

Joint Resources Allocation Panel Protocol

1. Introduction

The purpose of this protocol is to outline the principles, purpose, structure and objectives of the Joint Resources Allocation Panel (JRAP).

Purpose of JRAP

JRAP is:

The single route through which joint funding of placements are endorsed and reviewed.

The accountable governance framework is to provide cost effective and best value services.

Role

The Joint Allocation Resource Panel is the forum for:

- Multi agency decision making and a key driver for achieving good outcomes for children and young people who have been assessed as vulnerable and have long term complex needs.
- For those young people nearing 18 years of age a further Continuing Health Care assessment by adult health will need to be undertaken to determine if funding will be paid post 18. This should be commissioned at age 17yrs. An alert via JRAP will be raised for these cases and included on the monthly agenda. Identifying the needs of children with complex needs and behaviours' that will inform future joint commissioning strategies and provision planning.
- Where any changes of need resulting in modification to the agreed provision and associated costs are returned to JRAP for further endorsement.

2. Scope

The protocol applies to members of JRAP and all staff who make requests to the Panel for jointly funded placements this includes Specialist Childrens Social Care, Health and Education. Each agency will also have its own arrangements for single funded placements/resources which should be utilised as necessary.

JRAP is the mechanism for joint funding endorsement. All agencies must ensure that they have sought funding agreement from their own agency before the lead agency presents cases to JRAP for funding endorsement. No single agency may agree a contribution from another agency outside of JRAP.

3. Principles

The principles underlying jointly commissioned or agreed placements are:

- All agencies will act in the best interests of the child, recognising their corporate parenting responsibilities for disabled children and children in care
- Clear recognition of the Children Act requirements for:
 - Children to be looked after in their families wherever possible
 - Family contact to be maintained by placements being made as locally as possible
- Ensuring the right services and provision are in place at the right time

- Decisions are made based on evidence of children's needs and evidence of the effectiveness of the proposed provision
- JRAP will adhere to the Caldicott principles
- Ensuring decisions made will improve outcomes for the child
- The effectiveness of placements will be kept under regular review by each agency, minimum annually, considering the views of those who are using them, and whether they continue to meet changing needs.
- To recognise the importance of joint strategic planning and commissioning ensuring an emphasis on consistency and equity within available resources
- In line with the Children and Families Act 2014 there are joint assessments, commissioning and review arrangements of children's health, education and social care needs
- Reflective enquiries to understand placements that end prematurely.
- Ensuring best value from the public purse

4. Decision to seek an External Placement

All Kent's children and young people will be educated, cared for and have their health needs met through Kent County Council and NHS Kent provision. For a small number of children and young people with multiple and/or complex needs a decision to seek an external placement will only be agreed where it can be satisfactorily demonstrated that:

- Flexible local packages have been exhausted
- There are no appropriate local facilities
- There is evidence that the child's needs are so complex that a specialist provision is required

In all cases, this decision will be taken following a multi-disciplinary assessment having regard to the holistic needs of the child and family. Once agreed that an external placement is required the lead agency should ensure funding is agreed from their own agency and what contribution other agencies will make to the provision. In principle agreement for funding must be in place prior to JRAP from each agency.

Placement Checks

Before any placement can be considered the following checks must take place:

- The residential unit/school has been approved or registered by Ofsted and where necessary the Care Quality Commission (CQC), has been visited if required by the appropriate practitioner, all relevant documents have been checked in line with departmental processes including the latest Ofsted reports and in some cases references from other placing authorities may be requested.
- The provider accepts Kent County Councils terms and conditions (e.g. IFP framework/Placement Contract requirements).
- For SCS these checks will be carried out by the Total Placement Service Team, for Education (SEN) these checks will be carried out by SEN Area Manager.
- The review of provision to ensure the child's assessed needs continue to be met as defined within the Children and Families Act 2014 (s27) will take place within the existing review mechanisms e.g. CiC review, SEN review, EHCA

review. Each agency will use internal review mechanisms to monitor placements against children's defined needs and outcomes.

5. Child in Care

Specialist Children's Services and Disabled Children and Young People will only contribute to the costs of care where the child is a child in the care of the local authority. The Local Authority will determine the child's legal status dependent upon their assessed needs. The status of the child will determine whether SCS contribute to any packages of care.

6. JRAP Process

Referral to JRAP

- JRAP Alert Referral part 1 (JRAP alert) is to be completed by the referrer and initially shared with other agencies by the JRAP admin officer to initiate the professional network and enable the referrer to obtain assessment, key information and views from agencies to support JRAP application.
- The consent section on JRAP Alert must be completed if it is not the referral cannot proceed.
- If at the point of completing the JRAP Alert the referrer is aware of the placement costs these must be included in this form.
- Each agency commences and completes the appropriate assessment. Assessments and information are shared by each agency with the referrer.
- It is the responsibility of each agency to ask specific questions regarding their discipline to providers when considering provision and funding.
- Discussion and agreement takes place amongst agencies regarding each agency funding in terms of percentage and financial contributions. Confirmation by each agency of specifications regarding placements e.g. time frame, staffing, additional resources etc.
- JRAP Referral part 2 - JRAP Referral form to be completed by initial referrer summarising the request and funding agreements. JRAP referral parts 1, 2 and each agencies assessment are to be sent to the JRAP panel administrator.
- The referral form must include the total weekly and annual cost of the placement and include the amount/percentage that is being requested by each agency and clarify the duration of the placement e.g. 38, 39, 52 weeks etc. or any other specific duration and relevant details.
- Education will generally fund 38/39 weeks education provision. The referrer must be clear on how the provider has calculated the payment terms e.g. the costs of education is paid over 38, 39 or 52 weeks. This must be clearly stated in the JRAP Referral.
- At the point of completing the JRAP Referral the referrer should be aware of the placement costs and these must be included in this form.
- The panel administrator will prepare the agenda with cases once appropriate paperwork has been received. The JRAP agenda and all documentation will be available to panel members (electronically) two weeks before the panel meeting.

- If referral evidence is not passed to JRAP then the case may not be heard and will need to be considered at the next JRAP Panel.

Emergency Requests for Placements/Resources

If the placement is considered urgent and cannot wait until the next available panel, guidance should be sought from the individual agency joint funding representative (see panel membership*). Decisions will then be referred for endorsement at the next scheduled JRAP meeting. For any placement that has exceptionally been made as an emergency, the lead agency must notify each relevant agency within 5 working days of the placement being made in order that consideration and assessments of the need of the child and the placement can be undertaken to inform funding arrangements.

Change of Costs to Existing Provision/Change of Setting with the same Provider

- The JRAP Change Form part 4 form needs to be completed by the referrer and shared with other agencies by the JRAP admin officer. This will initiate the professional network collaboration and enable the referrer to obtain agreement to the proposed financial and/or setting change.
- The form will need to detail the reason for the change, confirmation of the funding arrangement between agencies both in terms of percentage and financial cost.
- The form must be endorsed by the relevant representative from each agency. Once this information is completed the amendments can be endorsed at panel.

Panel

JRAP meetings are held monthly on the 1st Tuesday of each month. Meetings are normally held at Sessions House, Maidstone. Details of dates and venues are available from the panel administrator. The panel must be Quorate and as such there should be a least one member from each agency at all panel meetings. The panel will comprise of budget holders (or representatives of budget holders) from SCS, Health and SEN Services together with appropriate advisors. If a panel member is unable to attend they will arrange for a deputy with the required delegated authority to attend on their behalf.

* **N.B:** All members must have delegated authority to commit resources for the agency they are representing.

Each JRAP meeting will be chaired by one of the following panel members:

- Head of SEN
- Assistant Director (SCS)
- Health Decision Maker/Lead Health Commissioner

JRAP Decisions and Recommendations

The panel will make decisions based on the information presented by the relevant referring agency contained in the JRAP referral (part 1 & 2) and the accompanying assessments. It is imperative that all agencies work collaboratively and ensure all information they require has been shared and agreed in principle prior to panel, as

any omissions may result in the case being deferred and decisions being delayed which may have a negative impact on the child or young person.

The referral requires the author to be clear that all options have been fully explored and to use local resources where possible.

Funding, Finance and Contracts

JRAP will endorse funding for:

- Residential placements
- Residential Special School placements
- Residential placement with Health Provision/Therapy
- Residential placements with Health, Education and Care provision

The following are the possible funding streams for placements:

- A residential school placement may be jointly funded by Education (SEN) and Social Care, Health and Wellbeing because of the child's educational needs, their care needs and/or their families inability to meet those needs even with additional available support
- A residential school placement may be jointly funded by the Education (SEN) and the relevant Clinical Commissioning Group (CCG)
- A residential or other placement may be funded on a tri-partite basis by the Education (SEN), Social Care, Health and Wellbeing and Health (Clinical Commissioning Groups)
- A residential or other placement may be funded by the Health (Clinical Commissioning Groups) and Social Care, Health and Wellbeing if the child's health and social care needs are complex.

The proportion of funding contributed by each agency will be agreed on the basis of the breakdown of costs and services and the assessed needs of the child. Social Care, Education and Health ordinarily agree a percentage and financial split of funding based on the provider calculations. However, in the absence of a provider being able to give this level of detail the agreed funding formula will be applied to the placement. If no decision is reached, the case will be escalated to the Accountable Officer and Assistant Director.

If there has been a delay in agencies making a funding agreement, funding will be backdated to commencement of placement.

The contractual and financial responsibilities will be agreed at panel and determined by:

- Health, Social Care and Education making their own arrangements with the provider.
- Social Care and Education host the funding arrangements with the provider and reclaim monies from health as appropriate.
- Where there is a reclaim from another Health Authority the JRAP Administrator will initiate contact with the Health organisation to enable the lead agency to discuss funding contribution.

JRAP will ensure:

- That endorsement of the funding request represents best value and is an efficient use of resources that meets the assessed needs of the child/young person.
- That parameters are set for high cost placements where costs are significantly above the norm.
- A review date of the placement/funding is arranged and takes place.

Young People aged 16 and over

In the case of young people aged 16 and above, the young person must consent to a care package/resource unless a Mental Capacity Assessment has identified a lack of capacity which will result in a best interest decision being made. Post 16 residential placements requiring continued funding will be presented to Panel as all other cases with the relevant information and assessment of how the placement continues to meet the young person's needs and outcomes.

Outcome Notes

Confidential Outcome Notes for each request at each JRAP meeting will be provided. The Outcome Note will show the decision of the panel and any actions, including time frames that need to be complete and once endorsed by the panel chair sent to the referrer. It is the referrer's responsibility to distribute the Outcome Note as appropriate. The Outcome Notes are not formal minutes of the meeting/decision they are a representation of the discussion and of the agreement reached between all parties. The chair needs to ensure that the minutes are sent out within 5 working days.

Where possible the Funding Form will be signed by the appropriate members at panel, alternatively within a week of panel being held. Once all forms are signed and approved JRAP referral part 1 & 2, the Outcome Note and Funding form will be sent to the referrer as one PDF form.

7. Processes following Panel

Contract Management

Once a placement has been endorsed by JRAP and the lead agency has been identified, details will be passed to one of the following:

- Social Care, Health and Wellbeing – Total Placement Service (TPS)
- Education – SEN Area Manager
- Health - KMCS representative who will in turn inform the relevant CCG

The identified lead agency will be responsible for contract management functions, the payment of invoices and will make arrangements for recharging of partner agencies if appropriate. A copy of the signed contract must be sent to all agencies for reference. However, for direct payments from the agency to the provider, the relevant agency will be solely responsible for raising the contract for direct payments to the provider and payment of invoices.

Financial Management

- The placement funding agreement form identifies the total cost of the placement, the agreed splits (cost and percentage) between agencies and anticipated length of placement
- Once the details of the placement have been agreed and confirmed details will be sent to the lead agency to enable the relevant contract to be sent to the school, residential provider or Independent Fostering Agency.
- Each agency needs to clarify at the point of funding agreement payment arrangements e.g. individual agency or which agency is responsible for paying the invoice, arrangements for recharges between agencies which will be quarterly/termly or monthly.
- Invoices are to be paid in accordance with JRAP funding form which will include the relevant authorisation.

Review of Funding

- The Joint Resource Allocation Panel will specify a review date when the placement is agreed if required.
- All agencies shall co-ordinate their review arrangements to avoid duplication
- JRAP would not expect that any child/young person will remain in any joint funded placement longer than 1 year without a full review by all agencies using the appropriate review mechanisms.
- If a placement breaks down or is at risk of doing so, details will be distributed to the Panel administrator for information and if appropriate for discussion at the panel.
- All agencies will collect and share information on the schools and providers used from local, regional and national sources.
- Where a joint funded placement is likely to extend beyond the child's 18th birthday there will be planning for transition by individual agencies and with their respective adult counterparts to prevent the untimely disruption of placements or care post 18.
- If any party is to cease their funding contribution they must give 3 months' notice to allow time for discussions between agencies. The notifications should be made via the JRAP admin using the change form. Once agreement in principle has been obtained by all agencies the change to the placement costs must be endorsed at JRAP who will advise who is to inform the provider.

Quarterly monitoring

Financial monitoring will be carried out on a quarterly basis, using a single spreadsheet. This will provide details of funding arrangements for each placement and the costs and % split to each agency which will include other Health organisation reclaims.

Resolution/disagreement Process

Where there is a dispute between agencies and it cannot be resolved the matter needs to be escalated hierarchically to:

Education: Head of SEN Placements and Assessments

Specialist Childrens Services: Director of Specialist Childrens Services

Disabled Children, Learning Disability and Mental Health: Director
Disabled Children/Adults Learning Disability and Mental Health.

Health: Area Accountable Officer

8. 18+ Transition – Under Development
9. Uplift Fee – Under Development