

CHILDREN AND FAMILIES ACT 2014

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

PART 3 - children and young people in England with special Educational Needs OR DISABILITIES

Education, health and care provision: integration and joint commissioning

Section 26: Joint commissioning arrangements

181. This section requires the local authority and its partner commissioning bodies to make arrangements about the education, health and care provision to be secured for children and young people with special educational needs for whom it is responsible and for those with disabilities. Those must include arrangements for considering and agreeing the education, health and care provision reasonably required by the learning difficulties and disabilities which result in the children and young people for whom the authority is responsible having special educational needs and by the disabilities of the children and young people in its area. It does not specify the form which the arrangements should take as this should be agreed locally.
182. Commissioning Bodies are defined to include the NHS Commissioning Board as well as the individual CCGs, so the arrangements may cover circumstances in which the Board is responsible for commissioning services directly, such as low incidence/high need specialist services, and for particular groups for whom it has commissioning responsibility, such as the children of members of the armed forces. Each body which is under a duty to arrange for the provision of services and facilities under the National Health Service Act 2006 for children and young people for whom a local authority is responsible will be a partner commissioning body of the authority. *Subsection (9)* provides a power to prescribe the circumstances in which a CCG is not to be treated as a partner commissioning body.
183. The joint commissioning arrangements must include arrangements for the local authority and commissioning bodies to consider and agree the special educational, health and social care provision required locally, and to determine what provision is to be secured and by whom, in order to meet that need. The arrangements must also cover what information and advice is to be provided about education, health and care provision, how it is to be provided, and how complaints about education, health and care provision may be made and handled. In addition, the arrangements will also include procedures for resolving disputes between the partners.
184. The joint commissioning arrangements are also intended to help support other provisions. It is anticipated that the arrangements will help the local authority better inform its local offer (see section 30), help those children and young people who have special educational, health and social care needs by ensuring that there are adequate and “joined up” assessments under section 36, help secure the provision included in EHC plans, and help in agreeing personal budgets for providing support (see section 49). The local authority and its partner commissioning bodies are required to act consistently

*These notes refer to the Children and Families Act 2014
(c.6) which received Royal Assent on 13 March 2014*

with the joint commissioning arrangements and to keep them under review so they can be updated where necessary.

185. The duty under joint commissioning arrangements may be fulfilled by making use of existing local arrangements where they are used to meet the purposes set out under this section. Such arrangements will include joint strategic needs assessments and joint health and wellbeing strategies developed pursuant to sections 116 and 116A of the Local Government and Public Involvement in Health Act 2007 (as amended by sections 192 and 193 of the Health and Social Care Act 2012).