Children’s

Complex Needs Funding Panel

(CNF)

Terms of Reference

April 2019

1. **Vision**
2. The multiagency complex needs funding (CNF) panel, formerly known as the complex needs solutions panel, aims to ensure that children with complex needs are effectively supported to live successful lives and prepare for transition to adulthood, and that support is provided in sustainable ways within the available resources.
3. **Purpose**
   1. The CNF panel is a multi-agency decision-making arrangement that focuses on children and young people with complex needs aged up to 18, or up to the end of the academic year in their 18th year where the CNF package includes education.
   2. The panel has the following key functions:

* to confirm how the continuing care needs of individual children with complex health needs will be resourced
* to make decisions regarding the Section 75 joint funding of individual support packages for children with highly complex needs
* to maintain a forward plan to ensure that there is timely review of continuing care and Section 75 support packages so that they continue to meet the needs of the child, are sustainable, and that there are appropriate step-down or exit plans in place before agreed funding expires for individual cases
* to have oversight of the Section 75 budget for children with complex needs and ensure a robust rolling spend forecast is maintained for the current and next financial years
* to review and recommend agency contributions to the children’s complex needs Section 75 agreement, for decision by the joint commissioning board
* to identify gaps in local service provision to inform the commissioning of services
* to provide an annual report to joint commissioning board
  1. The CNF panel is not responsible for having oversight of all children that may be placed out of county by individual agencies.

1. **Principles**
   1. The Panel will:

* Consider the voices of children, young people and their families
* Ensure that all mainstream and commissioned options have been explored before funding requests are considered
* Share information between professionals to enable informed decision making in accordance with agreed protocols.
* Communicate decisions in a way that is timely, equitable and transparent.
* Use resources in an efficient, effective and equitable manner in accordance with best value principles.

1. **Accountability**
   1. Herefordshire Council acts as the lead agency for the section 75 pooled funding arrangement for children with complex needs and short breaks for disabled children. Therefore, the Council’s scheme of delegation and standing contract procedure rules shall apply to the agreement and purchase over the life-time of individual support packages.
   2. The Council’s scheme of delegation requires that high value procurements (£250,000 - £500,000) are approved at assistant director level. The anticipated value over the anticipated lifetime of a support package is they key consideration, rather than the expected annual cost to be agreed. Given the complex nature of the children being supported, that majority of section 75 funded cases are likely to fall within this cost range. In some extremely high-cost cases, authorisation may be required at director level.
   3. Following a recommendation by the CCG on 20 December 2016, the joint commissioning board agreed that the complex needs solutions panel (the predecessor of the CNF panel) would be the forum for agreeing continuing care packages for children with complex health needs within the multi-agency approach to Education, Health and Care arrangements.
   4. Some continuing care needs may be met through the pooled funding arrangements described above. Where it is not appropriate to meet continuing care needs through these arrangements, the Herefordshire Clinical Commissioning Group (CCG) will retain responsibility for the funding and purchase of support packages within its standing procurement and contracting rules.
2. **Membership and quoracy**
   1. The panel will be chaired by the Children’s Joint Commissioning Manager.
   2. The following are decision-making members of the panel

* Children’s Social Care - Head of Looked after Children, Herefordshire Council
* Education - Head of Additional Needs Herefordshire Council
* Health - Head of CHC and Complex Care, Herefordshire CCG
* Adult Social Care - Head of Service covering transitions to Adult social care, Herefordshire Council
  1. The Chair and decision-making members will nominate representatives in the event that they are unable to attend a panel meeting.
  2. The panel will be quorate if there is nominated representation for children’s social care, education and the CCG.
  3. The panel may also be supported and advised by the following as appropriate:
* Adult’s wellbeing transitions officer
* Business Support
* Children with disabilities team manager
* Children’s Placements team
* Council finance team
* CCG finance team
* Legal services
* Operational Manager of CAMHS
* Special School Representative

1. **Meeting frequency**
   1. The panel will be scheduled to meet monthly.
   2. Scheduled meetings may be cancelled in the event that there are no new funding requests received and there are no previous decisions or actions that require review.
   3. The panel may also be convened at other times to focus solely on emerging themes and issues that require a strategic approach
2. **Meeting Agenda**
   1. The following will be standing agenda items for CNF panel meetings:

* Welcome & Introductions
* Quoracy
* Declarations of interest
* Action log
* Minutes of previous meeting & matters arising
* MDT funding requests:

1. continuing care
2. complex needs

* Funding reviews
* Finance report & forecast
* Any other business

1. **Decision-making**
   1. Decisions to commence, change or cease complex needs funding will usually be made by consensus of the decision-making panel members at scheduled panel meetings.
   2. In the event that consensus cannot be achieved, the panel may either:

* defer the decision pending receipt of further information or clarification; or
* implement a recorded majority vote, with the chair having a casting vote in the event of an indecisive vote
  1. In the event of an urgent decision being required between scheduled meetings, the panel Chair will:
* endeavour to consult with, and record the views of decision-making panel members
* be able to make an interim decision to allow time for the case to be brought to a scheduled meeting for consideration by the panel
  1. All approved decisions must record:
* how and when the decision was made
* the budget from which any agreed support will be funded
* the SMART outcomes and outputs the funding is expected to achieve
* that date from which agreed funding will be provided
* how any funding is structured (unit/block prices, frequency of provision etc.)
* the date on which the agreed funding will expire
* the deadline for reviewing the agreed package, and how this will be done
* nominated operational lead
* nominated commissioning lead
  1. All non-approved decisions must record:
* reasons for decision
* recommended next steps to the funding requester

1. **Funding**
   1. Funding requests will normally be considered at scheduled panel meetings after a multidisciplinary team meeting (see appendix 2) has been held and a complete CNF request form (see appendix 1) has been submitted at least 7-days before a scheduled meeting
   2. Where a child has been assessed as having continuing care needs(See appendices 3 and 4), the CNF panel may agree that their support is funded in one of three ways:
2. where it is agreed that the child’s needs do not meet the criteria for any pooled funding arrangement, the CCG will retain responsibility for meeting continue care needs
3. it may be agreed that it is appropriate to absorb the continuing care costs into an existing jointly-funded short breaks package. For new cases, the Council’s standing short breaks eligibility criteria will apply, including the requirement for a comprehensive assessment by children’s social care. In the event that a family does not wish to engage with a social care assessment, or the child’s needs do not meet the threshold for short breaks provision, responsibility for meeting the child’s continuing care needs will remain with the CCG. In the event that a standard short breaks package requires enhancement to meet continuing care needs (such as specialist equipment or training), the CCG will be responsible for funding the continuing care enhancement
4. where it is agreed that a child meets the criteria for joint complex needs funding (see section 9.6), the continuing care costs will be met from the pooled Section 75 budget
   1. The complex needs funding pooled budget is reviewed and agreed via a Section 75 agreement. The following contributions are agreed for 2019-2020:

* 3/7th local authority education budget (dedicated schools grant)
* 3/7th Local authority social care budget
* 1/7th CCG Budget
  1. All partners have a shared responsibility for the operation of the complex needs funding pooled budget, with any under or overspends are accounted for in the same proportions.

1. **Eligibility and exclusions**
   1. Cases will be eligible to be considered for support from the S75 pooled budget for children with complex needs, where the needs of a child or young person cannot be met within the existing resources of at least two of the S75 contributing agencies.
   2. Eligibility is not determined by the number of agencies that have significant concerns regarding a child.
   3. Funding may be provided for eligible children and young people aged up to 18, or up to the end of the academic year in which they turn 19 where the CNF package includes education.
   4. Where it has been decided by the panel that a child meets the complex needs criteria, funding requests will need to make clear what the cost of the proposed solution is, excluding the value of relevant universal provision the child needs.
   5. In the event that is agreed that a child ceases to meet the criteria for complex needs funding, the responsibilities for meeting their needs will revert to the individual agencies.
2. **Appendices**
3. Complex Needs Funding request & review forms
4. Complex Needs Funding Multidisciplinary Team guidance
5. Continuing Care decision support tool
6. Continuing Care resource allocation guide