

What does the Health and Care Act 2022 mean for children and young people?

February 2023

The Health and Care Act 2022 means major changes to the way the health and care system is organised and delivered in England.

Following important amendments and commitments given in the House of Lords during the passage of the legislation¹, the new law should give the needs of babies, children and young people a higher priority in the health and care system. To deliver this, it will be vital that speech and language therapists advocate for children and young people with communication and/or swallowing needs at local system level.

What are the commitments?

1) Integrated Care Boards must set out their plans for children and young people

Before the start of each financial year, an integrated care board and its partner NHS trusts and NHS foundation trusts must prepare a plan setting out how they propose to exercise their functions in the next five years.

The plan must, in particular—

set out any steps that the integrated care board proposes to take to address the particular needs of children and young persons under the age of 25

Health and Care Act, 2022

Integrated Care Boards (ICBs) - which take on the duties of Clinical Commissioning Groups - are now required by law to set out the steps they will take to address the needs of children and young people in their five-year joint forward plans (JFPs).

¹ The changes to the Act were spearheaded by the Children and Young People's Health Policy Influencing Group (HPIG), of which the RCSLT is a member. Led by the National Children's Bureau and Council for Disabled Children, HPIG is a membership organisation with over 70 leading voluntary organisations, Royal Colleges, and professional associations.

Children and young people are one of only two groups singled out by the primary legislation in this way – the other being victims of abuse.

ICBs and their partner trusts have a duty to prepare a JFP by 1 April. For this first year, however, the date for publishing and sharing the final plan is 30 June 2023, with a draft version for consultation to be produced by 31 March.

2) ICBs must nominate executive leads for children, SEND and safeguarding

“NHS England has also agreed that it will issue statutory guidance, expecting that one of the ICB executive leads will act as a children’s lead, with responsibility for championing the needs of babies, children and young people.” Lord Kamall, Parliamentary Under-Secretary of State, Department of Health and Social Care

ICBs are required to identify named executive board member leads for safeguarding and special educational needs and disabilities (SEND), and for children and young people’s services. These are not additional board posts, but rather intended to secure visible board-level leadership of these issues. ([NHS England, May 2022](#))

3) Guidance on meeting the needs of children and young people

“When producing the integrated care strategy, the integrated care partnership should consider how the needs and health and wellbeing outcomes of babies, children, young people and families can be met and improved.” Statutory Guidance on the preparation of integrated care strategies Department of Health and Social Care

[Statutory guidance on the preparation of integrated care strategies](#) has been published.

The guidance states that Integrated Care Partnerships (ICPs) should:

- consider how the needs and health and wellbeing outcomes of babies, children, young people and families can be met and improved
- consider the integration of children’s services and, for example, whether joint commissioning and the pooling of funding under section 75 of the NHS Act 2006 would meet their needs more effectively
- ensure that engagement on the production of the Integrated Care Strategy is inclusive of children, young people and their families

The guidance provides a list of people and organisations which ICPs should consider involving in the preparation of an area’s integrated care strategy, which includes:

- children and young people
- children and young people with SEND
- babies, children, young people, and families’ services providers

- providers of care and support for children and young people with SEND
- early years providers
- schools, education and training providers
- start for life leaders

ICPs have been encouraged to produce interim strategies by December 2022 in order to influence the ICB's first 5-year forward plan.

4) National steps to improve information sharing

The Secretary of State must publish and lay before Parliament a report describing the government's policy in relation to the sharing of information by or with public authorities in the exercise of relevant functions of those authorities, for purposes relating to—

- (a) children's health or social care, or*
- (b) the safeguarding or promotion of the welfare of children.*

Health and Care Act, 2022

An amendment was made to the Act that will require the government to lay a report before Parliament within a year setting out the Government's policy on a consistent identifier for children and its approach to improving information sharing more generally.

This will include how this can be achieved across health, children's social care, police, and education settings; and the cross-government actions that will be taken to implement the policy set out in the report.

5) ICBs must report on child safeguarding

"NHS England statutory guidance will clarify that the ICB annual report must set out how it has discharged its duties in relation to child safeguarding." Lord Kamall

ICBs will be required to report annually on how well they are delivering their duty to safeguard children. This responsibility will be delegated to the executive lead for child safeguarding, as ICBs will be lead partners in local child safeguarding arrangements, together with the police and local authorities.

What can speech and language therapists do?

Integrated care strategies

- Find out who is developing your integrated care strategy and what opportunities there are for engagement - contact details should be publicly available to ensure people and groups can pro-actively engage in the preparation of the strategy.
- Be proactive and offer to get involved, demonstrating how you can help them to meet the requirement to consider how the needs and health and wellbeing outcomes of babies, children, young people and families can be met and improved.

Executive leads

- Find out who the executive lead for children is in your ICB, and who has delegated responsibility for SEND and safeguarding.
- Make sure your executive lead for children and the other relevant commissioners in your ICB know about the needs of children and young people with communication and/or swallowing needs, and why they matter.
- Think about hearts and minds – what human stories and hard data do you have that could convince them?

Five-year forward plans

- Offer to help ICB leads identify the steps that could be taken to address the needs of children and young people with communication and/or swallowing needs in the five-year forward plan.
- If your five-year forward plan has already been published, check to see if it mentions children's communication. If it doesn't, or if there's room for improvement, see if you can meet with your executive lead for children and offer to work with them on next year's refresh.

Get connected

- If you're a manager or service lead in an NHS children's speech and language therapy service, [join the new RCSLT professional network – Leading NHS Children's Services](#) - to connect with peers and access resources to support your local influencing, including online masterclasses on subjects like understanding your population, and influencing stakeholders.

Find out more about integrated care systems, and how you can get involved:
[Integrated Care Systems in England: What SLTs Need to Know](#)