



Liverpool
City Council

Personalisation & Personal Budgets Policy

Special Educational Needs and Disability (SEND)



together we make a difference

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NHS
Liverpool
Clinical Commissioning Group

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1. About this Policy

This document provides details of Liverpool City Council's and Liverpool Clinical Commissioning Group's approach to personalisation and personal budgets across education, health and social care. It has been developed by a group including parents, school representatives, health commissioners, social care and education.

The designated Lead Professional and/or Plan Co-ordinator will work with families to discuss personalised opportunities and the option of a personal budget and the support available to them to manage a personal budget.

2. Personalisation – the legal framework

The Children and Families Act 2014 ("The Act") reforms the earlier Special Educational Needs (SEN) provisions¹. The Government published the Green Paper "Support and Aspiration" (2011), followed by the Children and Families Bill (2013) which received Royal Assent in March 2014 with an implementation date of September 2014.

The Act imposes a duty on local authorities to prepare and maintain, where necessary, an Education, Health and Care Plan ("EHC Plan") for children and young people who have SEN.

In addition to the revised legislative framework, the government published a Code of Practice in January 2015 to support the new arrangements: Special educational needs and disability code of practice: 0 to 25 years

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/398815/SEND_Code_of_Practice_January_2015.pdf

The Code is statutory guidance for organisations who work with and support children and young people with special educational needs and disabilities.

In carrying out their respective functions in relation to children and young people who have SEN, the City Council and Liverpool Clinical Commissioning Group ("Liverpool CCG") must have regard to the Code of Practice with effect from 1st September 2014.

The City Council is required to publish a Local Offer, setting out in one place information about provision they expect to be available across education, health and social care for children and young people in their area who have SEN or are disabled, including those who do not have an EHC Plan.

The City Council and the CCG must work together to plan and commission education, health and social care services jointly for children and young people with SEN and disabilities.

Personalisation is at the heart of the Special Educational Needs and Disability ("SEND") reforms and seeks to put children, young people and their families at the centre of the Education, Health and Care planning process. The Act specifies that a young person or their family can request a personal budget or direct payment if they have a qualifying health, social care, or education need; and that they can do so either during the assessment or at the point of review of the EHC Plan. The expectation is on the local authority, health organisations and schools to develop Liverpool's offer over a period of time as requests for personalised support identify where and how money could be spent differently to achieve agreed outcomes.

¹ Predominantly laid out within the Education Act 1996

In Liverpool, we encourage the use of the social model of disability which says that disability is created by barriers in society. The barriers generally fall into 3 categories:

- **the environment** – including inaccessible buildings and services.
- **people's attitudes** – stereotyping, discrimination and prejudice.
- **organisations** – inflexible policies, practices and procedures.

This means we perceive the disability to originate in the environment not the individual's impairment. The barriers that prevent a 'normal' life disable us, not the physical characteristics of the individual.

Personal Budgets are just one way in which Liverpool City Council supports children with disability when they have a need for higher levels of support. Set out below is a description of the range of supports that are available across a range of children's needs.

Community Wealth and Social Capital

Community wealth or Social Capital is about the support that people can offer each other from outside the traditional statutory services.

Communities and groups of people coming together with shared interests to support a family; this can include friends and neighbours as well as wider community networks. All families and communities have 'real wealth' and a community can be made up of everyone's real wealth, all the skills and knowledge, formal and informal networks and the wider society. Social capital can also include volunteering.

Universal Services

Children and young people can access many activities and services that are available locally to everyone in the community (community groups, leisure, cinemas, schools and their GPs). Universal and mainstream services are the first place for children and young people to be with their peers.

Targeted Support

Sometimes it is identified that children and young people have additional needs which require some targeted support to help with education and accessing the community. Targeted education support may be delivered in schools and colleges by specialist teachers and care in the home and help with accessing community activities. Where a child may have some health needs they may have support from nurses or other health professionals.

Choice and Control

The reforms seek to ensure that the child/young person and their family are involved in personalising those additional support needs identified which cannot be met from within the other three areas, and one of the choices could be the option of a personal budget.

Personalisation in Liverpool is about:-

- **adopting person-centred approaches** where children with SEND and their families are put at the centre of processes, enabling them to express their views, wishes and feelings and participate in decision making.
- **personalising the support that families receive** by working holistically in partnership with services across education, health and social care
- **the option of a personal budgets** where appropriate, and.
- **providing advice and support**, when families need additional help with exercising choice and control to meet the agreed outcomes

3. Personal Budgets

An EHC Plan is the product of a co-ordinated assessment which specifies the outcomes sought for a child or young person 0-25 years old with SEND across education and, where appropriate, health and social care.

A Personal Budget is an allocation of funding identified by the Local Authority (and, if appropriate, the CCG) to provide support to meet all or some of the outcomes identified in an EHC Plan. A Personal Budget will be provided in circumstances where it is assessed that the child or young person is eligible for additional funding and it is agreed that the parent or young person is to be involved in securing that provision, taking into account the legal duties on the City Council and the CCG to ensure that the funding is spent appropriately.

The scope of the Personal Budget will vary depending on the needs of the individual and local eligibility criteria, the EHC Plan will clearly state which outcomes can be met by a Personal Budget. Some services cannot be purchased using a Personal Budget and these are discussed in more detail below.

3.1 Requesting a Personal Budget

The child's parent or the young person has the option of requesting a Personal Budget when the Local Authority has completed an EHC assessment and has confirmed that it will prepare a draft EHC Plan. They also have the option of requesting a Personal Budget during the period of any statutory review of an existing EHC Plan or any re-assessment of the educational, health care and social care needs of a child or young person for whom it maintains an EHC plan.

A Personal Budget may consist of elements of funding from education, health and social care. In the main this will be:-

- For education – High Needs Funding (part of element 3 top-up funding) ¹
- For children’s social care – Funding for specialist provision as assessed by the Disabled Children’s Team (DCT): <http://fsd.liverpool.gov.uk/kb5/liverpool/fsd/family.page?familychannel=10-5-1>
- For adult’s social care – Funding assessed by: <http://liverpool.gov.uk/social-care/adult-social-care/>
- For children’s health – Continuing Care (CC) funding <http://www.nhs.uk/CarersDirect/guide/practicalsupport/Documents/National-framework-for-continuing-care-england.pdf>
- For adult’s health – Continuing Health Care (CHC) funding https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/213137/National-Framework-for-NHS-CHC-NHS-FNC-Nov-2012.pdf

3.2 A Personal Education Budget:

Children and young people with special educational needs and or a disability will attend a school or college where their needs can usually be met by the resources that the school or college have available as part of their “Local Offer”

<http://fsd.liverpool.gov.uk/kb5/liverpool/fsd/family.page?familychannel=10-1>

However additional funding over and above the school or college place could be made available if an assessment has identified that the learning support needs cannot be met within the school/college place funding; a costed provision map will be submitted by the school/college and used for determining any additional High Needs (element 3) education funding that could be made available.

3.3 A Personal Social Care Budget:

Funding will be made available if a child or young person has been assessed and is eligible for additional specialist individual support in the home or in the wider community as part of the Care Act 2014 (over 18 years old) or under section 17 of the Children Act 1989 (children 0-18 years old). The assessment information will be used to determine the level of funding available.

3.4 A Personal Health Budget:

There will be a small number of children and young people who have complex needs and require support services which cannot be met by universal and targeted health services (all of which are part of the Local Offer).

Those children and young people who receive, or are assessed as meeting the eligibility criteria for NHS Continuing Healthcare, (including children’s continuing care) have the right to ask for a Personal Health Budget, including a direct payment. From October 2014 this group will benefit from ‘a right to have’ a Personal Health Budget. The eligibility process for Continuing Care and Continuing Health Care can be accessed through the Local Offer.

¹ Schools and colleges receive base funding (element 1) for all children and young people to provide a school place as part of universal services and this funding cannot be used as a personal budget. Schools and colleges also receive an amount of element 2 funding to support children and young people with SEN, this funding is only available as part of a personal budget when the school or college agrees to this. Element 3 top up funding is also used to fund special schools and colleges as part of the core specialist integrated provision (Local Offer) this funding is only available for a personal budget when the school or college agrees to this.

<http://fsd.liverpool.gov.uk/kb5/liverpool/fsd/advice.page?id=T0rp0MDZh40&category=10-4>

<http://fsd.liverpool.gov.uk/kb5/liverpool/fsd/advice.page?id=OyyZdjuqR71&category=10-4>

The assessment will be used to determine the level of funding available.

3.5 Calculating a Personal Budget

The Local Authority and, where appropriate, Liverpool CCG will determine the amount of a Personal Budget to be included within an EHC plan. This will be informed by the provision needed to meet the child or young person's identified needs. A system is being explored which will help to inform decisions about funding levels for Personal Budgets; this includes the use of a Resource Allocation System (RAS), which will be completed as part of the EHC assessment. The RAS will provide indicative levels of resources required to help in the planning of support outcomes in education, health and social care.

This is a complex area and any system requires rigorous testing before it can be adopted to ensure that it is fit for purpose.

3.6 Mechanisms for delivery of a Personal Budget

Personal Budgets can be offered in a number of different ways:-

- **Direct payments** - where individuals receive the cash to contract, purchase and manage services themselves ¹
- **An organised arrangement** (sometimes referred to as a notional budget) where Liverpool City Council, Liverpool CCG, or the school or college holds the funding and commissions the support
- **Third party arrangements/nominees** - where funds (direct payments) are paid to and managed by an individual or another organisation on behalf of the parent/young person
- **A combination of the above**

Local Authorities and, where appropriate, CCGs must consider each request for a Personal Budget on its own individual merits. If a Local Authority and/or a CCG are unable to identify a sum of money, they should inform the child's parent or young person of the reasons. For example, the Local Authority might agree that the provision in respect of which a Personal Budget has been requested by the young person or their family is needed but may be unable, at that point in time, to disaggregate funding that is currently supporting provision of services to a number of children and young people. In these circumstances, the Local Authority may refuse to prepare a Personal Budget on the basis that doing so would have an adverse impact on the services which it provides or arranges for children and young people with an EHC Plan or would not be an efficient use of its resources ².

Where the child or young person's EHC Plan includes healthcare provision, the CCG may consider a Personal Budget to be an impracticable or inappropriate way of securing the specified provision. This could be due to the specialised clinical care required or because a Personal Health Budget would not represent value for money as any additional benefits to the child or young person would not outweigh the extra cost to the NHS. Again, this might include cases where the CCG is unable, at that point in time, to disaggregate funding that is currently supporting provision of healthcare services to a number of children and young people.

¹ A personal budget and in particular a direct payment cannot be made in respect of provision which will take place in a school, post 16 institution or early years setting (maintained schools and maintained nursery schools, early years providers, further education institutions or the proprietor of academies as well as non-maintained and independent special schools and colleges) without the written consent of the head teacher, principal or the person occupying an equivalent position.

² Regulation 4A of the Special Educational Needs (Personal Budgets) Regulations 2014.

The funding currently available for Personal Budgets will reflect local circumstances, commissioning arrangements and the school/college preference. The scope of Personal Budgets should increase over time as local joint commissioning arrangements between Liverpool City Council and Liverpool CCG provide greater opportunity for choice and control over local provision (Code of Practice 9.110).

3.7 Exclusions

Personal Budgets will not be appropriate for all aspects of Education, Health or Care, for example, those Universal Services that are available to all children/young people are exempt, such as a school place or Post 16 institution (element 1 base funding) and primary medical services provided by GPs.

Looked After Children placements are not available as a Personal Budget. Where provision is already available through a **block contract** it is **unlikely** that a direct payment (as part of a Personal Budget) would be available to access alternative services as this would be determined to be double funding and therefore an inefficient use of resources. This will, however, change over time as parents and young people inform future commissioning of new services. Using a direct payment to employ a family member who lives in the same household will not be possible except in very exceptional circumstances.

3.8 Reviewing a Personal Budget

It is essential to check at appropriate intervals how a Personal Budget is working, and, whether the EHC Plan is achieving the agreed outcomes. It is also important that Personal Budget holders know who to contact to discuss changes to their Personal Budget should their needs change.

To this end, the Local Authority and, where appropriate, the CCG will periodically audit and review the use of a Personal Budget, normally at the point at which the Local Authority carries out its annual review of the child or young person's EHC Plan. Depending on the outcome of the audit / review, changes can be made to the resources, support or controls described in the EHC Plan. The ultimate aim of the audit / review is to strengthen the person's ability to achieve the outcomes they want in a timely fashion.

Where some or all of a Personal Budget is made available by way of direct payments, this arrangement, too, will be periodically audited and reviewed by the Local Authority and, where appropriate, the CCG. Further information on this process can be found in the separate document, 'A Guide to Direct Payments'.

3.9 Withdrawing or reducing a Personal Budget

Before making a decision to withdraw or reduce a Personal Budget, wherever possible, Liverpool City Council and, where appropriate, Liverpool CCG will consult all relevant parties as well as the family or young person.

Whenever a Personal Budget is withdrawn or reduced, Liverpool City Council, and where appropriate, Liverpool CCG will ensure that the person is given written notice of the reasons for the decision.

4. Direct Payments

Liverpool City Council and, where appropriate, Liverpool CCG will only agree to make direct payments in respect of educational, social care and/or healthcare provision where a valid request has been made for a Personal Budget, including a request for direct payments, and they are satisfied that:

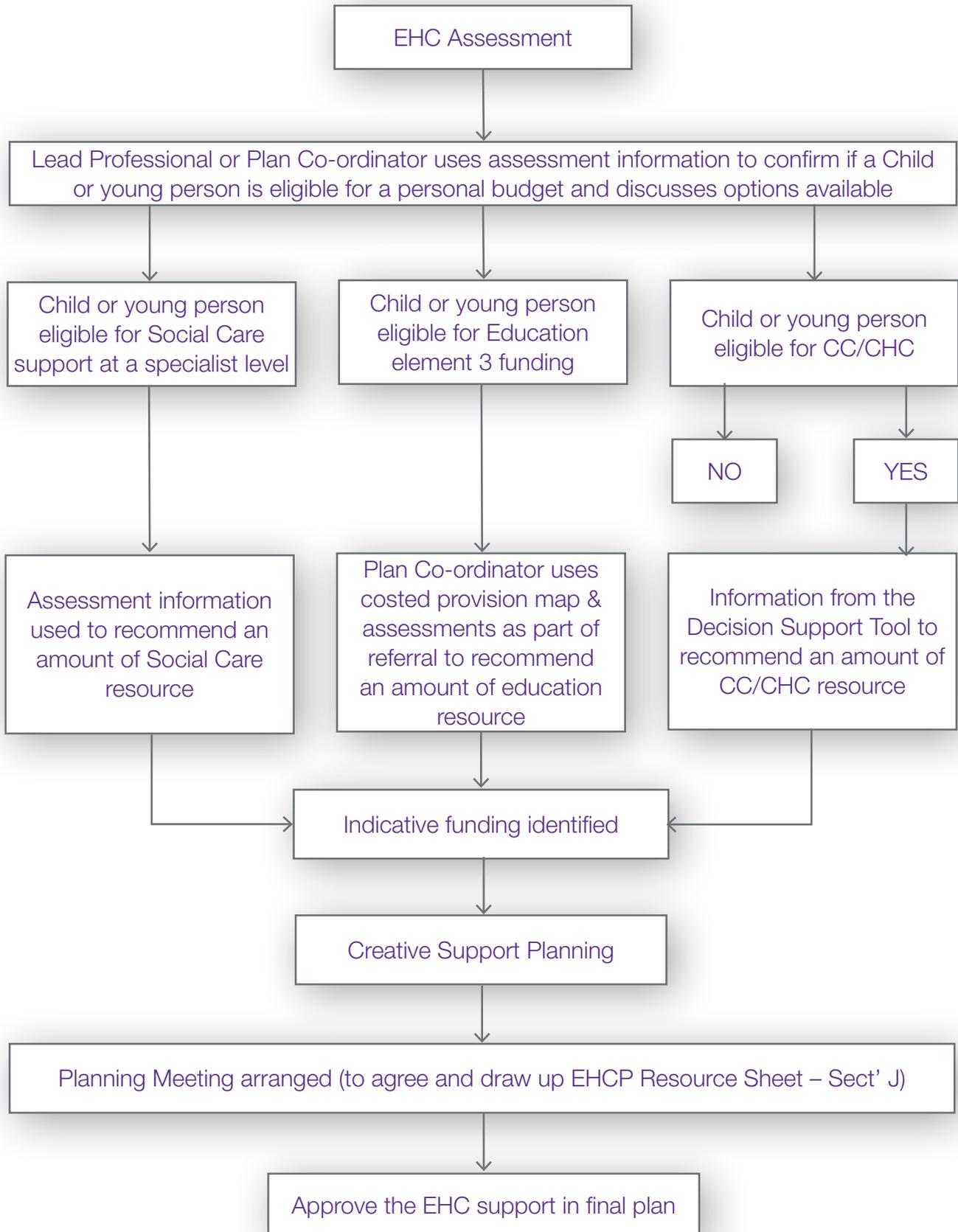
- the person receiving the direct payments will act in the best interests of the child or young person when securing the agreed provision
- and, they will use them in the appropriate way.

Direct Payments are discussed in more detail in the separate document, 'A Guide to Direct Payments'.

Liverpool City Council and, where appropriate, Liverpool CCG will have regard to the following regulations in relation to all requests for Direct Payments:

- The Community Care, services for Carers and Children's Services (Direct Payments) (England) Regulations 2009
- The National Health Service (Direct Payments) Regulations 2013 (as amended by the National Health Service (Direct Payments) (Amendment) Regulations 2013)
- The Special Educational Needs (Personal Budgets) Regulations 2014 (as amended by the Special Educational Needs (Miscellaneous Amendments) Regulations 2014)

5. Personal Budget Pathway



It is acknowledged that some children and young people will already be receiving packages of care which may include direct payments. For those children, an option of a personal budget will be explored as an alternative to their current arrangements to ensure that there is an opportunity for creativity and personalisation.

6 Information, Advice and Support

The Plan Co-ordinator or the Lead Professional will have a detailed discussion with the family to discuss if they would like to explore the option of a personal budget and they will provide advice on the process. In addition advice will be available from Liverpool & Knowsley Special Educational Needs & Disability Information Advice and Support Service (SENDIASS) (formerly known as Parent Partnership) <http://fsd.liverpool.gov.uk/kb5/liverpool/fsd/service.page?id=mj3W9YG68yM&familychannel=10-9-5> and Liverpool's Independent Supporters <http://fsd.liverpool.gov.uk/kb5/liverpool/fsd/family.page?familychannel=10-9-5>

7 Complaints and Appeals

An appeal can 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 requested by the parent or young person;
- A Personal Budget has not been offered or the request has been refused;
- The amount of the Personal Budget is felt not to be sufficient to meet the needs of the young person.

An appeal would in the first instance be dealt with through the Disagreement Resolution procedures

<http://fsd.liverpool.gov.uk/kb5/liverpool/fsd/advice.page?id=gzJom0NmGrl&familychannel=10-9>

<http://liverpool.gov.uk/contact-us/complaints-and-feedback/>

<https://www.gov.uk/courts-tribunals/first-tier-tribunal-special-educational-needs-and-disability>

<http://www.liverpoolccg.nhs.uk/contact-us/comments-complaints/>

<http://www.ombudsman.org.uk/making-complaint>

Annexe A Glossary of Terms

Annual Review	The yearly review of a Statement of Special Educational Needs or Education Health and Care Plan carried out by the Local Authority.
Assessment	A process that identifies strengths, weaknesses and needs across all areas of a child's or young person's life, and involves both parent carers and practitioners.
Audit of a Personal Budget	Review of the support and resources in place to ensure they are meeting the agreed outcomes in the Education Health and Care Plan
Block Contract	Purchasing a certain volume of business with a service provider over a set period of time, to an agreed specification and usually at an agreed rate.
CC	Continuing Care - See Health pages of Local Offer
CCG	Clinical Commissioning Group CCGs commission most of the hospital and community NHS services in the local areas for which they are responsible. Commissioning involves deciding what services are needed, and ensuring that they are provided. CCGs are overseen by NHS England, which retains responsibility for commissioning primary care services such as GP and dental services, as well as some specialised hospital services. All GP practices now belong to a CCG, but groups also include other health professionals, such as nurses. - See Health pages of Local Offer.
CHC	Continuing Health Care - See Health pages of Local Offer
CYP	Children and Young People
Coordinated Assessment	A process in which parent carers and practitioners pull together a range of assessment information and use this to identify their desired outcomes for the child or young person and their family. The coordinated assessment process will be the basis for the development of the Education, Health and Care Plan. It will cover all areas of need and all relevant agencies will contribute to it.
Costed Provision Map	Describes the additional provision/support required for an individual child or young person and details the costs of this provision.
DfE	Department for Education Is responsible for education and children's services in England.
Disabled Children's Team	The Disabled Children's Team is a social work team that provides a specialised and longer term support service over and above that provided as part of universal or targeted services.
DP	Direct Payments The aim is to give more flexibility on how services are provided. By giving money instead of providing services, people have greater choice and control over their lives and are able to make their own decisions about how their support is delivered.

EHCP	Education Health and Care Plan A single plan to be used for children and young people from birth to 25 years. The plan replaces Statements of Special Educational Need from September 2014. An EHC Plan is one in which the parent carers and practitioners build on the coordinated assessment process to set out their desired outcomes for the child or young person and their family. The plan will identify the agreed the priority of each of these outcomes and set out how they will be achieved. The EHC Plan will cover the contribution of the family and all relevant agencies and set out clear responsibilities and accountabilities with timescales.
Element 3 'Top up' funding	Funding provided by the local authority for an individual pupil who has a high level of needs
GP	General Practitioner - See Health part of LO
IAS	Information, Advice and Support
IS	Independent Supporter
LA	Local Authority LAs provide a wide range of services, either directly through their staff or by commissioning services from outside organisations. They also have responsibility for the economic, social and environmental 'wellbeing' of their area. Most local authority services are mandatory.
LCC	Liverpool City Council https://www.liverpool.gov.uk/ Follow the link for more information
Lead Professional	The lead professional is a practitioner who knows the child and family well and who supports the parent carers by ensuring that support is coordinated and delivered. He or she acts as a single point of contact ensuring people come together; organising meetings; ensuring communication; taking an overview; has the 'clout' to get people to meetings; and monitors the plan and takes responsibility for the cohesive and coordinated delivery of a multi- agency plan.
LO	Local Offer The local offer will set out, in one place, what support and services are available for children and young people with disabilities and special educational needs.
Multi-agency	Multi-agency working, sometimes referred to as cross agency working, is a true partnership between practitioners from two or more (normally statutory) agencies based on common goals and strategic vision. Multi-agency working means that parent carers, children and young people are offered appropriate support in all areas of their life where this is needed.
Outcomes	Outcomes are where there is a clear, agreed priority for desired outcomes for the child and young person or their family. The focus should be on what will change for the child or young person. These are an important part of an Education, Health and Care Plan. See Chapter 9.64 of Code of Practice 2014

PB	Personal Budget The amount of funding available to meet the desired outcomes set out in the Education, Health and Care Plan for an individual child or young person. It will enable the child and their family to make choices to suit their particular circumstances about the way the outcomes are achieved. The personal budget can be held by the parent carers through a direct payment, held on their behalf by an agency or other organisation or a combination of these.
EHC Planned Co-ordinator	The person who would be co-ordinating the EHC assessment and plan
Planning	A process which allows parent carers and practitioners to come together to agree how their desired outcomes for the child or young person and their family can be achieved.
SEND	Special Educational Needs and Disabilities See Code of Practice 2014
Statement of Special Educational Need	A legal document which details a pupil's special educational needs and the provision required to meet those needs. A Statement is produced following an assessment process undertaken by the LEA. The SEN Code of Practice details the procedure and timeline for this to happen. Statements of SEN will begin to be replaced by EHC plans in September 2014 with a 3 year deadline.
Transition	See support for Children/Young People Moving between Phases of Education on school page of LO and Liverpool's Transition Policy on Adult Social Care and Preparing for Adulthood pages of LO.
Third Party Arrangements	An outside party whose function it is to provide a range of services to support Personal Budgets on behalf the family.

Annexe B References

Special Educational Needs and Disability Code of Practice: 0 to 25 years January 2015

The Community Care, services for Carers and Children's Services (Direct Payments) (England) Regulations 2009

The National Health Service (Direct Payments) Regulations 2013 (as amended by the National Health Service (Direct Payments) (Amendment) Regulations 2013)

The Special Educational Needs (Personal Budgets) Regulations 2014 (as amended by the Special Educational Needs (Miscellaneous Amendments) Regulations 2014)

