EDUCATION HEALTH AND CARE PLANS

Personal Budgets Statement of Intent

What is a Personal Budget?

A personal budget is a sum of funding available for children and young people where it is clear that they need additional provision above that available to most children and young people through local services. It is not the sum total of all the resources that are available to support a child or young person.

The Education, Health and Care (EHC) Plan does not need to list all the costs associated with supporting a child or young person. Rather, it should provide a detailed explanation of how a personal budget will be used to deliver an agreed provision. It should detail the child or young person’s needs and their agreed outcomes. It should explain how the resources allocated will help to meet those outcomes and how the money will be used, spent and managed including arrangements in relation to any direct payments.

Personal budgets do not come from a new pot of money, so if a child or young person already receives a service or resource they won’t get both the support from that service and a personal budget.

In some cases a child or young person may have a personal budget from more than one source such as social care, SEN and/or health and these will be evidenced and shared within the child/young person’s EHC Plan.

A Statement of Intent

Cheshire West and Chester embraces the spirit of the SEN Reforms and will strive in the coming months to develop its policy and practice with regard to personal budgets that allow children and young people and their families to have a say in the provision and allow them greater control.
In order to do this we will:

- Work closely within the Local Authority to ensure that a personal budget system for education and social care needs are developed in partnership with local families and young people.
- Work across Education, Health and Social Care to increase cohesion regarding the use of personal budgets.
- Continue to review Resource Allocation Systems to build personal budgets in consultation with children, young people and their families.
- Continue to build on and develop current panel systems which enables the alignment of Education, Health and Social Care budgets for children with complex needs in receipt of an EHC plan.

We hope that in doing the above in partnership with our families, young people and other partners, we will be in a strong position to implement a fairer system of support which puts children and young people and their families at the heart of things.

**Principles**

We will work with children, young people and partners to develop personal budgets based on the following principles:

- All decisions about personal budgets (including direct payments) should be made with the involvement of the family/young person.
- Personal budgets should be based on clear agreed outcomes to respond to a child or young person’s needs, rather than just on provision.
- The process for agreeing a personal budget should be transparent and challengeable.
- Families and young people should have the opportunity to manage all, some or none of their personal budget – either themselves or with third party support.
- Information should be available to ensure that young people and their families are aware of the responsibilities of managing a personal budget once the authority has completed an EHC assessment and confirmed that it will prepare and EHC Plan.

**Who can request a personal budget?**

Parents of children and young people have the right to ask the Local Authority to prepare a Personal Budget once the LA has completed an EHC assessment and confirmed that it will prepare an EHC Plan.

Parents and young people may also request a Personal Budget during a review of an existing EHC Plan.
Cheshire West and Chester Council will have early discussions about Personal Budgets with the parents and young people where they give information about the options that are available and what a Personal Budget might entail for them.

**Funding Streams Identified as being available for Personal Budgets**

In the first instance, Cheshire West and Chester proposes to continue with the existing systems to identify an indicative budget for education, health and care elements of an EHC Plan.

**Personal Budgets and Education**

For education support this is via a banding system for mainstream and flat rate payment for resourced provision and special schools.

Cheshire West and Chester is moving to a banding system for the funding of Special Schools from April 2015 and is exploring a Resource Allocation System for all education and care funding. Once introduced, the top up identified through the banding system would be available for consideration as part of the personal budget.

Additional top up (element 3) funding agreed as part of an EHC Plan is paid to the education institute to put in the provision to meet the identified outcomes. With a personal budget it might be used to provide a budget to a family for them to organise the support themselves.

It is also possible for a school or college to agree to release some funding to contribute towards the family having a budget where it is clear that this will help to meet the needs of the child or young person and achieve the desired outcomes.

Families will not be able to access a budget to pay for something the school or college already provides. This may mean the personal budget may change if their child or the young person moves from a mainstream to a special school or college.

Where the support or service from a personal budget is to be used in a school or college the Head teacher of the school or Principal of the college must agree. If they do not agree the Local Authority cannot make the payment.

Cheshire West and Chester will continue to work with the Health Clinical Commissioning Groups to develop personal budgets for health support to meet special educational needs.

Cheshire West and Chester currently commissions services such as Speech and Language Therapy to meet education outcomes for children and young people in schools. This is known as a block contract.
Services that are commissioned in this way cannot be agreed as part of personal budget at this time but we will continue to review how we commission services and consider how this will be done in the future to allow for personal budgets if appropriate. This will be done in consultation with young people, parents and partners.

Cheshire West and Chester will work with all partners in order to make it clear that young people and parents will be informed when requesting particular institutes of the scope of funding that can be used for a personal budget.

**Managing a Personal Budget**

Personal budgets can be made up in the following ways:

- **Direct payments** – where individuals receive the cash to contract, purchase and manage services themselves
- **An arrangement** – whereby the Local Authority, school or college holds the funds and commissions the support specified in the plan
- **Third party arrangements** – where funds (direct payments) are paid to and managed by an individual or organisation on behalf of the child’s parent or the young person
- **A combination of the above**

*What are direct payments?*

Direct payments are cash payments made in lieu of services from the Local Authority or Health Service. The payment must be sufficient to enable users to purchase services to meet their identified and assessed need, and must be spent on services that meet the agreed outcomes following an assessment of need.

*Who can direct payments be made to?*

Cheshire West and Chester Council may make direct payment, as appropriate, to:

- The child’s parent
- The young person: or
- A person nominated in writing by the child’s parents of the young person to receive direct payments on their behalf

Direct payments may only be made to a person if they:

- Appear to the Local Authority to be capable of managing direct payments without assistance or with such assistance as may be available to them
- Are over compulsory school age
- Do not lack capacity within the meaning of the 2005 Act to consent to the making of direct payments to them or to secure the agreed provision with any direct payments
Before deciding to make direct payment the Local Authority must be satisfied that:

- the person who receives them proposes to use them to secure the agreed provision
- the parent or nominated person who receives them will act in the best interests of the child
- the making of direct payments will not have an adverse impact on other services
- it is compatible with the Local Authority’s efficient use of resources

If Cheshire West and Chester decides not to make direct payments we will:

- inform the parent or the young person in writing, giving the reasons and informing them of their right to request a review of its decision
- where requested review its decision and in doing so consider any representation made by the parent or young person
- notify the parent or young person of the outcome of the review in writing

Cheshire West and Chester will ensure an Agreement for Direct Payments is in place which will specify:

- name of child/young person/nominee
- the qualifying goods
- amount of direct payments
- any restrictions on how they can be spent
- dates of payments and any agreed lump sums/instalments

The agreement will contain confirmation from the person receiving them that they will:

- use them to secure the agreed provision
- notify the LA of any relevant changes in circumstances
- use a bank account approved by the LA(solely for DP purposes and single access)
- keep a record of money paid in and withdrawn
- In the case of nominee’s confirmation that the child or young person agrees will be obtained.

Cheshire West and Chester will ensure that the amount of direct payment is enough to pay for the cost of the agreed provision. The LA will consider the reduction of payment where direct payments have accumulated and remain unused.
Monitoring and Review Process

Cheshire West and Chester will work with young people, families and partners to ensure that there is a robust monitoring and review process which is linked directly to the child or young person’s EHC Plan and the outcomes in it.

Stopping Direct Payments

The LA will stop making Direct Payments if:

- the person no longer consents to them
- the person is no longer eligible
- the nominee is no longer eligible
- after a review it appears to the LA that the person receiving the payments is not using them for the agreed provision
- after a review the LA agrees that the provision can no longer be secured by Direct Payments
- at any point when the LA becomes aware that the Direct Payment is:
  - having an adverse effect on other provided services
  - no longer consistent with the LA efficient use of resources

Decision making Process

Cheshire West and Chester will develop the decision making process in consultation with young people, families and partners. We will however ensure that all requests for Personal Budgets which result from the EHC Process are considered in a full and thorough way. We will consider each request on its own individual merits and- there will be “no blanket policies” As part of this process we will also work with all partners to elicit the full views of families and young people and make every effort to ensure everyone has realistic expectation of these changes

Support and Advice for Young People, Children and their Families

Cheshire West and Chester SEN Information, Advice and Support Service previously known as Parent Partnership offer advice and support to parents which will include specific advice around personal budgets