

Children and Families Act 2014: Links to existing policy approaches



The Children and Families Act 2014 is introducing new statutory duties for CCGs, NHS England and provider organisations to improve the support they provide for children and young people with special education needs and disability.

In addition to these statutory duties, the Children and Families Act should also be taken as an opportunity for local areas to reflect on their current practice and to promote a new way of working where necessary.

Getting this right will require practical and cultural changes from professionals, clinicians and commissioners working with and for children and young people. While this will present a challenge, the solutions will build on many of the current drivers of change within the NHS and social care, and present an opportunity to reduce costs in the long run

The key principles and duties of the Children and Families Act can be linked to arrangements or work that is already in place in line with the following:

NHS Strategic Priorities

The overall strategic priorities of the NHS are set by the NHS Mandate and expanded on in the NHS Business plan.

The NHS Mandate

The Department of Health issues the Mandate to the NHS England that sets out a number of requirements:

- 1. Objectives** – Which NHS England must “seek to achieve”
- 2. Requirements** – Which the NHS England must “comply with”
- 3. Resource limits** – Within which the Board must operate

There are a number of objectives in the Mandate that are relevant to disabled children and young people and their families and the implementation of the Children and Families Act:

- Better partnership working across different services for children and young people with special educational needs or disabilities.
- Ensuring children and young people with SEND have access to the services identified in their agreed care plan.
- The option of a personal budget for parents of children based on a single assessment across health, social care and education.
- Improved integration across health services, and the health service and wider stakeholders, including the transition between children and adults services
- Increased emphasis on mental health services for children and young people.



NHS England's Putting Patients First Business Plan also includes objectives and clear deliverables that support the objectives in the NHS Mandate:

- NHS England will work with CCGs to support the joint commissioning of services to ensure children with special educational needs (SEN) have access to services in their care plan based on a single assessment across health, social care and education. This will include supporting CCGs in line with actions and outcomes identified from the current series of national events.

NHS England will identify gaps in delivery of the transfer of responsibility for special educational needs commissioning from the current series of national events and develop support for CCGs by March 2015.

These strategic priorities for children and young people's health are built on in the Children and Young People's Better Health Outcomes Pledge that is signed by major system leaders in the NHS:

- Services will be integrated and care will be coordinated around the individual, with an optimal experience of transition to adult services for those young people who require ongoing health and care in adult life.
- Provide better care for children and young people with long term conditions and disability and increase life expectancy of those with life limiting conditions.

The Department of Health has made a commitment to promote the personalization agenda and introduce the "right to request" and a "right to ask" for a personal budgets for children, young people and adults who are eligible for Children's Continuing Care funding and Continuing Health Care Funding. These strategic priorities clearly support the implementation of the Children and Families Act. All elements of the NHS should clearly demonstrate how they are working towards these priorities. In addition to these strategic objectives the core elements of the Children and Families Act closely align with existing policy priorities across the NHS.

The core principles of the Children and Families Act are:

- **A focus on the outcomes children and young people are working towards:**
 - * Section 19 places a duty on the Local Authority to achieve the best possible educational and other outcomes for children and young people with SEND
 - * Section 37 states that Education Health and Care plans need to specify the Education Health and Care plans sought for the child or young person.
- **Placing the voice of children and young people and their families at the centre of the system**
 - * Section 19 places a duty on the Local Authority to ensure the views, wishes and feelings of the child or young person, and the child's parents are taken into account and
 - * The importance of the child or young person, and the child's parents, participating as fully as possible in decisions; and being provided with the information and support necessary to enable participation in those decisions



- **Working Together and Integration**

- * Section 25 of the Children and Families Act 2014 places a duty on Local Authorities that should ensure integration between educational provision and training provision, health and social care provision, where this would promote wellbeing and improve the quality of provision for disabled young people and those with SEN.
- * Section 26 Partner commissioning bodies must make joint commissioning arrangements for education, health and care provision for children and young people with SEN or disabilities
- * Section 28 Co-operating generally: local authority functions

Existing Drivers to improve outcomes:

Improving people's health outcomes has always been central to the NHS. The Health and Social Care Act 2012 places outcomes at the centre of the NHS and introduced an outcomes based framework to incentivise improvements and monitor performance. Key elements of this framework are:

- **The NHS Outcomes Framework:** Sets out the high-level national outcomes that the NHS should be aiming to improve, organised around 5 domain areas
- **The Public Health Outcomes Framework:** Sets out the public health outcomes that the NHS and Local Authorities should try to improve, including a focus on reducing differences in life expectancy and healthy life expectancy between communities.
- **CCG Outcomes Commissioning Indicator Set:** The CCG Outcomes Indicator Set provides information on the quality of health services commissioned by CCGs against outcomes measures are developed from NHS Outcomes Framework indicators that can be measured at clinical commissioning group level together with additional indicators developed by NICE and the Health and Social Care Information Centre.
- **Quality and Outcomes Framework:** The Quality and Outcomes Framework is the standard framework for rewarding contractors in the NHS for the provision of quality care. It aims to incentivise improvements in the delivery of primary medical services.
- **Commissioning for Quality and Innovation (CQUIN) framework:** The CQUIN framework promotes improvements in quality of services and better outcomes for patients. It includes national CQUIN frameworks but allows local areas to develop their own CQUINS

CCGs and NHS England should look at the range of outcomes they are achieving for children and young people with special educational needs and disability and how they can be improved through between design and delivery of services. If the data is not in place then improving it should be a priority.

Children and young people with SEN and disability are a group that experiences poor outcomes and the NHS has a duty to reduce inequalities in outcomes for disadvantaged groups. NHS England and CCGs should demonstrate how they are reducing the health inequalities experienced by children and young people with SEN and disability.

Existing Drivers to placing the voice of children and young people and their families at the centre of the system.

Patient participation and engagement is a key element of the NHS, both at the individual and strategic level.

There are key statutory duties in the Health and Social Care Act 2012 that promote the involvement and participation of the patient and public in the health system, and these duties include children and young people.

Each CCG has a duty to:

- Promote patient and family involvement in decisions about their care
- Promote patients and the public participation in decisions about the organisation of health services in their local area.
- Promote the NHS Constitution: this sets out patients rights to be involved in decisions about their own health and to take part in collective decisions about the NHS in their area

Each CCG must publically set out how they involve patients and the public in planning and making changes to local health services they commission as part of the development of their annual commissioning plan and annual report.

There are also duties to promote the the involvement of patients, and their carers and representatives, in decision about the individual's care and treatment.

Local Healthwatch organisations also plays an important role in ensuring that local people are able to be involved in decisions about their local health and care system. This includes children and young people with SEND and their parents and carers. Local Healthwatch organisations should play an important role in making sure that children, young people and their parents participate in the Joint Commissioning Arrangements established by the Children and Families Act.

Drivers for Working Together and Integration

Integration of services, both within the NHS and with Local Authority education and social care services is a major focus of NHS policy. Health commissioning bodies have a number of duties to work with the Local Authority to integrate services to improve outcomes:

- Section 13 and Section 14 of the Health and Social Care Act 2012 and place duties on CCGs and NHS England to integrate services if this will improve outcomes or reduce inequality
- Section 75 of the National Health Services Act 2006 gives local authorities and CCGs the power to pool resources and delegate certain NHS and Local Authority health-related functions to the other partner(s) if it would lead to an improvement in the way those functions are exercised.
- Section 10 of the Children Act 2004 places a duty on health services to make arrangements with Local Authorities and other partners to work together to integrate services to promote the wellbeing of children and young people under

In order to have the greatest impact the joint commissioning arrangements introduced by the Children and Families Act 2014 should build on examples of existing good practice where possible. It is also important each area looks at the links between the implementation of the reforms and the current drivers of system transformation and integration in each local area.

Health and Wellbeing Boards

The Health and Social Care Act 2012 require Health and Wellbeing Boards to bring the key leaders in the local health and social system together;

- Section 192 and 193 Health and Social Care Act 2012 states that CCGs must cooperate with Health and Wellbeing Boards and publish a joint health and wellbeing strategy for meeting the needs identified in the Joint Strategic Needs Assessment.
- Section 116 of the Local Government and Public Involvement in Health Act 2007 states CCGs must have regard to the Joint Strategic Needs Assessment and Joint Health and Wellbeing Strategy when discharging its commissioning duties.

These duties mean the Health & Wellbeing Board is well placed to lead on strategic discussions between Local Authorities and CCGs, with the involvement of NHS England where appropriate. It can play an important role in providing evidence for the commissioning of services for children and young people with SEND through the development of the JSNA. If this data is not already available then it should prioritise improving data collection.

The Health and Wellbeing Board can also play an important role in supporting the establishment of the Joint Commissioning Arrangements required by the Children and Families Act including joint commissioning between the Local Authority and CCGs and putting in place formal Section 75 arrangements for pooling budgets.

Transition

Supporting young people with SEND to have a successful transition to adulthood is a key element of the Children and Families Act. The key elements of the system extend to young people up to the age of 25. The health service has an important role to play in this support to ensure that transition between children's and adults' services is a smooth process.

This is in line with the current commitments

Care Act 2014: The Care Act requires Local Authorities to ensure co-operation between children's and adults' services to promote the integration of care and support with health services, so that young adults are not left without care and support as they make the transition between child and adult services.

Conclusion

The Children and Families Act is an opportunity for health services in each local area to evaluate how they meet the needs of this group of children and young people and how they can work with education and social care services to meet their statutory duties to reduce health inequalities.

CCGs and NHS England need to think about how they can improve their health outcomes, in line with their statutory responsibility for taking action to reduce health inequality.

