

Bristol City Council Joint Agency Panel (JAP)

for Children with Special Educational Needs and Disabilities and/or Complex Additional Needs including Social, Emotional and Mental Health Needs, Physical and Learning Disabilities

Terms of Reference

Partner Agencies: Children's Social Care, Education and Bristol NHS

Funding Streams: Children's placement budgets, Dedicated Schools Grant High Needs block (DSG-HNB) and CCG

1.0 Role and Function of JAP

1.1 The Joint Agency Panel will consider joint funding of integrated packages of education, health and care where alternative local options have either been tried and deemed unable to meet the children and young person's (CYP) needs or local provision assessed as unable to meet young person's needs according to relevant assessments as part of statutory duties and relevant legislation

1.2 To provide advice and guidance to social workers, SEND case officers or relevant health professionals for children who may require a complex local package or residential placement to meet individual education and/or social care and/or health needs that are not available from local services.

1.3 To consider, decide, fund, review and evaluate funding requests for creative and flexible local individualised complex packages and/or Out of Authority (OOA) residential placements according to the Panel's criteria (set out at 3.4 to 3.9 below).

1.4 To review and evaluate placement outcomes, and to identify local alternatives where possible.

1.5 To monitor the ability of local services to meet complex needs and inform future commissioning of local provision to meet identified need.

1.6 To ensure a joint approach to planning for individual needs including having due regard for longer term planning into adulthood.

1.7 To promote the provision of services which maximise inclusion and promote independence in all areas of a CYP's life.

2.0 Key Principles

2.1 CYP needs are generally best met within their family, home, school and local community.

2.2 Where local services are not available, the service should be as close to Bristol as possible and the Panel will seek assurance as to how local and family links will be maintained.

2.3 A person centred, outcomes-based approach that seeks to promote the rights, independence, choice and inclusion of the service user and carers will be adopted at all times.

2.4 The Panel will aim to minimise the number of residential placements made in line with the core principle 2.1

2.5 The Panel will aim to ensure that where residential providers are used they meet statutory regulations and are able to achieve the identified outcomes for the CYP.

2.6 Packages and placements are made with a best value and value for money approach and having regard to the Authority's relevant Commissioning Frameworks and in accordance with EU procurement requirements

2.7 Value for Money Reviews of CYP placed OOA will always include consideration of the appropriateness of the placement, statutory agency plans (Care Plans, Education Health and Care Plan (EHCP) Annual Reviews, PEPs, Support Plans etc.), NHS processes, value for money and the possibility of returning to local provision as a fundamental element.

3.0 Remit of Panel for Individual Children and Young People

3.1 To consider all referrals made to Panel and:-

3.2 To ensure that a full assessment of the CYP's needs has been made and the necessary documentary evidence provided in line with statutory duties or as the CYP needs require and are relevant.

3.3 To consider whether or not individual CYP with complex additional needs meet **at least two** of the criteria set out in paragraphs 3.4 - 3.7, being:-

3.4 **Criterion 1:** An EHCP or PEP which indicates high probability of residential care being required and/or that the CYP's needs cannot be met solely within existing local services;

3.5 **Criterion 2: A child in care** at risk of placement breakdown and with assessed social care needs which indicate a high probability of residential care being needed or that the CYP's needs cannot be met solely within existing local services and is in line with care planning and PEP **Or**

A disabled child whose assessed emotional, social, physical and cultural needs have not consistently been met either by living at home with appropriate levels of support, or in care placements in the Authority, and their wellbeing and development is being significantly impaired in their current situation;

3.6 **Criterion 3:** The presence of health needs, including severe emotional and behavioural issues, contributing significantly to the risks to education/school and/or family placement.

3.7 **And in addition:** where an Out of Authority service is proposed, the Panel will receive evidence that the individual's care and/or education and/or health needs cannot be met within local services and/or resources, and that all options to provide within Bristol have been explored. This could be in the form of a formal consultation from

SEN/Preparing for Adulthood (PFA), EHCP Annual Review paperwork, information from placement finding and/or formal statement from commissioner or provider services.

3.8 To agree how such placements should be funded across the three agencies or from sole agency budgets and to review these at JAP on a bi – monthly basis. Funding formula is agreed as:

Total package cost less Health, Home to School Travel or other contribution.
Remainder split 50/50 Education/Children's Social Care for sub 52 week placements and 37/63 for 52 week placements.

All will then be represented as a % contribution from each agency alongside a weekly and annual financial breakdown of contributions to the cost of the package.

3.9 To hold a transition to adulthood JAP with adult commissioners and PFA team on an at least twice yearly basis in order to consider those CYP aged 15 – 17 who may require provision into adulthood.

3.10 To consider the plans for the individual, how the package / placement meets identified needs, and to conclude as to the appropriateness of the package/placements in meeting those needs.

3.11 To ensure that Officers responsible for commissioning placements have been fully involved, all quality assurance checks including latest Inspection Reports and two recent satisfactory references from placing statutory agencies have or are being undertaken and/or that, usually, the preferred provider(s) is/are pre - qualified and have/will sign the Authority's appropriate Contract at a price the Authority's budget holder(s) is prepared to pay

4.0 Guidance for referrals

4.1 That the CYP meets the criteria at 3.4 - 3.7 above for being considered as a CYP with complex, needs including that there is no local provision available to meet their needs and it would not be cost effective to establish such provision.

4.2 That there has been a multiagency meeting to determine 4.1.

4.3 That there is factual evidence with a clear analysis, all submitted in accordance with the JAP Referral Form and guidance. The education and social care criteria cannot be met without an education report including a summary of the EHCP or educational needs as appropriate and a summary of the CYP single assessment respectively. The health criterion requires a written report from an appropriate health professional (e.g. psychologist, paediatrician, psychiatrist etc.).

4.4 The outcomes that are expected from the placement/package, expressed in accordance with the JAP Referral Form and guidance.

4.5 That the proposed placement/package is agreed jointly with partner agencies and is positively endorsed by the Senior Manager for the CYP in each agency.

4.6 That the proposed placement/package has been discussed at ~~around the time of~~ the multi-agency meeting with Officers responsible for commissioning placements to ensure matching, choice, fitness for purpose, quality, contract compatibility and value for money.

5.0 Roles of Panel members

5.1 The Chair of the Panel has delegated authority from the Service Director CYP to make and confirm the final decision on whether a CYP's needs should be met through a joint agency funded placement in accordance with the referral made to the joint agency panel.

5.2 The member for each service will determine whether the relevant criterion is met for an individual CYP. Only in exceptional circumstances should the decision of the Joint Agency Panel be referred to the Service Director CYP, and/or the Service Director for Education, and/or the relevant Senior CCG Commissioner. This should be done within 72 hours of the panel meeting.

5.4 Where a placement/package needs to be agreed outside of meetings of the Joint Agency Panel, the Chair of the Panel has authority to agree funding and referral to joint agency panel for a retrospective decision on joint funding from the virtual pooled budget. Joint agency funding will be sought and must be agreed at the next meeting of the Joint Agency Panel, usually not more than 28 days from the agreed start of the placement or package.

6. 0 Membership of the Panel

6.1 The Panel should comprise 3rd tier (or equivalent) Officers from each service/agency with delegated authority to commit budgets at or in between meetings. As follows:

- Head of Service – Permanency and Specialist Services (Chair and Children's Social Care decision taker)
- Head of Service – Special Educational Needs and Access (Vice-Chair and Education decision taker)
- Children's Continuing Care Manager/DCO (Health decision taker)
- Service Manager – Specialist Services
- Service Manager – Through Care
- Placements Team Manager
- SEN Manager
- SEN Inclusion Manager (post 16 and INMS)
- Virtual School Head (or Deputy)

6.2 The chair or vice-chair will have overall responsibility for joint funding decisions.

6.3 In the absence of the decision taker, a substitute will be provided by each agency who will have delegated authority to act for that agency at the joint agency panel. The substitute will normally be a contributing member of the panel.

6.4 Each member must ensure that they are represented at every meeting. In the event that one member is unable to attend, then the other 2 parties can proceed in their absence, but must have regard for their Panel's collective responsibilities and consider where decisions can be deferred without detriment to the child/family or carer concerned.

6.5 There will be a named Officer to service the Panel who, outside of panel, will have an integral role in placement commissioning/brokerage.

7.0 Frequency of Meetings and Deadlines

7.1 The Panel will convene on a monthly basis and dates & venues of meetings for the year will be made widely available within the relevant services by the Officer servicing the Panel and on intranet sites.

7.2 Required paperwork must be sent preferably electronically to the Officer servicing the Panel one week before the date of Panel for distribution to all Panel members. An agenda will be circulated no later than one working day before the meeting.

7.3 Decisions approved by the Panel - by the signing of approved minutes at meetings subsequent to the meetings in question - will be formally notified by circulation of minutes to the Managers of the Lead Professionals coordinating the case. The Panel members responsible for informally feeding back this information (e.g. in an urgent case) will be agreed at the Panel.

7.4 Minutes from Panel meetings detailing decisions taken and actions required will normally be produced within 5 working days of each meeting and made available by the Officer servicing the Panel.

8.0 Review

8.1 The Panel's procedures and Terms of Reference were reviewed on 9th November 2017. Date of next review should not be more than 24 months after the date of the last review.