

Executive Board – 19 November 2024

Subject:	Joint SEND Commissioning Strategy for 2024-2027
Corporate Director(s)/Director(s):	Jill Colbert - Corporate Director for Children and Education Services Roz Howie – Director Commissioning and Partnerships
Executive Member(s):	Councillor Cheryl Barnard, Executive Member for Children, Young People and Education
Report author and contact details:	Melody Hinds – Commissioning Officer melody.hinds@nottinghamcity.gov.uk
Other colleagues who have provided input:	
Subject to call-in: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No The Chair of the Corporate Scrutiny Committee has approved exemption from call-in on 31/10/24 due to the immediate and pressing deadlines faced by both Nottinghamshire County Council and Nottingham City Council regarding their respective SEND Local Area Re-Inspections and Inspections. This exemption is necessary to ensure that the councils remain compliant with critical legal obligations and to prevent negative repercussions that would arise from a delay in publication of the strategy.	
Key Decision: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Criteria for Key Decision: (a) <input type="checkbox"/> Expenditure <input type="checkbox"/> Income <input type="checkbox"/> Savings of £750,000 or more taking account of the overall impact of the decision and/or (b) Significant impact on communities living or working in two or more wards in the City <input type="checkbox"/> Yes <input type="checkbox"/> No	
Type of expenditure: <input type="checkbox"/> Revenue <input type="checkbox"/> Capital If Capital, provide the date considered by Capital Board Date: There are no direct financial implications of the Joint Commissioning SEND Strategy.	
Total value of the decision: £0	
Section 151 Officer expenditure approval Has the spend been approved by the Section 151 Officer? <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/a Spend Control Board approval reference number:	
Commissioner Consideration Has this report been shared with the Commissioners' Office? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Any comments the Commissioners wish to provide are listed below.	
Wards affected: All	
Date of consultation with Executive Member(s): 19/11/24	
Relevant Council Plan Key Outcome: Clean, Green and Connected Communities <input type="checkbox"/> Keeping Nottingham Working <input type="checkbox"/> Carbon Neutral by 2028 <input type="checkbox"/> Safer Nottingham <input type="checkbox"/> Child-Friendly Nottingham <input checked="" type="checkbox"/> Living Well in Our Communities <input checked="" type="checkbox"/> Keeping Nottingham Moving <input type="checkbox"/> Improve the City Centre <input type="checkbox"/> Better Housing <input type="checkbox"/> Serving People Well <input checked="" type="checkbox"/>	

Summary of issues (including benefits to citizens/service users):

The Children and Families Act (2014) and Code of Practice for SEN (2014) places explicit duties on local authorities and Integrated care boards (ICBs) for developing joint commissioning arrangements for education, health and care provision for children and young people with SEN or disabilities. The duty includes the joint arrangements for commissioning services to improve outcomes for 0 to 25-year-old children and young people with SEND, including those with Education Health and Care (EHC) plans.

The Nottingham and Nottinghamshire SEND Joint Commissioning Strategy 2024-2027 (attached as appendix 1) empowers the Council and its key stakeholders to effectively navigate the evolving SEND landscape and enhance the confidence of parents and carers in the associated processes and provisions.

This strategy outlines local joint commissioning approaches and details how partners collaborate to commission services that improve health, social, and educational outcomes while reducing inequalities for children and young people with SEND in Nottinghamshire. A person-centred approach ensures that the voices and aspirations of children, young people, and their families are integral to the commissioning process.

A new strategy is crucial for meeting the standards of the Local Area SEND Inspection and is integral to strengthening SEND governance and leadership within the SEND system.

Agreement is being sought to approve the content of the strategy and to approve the publishing of the strategy.

Does this report contain any information that is exempt from publication?

No

Recommendation(s):

1. To consider and comment on the draft Joint SEND Commissioning Strategy 2024-2027.
2. To agree the proposed strategic direction set out in the draft Joint SEND Commissioning Strategy 2024-2027.
3. To agree to the publishing of the Joint SEND Commissioning Strategy 2024-2027. Subject to any changes required by this committee with delegation to the Director of Education to approve any amendments required before publication.

1. Reasons for recommendations

- 1.1 The Children and Families Act 2014 and the SEND Code of Practice (2015). In developing a joint commissioning approach, Nottingham City, Nottinghamshire County, and the ICB can ensure full compliance with national SEND legislation. Working collaboratively enables all parties to meet the requirements of local area SEND inspections, which focus on how well services work together to improve outcomes for children with SEND.
- 1.2 By commissioning a joint SEND strategy, Nottingham City Council, Nottinghamshire County Council, and the ICB can create a more efficient, integrated, and consistent system of support for children and young people with SEND across both regions.
- 1.3 A single, integrated strategy ensures that the needs of children and young people with SEND are met holistically in a multi-disciplinary approach across education, health and social care which can ensure that services are well-coordinated, reducing overlaps and gaps in provision. Thus, strengthening the SEND local offer.

- 1.4 Nottingham City and Nottinghamshire County share a significant number of families whose children move between these areas. A joint strategy would promote consistent SEND services, eligibility criteria, and support structures across the two regions. This consistency would reduce confusion for families who might otherwise encounter differing policies and processes when accessing SEND services in different areas.
- 1.5 SEND children often require complex healthcare services in addition to educational support. By including the ICB in the commissioning process, the health needs of children and young people with SEND can be more effectively integrated with educational plans. This ensures that their physical and mental health needs are aligned with their learning objectives, promoting better overall well-being and improving long-term outcomes for SEND children and their families.
- 1.6 A joint SEND strategy enables stronger and more coherent engagement with key stakeholders, including parents, carers, schools, healthcare providers, and third-sector organisations. By working together, Nottingham City, Nottinghamshire County and the ICB can create a more transparent process, improve communication, and involve families more meaningfully in the planning and evaluation of SEND services.
- 1.7 The demand for SEND services is increasing national and locally. A joint commissioning strategy allows for better planning and forecasting to meet this growing demand. It ensures that resources are allocated efficiently and that services are developed to cater to the increasing number of children and young people with SEND, particularly in the context of changing demographics and increased diagnoses of SEND needs such as autism or speech, language, and communication difficulties.
- 1.8 SEND children often face inequalities in accessing education, healthcare, and social support. A joint strategy ensures that all children, regardless of whether they live in Nottingham City or Nottinghamshire County, receive equitable access to services. By working together, the councils and the ICB can identify areas where certain groups or localities may be disadvantaged and implement targeted interventions to address these disparities.

2. **Background (including outcomes of consultation)**

- 2.1 Learning from the Nottinghamshire County Council SEND inspection, which noted “Partnership leaders do not work together effectively in order to meet their statutory requirements for joint commissioning fully”, Nottingham and Nottinghamshire Local Authorities and the Integrated Care Board have been taking steps to ensure a more joined up approach to meeting the needs of our children with SEND.
- 2.2 This strategy has been developed including the Voice of the Child who have developed a set of statements expressing what they need from our services. The strategy also recognises the need for on-going engagement and co-production.
- 2.3 The multi-year Joint Commissioning Strategy will be supported by an annual delivery plan, included as an appendix to the strategy. For 2024/5, 5 priority areas for Joint Commissioning have been identified:

- Speech, Language and Communication Needs services
- Sensory Occupational Therapy support service / pathway
- Integrated sleep support pathway
- Integrated Occupational Therapy pathway
- Integrated Data Dashboard

2.4 The Joint Commissioning Strategy and delivery plan will be reviewed and monitored regularly by the Nottingham and Nottinghamshire Strategic Commissioning Group, and by the Nottinghamshire SEND Executive Leadership Group, who will also identify priorities for the annual delivery plans.

3. **Other options considered in making recommendations**

3.1 The Executive Board could determine to not develop a new Joint SEND Commissioning Strategy. However, Nottingham City's SEND Local Area Inspection is imminent and a system approach to SEND Commissioning is a requirement under the Ofsted Local Area Inspection Framework.

3.2 Learning from Nottinghamshire County Council's Local Area Inspection evidences the necessity of a joined-up strategy as crucial aspect of improving SEND governance and the leadership of the SEND system.

4. **Consideration of Risk**

4.1 Upcoming changes to SEND legislation, the introduction of new government policies, or revisions to the SEND Code of Practice may alter the requirements for SEND services. All parties should monitor developments in national SEND policy and legislation closely and the flexibility built into the strategy should allow for adaptation to new legal requirements.

4.2 The wider SEND market will be involved and consulted when making plans around future provision to ensure that commissioners are aware of any circumstances which may impact on the ability of the market to meet needs and take this into account when considering delivery models going forward.

5. **Best Value Considerations, including consideration of Make or Buy where appropriate**

5.1 A joint commissioning approach enables the potential pooling of resources and funding. This could lead to economies of scale, ensuring that resources are allocated effectively and efficiently. Combining efforts helps eliminate duplication of services, reduces administrative overhead, and allows for better investment in specialist services.

5.2 Any services commissioned, where Nottingham City Council is contributing financial resources, will be subject to a commissioning review which best value considerations will be included before seeking approval through the relevant governance processes.

6. **Commissioner comments**

6.1 Commissioners have approved the report

7. Finance colleague comments (including implications and value for money/VAT)

- 7.1 Should any joint commissioning activities stem from this strategy they will each require a financial analysis at that point in time to determine the efficiencies made or benefits derived. The financial implications arising at that time should be considered, included and assessed as part of any future report. Best value for money can be achieved by working collaboratively and economies of scale can be enjoyed by all parties whilst still delivering a quality outcome.

Donna Munday ACMA, CGMA
Senior Commercial Business Partner – High Needs
Children Services and Education
Sadrul Alam – Strategic Business Partner – interim

8. Legal colleague comments

- 8.1 This report seeks comments on the Joint SEND Commissioning strategy and, once finalised, authorise its publication.
- 8.2 As set out above, the Council has statutory duty pursuant to section 26 Children and Families Act 2014 to make joint commissioning arrangements and the strategy is put forward to discharge this requirement.
- 8.3 Any contractual arrangements entered into pursuant to the strategy will be subject to their own individual authorisations.

Tom Button, Contracts and Commercial Team Leader.

9. Other relevant comments

N/A

10. Crime and Disorder Implications (If Applicable)

- 10.1 N/A

11. Social value considerations (If Applicable)

- 11.1 Improved local health outcomes contributes to socio-economic factors such as healthy life expectancy, employment and local economic development.

12. Regard to the NHS Constitution (If Applicable)

- 12.1 Local Authorities have a statutory duty to have regard to the NHS Constitution when exercising their public health functions under the NHS Act 2006. In making decisions relating to public health, functions we consider the NHS Constitution where appropriate and consider how it can be applied in order to commission services to improve health and wellbeing.

13. Equality Impact Assessment (EIA)

- 13.1 Has the equality impact of the proposals in this report been assessed?

No
An EIA is not required because individual EIAs will be undertaken for any commissioning activity undertaken.

Yes

14. **Data Protection Impact Assessment (DPIA)**

14.1 Has the data protection impact of the proposals in this report been assessed?

No
A DPIA is not required because the strategy is intended to be a public document and does not contain any personal identifiable information.

Yes

15. **Carbon Impact Assessment (CIA)**

15.1 Has the carbon impact of the proposals in this report been assessed?

No
A CIA is not required because there are no proposals which have a significant carbon impact. Any specific commissioning activity will consider the need for a carbon impact assessment.

Yes

16. **List of background papers relied upon in writing this report (not including published documents or confidential or exempt information)**

Draft Nottingham and Nottinghamshire SEND Joint Commissioning Strategy 2024-2027

17. **Published documents referred to in this report**

17.1 Children and Families Act 2014

17.2 SEND Code of Practice 2014

17.3 SEND Code of Practice 2015