2023 or the Health Care Services (Provider Selection Regime) Regulations 2023.

7. Legal Advice and Implications

- 7.1 The requirement of the Children and Families Act 2014 and the NHS Act 2006 regarding joint commissioning and the discharge of Council obligations on behalf of its residents with regard to Children and Young People’s Services are addressed in this report and its supplementary appendices.
- 7.2 The proposed provision for future years (as detailed at Appendix 1 of the Call off partnership work order) meets the requirements of s26 of the Children and Families Act 2014 and S75 of the NHS Act 2006 in terms of the services commissioned to meet the specific needs of RMBC residents and the manner of procuring the same.
- 7.3 The procurement amount is stated as £1,762,000 for the year 2024/5. This is made up of five tranches of spending, to which the procurement regulations regarding health and care provision (Health Care Services (Provider Selection Regime) Regulations 2023) will apply in relation to each individual contract or transaction, in addition to the procurement itself satisfying the requirements for joint commissioning.

8. Human Resources Advice and Implications

- 8.1 There are no direct Human Resources implications.

9. Implications for Children and Young People and Vulnerable Adults

9.1 Effective joint commissioning arrangements enable partners to make best use of all the resources available to improve outcomes for children and young people with Special Educational Needs and Disability (SEND) in the most efficient, effective, equitable and sustainable way.

9.2 Key considerations are referenced within the report.

10. Equalities and Human Rights Advice and Implications

10.1 The proposals in this report support the Council to comply with legal obligations encompassed in the:

- Human Rights Act (1998), to treat everyone equally with fairness dignity and respect with a focus on those who are disadvantaged as a result of disability and
- Equality Act (2010) to legally protect people from discrimination in the wider society.

10.2 The Equality Analysis (Appendix 3 and 4) provides further detail.

11. Implications for CO2 Emissions and Climate Change

11.1 A Carbon Impact Assessment form has been completed (Appendix 5).

12. Implications for Partners

12.1 The Strategy has been designed to complement wider strategic plans for Rotherham including the Health and Wellbeing Strategy and the Rotherham Place Plan. This approach ensures opportunities to align and harness existing strategic approaches through a system-wide partnership response.

13. Risks and Mitigation

13.1 Whilst the vision and Strategy do not present any risks, there are risks associated with not having a strategy.

13.2 Clearly articulated strategic intentions for joint commissioning will support the service in managing risks associated with compliance with legislative, statutory frameworks and regulatory frameworks.

14. Accountable Officers

Nicola Curley, Strategic Director of Children & Young Peoples Service
Nicola.curley@rotherham.gov.uk

Approvals obtained on behalf of Statutory Officers:

	Named Officer	Date
Chief Executive	Sharon Kemp	24/05/2024
Strategic Director of Finance & Customer Services (S.151 Officer)	Judith Badger	15/04/2024
Assistant Director, Legal Services (Monitoring Officer)	Phil Horsfield	15/04/2024

Report Author: Helen Sweaton, Assistant Director, Commissioning, Performance and Quality

helen.sweaton@rotherham.gov.uk

This report is published on the Council's [website](#).