

South Gloucestershire Council

Personal budgets for children and young people with an Education, Health and Care (EHC) Plan

1. Introduction

This guidance for young people and families is based on the Personal Budgets Policy and Guidance for Children and Young People aged 0 – 25. This policy was agreed in September 2015 and sets out the policy for the Local Authority (Council) and the Clinical Commissioning Group regarding personal budgets for children and young people aged 0 – 25.

Being a parent/carer is a rewarding experience but it can also be a challenge, especially if your child has special educational needs (SEN) or a disability. Sometimes families need to access additional support for their child - this might include:

- Additional support from education to ensure that a child's learning needs are met
- Additional support from Health where a child has a complex, long-term and/or life limiting condition
- Additional support from social care where a child needs additional and individual support at home, or where the family need a short break from caring, or where support is needed so that the child and the family can have the same experiences as other families.

Personal budgets change the way services work with families. Instead of a family being provided with a service, a budget is identified and work takes place to plan how this can best be used to meet the child or family's needs. This can be by purchasing existing services or by developing new and imaginative ways of using the money. The money might be held by the Council or NHS and used in agreement with the family, held by a third party, or paid directly onto a Direct Payments Card.

This guidance has been drawn up to explain what a Personal Budget is and what you need to think about if you would like some of the support provided to your child and family to be delivered in a different way. We hope you find it useful and that it answers some of your questions.

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1. What is an Education Health and Care Plan (EHC Plan)

The government has changed the way in which support is to be provided where a child has special educational needs (SEN). The intention is to focus more on support and people working together, to allow children, young people and their families to be more involved in the support and services which are provided to their family. These changes were included in the new Children and Families Act September 2014 and the SEND Code of Practice, both of which were implemented in September 2014.

Most children and young people who have a special need or a disability do not need additional support as their needs are met by existing services such as their education setting or through locally available social opportunities. However there are some children and young people who may need additional support over and above what is provided by universally available services. The majority of these children and young people will have an EHC Plan. They may still have a Statement of SEN but this will be automatically converted to an EHC Plan by 2019 at the latest. EHC Plans are co-produced with your child at the very centre of the process and are focussed on identifying needs and outcomes and from there how we can put in place the best resources to achieve those outcomes.

The biggest difference between an EHC Plan and a Statement of SEN is that an EHC Plan focusses on all areas of your child's needs and outcomes for the future which includes special education, health and social care all on one single plan. For more detailed guidance on EHC Assessments and Plans please see the pages on the Local Offer which are regularly updated <http://www.southglos.gov.uk/health-and-social-care/care-and-support-children-families/local-offer/local-offer-education-health-and-care-plans/>

2. What is a Personal Budget?

The SEND Code of Practice **2014** says that the EHC Plan should be clear about the amount of money to be spent to deliver the provisions in the plan and the family should be able to see how much everything costs. It also states that a Personal Budget cannot be requested or prepared until the Local Authority has agreed to issue an EHC Plan. The 0-25 Service will, as part of setting out what support and provision may be available for a child or young person, make it clear what funding is available in the personal budget.

There are four ways in which a personal budget can be provided to the family:

1. A Direct payment – the family are given the money directly and use the money to purchase the support that is agreed in the plan. This is usually done using a Direct Payment Card.
2. A direct payment arrangement to a third party – a charity or other organisation is given the money and helps the family spend it. The third party organisation buys the services identified and takes responsibility for all financial arrangements.
3. A Notional Budget – no money changes hands. Parents are informed how much money is available and with support identify the different ways to spend that money to meet the outcomes in the EHC plan. The services are then arranged on the family's behalf.
4. A combination of the above.

3. Personal budgets and social care

Most children with a special need do not receive support from social care, either because they do not meet the criteria for this support, or because they choose not to use it. Some children with special needs or a disability do access support from social care.

If you feel that you may be entitled to support from social care, and this is not currently in place this will be discussed with you when your EHC Assessment is underway or you can make a self-referral to the 0-25 Service via the Access and Response service on 01454 866000.

If the EHC plan shows that your child has a need for social care support, this will be included in the personal budget. For some years direct payments have been available to parents of disabled children.

4. Personal Budgets and Education

Many children with special educational needs or a disability attend school or college and are supported by the resources available there and do not need any additional support. The school or college will make it clear what additional support they provide. This information is also available in the Local Offer, a statement that makes it clear what support and services are provided by your local authority.

However there are some children who do need additional support. Where this has previously been agreed in their statement of SEN, it is now part of an EHC Plan. This support is usually paid for by the Local Authority to the school or college. It will often not be possible to offer SEN education provision as a direct payment, it would only be offered as a notional budget as part of the personal budget. This is because it is not possible to separate the funding for a particular child or young person from that allocated to the school or college, as the funding pays for support to a number of students.

If it is possible for funding for an individual student's needs to be separated from the school budget, there may be a possibility of a direct payment to a family so that the family might organise this support themselves. It may also be possible for the 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 and achieve the desired outcomes. Any arrangement of this type has to be agreed by the Head Teacher.

Where an EHC Plan includes transport to and from school, then the family may decide not to have this service provided by the Local Authority Transport Service but may decide to have a small budget and organise the transport themselves.

Where part of the EHC plan for the young person is that they will access work experience, the school could agree to release some of the funding into the budget so that the family could employ a personal assistant to support them.

5. Personal Health Budgets

Most children with special needs or a disability do not require any more support from Health than any other child. However there are a small number of children and young people who do need additional support from Health because they have a complex, long-term and/or life limiting condition. Children in this situation are referred to as having Continuing Care Needs and may have had a Continuing Care Assessment. This assessment helps decide which additional services they need which are planned and

agreed between you and your local NHS team. When such services and additional needs are in place, they should be included in the EHC Plan and the family should know how much money is available from Health to meet the needs identified. Children who have a service provided because they have a Continuing Care Need have the right to have this provided as a Personal Budget from October 2014. Some families might prefer to allow the service to be provided to their child through a notional budget, but some might prefer to manage the money themselves and take responsibility for the provision of support - however this **must** be approved by the Clinical Commissioning Group (NHS). Services that are supplied as part of a block contract will not normally be offered as a direct payment.

If you are a family who requires additional support from the NHS then this will be included in your EHC Plan along with what support is needed.

6. How will a Direct Payment Work?

You may choose to have responsibility for the financial management of the Personal Budget by receiving a Direct Payment to buy all or some of the services outlined in your child's plan. This means that the money will be given to you. The following are available as a direct payment within a personal budget, as long as the conditions attached to the direct payment are met:

- Home to school travel assistance
- Personal care
- Short breaks
- Equipment and disposables

Usually you will receive a monthly payment, and occasionally additional sums may be given to you for any extra amounts that are agreed. If the direct payment relates to social care, the Local Authority will give you a Direct Payments Card and funding will be paid onto the card. You will have to keep all the receipts and records, including those relating to any staff that you employ. The account will be audited electronically by the Local Authority so that it is clear that the personal budget is being used in a way that supports your child's agreed outcomes.

Receiving a Direct Payment can mean more flexibility around how services are provided. However, it also entails more responsibility. There is support in place to help with this from Direct Payment Support Providers who can help manage the money, provide advice and support with paying staff and also help with the recruitment of a personal assistant.

If you choose to receive a Direct Payment to buy some of the items or services identified in the plan yourself, the Council will ask you to sign a written agreement. The purpose of the agreement is to confirm that you understand how the Direct Payment is to be spent. It will explain what your responsibilities are as the person receiving the money and what responsibilities the Council holds in providing the Direct Payment to you. You must make sure that you have read and understood the agreement before you sign it. You will need to understand that if you spend the money on anything which has not been agreed then you can be asked to pay it back.

You also need to understand that any money not spent must be returned to the Local Authority. You should take time to read the agreement carefully.

7. Frequently Asked Questions

Q1: I have decided that I want to request a Personal Budget and Direct Payment. Must the local authority agree to this?

A: If requested, the local authority must provide you with a personal budget; however the Local Authority can only agree to a direct payment if they are sure that:

- You plan to use the direct payment in an appropriate way
- You will act in the best interests of the child
- Making the direct payment will not adversely impact upon other services provided to other children who have an EHC Plan
- It is an efficient use of the Local Authority's resources.

Where the support or service is to be used in a school the Head Teacher of the school must agree. If they do not the Local Authority cannot make the payment. If the Local Authority refuses a Direct Payment they must explain their decision in writing and also explain to you how you can challenge this decision.

If the refusal concerns the personal health part of the plan, then the explanation concerning the refusal must be sent out by the Clinical Commissioning Group (NHS) who are the health organisation responsible for the decision.

Q2: I have decided that I want to request a Personal Budget and a Direct Payment - but my Child's Statement was completed recently and may not be updated to an Education Health and Care Plan for two years. Must the local authority agree to my request now?

A: No - your request will usually be considered when your child's Statement is transferred to an EHC Plan. However, it may be possible to consider some parts of your request, or to bring forward the date for the transfer to an EHC Plan. Talk to the professionals working with you or the local Parent Partnership Service www.supportiveparents.org.uk and they will try to help find to find a way forward.

Q3: How much money will I get?

A: This will depend on the EHC plan, and will vary from child to child. The Local Authority must make sure that the amount they pay you is enough to meet the need identified and to purchase the support and services agreed in the plan. The budget is "personal" to the child and based on an assessment of their needs and the outcomes they are trying to achieve so each child will have different plan and a different budget.

Q4: We both work - does this mean we will not be able to have a Personal Budget?

A: No. Personal Budgets are not means tested. However if your child/young person is over 18 and part of the budget comes from Social Care then the young person may have to make a financial contribution - you should talk to your social worker about this.

Q5: I do not really want a social worker to be involved - I feel uncomfortable about my family being discussed with a social worker. My child has an Education Statement now - why do I have to have social services involved to get an EHC Plan?

A: When the Education Statement was written Social Services would have been informed and asked to provide any relevant information they had - you would have been asked to consent to this when you agreed to an assessment taking place. This always happens and is not something to worry about - consulting with other services helps to ensure that the

best service is provided for your child. If you are worried about this talk to the person who is working with you on your plan or to an Independent Supporter from SENDIAS or KIDS www.supportiveparents.org.uk or <http://www.kids.org.uk/Event/independent-supporters-south-gloucestershire>.

Q6: I do not really understand the difference between a Personal Budget and a Direct Payment. Can you explain?

A: A Personal Budget is the agreed amount identified to meet the needs of your child. This can be used in various ways to purchase a range of services. You do not necessarily have to handle the money, the budget can be held for you and you can control how it is spent. This is because some families do not want to manage the money themselves and are happy for the budget to be held for them. However some families do want all or some of the money to be given to them so they can purchase and manage the services themselves. This is called a Direct Payment.

Q7: Once the budget plan is written can it be changed during the year?

A: Yes, as long as there is money left in the budget to make the changes and the changes meet the needs of your child and the outcomes identified in the assessment. Any small changes will be looked at by the worker who completed the plan with you to make sure that the change is in the best interests of your child. However it is best to request changes at the annual EHC Review.

Q8: My child has a statement of Educational Need, does this mean I will have an EHC Plan and a Personal Budget by September 2014?

A: Implementation of the new guidance started in September 2014, however it is not possible for all children to have a new EHC plan by that date. EHC Plans need to meet the individual needs of the child and take time to put in place. They were introduced from September 2014 but it may be up to three years before everyone has one in place.

Q9: My child does not have a Statement of Educational Need and is unlikely to have an EHC Plan. Does this mean that I cannot have a Personal Budget?

A: No, you might still be entitled to a budget from social care or from Health dependent on their assessed needs.

Q10: My child is on 'SEN Support' (formerly School Action +) does this mean I cannot have a Personal Budget?

A: Unless your child's needs significantly change and they meet the threshold for an EHC plan they may not have a Personal Budget provided through this. However if your child has social care needs you still might be able to access Direct Payments to meet those needs. If you are receiving support because your child has a complex health need or a life limiting condition then you should talk to the health professional who organises your support and ask them about a Personal Health Budget.

Q11: My child is to have one of the new EHC Plans but I do not want the stress of a Personal Budget, do I have to have one?

A: No, you can continue to have support and services provided in the same way as previously, however if you ever want to think about this again remember that there is a lot of support available, and it is not as difficult as it might first seem.

Q12: Is a Personal Budget just a way of the Council getting out of providing services and making a parent sort it out for themselves?

A: No, it is put in place so that families who want to organise their own support can do so, and so that the services for the child and parent are transparent. Many families have a Personal Budget or a Direct Payment already in place for the support they receive from social care and they find this very useful, but it is optional. You can continue to access existing support and resources if this is what you want.

Q13: When can I request a Personal Budget?

A: You can talk to those working with you about this at any time, but a budget can only be prepared when it is agreed that an EHC Plan will be issued or when it is being reviewed.

Q14: My child has a Personal Budget from Social Care and I think they may get a Personal Budget from Health and Education, do I need three separate Direct Payment Cards?

A: We will talk to you about the best way of managing the budget and will always try and make this as straightforward as possible. If possible, the money will be put together into one budget and paid onto the Direct Payment Card.

Q15: My child needs speech and language therapy and physiotherapy. He also has support from Mental Health Services. I have never been happy with the service provided; can I have a budget and employ my own support?

A: Nothing is impossible and you should talk to the people helping you with your EHC plan. However currently these services are provided through a contract which is in place and it may not be possible to provide these through a budget at this time. We have undertaken to consider every request individually though.