Walsall Council

Personal Budgets policy (draft)

Children and Young People with special educational needs and disabilities

Purpose

This draft document is Walsall Council’s guidance document on personal budgets for children and young people with special educational needs and disabilities. It is relevant to parents, young people and all those who support children and young people with special educational needs and disabilities.

Young people and parents of children who have Education Health and Care plans have the right to request a Personal Budget, which may contain elements of education, social care and health funding. The request can be made either during a statutory assessment (at the draft Plan stage), or when an Education Health and Care plan is being reviewed or re-assessed. “A Personal Budget is an amount of money identified by the local authority to deliver provision set out in an Education, Health and Care (EHC) plan where the parent or young person is involved in securing that provision” (Children and Families Act 2014, Section 49).

In this document, we set out:

- A description of the services across education, health and social care that currently lend themselves to the use of Personal Budgets
- The mechanisms of control of funding available to parents and young people including:
  - Direct payments - where individuals receive the cash to contract, purchase and manage the services themselves
  - An arrangement – whereby the local authority, school or college holds the funds and commissions the support specified in the EHC plan (these are sometimes called notional budgets)
  - Third party arrangements – where funds (direct payments) are paid and managed by an individual or organisation on behalf of the child’s parent or the young person
  - A combination of the above
- Statements of eligibility criteria and the decision-making processes that underpin them.

Scope of Personal Budgets

Funding for a personal budget can come from education, health or social care. Personal budgets in Walsall are usually in the form of direct payments. The government’s direction of travel has been to include services in the scope of personal budgets with greater choice and control for parents/young people.

This policy document establishes a baseline from which personal budgets may be developed through engagement with parents, young people and partners in Education, Health and Social Care.

The funding for a personal budget can come from education, health or social care as shown in the SEND Pathfinder information pack:
**Education funding.** A personal education budget will usually be part of the ‘element 3’ funding from the high needs block. That is awarded through an EHC plan to provide support at a level that is additional to or beyond what an educational setting is normally expected to provide to meet some special educational needs. The head or principal may offer some funding towards a personal SEN budget. This is at the discretion of the head or principal. Direct payments are not to be used to fund a place at a school or post-16 institution. See Walsall Local Offer page for the SEN Assessment team: [http://www.wcld.co.uk/kb5/walsall/asch/service.page?id=XFHSvijf2yl](http://www.wcld.co.uk/kb5/walsall/asch/service.page?id=XFHSvijf2yl)

**Health funding.** Since April 2014, all people who are eligible for support through NHS ‘Continuing Healthcare’ have the right to have a Personal Health Budget (PHB). This right also applies to children who meet the Children’s Continuing Care criteria. Walsall CCG’s website gives information on current PHBs and how to apply for them. In addition to the legal duties around CHC, there is an NHS Mandate that others with a long term condition who are not eligible for CHC might benefit from having a PHB. Walsall CCG is currently considering which care groups might benefit most when PHBs are extended. See Walsall CCG Personal Budgets: [http://walsallccg.nhs.uk/publications/quality/personal-health-budgets](http://walsallccg.nhs.uk/publications/quality/personal-health-budgets)
Or their Local offer page: [http://www.wcld.co.uk/kb5/walsall/asch/localoffer.page?localofferchannel=5&loboolean=1](http://www.wcld.co.uk/kb5/walsall/asch/localoffer.page?localofferchannel=5&loboolean=1)

**Social Care funding.** Walsall’s Local Offer pages include a section on personal budgets and direct payments in support of children with disabilities. These are cash payments made by the local authority to an individual who has been assessed by a social worker and is eligible for such support. A direct payment is made “to enable you to purchase and arrange your own care and support, instead of the Council arranging it or providing it for you”. Under short breaks provision, there are direct payments made for young people for personal care and/or buddy support. There is continuing support for young people moving into adulthood. See Walsall Local Offer page on short breaks and the Children with Disabilities team:

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Transport. Personal travel budgets (PTBs) for home to school transport in support of children with special educational needs and disabilities are available for parents/carers of children who use ‘SEN transport’. They are offered to parents/carers where they represent value for money. ‘Transport’ rarely figures in an Education Health and Care plan other than in exceptional circumstances. So, PTBs sit outside the EHCP planning process. But they are still an important element in the package of provision for a child or young person with special needs or disabilities. A PTB takes the form of an up-front direct payment, the value of which is based on the cost of a return journey from home to school during term time. The parent/carer is free to use that sum of money to make their own arrangements to get their child to and from school. The Council will monitor the child’s attendance at school. See Walsall home to school transport local offer: http://www.wcld.co.uk/kb5/walsall/asch/service.page?id=a6kpfmStxGQ

Setting and agreeing a Personal Budget (from the SEND Code of Practice 2015, paras. 9.102-9.106).

When an EHCP is being prepared, and the parent/young person expresses and interest in a personal budget, they should be given an indication of the level of funding that is likely to be required to make the provision specified or proposed to be specified in the EHC plan.

Details of a proposed Personal Budget are to be included in section J of the draft EHC plan. Where the proposed budget includes direct payments for special educational provision, the section must include the SEN and outcomes to be met by the payment. The local authority must also provide written notice of any conditions for receipt of any direct payment for SEN provision.

Where a direct payment is proposed for special educational provision, local authorities must secure the agreement of the early years setting, school or college, if any of the provision is to be delivered on that institution’s premises. If agreement cannot be met, then the direct payment cannot go ahead. In those cases, the local authority should explore other opportunities for personalisation of provision in the EHC plan.

Local authorities must consider each request for a Personal Budget on its individual merits and must prepare a Personal Budget in each case unless the sum is part of a larger amount and disaggregation of the funds for the Personal Budget:

- Would have an adverse impact on services provided or arranged by the local authority for other EHC plan holders, or
- Where it would not be an efficient use of the local authority’s resources.

Demand for funds that cannot, at present, be disaggregated should inform joint commissioning arrangements to work towards greater choice and control.

The local authority needs to be satisfied that the recipient of the direct payment will use it to secure the agreed provision in the appropriate way and will act in the best interests of the child. Some people are excluded from holding a personal budget. The local authority must monitor the use of direct payments and must review the making and use of direct payments.
Legal background

- The Special educational needs and disability code of practice: 0-25 years 2015, Chapter 9
- The Special Educational Needs (Personal Budgets) Regulations 2014
- The Care Act 2014 regulations
- The National Health Service (Direct Payments) Regulations 2013.

Sources of Information

There are many organisations that provide advice and information on personal budgets and personalisation. Personal budgets are one aspect of self directed support. See for instance:

In Control
http://www.in-control.org.uk/support/support-for-individuals,-family-members-carers/what-is-self-directed-support.aspx