

Policy

0-25 SEND Personal Budgets (User Friendly)

Policy Summary

A description of the services across education, health and social care that can be included in a Personal Budget. Details of how that funding is made available and managed, eligibility criteria, and the decision-making and review processes.

Statutory Basis for the Guidance

The Special Educational Needs (Personal Budgets and Direct Payments) Regulations 2014.

Special Educational Needs and Disability Code of Practice:
0 to 25 years (Section 9).



<u>Version History</u>				
Version Number	Summary Of Change	Approved By	Author Initials	Date
1.0	Final version agreed	SMT/0-25 Board/CCG	CM/AW	28.04.16
1.0	Updated contact details in decisions and appeals section.	CL/JW	AW	02.06.16
1.0	Section 4.1.1 added sentence re: DPs not funding school places, and also added to FAQs. Section 6.2 updated link to SMBC local offer page.	CL/JW	AW	08.09.16
1.0	Updated care leavers in section 3.2.1 to access leaving care services up to age 25. Contacts section updated for Short Breaks/Disability team. Updated key contacts.	JW	AW	15.09.16
2.0	Section 3.2.1 - took out link to care leavers' guide.	CL	AW	17.05.17
2.0	Section 3.3.1 - updated contacts details for IASS for KIDs, and Dispute Resolution and Mediation amended to Essential Mediation.	CL	AW	17.05.17
2.0	Section 6.2 - took out web link for Children & Young People (inc. Education and Social Care) SMBC. Updated web link for NHS Continuing & Complex Healthcare Team.	CL	AW	17.05.17

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1. Introduction

1.1 Personal Budgets

A Personal Budget is an amount of money identified to deliver the outcomes detailed in an Education, Health and Care (EHC) plan. This may include funding for special educational, health and social care provision.

Some services, support and funding detailed in the EHC plan will not be available for families to control, and therefore will not be included in a Personal Budget. However, this does not mean that families cannot work with these services to provide the desired outcomes. The EHC plan makes it clear what the total amount of funding available is and which elements of this can be included in a Personal Budget.

The aim of Personal Budgets is to give you more control in deciding the best and appropriate support for you if you are a young person, or for your child if you are a parent/carer. A personal budget can also give you more choice on how this funding can be managed including, where appropriate, via a Direct Payment.

1.2 Types of Personal Budget

There are different types of Personal Budget:

Social Care Personal Budget - available to a child or young person who is eligible for social care support.

Health Personal Budget - available to a child or young person who is eligible for continuing care.

Education Personal Budget - available to a child or young person who has special educational needs and requires additional learning support.

Depending on the agreed EHC plan there may be some children or young people entitled to a Personal Budget from more than one source.

2. Who can request a Personal Budget

If a child or young person is eligible for an EHC plan they are entitled to request a Personal Budget. If you are the parent/carer of a child you can request a Personal Budget on their behalf. A Personal Budget can be requested at any time in which an EHC plan is being prepared or reviewed. In some circumstances a child or young person may be offered a Personal Budget for social care or health support without having an EHC plan.

3. How a Personal Budget is agreed

3.1 EHC Plan/Support Plan

An EHC plan brings together the outcomes and support a child or young person requires across Education, Social Care and Health following on from relevant assessments.

You or a professional such as a social worker or teacher can request an EHC assessment from the Local Authority (LA). From start to finish the EHC plan process should take no more than 20 weeks. Once an EHC plan is in progress a Personal Budget can be requested. Where possible, an indicative amount of funding will be stated relating to the relevant education, care and/or health areas, this is called an Indicative Budget. This may be more or less than the final value of the Personal Budget. The final value of a Personal Budget will be agreed once the assessment is complete and suitable support is arranged.

If you are entitled to receive some or all of your/your child's Personal Budget by direct payment your support worker will help you complete a support plan which details how the money will be spent. This will then be agreed by a multi-agency sign off panel.

3.2 Eligibility Criteria for a Personal Budget

Where a child or young person is eligible to receive a Personal Budget, all requests will be considered. Each type of funding (SEN, Social Care or Health) is assessed based on a specific set of criteria. Your support officer will present your case to panel for agreement before final sign off is made via the multi-agency resource panel.

3.2.1 Personal Budgets for Care Leavers'

Care leavers aged 18 to 25 can access leaving care services. A personal budget of £315 per annum is available for care leavers up to the age of 21 for corporate costs to agree spend with their personal adviser, Leaving Care Team, this is reviewed annually. Any financial assistance required above age 21 is assessed by their personal adviser as part of the pathway plan.

3.3. Decisions and Appeals

As detailed above most decisions are made via a panel process and eligibility criteria.

3.3.1 Local Authority Appeals Process

When a decision has been made a letter will be sent to the child's parent/carer or young person as confirmation. This must set out any reasons for refusing a direct payment and inform the parent/carer or young person of their right to request a formal review. If a family or young person is not satisfied with a decision they have the right to appeal.

In the first instance the case should be referred back to the relevant panel or decision maker with any additional supporting evidence. If the panel or decision maker upholds their original decision they must again provide written notification. If the family or young person still disagree with the decision the following steps should be taken:

Step 1 - Information, Advice and Support Service (IASS)

These services provide neutral information and support to children and young people with SEN or disabilities and their parents about matters relating to:

- their SEN or disabilities, including matters relating to health and social care
- the take-up of and management of Personal budgets
- Local policy and practice
- The Local Offer
- Personalisation and Personal Budgets
- Law on SEN and disability, health and social care understanding and interpreting information and applying to their own situation
- Information on the local authority's processes for resolving disagreements, its complaints procedures and means of redress

Although funded by local authorities, the IASS in Stockport is provided by KIDS and can be contacted at KIDS – Woodbank Youth Centre, Turncroft Lane, Offerton, Stockport, Cheshire, SK1 4BN. Telephone 0161 480 3189, email stockport@kids.org.uk, website www.kids.org.uk/.

Step 2 – Dispute Resolution & Mediation

Disagreement Resolution - can provide a quick and non-adversarial way of resolving disagreements. Access to the service is voluntary and has to be with the agreement of all parties. The service is available to:

- all children and young people with SEND, not just those with an EHC plan.
- all parents and young people with disagreements about any aspect of SEND provision, and health and social care disagreements during the processes related to EHC needs assessments and EHC plans.

Mediation - can take place following decisions by the local authority:

- Not to carry out an EHC Needs assessment,
- Not to draw up an EHC Plan or amended Plan,
- After they receive a final EHC Plan or amended Plan
- Following a decision not to amend a Plan or a decision to cease a Plan

The disagreement resolution & mediation service is called Essential Mediation and can be contacted by; Telephone 01908 889 080, email admin@essentialmediation.co.uk, website www.essentialmediation.co.uk.

Step 3 - First-tier Tribunal (SEN and Disability)

If the dispute cannot be resolved via the disagreement resolution service or mediation a family or young person can make an appeal to the First-tier Tribunal (SEN and Disability) within two months of receiving the decision notification. The tribunal will receive appeals in respect of the education provision included within a personal budget, but will not hear appeals regarding personal budgets exclusively. The tribunal will require a certificate from the mediation service in order to process an appeal. It is an LAs responsibility to try to avoid appeals getting to this stage.

3.3.2 Continuing Care Appeals Process

If the young person or their parents/carers wish to pursue a complaint about the continuing care process they should contact Stockport CCG customer services at the address below.

NHS Stockport, Clinical Commissioning Group, Customer Services, Floor 7, regent House, Heaton Lane, Stockport, SK4 1BS tel: 0161 426 5204 email: stoccg.customerservices@nhs.net

If the young person or their parents/carers wish to appeal the decision regarding eligibility for continuing care or the support package agreed by the CC Panel they have a right of appeal to Stockport CCG. Appeals should be addressed to Stockport CCG, Complex and Continuing Healthcare Services at the address below. In the first instance the Continuing Care Panel will review the process to ensure the assessment was comprehensive and the decision was fair and supported by the evidence. If a resolution is not reached there is a right of appeal to the Stockport CCG Continuing Care Review Panel.

NHS Stockport, Clinical Commissioning Group, Complex and Continuing Healthcare Services , Floor 3, Regent House, Heaton Lane, Stockport, SK4 1BS tel: 0161 426 9585 e-mail: fnc@nhsstockport.nhs.uk

3.4. Reviews and Updates

All cases will be reviewed after the first 3 months by a designated support worker. Further reviews will then be carried out every 6 months, unless there are substantial changes. The reviews are to ensure the plan is working for you and your family and to highlight any changes that are needed to improve it.

Changes to a plan can be made via your support worker who will again present to the relevant decision maker. Updates to a plan will only be considered if there has been a significant change in the child or young person's needs.

4. Managing a Personal Budget

4.1 Who manages it?

A Personal Budget can be managed in four different ways:

4.1.1 Direct Payment

You may be entitled to receive some or all of your Personal Budget by direct payment. This means you will receive the funding direct and will be responsible for ensuring it is spent as agreed in the EHC plan and support plan.

LAs cannot make direct payments for the purpose of funding a school place or post 16 institution.

4.1.2 Notional Arrangement

When a notional arrangement is in place, the LA and/or CCG will hold the funds and be responsible for commissioning services on your behalf to deliver the outcomes of the EHC and support plan.

4.1.3 Third Party

You may instruct a third party such as a broker to manage the funding and commission services on your behalf. The broker will then be responsible for ensuring the funding is used appropriately to meet the needs identified in the EHC plan.

4.1.4 Combination

It is possible for a Personal Budget to be managed as a combination of the above.

4.2 What it can and can't be spent on

It is important you are clear with what the money can and can't be spent on. As long as you are spending as agreed in your support plan there should be no issues at review.

4.2.1 What it can be spent on

A Personal Budget can be spent on anything agreed in the EHC and Support Plan which may include:

- A range of social care, education support & health services

- Access to local community and groups
- Access to a variety of short breaks
- Training
- Personal Care
- Transport
- Accommodation
- Day Trips/activities
- Small aids or adaptations
- Personal Assistants – (further advice about employing a PA can be found at the following link - <http://www.skillsforcare.org.uk/Employing-your-own-care-and-support/Being-an-employer/Being-an-employer.aspx>).
- Counselling

4.2.2 What it can't be spent on

The EHC and Support Plan detail how a Personal Budget will be spent.

You must not spend a personal Budget on:

- Goods or services which do not support the outcomes of the plan.
- anything which does not benefit the child or young person it is meant for.
- anything illegal or adult activities such as alcohol and gambling.
- household bills or the purchase of household items.
- activities or services for anyone else.
- any person providing support who lives in the same household as the child or young person.
- LAC placements or long term residential or nursing care.

Personal health budgets are not appropriate for all types of healthcare. A Personal health budget cannot be used to buy emergency care or to buy primary care services such as seeing a GP or dental treatment. (A full list of exclusions can be found in the National Health Service (Direct Payments) regulations 2013.

You must always discuss a change in your/your child's support needs with your designated support officer before making any decisions to reallocate funds.

5. Monitoring and Review of Direct Payments

When your case is reviewed you will be asked to provide some additional evidence if you are receiving your Personal Budget as a direct payment.

5.1 What evidence is required?

- EHC Plan & Support Plan.
- Spending records.
- Bank statements – a separate bank account must be opened in which only the Personal Budget can be used (one individual bank account is required for each

child or young person in a household who receives a direct payment). The LA will require full statements with details/evidence of all activity.

- Receipts for all expenditure. Where receipts are not available for transport to school (e.g. if this is provided by the parent, family member or friend) attendance records with the school will be checked.
- Wage slip, Inland Revenue payment details, employee liability insurance, payroll invoices and up-to-date CRB/DBS checks for any employees paid by a Personal Budget. (A direct payment cannot be paid unless a valid CRB/DBS is in place, evidence of this will be required).
- Agency invoices if paid by a Personal Budget.
Failure to provide the requested information for review within the specified time may result in suspension of a direct payment.

5.2 Contingency and Rolling Funds Forward

If a direct payment is issued it is recommended that 5-10% is held back as a contingency to allow for any changes in support needs which may occur throughout the year. If the contingency is not used it can then be spent later in the year. If there are any surplus funds at the financial year end the LA will request these funds are paid back. In exceptional circumstances the LA may allow a small percentage to be carried forward.

5.3 Repayment and Recovery

If after the review it is evident that there has been a change in the child or young person's circumstances which would reduce entitlement, or funds have been held back, or not spent as agreed in the support plan, or have been used in connection with theft, fraud or any other offence the LA may require the recipient to pay all or part of the direct payment. If this is the case the LA must inform the recipient in writing with reasons for the decision and offer a reasonable timescale for the amount to be repaid.

5.4 Transition to Adulthood

As an eligible young person approaches their 18th birthday they will already be known to Adult Social Care and the Transition workers located within the adult Community Learning Disability Team. Planning will have taken place to consider outcomes and an EHC plan in place to ensure a smooth move from child to adult services. The assessments undertaken prior to 18 will have highlighted if the young person is likely to be eligible for Adult Social Care financial support post 18 and in line with the Care Act eligibility framework. The direct payment paid by children services will end once the child turns 18 on the basis the EHC outcomes have been finalized. The adult approach is based upon achieving outcomes and a Resource Allocation system will have resulted in an indicative budget being generated by the time the person reaches 18. The person then uses this indicative budget to develop a Support Plan which will evidence how the eligible outcomes can be achieved. The relevant adult social care team will then continue to work with the young adult to ensure they can maximize their independence and agree a final budget based on

eligibility outcomes. The person can then choose how they would like to receive their personal budget for example in the form of Direct Payment.

6. Support for Parents and Young People

6.1 Pros & Cons of Management Method

To enable parents/carers to make the right decision for them on how their Personal Budget should be managed the table below highlights the pros and cons of each management method.

Management Type	Pros	Cons
Direct Payment	<ul style="list-style-type: none"> More control for families Bespoke packages of care More opportunities for child/young person Access to more services Choice and flexibility 	<ul style="list-style-type: none"> Financial responsibility Keep evidence for audit purposes Limited access to providers Lack of competition in the market place may make costs high No economies of scale to drive costs down
Local Authority	<ul style="list-style-type: none"> Services/commissioning already in place No financial responsibilities for parent/young person Experience in providing support No need to provide evidence for audits Economies of scale 	<ul style="list-style-type: none"> No control over services provided Limited choice of services No flexibility Less individual opportunities for the child or young person LA decide on the care package

Third Party	<p>Families have some control</p> <p>Services/commissioning already in place</p> <p>No financial responsibilities for parent/young person</p> <p>Experience in providing support</p> <p>Third party will provide evidence for audits</p> <p>Access to more services</p> <p>Economies of scale</p>	<p>No control over some services provided.</p> <p>Little flexibility</p> <p>Relying on third party judgements</p> <p>Less individual opportunities for the child or young person</p> <p>Will require a payment for third party services.</p>
Combination...	...of the above	...of the above

6.2 Contacts & Advice

Name	Details	Contact
Special Educational Needs Team SMBC	For further advice on education elements of the Personal Budget and support planning.	<p>Tel: 0161 474 2525</p> <p>Email: specialeducation@stockport.gov.uk</p>
Travel Coordination Service SMBC	For advice regarding travel support.	<p>Tel: 0161 474 - 2504/2505/2508</p> <p>Email: travelco-ordination@stockport.gov.uk</p>
Parents in Partnership	Independent information and advice around education, health and social care.	<p>Website: www.pipstockport.org</p>

National Autistic Society	Offers impartial advice and support for families and carers dealing with autism.	Helpline: 0808 800 4104 Website: www.autism.org.uk
National Autistic Society Social Groups	Supporting children and young people with autism to meet up and try out activities and events in the community	NAS Manchester Social Group Contact Lesley Martin National Autistic Society Tel: 0161 945 3341 Email: lesley.martin@nas.org.uk
The Local Offer	A bank of information for families and young people with special education needs and disabilities.	Website: www.sensupportstockport.uk
Adult Social Care SMBC	Information and advice to support adult social care needs.	Tel: 0161 217 6029 Website: www.mycaremychoice.org.uk
Carer's Centre Flag	Provides links to social care and health services	Tel: 0161 474 1042 Website: www.stockportflag.org.uk
Children & Young People (inc. Education and Social Care) SMBC	Useful information and advice on children's services in Stockport as well as details of education, training and employment within the borough.	Tel: 0161 217 6028
Social Workers Short Breaks & Children's Disability Team	For advice and support regarding social care for children and	Tel: 0161 474 2599 Email: cyp.dissocialcare@stockport.gov.uk

	groups/individual short breaks available.	
NHS Continuing & Complex Healthcare Team	For advice and support regarding continuing and complex healthcare	<p>Tel: 0161 426 9585</p> <p>Email: stoccg.fnc@nhs.net</p> <p>Website: www.stockportccg.nhs.uk</p>
Think Local Act Personal (TLAP)	Useful resources hub for professionals regarding personalisation and community based support in the health and care sector	<p>Website: www.thinklocalactpersonal.org.uk</p>
KIDS	The resources section provides support for providers and families on personal budgets and direct payments.	<p>Website: www.kids.org.uk/mip2</p>
SEN Direct	Personalisation service helping families and professionals access different support services	<p>Website: www.sendirect.org.uk/</p>
SMBC Choosing and Purchasing Team	Choosing and purchasing provide support planning, advice and guidance on personal budgets	<p>Tel: 0161 218 1953</p> <p>Email: choosing&purchasing@stockport.gov.uk</p>
Stockport Direct Contact Centre	Provides general information and	<p>Email: stockportdirect@stockport.gov.uk</p>

	advice.	
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7. FAQs

1. What is a Personal Budget?

A Personal Budget is an amount of money identified to deliver the outcomes detailed in an Education, Health and Care (EHC) plan. This may include funding for special educational, health and social care provision.

2. What is an Indicative Budget?

An Indicative Budget is an estimate of funding a child/young person may receive based on meeting certain criteria. The Indicative Budget is only a guide and the final value of the Personal Budget will be agreed in a support plan.

3. What is a Direct Payment?

A direct payment is one method in which a Personal Budget can be paid. This means you will receive the money direct to spend in line with outcomes detailed in the child/young person's EHC/support plan.

4. Where does the funding come from?

Education – funding is made available through what is called the 'High Needs Block' of grant funding paid to schools. This is used when a child has SEN and their needs require more complex learning support than the school already provides. SEN transport funding can also be included.

Health – made available through NHS continuing healthcare budgets.

Social care – made available through disabled children social care short breaks budgets.

5. How do I get a Personal Budget?

If a child or young person is eligible for an EHC plan they are entitled to request a Personal Budget. If you are the parent/carer of a child you can do this on their behalf. During the EHC planning process your support worker will discuss this with you.

6. Can I spend the money the way I think is best?

Yes, as long as the money is spent to support the outcomes agreed in the EHC plan. You will complete a support plan with your support officer to enable you to plan and agree how the money will actually be spent. You will need to notify your support worker if you feel you need to spend the money in a different way than agreed.

7. How are my/my child's needs assessed?

Your support worker will work with you and your family to initially determine whether you may be eligible for funding. Once eligibility has been determined your support worker will help you complete an EHC plan to bring together the desired outcomes for you/your child across education, social care and health (not all may apply). The EHC plan will build up a profile of your/ your child's life detailing your/your child's skills and interests and the support needed to promote these. The EHC plan will agree outcomes and tell you who is responsible for delivering support.

8. Are Personal Budgets a way of reducing my funding?

No, Personal budgets allow you to know how much things cost and whether you think the money could be spent differently to achieve better outcomes for you/your child's individual needs. During the assessment process you will be given an indicative budget for your support. You and your support worker will begin to plan how this will be spent to meet your/your child's needs. In some cases you may need more money to achieve the outcomes agreed in the EHC plan, in other cases you may need less.

9. What things can I buy with my Personal Budget?

You can spend it on anything agreed in the EHC and support plan.

A few examples may be:

- Access to local community groups
- Access to variety of short breaks
- Personal Assistants
- Transport
- Counselling

10. Does my child's Personal Budget continue when they turn 16?

Yes, however the young person will be able to complete another EHC plan which is specifically aimed at those who are post 16. At this age the young person's needs differ greatly from a child's therefore it is important to plan their support differently. Once 16 the young person can decide on how they want their personal budget managed and they can receive a direct payment themselves if this is deemed appropriate.

11. What happens if not all the money is spent?

We recommend you keep back 5-10% of your direct payment as a contingency. If the contingency is not used it can then be spent later in the year. If at the financial year end there are unspent funds you will be required to pay this funding back.

12. What records do I need to keep?

You will only be asked to provide evidence if you receive some or all of your personal budget by direct payment. You will be asked to provide evidence that

you have spent your money as agreed in your support plan. This will include providing bank statements with evidence for all transactions (your personal budget must be paid into a separate account). See section 5.1 of this document for further details.

13. Does my personal budget affect my eligibility to other benefits such as DLA?

No, your entitlement to other benefits will not be affected as a personal budget is not classed as income.

14. How long does it take to get a personal budget?

From start to finish the EHC assessment process should take no longer than 20 weeks. A personal budget can be requested at any time once an EHC plan is in progress.

15. Who looks after my personal budget?

Your personal budget can be managed in a number of ways:

Direct Payment - you receive the money direct and are responsible for providing evidence of how the money has been spent.

Local Authority - also known as a notional arrangement. The LA manages the funds on your behalf.

Third Party - You may instruct a third party such as a broker to manage the funding and commission services on your behalf.

Combination - It is possible for a Personal Budget to be managed as a combination of the above.

16. What happens if the child or young person is in hospital?

If a child or young person has a Personal Budget and is admitted to hospital the LA should be notified to ensure the provision set out in the plan is still being met. It may be necessary to review and update the EHC and support plan. If a direct payment has already been paid the LA may request some of the money back.

17. Can I use my direct payment to fund a school place or post 16 institution?

No, LAs cannot make direct payments for the purpose of funding a school place or post 16 institution. In education personal budgets relate to element 3 otherwise known as High Needs Block funding. Elements 1 and 2 of education funding is delegated to the school and not included within the personal budget framework. In some instances some schools or colleges may choose to offer some of their delegated funding towards a personal budget but this would be at their own discretion.

8. Key Contacts

General Enquiries:	Children with Disabilities Partnership Email: cypdisp@nhs.net Tel: 0161 426 5216
SEN:	Special Educational Needs Team Email: specialeducation@stockport.gov.uk Tel: 0161 474 2525
Children's Social Care:	Children's Disability Social Work Team Email: cyp.dissocialcare@stockport.gov.uk Tel: 0161 474 2599
Health:	NHS Continuing & Complex Healthcare Team Email: stoccg.fnc@nhs.net Tel: 0161 426 9585
Adult's Social Care:	Adult Social Care Team Email: asc.referrals@stockport.gov.uk Tel: 0161 217 6029