

# SEND PARTNERSHIP SERVICE

Special Educational Needs & Disability (SEND)  
Impartial Information, Advice and Support  
Service for Bath & North East Somerset



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## PERSONAL BUDGETS FOR SPECIAL EDUCATIONAL NEEDS

This information is about personal budgets for children and young people with special educational needs (SEN).

### What is a Personal Budget?

A Personal Budget for SEN is money identified to pay for support specified in an **Education, Health and Care plan** (EHC plan) for a child or young person with special educational needs. It can include funds from the local authority for education and social care and from the Clinical Commissioning Group (CCG) for health.

There are four ways you can use a personal budget:

1. Sometimes the local authority, school or college will look after the Personal Budget for you. This is called an *Arrangement* or a *Notional Budget*.
2. Sometimes you can receive money directly to manage all or part of the Personal Budget yourself. This is called a **Direct Payment**.
3. Sometimes you can opt to have someone else to manage the Personal Budget for you. This is called a *Third Party Arrangement*.
4. Sometimes you can have a mixture of some or all of these arrangements.

### Who can have a Personal Budget?

Parents of a child with an EHC plan, or a young person with an EHC plan, can request a Personal Budget either during the drafting of an EHC plan or once the plan has been issued and is under review.

**Bath & North East  
Somerset Council**

Improving People's Lives

  
Bath and North East Somerset,  
Swindon and Wiltshire  
Clinical Commissioning Group

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You do not need to have an EHC plan to get Personal Budgets for social and health care, but once you have an EHC plan, or one is being prepared, you can request budgets for all three areas of support. You must have an EHC plan to get a Personal Budget for special educational provision.

However, you do not have to have a Personal Budget.

The **SEND Code of Practice** says:

*Local authorities **must** provide information on Personal Budgets as part of the Local Offer. This should include a policy on Personal Budgets that sets out a description of the services across education, health and social care that currently lend themselves to the use of Personal Budgets, how that funding will be made available, and clear and simple statements of eligibility criteria and the decision-making processes.*

9.96

You can see the Bath and North East Somerset policy on Personal Budgets at <http://rainbowresource2.server2017.thisisfocus.co.uk/pages/5-11-years/education-health-and-care-plans/personal-budgets-send>

A young person with an EHC plan can ask for their own Personal Budget after the end of the school year in which they become 16.

Sometimes the local authority or the health authority may not agree to a Personal Budget. If the local authority refuses a personal budget for special educational provision it must tell you why. You cannot appeal to the Special Educational Needs and Disability Tribunal over this refusal.

### **What can a Personal Budget be used for?**

Personal Budgets can be used only to fund the support set out in an EHC plan. This must be agreed by the local authority for education and care support, and by the health authority for the health provision.

You can find out what can be included in a Personal Budget in the **Local Offer**. You can also ask the SEND Partnership Service for more information about this.

A Personal Budget for educational provision cannot cover payment for a place at the school or college. A Personal Budget can include any top up funding (known as Element 3 funding). It can also include support that is managed by the school or college – but only if the Headteacher or Principal agree.

You can find out more about what can be included in a Personal Budget in Sections 9.110 to 9.118 of the **SEND Code of Practice**.

### **What is the difference between a Personal Budget and a Direct Payment?**

A Personal Budget shows you what money there is to make some of the provision specified in an EHC plan, and who provides it. The parent or young person does not actually manage the funds directly.

With a **Direct Payment** the parent or young person is given the money for some services and manages the funds themselves. The parent or young person is responsible for buying the service and paying for it.

A Personal Budget can include a Direct Payment if it is agreed that this is the best way to manage part of the Personal Budget.

Direct payments can be used for special educational provision in a school or college only if the school or college agree. Local authorities can refuse a direct payment for special educational provision if it would make things worse for other children and young people with an EHC plan, or if it would be an inefficient way to pay for services.

It is also possible to have a *Third Party Arrangement* to manage a Direct Payment.

### **How much will I get if I have Direct Payments?**

How much you get will depend on what has been set out in the EHC plan. So it will vary from one person to another.

If the local authority has agreed to make a Direct Payment it must be enough to pay for the service or services specified in the EHC plan.

### **Are there other kinds of Personal Budget?**

Yes – some people have had Personal Budgets for health provision (a Personal Health Budget) and for social care provision (e.g. Fair Access to Short Breaks). They may have managed some or all of the provision using a Direct Payment. But this is the first time that Personal Budgets have become available for SEN provision.

You can find out more about the different kinds of Personal Budget at <https://www.kids.org.uk/yp-personal-budgets>

### **Where can I get further information, advice or support?**

You can see Bath and North East Somerset Council policy on Personal Budgets at <http://rainbowresource2.server2017.thisisfocus.co.uk/pages/5-11-years/education-health-and-care-plans/personal-budgets-send>

The SEND Partnership Service can also give you:

- more information about Personal Budgets, including Direct Payments
- advice on whether you may be able to get a Personal Budget and how you can apply for it
- information and advice on local services, organisations, and resources that may be able to help
- information, advice and support on what you can do if you are unhappy with the local authority's decision on your Personal Budget.

## Useful Websites

### SEND Code of Practice

[www.gov.uk/government/publications/send-code-of-practice-0-to-25](http://www.gov.uk/government/publications/send-code-of-practice-0-to-25)

### Local Offer

<https://livewell.bathnes.gov.uk/special-educational-need-or-disability-send>

## Glossary

### Direct Payment

A payment made directly to a parent or young person to purchase specific services. Under the Children and Families Act 2014 a Direct Payment may be made as part of a Personal Budget so that the parent or young person can buy certain services that are specified in their EHC plan.

Direct payments can only be used for provision provided on the school or college premises if the school or college agree.

### Education, Health and Care plan

An EHC plan describes the special educational needs that a child or young person has and the help that they will be given to meet them. It also includes the health and care provision that is needed. It is a legal document written by the local authority and is used for children and young people who have high support needs.

### Local Offer

The Local Offer, published by every local authority, tells you what support is available for children and young people with special educational needs and/or disabilities, and their families. It includes information about education, health and care provision. It also gives information about training, employment and independent living for young people with special educational needs and/or disabilities.

### SEND Code of Practice

This is the statutory guidance that supports Part 3 of the Children and Families Act 2014.

It tells local authorities, early years settings, schools, colleges, health and social care providers and others what they must and should do to identify, assess and provide for children and young people with SEN or disabilities.

You can download a full copy of the Code at

<https://www.gov.uk/government/publications/send-code-of-practice-0-to-25>

You can download a shorter version for parents at

<https://www.gov.uk/government/publications/send-guide-for-parents-and-carers>

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