

NELPPF Response to NELCCGs Engagement Strategy

North East Lincs Parent Participation Forum - Thursday, 21 January 2016

Hi Sally,

I respond to the NELCCGs Engagement Strategy in the role of Chairperson of North East Lincolnshire Parent Participation Forum.

NELPPF are disappointed that there is no mention of children within the NELCCG Engagement Strategy. I refer to Jane Cummings, Chief Nursing Officer, NHS England statement from 10th August 2015 <https://www.england.nhs.uk/wp-conte...> which sets out the CCGs legal responsibilities with regard to children and young people with special educational needs and disabilities.

The focus of gaining engagement from children and young people is beginning to be more recognised in North East Lincolnshire. For example the Carers Strategy objectives of this New Year are to get more young carers involved so their opinions and comments can be used to deliver the Carer service. This is due to the Care Act now being in place.

Point 4 of the NELCCG engagement mentions they are engaging with stakeholders, the stakeholders in this case are the community, which includes children and young people.

These are not mentioned. Yes the NELCCG have mentioned Children's Services, Women and Children etc but what does that entail? As in this case it appears to be letters of a certain group to say the NELCCG have ticked that box.

In point 6.2 the NELCCG says it utilises a broad range of engagement and communication channels to reach as wide an audience as possible. Can this statement be backed up at all? I refer to the Special Educational Needs and Disability Code of Practice 2014 part 3.65

The health commissioning duty 3.65 As health service commissioners, CCGs have a duty under Section 3 of the NHS Act 2006 to arrange health care provision for the people for whom they are responsible to meet their reasonable health needs. (NHS England may also have commissioning responsibility for some children and young people – for example in some secure children’s homes – and therefore a similar duty to meet their reasonable needs.) This is the fundamental basis of commissioning in the NHS. Where there is provision which has been agreed in the health element of an EHC plan, health commissioners must put arrangements in place to secure that provision. <https://www.gov.uk/government/uploa...>

NELPPF also refer to Part 3 (23) of the Children and Families Act: 23 Duty of health bodies to bring certain children to local authority’s attention

(1) This section applies where, in the course of exercising functions in relation to a child who is under compulsory school age, a clinical commissioning group, NHS trust or NHS foundation trust form the opinion that the child has (or probably has) special educational needs or a disability.

(2) The group or trust must— (a) inform the child’s parent of their opinion and of their duty under subsection (3), and (b) give the child’s parent an opportunity to discuss their opinion with an officer of the group or trust.

(3) The group or trust must then bring their opinion to the attention of the appropriate local authority in England.

(4) If the group or trust think a particular voluntary organisation is likely to be able to give the parent advice or assistance in connection with any special educational needs or disability the child may have, they must inform the parent of that.

and Part 3 (25) & (26) of the Children and Families Act: 25 Promoting integration (1) A local authority in England must exercise its functions under this Part with a view to ensuring

the integration of educational provision and training provision with health care provision and social care provision, where it thinks that this would— (a) promote the well-being of children or young people in its area who have special educational needs or a disability, or (b) improve the quality of special educational provision— (i) made in its area for children or young people who have special educational needs, or (ii) made outside its area for children or young people for whom it is responsible who have special educational needs.

(2) The reference in subsection (1) to the well-being of children and young people is to their well-being so far as relating to— (a) physical and mental health and emotional well-being; (b) protection from abuse and neglect; (c) control by them over their day-to-day lives; (d) participation in education, training or recreation; (e) social and economic well-being; (f) domestic, family and personal relationships; (g) the contribution made by them to society.

26 Joint commissioning arrangements (1) A local authority in England and its partner commissioning bodies must make arrangements (“joint commissioning arrangements”) about the education, health and care provision to be secured for— (a) children and young people for whom the authority is responsible who have special educational needs, and (b) children and young people in the authority’s area who have a disability. (2) In this Part “education, health and care provision” means— (a) special educational provision; (b) health care provision; (c) social care provision.

(3) Joint commissioning arrangements must include arrangements for considering and agreeing— (a) the education, health and care provision reasonably required by— (i) the learning difficulties and disabilities which result in the children and young people within subsection (1)(a) having special educational needs, and (ii) the disabilities of the children and young people within subsection (1)(b); (b) what education, health and care provision is to be secured; (c) by whom education, health and care provision is to be secured; (d) what advice and information is to be provided about education, health and care provision; (e) by whom, to

whom and how such advice and information is to be provided; (f)how complaints about education, health and care provision may be made and are to be dealt with; (g)procedures for ensuring that disputes between the parties to the joint commissioning arrangements are resolved as quickly as possible.

(4)Joint commissioning arrangements about securing education, health and care provision must in particular include arrangements for— (a)securing EHC needs assessments; (b)securing the education, health and care provision specified in EHC plans; (c)agreeing personal budgets under section 49.

(5)Joint commissioning arrangements may also include other provision.

(6)The parties to joint commissioning arrangements must— (a) have regard to them in the exercise of their functions, and (b) keep them under review.

(7)Section 116B of the Local Government and Public Involvement in Health Act 2007 (duty to have regard to assessment of relevant needs and joint health and wellbeing strategy) applies in relation to functions exercisable under this section.

(8)A local authority's "partner commissioning bodies" are— (a)the National Health Service Commissioning Board, to the extent that it is under a duty under section 3B of the National Health Service Act 2006 to arrange for the provision of services or facilities for— (i)any children and young people for whom the authority is responsible who have special educational needs, or (ii)any children and young people in the authority's area who have a disability, and (b)each clinical commissioning group that is under a duty under section 3 of that Act to arrange for the provision of services or facilities for any children and young people within paragraph (a).

(9) Regulations may prescribe circumstances in which a clinical commissioning group that would otherwise be a partner commissioning body of a local authority by virtue of subsection (8)(b) is to be treated as not being a partner commissioning body of the authority.

NELPPF refer to NELCCGs People's Panel 'People's Panels enable patients/service users to be fully involved in procuring health and social care services'. There is no mention how NELCCGs use children and young people to be fully engaged in their health and social care services.

As you can see the law states the duty, bound on ALL CCGs to have involvement and engagement with children and young people.

NELPPF have recently become a Health Pilot for the SEND reforms. I attach a confirmation letter of this. Our role will be to assist and support NELCCG in developing local engagement with the SEND reforms. There are also Health Tribunal pilots being trialled throughout England in which NELCCG will have to attend when they come into force in the impending future. We are currently working with the Department for Education on the Local Area SEND Consultation as Ofsted and the CQC will be inspecting North East Lincolnshire. We welcome the opportunity to discuss together and co-produce the Engagement Strategy for children and young people. For further information and clarification on this please contact Karen Hoe, Coordinator, nelppf@virginmedia.com.

Regards,

Marie Fitzgerald