

PERSONAL BUDGETS

Overview

A personal budget is an amount of money identified to deliver some or all of the provision set out in the EHCP. A personal budget gives a level of flexibility and room for innovation and creativity in the way the money is used.

Personal budgets already exist to some extent within Health (for continuing care) and social care (as direct payments) but for education they are new with the introduction of the Children and Families Act (2014).

Families are entitled to request personal budgets, but they are not compulsory. If a child or young person requires support to help them get the most from their education and meet their goals as independently as possible, then their needs will be assessed by education, health and social care professionals. In partnership with the child's parents or the young person they will produce an EHC Plan. As part of the planning process to produce the EHC Plan, before it is finalised, parents and carers or the young person may request a personal budget, if they want one, by contacting their EHC Plan Coordinator.

What types of budget are there?

There are three types of personal budgets available and all come with varying degrees of responsibility and management for the personal budget holder. It is possible to have a combination of the budget types.

Notional budget

Achieving for Children will look after and buy the services, support or equipment on your behalf.

Third party managed budget

An organisation separate to AfC will look after and buy the services, support or equipment on your behalf.

Direct payment

The money is paid to parents, carers or the young person directly and they buy the services, support or equipment directly. Direct payments do not affect a person's entitlement to benefits.

What funding is available for inclusion in a personal budget?

A parent, carer or young person can request a personal budget if they meet the criteria for one or more of the following specialist strands of support.

1. NHS funded continuing healthcare

A child or young person may require a continuing care package if their complex and long term healthcare needs cannot be met by universal, targeted or specialist services. However, the diagnosis of a particular disease or condition is not in itself a determinant of a need for continuing care. To be eligible, the child or young person must have at least three health domains assessed as high or priority need by a qualified health needs assessor.

2. Disabled children's social care short break services

Short break services form part of a continuum of social care services which support disabled children to access social activities and help their families by providing them with a break from their caring roles. These needs and any associated funding will be identified through an assessment by a qualified social worker.

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3. Top up (Element 3) education funding in a mainstream school

Where a child has special educational needs, the school will receive additional money to meet these needs. Some children will have higher needs normally requiring individualised support, as specified in a statement of SEN or an EHC Plan and will receive further funding to meet the cost of these needs. This additional funding (over and above that which is delegated to the school budget) is available for a personal budget. As an example, if a child were receiving provision that includes one-to-one support from a learning support assistant (LSA), only part of the cost of the LSA would be available for a personal budget as the part of the funding that sits within the school's budget remains with the school, unless the school agrees otherwise. Similarly support that is provided through block contracts (eg, speech and language therapy in schools) may not be available for a personal budget as removing a single child from the block contract may not result in any reduction in cost of the contract, and in consequence no money can be made available for a personal budget.

Personal budgets criteria

What can a personal budget be spent on?

The allocated budget can be spent on anything that helps to meet the agreed outcomes of the EHC Plan. Money can be spent on support and services from a range of health and social care organisations (including AfC), equipment, transport, respite, assistance with accessing the community, learning new things and/or personal care.

Some of the criteria that will be used by the panel to assess if a personal budget is appropriate are whether the use of a personal budget:

- improves the individual outcomes for the child or young person
- supports the individual to access education and learn
- manages the health needs of the individual
- there is an evidence base supporting the provision
- is delivered by a suitably qualified person(s)
- the provision can be delivered via the Local Offer
- there is a contingency plan.

What are the requirements for a personal budget to be agreed?

- The child or young person has to agree
- Any provision intended to be delivered in a school must have agreement from the headteacher
- The CCG (Clinical Commissioning Group – the local health commissioning body) has to agree the healthcare provision will meet the needs
- The provision must be registered with the appropriate professional body
- The parent or young person must take full responsibility for employing staff and all liabilities, including registration with HM Revenue and Customs (for salary and payments)
- The parent or young person keeps a separate bank account and accurate financial accounts for auditing
- The parent or young person repays any unused monies or over-payments
- Payment must not exceed the defined budget

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What can't spend the money on?

Personal budgets give parents, carers or a young person the opportunity to spend the money in a flexible way that meets the agreed outcomes and learning objectives set out in the EHC Plan. A personal budget may not be used to pay for bills such as rent or mortgage, for food or shopping, or for an activity or service for someone else.

Who will decide?

Top up (Element 3) education funding in a mainstream school ONLY

The SEN panel will decide on the allocated top up budget. A banding system is used that is based on the number of hours of additional support a child or young person would require from a teacher or teaching assistant to help them in mainstream school. In conjunction with the school, the SEN panel will consider any requests for this funding to be provided as a personal budget.

Disabled children's social care short break services ONLY

The social care short breaks panel will consider all requests for short break provision where appropriate and offer a direct payment for these provisions.

NHS funded continuing healthcare ONLY

The joint agency panel (JAP) approves a child's or young person's eligibility for continuing care and the associated budget. A banding system is used based on the number of additional hours support from a nurse or healthcare assistant a child or young person would require to meet their long term or complex medical needs in the home. The JAP will consider any requests for this funding to be provided as a personal budget.

ANY combination of funding streams

Where a child or young person is eligible and a request is made to access more than one funding stream and/or to pool multiple funding streams as a personal budget, the joint agency panel in Kingston or the joint funding panel in Richmond will consider these requests.

Personal budgets step-by-step

1. Decide whether to apply for a personal budget

During the needs assessment process for an EHC Plan, the EHC Plan coordinator should ask the parent or young person whether or not they are interested in a personal budget. To find out more at this stage it is worth talking to the personal budget broker at KCIL.

2. Formally request a personal budget as part of the EHC Plan needs assessment

You will need to do this by the end of the draft plan review meeting. You will need to complete a form.

Within two to three weeks, an indicative budget should be confirmed back, detailing the amount that is available for a personal budget.

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3. Broker contacts the parents and/or young person

The personal budgets broker will contact the parents to discuss the plan for provision and to go through how the personal budget could work. After the meeting the broker will create a personal budget plan, which will be included in the EHC Plan, Section J.

4. Decision on EHCP and personal budget

The EHC Plan and the personal budget will be submitted to panel for decision making. The broker will inform the parents or young person of the decision regarding the personal budget. If the joint agency panel does not agree that your support plan will meet the identified outcomes, your support broker will work with you to review the plan. If you do not agree with the decision and explanation provided, you have a right to appeal.

5. Implementation of personal budget

Following the agreement to a personal budget, the broker will support the parents or young person with the implementation of the personal budget, including how budget will be managed, setting up provision and other arrangements.

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Who does what?

Educational setting's role

- Discuss current provision with the parent or young person and agree which part of the funding will be available for a personal budget (remember only top up funding from the local authority is available – and provision that is provided through block contracts may also not be available)

Guidance for parents, carers and young people

- Speak with your EHCP Coordinator if you feel a personal budget would be beneficial. This can be during the EHCP planning process or during the annual review
- If you decide to request a personal budget you will need to identify the provision that you wish to make. The personal budget broker will be able to assist you with this
- If a personal budget is awarded you will need to set up suitable financial arrangements in order to make payments to providers and to keep financial records. The personal budget broker can help you with this
- Once the budget is approved you will need to make sure that you get provision to start and that you pay for any services

SEN Team role

- Provide information and advice to families on personal budgets during the EHCP and annual review processes
- Review all personal budgets on an annual basis
- Signpost parents, carers and young people to information on personal budgets

Other professionals (Personal Budget Support Broker)

- Help family or young person decide on whether a personal budget is appropriate
- Work out the initial indicative budget
- Organise and run brokerage meeting to go through details of what the personal budget could look like with the family or young person.
- Fill in the details of the personal budget on the EHCP form and submit to panel
- Inform family or young person of panel decision
- Help family or young person to set up the provision and the payment arrangements (third party organisations can manage personal budgets on behalf of families, and separate from Achieving for Children)