



Explaining Personal Budgets in South Gloucestershire

Information for parents and carers

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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 (Health) 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. It is important to note here that there is a distinction, and we need to differentiate between, a personal budget and a direct payment – see page 6 for details of what a direct payment is.

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. Contents

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1. Our commitment to Personal Budgets What

are we trying to do?

- Be more open and transparent in all our processes and decision making
- Give parents/carers the information to help you understand whether you would like to explore Personal Budgets and whether you might be eligible
- Increase the take up of Personal Budgets by families if it is helpful for them.

South Gloucestershire Council and South Gloucestershire Clinical Commissioning Group (CCG) have published a policy and guidance in 2015 which can be found on the Local offer. The policy and guidance provides:

- A statement of eligibility criteria for Personal Budgets in relation to children and young people aged 0-25 with an EHC plan
- A description of the services across education, health and social care that lend themselves to Personal Budgets
- The ways in which services and support can be organised through a Personal Budget

This guidance has been developed to share more information so that parents can feel confident in understanding the Personal Budget and how to request one.

2. What is an Education Health Care plan?

Most children and young people who have a special educational need or a disability do not need additional support as their needs are met by existing services such as their education setting (possibly through SEN support) 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. Some of these children and young people will have an EHC plan. 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

3. Explaining Personal Budgets

Your right to request a Personal Budget

The SEND Code of Practice states that parent/carers and young people have a right to request a Personal Budget at any time whilst the draft EHC plan is being prepared or reviewed. A Personal Budget can also be requested during the annual review of an existing EHC plan. Each request is considered on its own individual merits and is taken to the Council's multi agency SEND panel where a decision is made and then communicated to parents/carers.

Can you apply for direct payments if you don't have an EHC plan?

Yes, you might still be entitled to a budget from social care or from Health dependent on their assessment of needs but usually children would have an EHC plan. You will need an EHC plan to access a Personal SEN Budget. It can be confusing as personal budgets have existed in social care and health for some time, however the Personal SEN Budget was introduced in 2014 with the EHC plan.

What is a Personal Budget?

It is an amount of money identified by the local authority that enables parents or young people to have more choice and control over securing the provision specified in their EHC Plan.

The Personal Budget can be delivered in the following ways:

1. 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 your behalf.
2. Making a payment directly to the young person or family, to purchase and manage services themselves, this is called a direct payment. The family are usually 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.

3. A direct payment arrangement to a third party which can include a broker, provider or nominee on behalf of the child's parents or the young person, who helps the parents to buy the services chosen. 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.
4. A combination of the above

What can a Personal Budget be used for?

Personal Budgets have to be focused on enabling parents or young people to manage or buy the provision specified in the Education, Health, and Care sections of their EHC plan. They must be designed to help achieve the outcomes specified in the EHC plan. Personal Budgets are not from a new pot of money; parents and families won't receive a personal budget on top of, or in addition, to the support they get now. Personal Budgets are a more transparent way to spend money that is available for support for children and young people with special educational needs and disability.

The Personal Budget set out in the EHC Plan can be provided for all or some of the special educational, health and care provision specified in an EHC plan. However, there are different criteria for each element.

1. **Special Educational Provision (Part F of the EHC plan):** Normally, this is provided from element 3 of education funding to pay for the special educational provision to meet the child or young person needs in their education setting. What can be provided will very much depend on how local services are commissioned and the educational institution being attended.
2. **Health Provision (Part G of the EHC plan):** Children and adults who receive NHS Continuing Healthcare have the right to a personal health budget. Requests made to the CCG for a personal health budget will be considered in collaboration with the local authority.
3. **Social Care Provision (Parts H1 & H2 of the EHC plan):** South Gloucestershire Council can offer direct payments for social care services which it has assessed as being needed by individual children and young people with disabilities aged under 18 or their families. For those aged 18 or over, South Gloucestershire Council can offer personal budgets to all disabled people with eligible social care needs.

What can be bought using a Personal Budget and what cannot?

Personal Budgets are most likely to be available in those cases where specific, tailored special educational provision is needed for an individual child or young person and additional funding is attached to their EHC Plan. This will be explained to parents and young people as part of their involvement in developing their EHC plans or at annual reviews of the EHC plans.

The cost of any provision in a Personal Budget must be detailed in the agreed EHC plan and must be set against agreed outcomes. Examples include:

- Some activity or staffing to be delivered in the education setting or elsewhere
- Personal care
- Short breaks
- Equipment and disposables

- Something bought specifically for an individual child/young person e.g. play therapy (individually commissioned services)
- Advice and assistance from an organisation to help with direct payments (if there is a reasonable charge by the organisation)
- Some transport arrangements – home to school travel assistance

Funding for special schools and other specialist providers is set at a level that enables them to provide specialist services to children and young people. In most cases, it will not be possible to use this funding to contribute towards a Personal Budget without adversely affecting the support provided to other children and young people at that school.

Any proposal that a special educational provision is delivered on the premises of an early years provider, school or college, using a Personal Budget (through a Direct Payment), will require the agreement of that setting. Direct Payments must not be provided where the institution does not agree to the provision being delivered on their premises.

What cannot be bought using a Personal Budget?

- Anything that is not identified in the EHC plan
- Health and social care provision that will not achieve the educational outcomes in the EHC plan
- Any provision that the setting would give any child/young person
- A personal budget cannot be used to fund a school or post 16 placement.

What are the funding streams that can be accessed for a Personal Budget - Special Educational Provision (Part F of the EHC plan)?

In South Gloucestershire, only funding **for SEN Transport and element 3 funding can be included in a Personal Budget** for special educational provision. Element 3 funding is explained in more detail in the table below. All schools, academies and colleges have access to element 1, 2, 3 funding. Special schools and specialist resource bases and units have access to element 3 funding.

Type of funding	Element 1 (not available as a Personal Budget)	Element 2 (only available as a notional budget i.e. no money changes hands)	Element 3 (parts of this may be available as a personal Budget via a direct payment if the local authority agrees)
Outline of how funding is used	Support for all children and young people to achieve good quality learning outcomes. Each setting receives an amount to fund a place.	Services and support targeted on a group of children/young people due to a particular common learning support need. This may include funding support staff, focused literacy support, behaviour management programmes and speech and language programmes Each setting must identify additional support up to the value of £6,000	Children with an EHC plan and who have complex needs will access element 3 funding to meet their additional and individual needs Not every child with an EHC plan will access element 3 funding only those with the most complex needs. This will be identified on the EHC plan.

			Personal Budgets for special educational provision will not be provided for anything not specified in Part F of the EHC Plan
Also called:	Wave 1 and universal support	Wave 2 and 3, targeted support and notional SEN funding	High Needs funding, Top Up funding

What is a direct payment?

A direct payment is the means by which the family manage the Personal Budget and spend the funds in line with an agreed EHC plan. Any provision bought must be written in the child/young person's EHC plan.

Parents and young adults can ask for a direct payment to manage the Personal Budget but this must be agreed by the setting and local authority.

In order to implement a direct payment, South Gloucestershire Council must be satisfied that:

- The direct payment will be used to pay for interventions/support that have been agreed in the EHC plan
- The direct payment is an appropriate way to pay for interventions/support that have been agreed in the EHC plan
- The person receiving the direct payment will act in the best interests of the child/young person
- The direct payment is an efficient use of resources

If South Gloucestershire Council is not satisfied of the above then the request for direct payments may be declined, reasons for the decision would be provided. In some circumstances, consideration will be given to the personal budget being managed either by the local authority or setting or if this is not feasible then a third party organisation may be commissioned to do so.

If a direct payment is agreed then 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 you or 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.

Children in specific circumstances and access to a personal Budget

Home education – the Code of Practice states that if the local authority and parents agree that home education is the right provision for a child/young person within the EHC plan, the local authority must arrange for the special educational provision set out in the plan, working with the parents under section 42(2) of the Children and Families Act (2014). In this situation a Personal Budget via a direct payment may be available.

If a parent exercises the right to educate their child at home, despite appropriate provision being available, South Gloucestershire Council is not under a duty to make the special educational provision set out in the plan when the parents make suitable arrangements. In these cases a Personal Budget for special educational provision may be available and will be considered on a case by case basis.

Special school provision – if a special school or college makes some specialist provision available that is not normally available at mainstream schools/colleges, this may reduce the scope for a personal Budget. For example, onsite speech and language therapy, hydrotherapy etc. will not be available as a direct payment within the Personal Budget if to do so will have an adverse impact on providing that service for other children and young people with an EHC Plan.

Children educated out of area – a school or specialist college placement out of area cannot be funded via a direct payment and is normally approved through the Council's MARP panel.

3. Resolving disagreements

All requests for Personal Budgets relating to special educational provision will be considered on their individual merits, in line with the guidance set out above and the 0-25 SEND Code of Practice. In South Gloucestershire the SEND panel will consider the request for a personal budget and will inform parents or young people if it is unable to identify a sum of money for a Personal Budget. This will include the reasons why that funding cannot be made available. Parents/young people can request a formal review of their Personal Budget. This can be done via a request to the SEND caseworker coordinating the EHC plan or linked to the setting for the annual review.

If South Gloucestershire Council refuses a request for a direct payment for special educational provision, parents or young people will be informed and the reasons set out in writing.

Parents or young people do not have the right to appeal to the SEN Tribunal if a Personal Budget or Direct Payment is refused. However, if any disagreement relates to the special educational provision to be secured through a Personal Budget, the parents or young person can appeal to the SEN Tribunal as with any other disagreement about provision to be specified in an EHC Plan. Parents can also use the Council's Complaints process.

4. Frequently Asked Questions

Q1: I have decided that I want to request a Personal Budget and use a Direct Payment to deliver this. 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 Headteacher 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: 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.

Q3: 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.

Q4: I do not really want a social worker to be involved - I feel uncomfortable about my family being discussed with a social worker.

A: When the EHC plan is drafted, Social care are asked to provide any relevant information they have - 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 contact your local SENDIAS at www.supportiveparents.org.uk.

Q5: 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.

Q6: 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.

Q7: My child has an EHC plan does that mean I automatically have a Personal Budget?

A: Yes you will have a Personal Budget which will identify what funding is needed to meet your child's needs, outcomes and provision. It does not however mean that you will be able to access Direct Payments as you may have a notional Personal Budget where money does not change hands. This can be the case when a child has an EHC plan but their needs are met from element 1 and 2 funding.

Q8: My child is on 'SEN Support' 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

Q9: My child is to have an EHC Plan but I do not want the stress of a Personal Budget, do I have to have one?

A: No, 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. You can raise your interest at the annual review of the EHC plan.

Q10: 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.

Q11: 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.

Q12: 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.

This document was co-produced by the South Gloucestershire Council co-production SEND group and finalised in June 2018.