Buckinghamshire County Council

Personal Budget Policy

for Children/ Young people aged 0-25 with Special Educational Needs and their Families

Date February 2015
1 Background

1.1 The following document sets out the policies of Buckinghamshire County Council (the “Council”) in relation to the Children and Families Act, 2014 (section 49), the Special Educational Needs and Disability Regulations 2014, the Special Educational Needs (Personal Budgets) Regulations 2014, the Community Care, Services for Carers and Children’s Services (Direct Payments) Regulations 2009 (the 2009 regulations will be replaced by those made under the Care Act 2014), the Statutory Guidance and Code of Practice for special educational needs (SEN) and disability 0-25 years, 2014.

1.2 It has been produced jointly by council officers and parent/carers representing FACT Bucks, the Parent/Carer Forum in Buckinghamshire. The two NHS Clinical Commissioning Groups in Buckinghamshire were consulted on this policy as were several schools and Bucks SENDIAS. Further work is required to ensure that the views of young people are incorporated into reviews of this policy.

1.3 This policy applies to the personal budgets of any child or young person with Special Educational Needs (SEN), who has an Education, Health and Care Plan (EHCP). The Council may make available personal budgets to other children or young people (for example to children with Statements of Special Educational Needs which have not yet been transitioned to have an EHCP); in that case such personal budgets would fall outside the scope of the Special Educations Needs (Personal Budgets) Regulations 2014 and would be covered by a separate policy.

1.4 All EHCPs will set out the outcomes sought for the child or young person, a set of services to be provided to help the child or young person achieve those outcomes, and how these services will be provided. In the context of the regulations and this policy a “personal budget” is a portion of the money allocated to deliver those provisions where the child’s parent or young person will be involved in securing that provision.

1.5 The parents or young person concerned have a free choice whether or not to take up any available personal budget.

1.6 The Council supports the introduction of personal budgets because they offer the prospect of better outcomes for children and young people with Special Educational Needs. The benefits of personal budgets can come about in several ways.

   a) Because of their flexibility Personal Budgets can allow greater personalisation of services to suit the individual circumstances and needs of children, young people and their families,
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b) Involvement in the management of a personal budget can be empowering for children, young people and families.

c) Particularly for young people approaching adulthood, participating in the management of a personal budget can prepare them for more independence.

d) Personal budgets can allow council funds to be augmented with funds from other sources (personal resources, charities, other grants etc) to address the needs of the children and families in a seamless way.

e) The personal budget process promotes reliance on family, community and mainstream solutions which reduce the reliance on statutory services and which very often result in improved outcomes.

f) By tailoring purchases of goods and services more closely to individual needs, personal budgets can reduce waste and increase value for money.

1.7 An important way that the Council increases the amount of help that can be provided with the funds available is by the block purchase of services for groups of children and young people. Where this is the case the benefits of personalisation have to be weighed against the loss of purchasing power and quantity discounts. In these circumstances the Council also has a duty to consider those families who would not benefit from the breaking up of a bulk contract and ensure that they are not left worse off.

1.8 Some services are best delivered to some children or young people in group settings. The funding of such services may not be practical through personal budgets unless personal budgets are voluntarily pooled.

1.9 Some of the services set out in the EHCP will be provided by agencies other than the Council: in particular health services that are provided by the NHS and paid for by local Clinical Commissioning Groups. The two CCGs in Buckinghamshire are expected to have their own policies on personal budgets.

1.10 Many of the educational services set out in the EHCP will be provided by local schools and post-16 institutions (colleges). These will all have their own approaches on personal budgets, details of which will be available from the schools and colleges concerned and should be available from the Local Offer.

1.11 Experience from other Local Authorities who participated in pilot “pathfinder” schemes shows that personal budgets are at their most effective when used creatively. The Council encourages all involved with personal budgets to think widely about
how financial resources can best be used in innovative ways to help children and young people reach their goals. Examples of some of the ways in which personal budgets have been used are available in separate documents from the Council.

**Children, Young People, Parents, Carers and Families**

1.12 Under the regulations personal budgets can only be made available to

a) the child’s parent;

b) the young person; or

c) a person nominated in writing by the child’s parent or the young person.

1.13 Also personal budgets may only be made to a person who:

a) appears to the Council to be capable of managing a personal budget without assistance or with such assistance as may be available to them;

b) is over compulsory school age;

c) does not lack capacity within the meaning of the Mental Capacity Act 2005 to consent to having a personal budget

d) is not a person described in the Schedule to the Special Educational Needs (Personal Budgets) Regulations 2014. This Schedule can be viewed at: [http://www.legislation.gov.uk/ukdsi/2014/9780111114056](http://www.legislation.gov.uk/ukdsi/2014/9780111114056)

1.14 At the end of compulsory schooling the responsibility for personal budgets will change from the parent to the young person, unless the young person lacks mental capacity, or unless the young person requests that the family manage the personal budget on their behalf, or unless it appears to the Council that the young person is incapable of managing a personal budget without assistance or with such assistance as may be available to them. See section 5 below.

1.15 Where a child is of compulsory school age (or lower), and/or where the child or young person lacks mental capacity, the Council will nevertheless listen to the views of the child or young person and take them into account at all stages of the process.

1.16 The Council will also take into account the wishes and the well-being of close family members of the child or young person.
1.17 In this document “child or young person” is used to refer to the subject of the EHCP. “Parent” is used to refer to the person with legal authority to act on behalf of the child before they reach the end of compulsory schooling or when the child or young person lacks mental capacity to act on his or her own behalf. Also where the parent or young person lacks capacity, references to ‘parent’ and ‘young person’ are used to refer to a representative of the parent or young person.

1.18 For a child in a stable, long-term foster placement it may well be appropriate for the carer to take on the responsibility of managing a Personal Budget but this will need careful case-by-case consideration.
What funding can be transferred to a personal budget in Buckinghamshire?

2.1 In principle the funding for any of the services mentioned in the EHCP can be transferred into a personal budget. However the law, practicalities and value for money concerns place limits on this.

**Education**

2.2 By law the funding of a place at a school or post-16 institution cannot be transferred to a Personal Budget.

2.3 Any provision funded by a personal budget to be used or provided in a school or college (e.g. support staff, therapies, specialist teaching staff, specialist equipment) must have the school’s or college’s permission.

2.4 At a mainstream school the first £6,000 of special educational provision specified in the EHCP is funded from the general resources of the school. The transfer of any of this to a personal budget is at the absolute discretion of the school.

2.5 At mainstream schools any special educational provision specified in the EHCP that will cost more than £6,000 is funded by a top-up payment from the Council (from the Council’s Higher Needs Block Funding). If requested by the parents or young person the Council will enter into discussions about how the provision to be funded by this amount could be secured by a personal budget, and if a feasible plan is arrived at will make available this money.

2.6 To assist parents and young people in their consideration of personal budgets, if requested to do so the Council will make known how the school has used the top-up funding in previous years.

2.7 If the school receives Pupil Premium in connection with the child, that amount too could be transferred to a personal budget at the discretion of the school.

2.8 At a post-16 institution any special educational provision specified in the EHCP that will cost more than the amount that the college or training provider can fund is funded by a top-up payment from the Council (from the Council’s Higher Needs Block Funding). If requested by the parents or young person the Council will enter into discussions about how the provision to be funded by this amount could be secured by a personal budget, and if a feasible plan is arrived at will make available this money.
2.9 A college or training provider can release some of their own funding to a personal budget where this would help to meet the needs of the young person more effectively. Any such transfer to a personal budget is at the absolute discretion of the Principal.

2.10 Additionally Resourced Placements in mainstream schools are funded by a fixed sum for every planned place and then a ‘top-up’ determined by the individual’s special educational needs. The transfer of any of this to a personal budget is at the discretion of the school.

2.11 At special schools all special educational provision specified in the EHCP is funded from the general resources of the school. The transfer of any of this to a personal budget is at the discretion of the school.

*Home to school transport*

2.12 At the current time home to school transport for children with special educational needs or disabilities is provided by a range of different suppliers through the Council’s contracted managing agent in line with the Council’s policy on home to school transport. In many cases vehicles and passenger assistants are shared to achieve efficient and effective transport solutions.

2.13 The funding of home to school transport for children and young people with EHCPs can form part of a Personal Budget subject to the provisions set out in section 3 of this policy.

*Care*

2.14 The Council provides a range of short breaks including residential short breaks to children and young people and their families. These services are commissioned by the Council and delivered under contracts with a range of providers; residential short breaks are jointly commissioned with Chiltern and Aylesbury Vale CCGs. Some of these contracts are block purchased on behalf of large numbers of children and young people. The Council will review the scope of these contracts it has in these areas at the earliest possible time with an aim of adding flexibility so that parts of the funding could be transferred to personal budgets (see section 3 below)

2.15 The Council already provides social care in accordance with established criteria through direct payments where applicable and these can form part of a personal budget. However, the Council cannot provide direct payments in certain statutory areas
under any circumstances. See - Persons to whom direct payments may not be made: http://www.legislation.gov.uk/ukdsi/2014/978011114056

2.16 The Council has a contract for its Direct Payment Advisory Service. For more information – see: http://www.pohwer.net/Resources/POhWER/In%20Your%20Area/Buckinghamshire/Direct-Payments-in-Buckinghamshire-for-Adults.pdf This service also supports parent carers receiving Direct Payments. For Direct Payment Advisory support to Young People – see: http://www.pohwer.net/Resources/POhWER/In%20Your%20Area/Buckinghamshire/Direct-Payments-for-Young-People-in-Buckinghamshire.pdf

Joint Commissioning

2.17 The Council and NHS Commissioners jointly commission a number of integrated health, education and social care services which are delivered in education, community, clinics and domestic settings. Joint commissioning is a requirement of the Children and Families Act 2012 for CCGs and the Council to work together to achieve integrated SEND provision through joint planning and commissioning of services. Currently, these services include speech and language therapy, occupational therapy, Child and Adolescent Mental Health Services (CAMHS), residential short breaks and community equipment. Currently these services are delivered by the private sector, the voluntary sector or NHS trusts. The Council and its partners will review the commissioning arrangements areas at the earliest possible time with the aim of adding the flexibility to allow parts of the funding to be transferred to a personal budget (see section 3 Block contracts below) while remaining fit for purpose.

Health

2.18 At special schools healthcare services closely linked to education and delivered in the school are funded from the general resources of the school. The transfer of any of this to a personal budget is at the discretion of the school.

2.19 Other healthcare services are provided by the NHS. The transfer of the funding of any of this to a personal budget will be governed by the Personal Budget Policies of the Clinical Commissioning Group. Separate Regulations (the National Health Service (Direct Payments) Regulations 2013) apply to such personal budgets. From 1st October 2014 Children and Young People eligible for NHS Continuing Care have had the “right to have” a Personal Health Budget (PHB) to support the individual’s healthcare and wellbeing needs, planned and agreed with the local NHS team.
2.20 Currently for individuals whose care are funded by Aylesbury Vale and Chiltern CCG there are four channels available for receiving a PHB which are listed below.

a) A direct payment- where funds are paid into a separate bank account managed by the individual or their family.

b) A managed account- where the funds are paid directly to a separate organisation who process invoices and any staff payroll on behalf of individuals or their family.

c) A virtual budget- where the NHS continues to commission the care that is received by an individual.

d) A third party arrangement- where the funds are managed by a third party organisation that become the employees of any staff and are responsible for managing the funds.

Individuals are also able to have a mix of the options above.
Block contracts and value for money

2.21 Several services which might be suitable for funding through personal budgets are currently being provided under block contracts between the Council as commissioner and a contractor. The Council will review the contracts it has in these areas at the earliest possible time at or before the time the contracts are due for renewal, with the aim of adding flexibility so that parts of the funding could be transferred to personal budgets. This may entail the renegotiation and/or amendment of current contracts or the letting of new contracts. Some existing contracts may already have the required flexibilities within them.

2.22 It is important that the freeing-up of funds to be available for personal budgets must not affect materially and adversely the service being made available to those families who may not have or choose to have personal budgets.

2.23 The Council will involve young people and families in the review of these contracts and subsequent variations to contracts or re-commissioning of services.

2.24 The Council will provide summaries of the contracts to young people and families who receive services under them. This will allow the young people and families to understand better the extent to which personal budgets are available and the reasons for this.

2.25 The Regulations make it clear that the Council must be sure that the amount of a personal budget is sufficient to pay for the agreed services. Where a service is being provided under a block contract it is possible that the provider would need to charge a higher amount if the same service were bought individually. Only in exceptional circumstances will the Council make available a larger sum to a personal budget to purchase the service than it would have cost under the block contract since this would represent poor value for money.

2.26 For a transfer to a personal budget to represent good value for money other factors will have to be present; these could include:

a) The service is available from a different, possibly local, supplier at a lower cost. In this case the Council will ask for evidence that the alternative supplier can meet the identified outcomes, offers an equivalent quality of service and that the lower price is likely to be maintained.
b) The service can be combined with other purchased services in ways that bring down the total cost.¹

c) Groups of young people or families agree to pool their purchases to achieve economies of scale². In this case the Council will need to be assured that the pooling arrangements are fair and sustainable.

d) Families may decide that they wish to provide certain services to their children themselves, even if they do not receive the full market rate of providing those services³. In such circumstances the Council will accept the wishes of the family and make the personal budget available, but may ask for evidence that the service has been provided.

2.27 When weighing up value for money the Council will take into account the total impact on the public purse, not just upon Council funds, when making the decision.

2.28 The Council encourages children, young people and families to use personal budgets in ways such as those set out in the list above. Where possible the Council will give assistance to children, young people and families to develop innovative and/or personalised methods to deliver good quality provision at costs that offer value for money.

¹ For example employing a classroom assistant who is also a trained nurse might cost more than a standard classroom assistant but would save money overall.
² An example of this might be the establishment of a play group.
³ For example parents may decide to drive their children to school themselves even if the personal budget for doing so is insufficient to pay for the running costs of their car and the time they spend doing so.
3 Choosing and Setting a Personal Budget

3.1 When a statutory assessment of SEN commences the council will provide general information on personal budgets, including how they can be used and how they are managed, to the young person or family concerned.

3.2 If the statutory assessment concludes that an EHCP is appropriate, and work commences on a draft plan, the Council will prepare an Indicative Funding Allocation for the child or young person using one or more Resource Allocation Systems (RAS). This will include provisional allowances for the following:
   a) The amount to be paid by the Council to the school, post-16 institution, or special school,
   b) the amount to be dedicated from the resources of the school, post-16 institution or special school to meeting the special educational needs of the child or young person,
   c) for all contracted services to be provided to the child or young person, the total of any marginal payments made under the contract in respect of the child or young person, and that child or young person’s fair proportion of fixed contract costs, and
   d) for services provided by the Council directly, the child or young person’s fair proportion of the cost of providing this service.

The Indicative Funding Allocation will not include the following.
   e) The basic cost of a place at the school or post-16 institution which would be incurred for a child with no special educational needs, or
   f) any portion of the cost of providing administrative and advisory council services.

3.3 The Indicative Funding Allocation will be presented to the young person or parent at the time the draft EHCP is presented. The Council will prepare a document which will contain:
   a) The Indicative Funding Allocation to meet the needs of the child or young person.
   b) a brief explanation of the methods used to calculate these amounts, and the inputs and assumptions made,
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c) an explanation of the amounts included in the Indicative Funding Allocation which are the child’s or young person’s share of centrally contracted services, and

d) by deduction the maximum amount that would be available for transfer into a Personal Budget.

3.4 The document presenting the Indicative Funding Allocation will be accompanied by, or form part of, a package of information also prepared by the Council about personal budgets. This package of information will contain:

a) This personal budget policy,

b) the relevant CCG policy on personal budgets

c) a description of the options for managing a personal budget, and

d) sources of help available for considering and managing personal budgets, including brokerage services.

3.5 All of this information will be discussed in person with the parent or young person by the SEN officer. The SEN officer will also give details of organisations which provide advice about personal budgets, and recommend that the young person or parent take up that advice.

3.6 The young person or parent have 15 calendar days after receiving the draft EHCP to decide if they wish to pursue a personal budget.

3.7 The Council will consider all requests for personal budgets.

3.8 During the time between the presentation of the draft EHCP and the agreement of the final EHCP the Council will adjust the Indicative Funding Allocation as necessary to ensure that the services appropriately target the outcomes in the EHCP, and that the funding of each element is sufficient to provide the service required. The Council will update the young person or family of changes to the Indicative Funding Allocation

3.9 In the event of a material change in the Indicative Funding Allocation the young person or family will be given the chance to change any decision previously made about a personal budget.

3.10 Some families may already be accessing personal budgets in terms of care or health needs, and these will continue throughout the statutory process and be incorporated, as relevant, in the final overarching EHCP if one is issued.
4 Managing and Using a Personal Budget

4.1 The council will make available four mechanisms for the delivery of the personal budget. The choice between these rests with the parents or young person.

a) Direct payments – where the parents or young person receive the cash to contract, purchase and manage services themselves

b) Third party arrangements – where the funds are paid to and managed by an individual or organisation on behalf of the child’s parent or the young person

c) A notional arrangement – whereby the Council, a school or college holds the funds and commissions the support specified in the plan

d) A combination of the above

4.2 The Council will provide unbiased information about organisations that may be able to provide advice and assistance to help parents and young people to make informed decisions about Personal Budgets.

Direct Payments

4.3 If direct payments are selected the Council will draft an agreement to be entered into by the Council and the recipient. There are different agreements in Children Social Care and Adult Social Care. The direct payments cannot commence until the agreement has been signed.

4.4 Where the recipient of the direct payments is proposed to be the parent, the Council will not make available the direct payments unless the Council is satisfied that the parent will act in the best interests of the child or young person and will abide by the terms of the agreement.

4.5 As part of the agreement the recipient of the direct payments will be required to open a bank account into which the direct payments will be made.

  a) For the funding of ongoing expenses the Council will pay into this account on a 4 weekly basis in advance.
b) For the funding of one-off or irregular expenses the Council will aim to pay the agreed into funds into the account during the four weeks preceding the expected date of the expense.

4.6 The Council will send clear information to the recipient of each amount paid into the account with an explanation of how the amount was calculated.

4.7 The Council will co-operate with schools and the NHS clinical commissioning groups to standardise and simplify for the recipient the management of direct payments coming from multiple funding sources connected with EHCPs. In particular the Council will allow the use of the bank account for direct payments from the Council to also be used for other direct payments in connection with the EHCP.

4.8 The Council will provide initial help in setting up the direct payments mechanism and ongoing help with its management\(^4\). However if high levels of ongoing support are required from the Council it may be that the recipient is not capable of managing the direct payments, in which case the Council will step in as it is obliged to do by the regulations and will offer a notional arrangement in its place.

4.9 The Council will carry out a review of the making and use of the direct payments-
   a) at least once during the first three months
   b) at the same time as each review or reassessment of the EHCP
   c) whenever reasonably requested by the recipient
   d) more frequently if required by future regulation.

4.10 When carrying out a review, the Council will consider whether-
   a) the amount of direct payments continues to be sufficient to secure the agreed provision;
   b) the direct payments have been used effectively;
   c) the recipient has complied with the conditions set out in the agreement with the Council, or

\(^4\) Currently Social Services Contract POhWER to provide this help to recipients.
d) there are any other reasons under this policy why the arrangements should be altered or terminated (see section 6).

_Third-Party Arrangements_

4.11 If a third party arrangement is selected for all or part of the personal budget, the family or young person will be asked to nominate another person or organisation to manage the payments on behalf of the child or young person.

4.12 The Council will not agree to the third party arrangement unless the Council is satisfied that the nominee will act in the best interests of the child or young person and will abide by the terms of the agreement.

4.13 The Council will be developing an agreement to be entered into by the Council and the nominee. The direct payments cannot commence until the agreement has been signed.

4.14 In all other aspects the third party arrangement will follow the process set out in paragraphs 4.5 to 4.10 above, with the nominee as the recipient.

_Notional Arrangements_

4.15 If requested by the parents or young person the Council will manage the personal budget on behalf of the child or young person.

4.16 The Council will not transfer the amount of the personal budget into a separate bank account but will keep an accounting record of how the money is spent for the Council’s general accounts.

4.17 The Council will meet initially with the parents or young person to discuss how the personal budget will be spent in accordance with the EHCP.

4.18 In notional arrangements the Council may account for a fractional share of a larger contract as being spent from the personal budget to secure services for the child or young person concerned. In this way the child or young person can benefit from the economies of scale and purchasing power of the Council.

4.19 The Council will provide a reconciliation of how the personal budget has been spent under the notional agreement every six months or at each review or reassessment of the EHCP if that is sooner.

4.20 The Council will not change the way that the personal budget is spent without agreement from the parents or young person.
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4.21 The parents or young person can request a review of the way that the personal budget is being spent at any time. However the Council will not agree to any alterations that would result in the personal budget being spent in a way not in accordance with the EHCP plan, in a way that is not in compliance with any policy in this document, or in a way that breaks the law.

4.22 If the parents or young person and the Council cannot agree on how the personal budget should be spent the notional arrangement will be terminated.

**Personal Budgets from school budgets**

4.23 The Council will work with schools to simplify the administration of personal budgets in education for both the recipient and for the school.

4.24 If requested by the school the Council will undertake the monitoring of direct payments or third party arrangements on behalf of the school.

4.25 Where the funding for all or part of a direct payment or third party arrangement is to be provided from funds previously delegated to a school or college the Council will agree to accept the funds back from the school so that the Council can enter into the agreement to provide the direct payments or third party arrangement. Such payment arrangements will be reviewed following every EHCP review and could be terminated at any time by either party.

4.26 Where the funding for a direct payment or third party arrangement is to be provided both from funds previously delegated to a school and funds not yet delegated (e.g. “top-up funding”) the Council will discuss with the school concerned on a case-by-case basis the best practical arrangement for the personal budget to simplify the arrangements for the recipients. In certain cases this will involve the Council delegating the funds to the school and the school entering into the agreement to provide the direct payments or third party arrangement.
5 Transition to Adulthood

5.1 Where a child in respect of whom direct payments are being made becomes a young person, the Council will take reasonable steps to ascertain whether the young person consents to receive direct payments.

5.2 Where the young person has notified the Council in writing that he or she wishes to receive direct payments, the Council will agree unless to do so would violate with any policy in this document or would break the law.

5.3 Where the young person requests in writing that the Council continues to make direct payments to the young person’s parent or nominee, the Council will do so.

5.4 Where the young person notifies the Council in writing that they do not consent to the making of direct payments, the Council will stop direct payments.

5.5 Where the Council has taken reasonable steps to ascertain whether the young person consents to direct payments and the young person has not notified the Council that he or she consents to receive direct payments, then the Council will stop direct payments.
6 Changing or ceasing personal budgets between scheduled reviews

Reducing the amount of a personal budget

6.1 The Council will reduce the amount of a personal budget if:

a) it has good evidence that the provision set out in the EHCP and for which all or part of the personal budget was made available can now be purchased for significantly less than the amount incorporated in the personal budget and that the switching to a new provider of the service will not have a material adverse effect on the child or young person concerned,

b) the provision set out in the EHCP and for which all or part of the personal budget was made available has been purchased for significantly less than the amount incorporated in the personal budget leading to unused monies in the bank account and that such savings have not been made because of uncharged or subsidised input by the parent or young person, or

c) not to do so would lead to the violation of other policies in this document or the breaking of the law.

6.2 If the Council decides to reduce the amount of a personal budget for the reasons given in 6.1a) or b) above it will give at least four weeks notice to the parent or young person concerned.

Ceasing a personal budget

6.3 The Council will terminate a personal budget if

a) the parent or young person concerns ask the Council in writing to cease the arrangements;

b) the parent or young person ceases to be eligible for a personal budget;

c) not to do so would lead to the violation of other policies in this document or the breaking of the law.

6.4 The Council will terminate a personal budget if, following a review, it appears to the Council that:

a) the payments are not being used to secure the agreed provision;

b) the agreed provision can no longer be secured by means of the personal budget as currently structured; or

c) the recipient of a direct payment or has failed to comply with any of the conditions.
6.5 If the Council decides to terminate a personal budget it will first give notice in writing to the parents or young person setting out the reasons for its decision.
7 Review and Appeal Process

7.1 If parents, carers and young people disagree with the decisions relating to their personal budget or direct payment they can request those decisions are reconsidered by the appropriate agency (i.e. SEN, Social Care or Health).

7.2 Disagreements may occur under the following circumstances:

- An aspect of provision listed in the Education, Health and Care Plan has not been offered in a personal budget, which is wished for by the parent of young person if old enough and with the mental capacity to appeal.
- A personal budget has not been offered.

7.3 If any of the above circumstances apply the young person or parent should in the first instance put the reasons for the disagreement in writing to the Special Education Service, this will be forwarded to the appropriate commissioner who will seek to resolve the disagreement with the family.

7.4 If they are still dissatisfied with the outcome they can to appeal to the First Tier Tribunal (Health, Education and Social Care [HESC] Chamber). Appeals against EHC Plans should be made in the normal way to the Independent First-tier Tribunal. Whilst the Tribunal cannot hear appeals solely about Personal Budgets, they will hear appeals about the special education provision to which a Personal Budget may apply (Special Educational Needs and Disability Code of Practice: 0 – 25 years. Section 9.108 July 2014).

7.5 If the parent or young person still disagrees with the decision they can take the appeal to independent disagreement resolution or mediation.

7.6 Due legal process regarding any appeals will be followed as laid out in the Children and Families Act 2014 and/or the Code of Practice relating to the personal budgets for SEN and disability aspects of this legislation.

The appeal process is established here: http://www.justice.gov.uk/downloads/tribunals/special-educational-needs-and-disability/HowToAppealAgainstSENDecision_Jan11.pdf