**Torbay 0-18 Joint Funding Panel: Terms of Reference**

**Updated: 1st February 2022**

**1. Aim**

**1.1** Local authorities are required by the Children and Young Persons Act (2008) to secure sufficient high quality care placements for cared for children and children in need in their areas and to ensure an appropriate response to children with complex needs, some of whom will be in care. This will also capture any gaps in provision and monitor emerging needs of children and young people. Placements and packages of care will include in–house, the independent sector and the voluntary and community sector.

**1.2** The Torbay Joint Funding Panel will considerer creative and innovative approaches for children and young people, for whom Local Offer options have been exhausted. Using available resources effectively is central to the successful implementation of this duty.

**1.3** The Torbay Joint Funding Panel will agree and have oversight of the placements/ packages of care, in the independent sector for children and young people with complex needs that require Health, Education and Social Care input and/or funding. The panel will ensure that placements meet the needs of the children and young people and guarantee that value for money is achieved through sustainable, cost effective, and high quality services.

**2. Purpose of group**

**2.1** The Torbay Joint Funding Panel provides a forum in which to share views on emerging needs and priorities which are used to influence commissioning decisions for individual packages of care for children and young people, and ensure that services commissioned provide high quality care and offer best value for money.

**2.2** The Torbay Joint Funding Panel will ensure that effective commissioning takes place which will include needs analysis, planning and forecasting and quality evaluation and monitoring of placements in order to shape the market to meet changing needs.

**2.3** The Torbay Joint Funding Panel will have oversight and agree the joint funding arrangements for all children and young people 0-18 years who require a service above the Local Offer, which is being considered for joint funding.

**2.4** Young People over the age of 18 will have their funding decisions considered as part of the appropriate adult’s panel.

**3. Functions of group**

**3.1** The Torbay Joint Funding Panel will meet on a monthly basis. Minutes will be taken at all meetings and distributed.

**3.2** Individual cases will be referred to the panel via the relevant managers across children’s services in Health, Social Care or Education, who will have oversight that the appropriate internal processes have been adhered to. The Panel recognises that emergency placements or changes in circumstances will be brought to the next available panel.

**This should include details of the package, If placement Statement of Purpose and Ofsted Registration number so report can be accessed by all partners.**

**3.3** Children within the formal transition phase will be considered at all meetings and identified accordingly. These young people will also be considered at the Transitions Panel.

**3.4** The Joint Funding Panel will review individual cases. (in the first instance 3 months from the first the panel decision and thereafter not less than annually). The continuing suitability of the placement, an overview of the quality of the provider and the ability to meet the outcomes stated will have been considered at care plan review.

**Agenda to be distributed 5 days prior to the panel**

**Outcome decisions made at panel will be distributed to panel members to review within 3 days**

**4. Accountability**

**4.1** The Panel is accountable to the Torbay Council Director for Children and Young People Services and NEW DEVON/ SDT CCG’s Head of Women’s and Children Commissioning and Chief Nursing Officer

**4.2** Members will act within their scope of accountability and decision making limits. Recommendations for funding may need to be sought and agreed through partners own internal escalation process. This should not delay decision making. Where packages exceed delegated authority funding, agreements will be confirmed via internal processes and brought as a recommendation to the Panel.

**5. Membership of Joint Funding Panel**

**5.1** The membership will represent the areas responsible for placement services for looked after children and other children in need requiring complex care placements who require input and/or funding from Health, Education and Social Care and will be supported by Local Authority finance representatives.

**5.2** The meeting will be quorate when there is at least one representative from health, education and social care present, including a senior manager. A Lead Finance Officer from Torbay Council and CAMHS representation will be requested for each meeting. Other subject matter experts will be invited as appropriate.

**5.3** The Joint Funding Panel will be chaired and co-ordinated by Torbay Council. A vice Chair will be nominated. After 12 months the chairing for the panel will become the responsibility of health services, and thereafter alternate between health services and Torbay Council annually.

**5.4** Administration for the Panel will be provided by Torbay Council.

**5.5** Members are asked to send a representative with appropriate delegated authority to make decisions if they are unable to attend personally.

**5.6** The group may at times have to consider confidential information or issues that are commercially sensitive. Members are required to declare known conflicts of interest prior to commencement of meetings.

**6. Escalation and Dispute Resolution**

**6.1** Should the panel be unable to agree on either eligibility, an appropriate placement/ provision or a funding split, the dispute resolution pathway will be followed as at appendix B.

**7. Review**

**7.1**The Terms of Reference for the Torbay Joint Agency Funding Panel will be reviewed annually.

Appendix A:

Torbay Joint Funding Panel Process.

**Appendix B: Dispute Resolution**

CCGs: This relates to disputes regarding eligibility for NHS Continuing Care or about the apportionment of funding in joint funded care/ support packages, or suitability and effectiveness of placements/ packages.

No more than 28 Days

Reasons for failure to resolve the dispute will be submitted in writing by Local Authority? to the CCG Director responsible for Complex Care / Placed People (or deputy) - Lorna Collingwood-Burke

Outcome accepted by Local Authority. No further dispute.

CCG Escalation : Documentation reviewed by Carol Green; Sue Harvey; Sharon Matson. Outcome either

Outcome accepted by Local Authority. No further dispute.

Outcome not accepted. Local Authority remains in dispute.

Complex Care Panel to review the updated assessment and decision making made by Verification Panel. Notify outcome to Local Authority

Local Authority disputes decision made by Complex Care Panel. Reason for dispute to be formally noted at the relevant Joint agency panel.

LA requested to provide any additional information to support their reason for dispute.

Verification Panel to consider new information and basis for dispute

B: Original Decision upheld. Notify outcome to Local Authority

A: Independent Verification requested & completed. Notify Outcome to Local Authority

Outcome accepted by Local Authority. No further dispute.

Outcome not accepted. Local Authority remains in dispute.