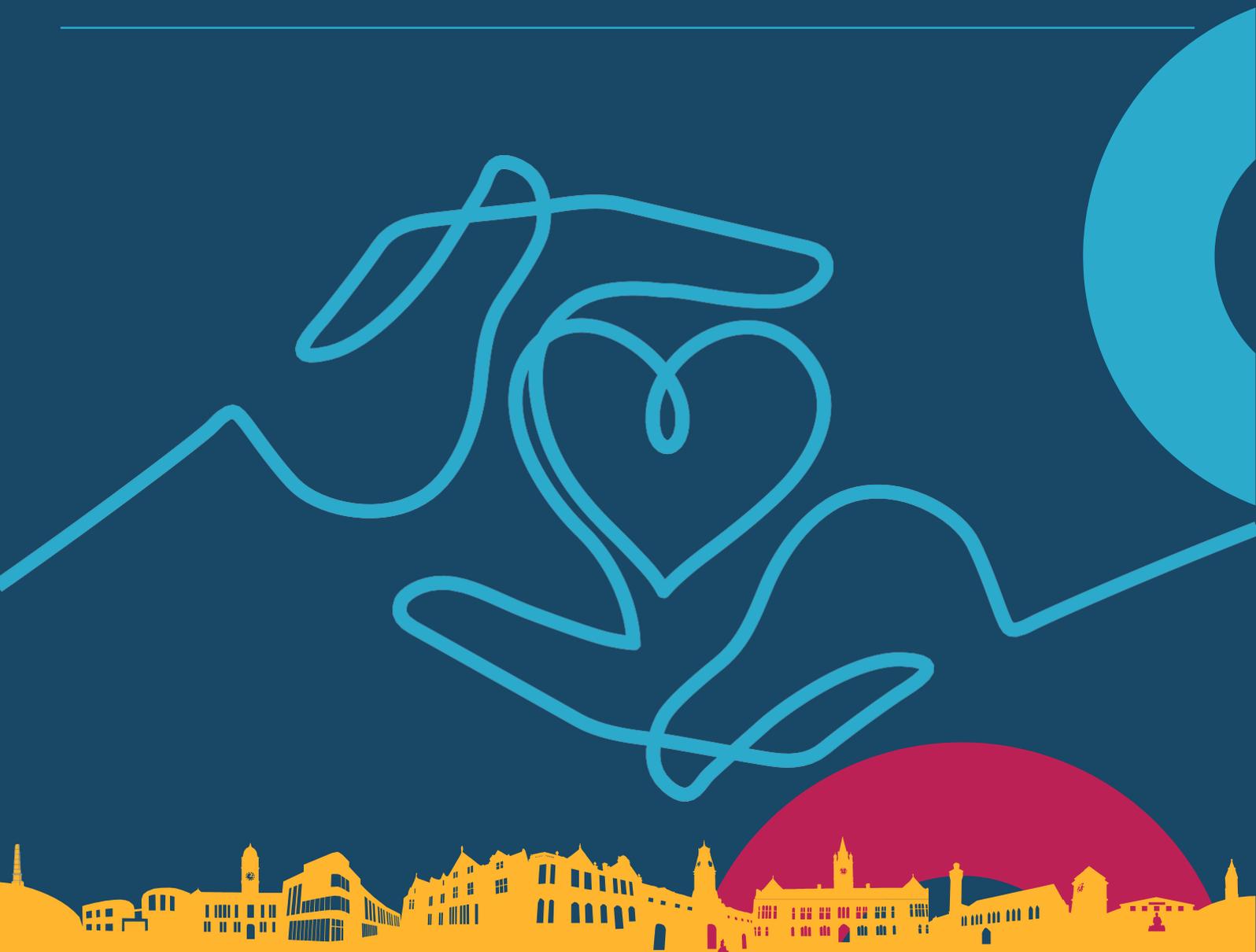


LISTENING

Personal Budget Policy for children and young people with an Education, Health and Care Plan



PERSONAL BUDGET POLICY FOR CHILDREN AND YOUNG PEOPLE WITH AN EDUCATION, HEALTH & CARE PLAN

INTRODUCTION

Legislation

The Children and Families Act (2014) gives parents and carers of children with Education, Health and Care Plans (EHCPs), and young people over the age of 16 greater choice and control over support arrangements. If a child or young person receives an Education, Health and Care Plan (EHCP) you will be able to ask for a personal budget, part of which might be available through a direct payment.

What is a personal budget?

A Personal Budget is an amount of money identified by the local authority to deliver provision set out in an EHC plan where the parent or young person is involved in securing that provision.

Who can have one?

The child's parent or the young person has a right to request a Personal Budget, when the local authority has completed an EHC needs assessment and confirmed that it will prepare an EHC plan. They may also request a Personal Budget during a statutory review of an existing EHC plan.

There are many children and young people who have a special educational need or disability (SEND) but who do not need additional support as their needs are met by existing services.

How much is it?

Local authorities must identify those areas of spending which are deemed "personal budgets" and the parents of children or young people themselves must be given the opportunity to influence how this funding is used or, in some cases, actually control the receipt and spending of cash.

Provision

Special schools or other specialist settings will, in the majority of cases, be designed, organised and resourced to meet fully all the educational needs of their pupils. All education providers, including Early Years settings, schools, academies, colleges and other learning providers, are focused on supporting all the children or young people to achieve quality learning outcomes. The teacher or practitioner will be focused on helping every child or young person to succeed and details of additional support provided must be included in local offer statements.

Some children and young people will need additional support to achieve their learning outcomes. This is targeted support and providers (Early Years settings, schools, academies and colleges) receive funding from the Local Authority (LA) for this. The targeted support might include, for example, focused literacy support or a behaviour management programme.

EHC Personal Budget and Procedure

A small number of children and young people will require additional and individual support over and above the targeted support so that they can participate in learning activities, enjoy the learning experience and achieve well. At the moment most of these children and young people would have an EHCP which may be supported by a personal budget.

Examples of additional support

Some families may need to access additional support for their child for example:

- Additional support from Education to ensure that a child's learning needs are met. This could include home to school transport, specialist equipment or types of therapy, and would make up a personal SEND budget with a focus on learning outcomes.
- Additional support from the National Health Service (NHS) where a child has a complex long-term and/or life-limiting condition. This would make up a personal health budget focused on health outcomes;
- Additional support from Social Care where a child needs additional support at home or where a family needs a short break from caring. This would make up a personal care budget focused on outcomes around family and home life, being safe when out and about in the local community and being able to take part in life outside of school.

All the above are examples of items that are over and above those that a provider (e.g. school) is expected to provide as part of their local offer and together would form the child or young person's overall personal budget. Instead of services being by the LA, school or NHS, a single budget is identified and work takes place to plan how this can best be used to meet the child or family's needs and to improve learning outcomes.

Scope

This policy covers the services across education, health and social care that currently lend themselves to the use of a Personal Budget, how the funding will be made available, the eligibility criteria and decision making process.

What is a Personal Budget?

A personal budget is one part of a personalised approach to supporting children and young people with SEND. A personal budget is an amount of money identified by the Local Authority to deliver all or some of the provision set out in an EHCP. By having a say in the way this budget is used, a parent or young person can play an active role in how support is provided to ensure the outcomes detailed in the Plan are achieved.

It should not be seen in isolation but as an integral part of the EHCP assessment process and with a clear focus on improving outcomes for children and young people with SEND.

Personal budgets can also be used for transport costs that are not necessarily linked to an EHCP assessment. Please see Personal Transport Budgets section for further information.

How will a personal budget be managed?

A personal budget can be managed in the following ways:

- Direct payments – where individuals receive the cash to contract, purchase and manage services themselves
- An arrangement – whereby the local authority, school or college holds the funds and commissions the support specified in the plan (these are sometimes called notional budgets)
- Third party arrangements – where funds (direct payments) are paid to and managed by an individual or organisation on behalf of the child's parent or the young person
- A combination of the above

Young people between the ages of 16 and 25 and parents of children have a right to ask the Local Authority to prepare a personal budget once the authority has completed the EHCP assessment and confirmed that it will prepare an EHCP.

Parents and young people may also request a personal budget once they already have an EHCP, during a statutory review of an existing EHCP

SOCIAL CARE PERSONAL BUDGETS

Personal budgets and direct payments have been available to adults and parents of disabled children in Tameside for a number of years and, as a result, the management and monitoring arrangements are already in place.

The scope of direct payments in social care currently extends to:

- Older people and disabled people over the age of 16:
- People with physical and/or sensory disabilities, people with learning disabilities, people with mental health issues, and people who do not have the mental capacity to consent to Direct Payments can have an appointed person to manage Direct Payments on their behalf.
- A person with parental responsibility for a disabled child aged under 16.
- Parents and people with legal parental responsibility and who are not necessarily the child's parents.

Access to a Social Care personal budget would be through the assigned Social Worker or a Service Coordinator (this is called an Early Help Assessment). Who undertakes the assessment will be determined by the initial referral request and any other presenting factors. Should the assessment determine that it is appropriate to make a Direct Payment to you, this is usually achieved through S17 Child in Need funding. The Direct payment could pay for additional care within the home to support the care of your child or in the wider community, if a service or resource is not already available.

PERSONAL TRANSPORT BUDGETS

A Personal Transport Budget (PTB) is a payment designed to help you make arrangements which will enable you to facilitate your child accessing school.

You can use the budget in any way you wish, to ensure your child attends school every day, is picked up and dropped off on time and in a fit state to learn. For example, it can help towards covering the costs of running a family car or arranging with another member of the family or friends to assist with childcare, enabling you to make the journey.

The payment can also be put to use by arranging childcare for a younger sibling whilst the older sibling is taken to school in the family car.

The payment is a fixed amount based on proximity and bears no relationship to the cost of a hired vehicle or the specific journey you may use when taking your child to school.

Where parents use a PTB to make their own arrangements to get their child to school, they often find that it results in their child being more relaxed and ready to learn compared to when they use transport organised by Tameside Council. It also provides parents with a regular link to their child's school and allows for more frequent opportunities to discuss their child's progress.

Who can be considered for a PTB?

A PTB is available to children with an Education Health and Care Plan (EHCP) and who have been assessed as eligible to receive home to school transport. The PTB is granted at the discretion of the Local Authority and is not automatically given upon request.

Parent/carers seeking to access the PTB must be found to be eligible for transport assistance before being considered for a PTB. Information on how to apply for Home to School Transport is available from the Integrated Transport Unit. They can be contacted by email at itu@tameside.gov.uk

Before granting a PTB, the Local Authority will investigate whether there is any transport currently in place that your child could be placed onto at a lower cost than providing you with a PTB.

While your child's specific needs will be considered when they are assessed for free school transport eligibility and when identifying their most appropriate form of transport, PTB assessments are based solely on whether or not they are cost effective for the Local Authority.

If it is not cost effective for the Local Authority to provide you with a PTB, it will not be granted even if it is your preferred method of receiving transport assistance.

Students that are eligible for free school transport but for whom a PTB is not cost effective will be allocated to the most appropriate alternative form of transport assistance instead.

PERSONAL HEALTH BUDGETS (PHB)

A personal health budget is an amount of money to support a person's identified health and wellbeing needs, the application of which is planned and agreed between the person, their representative or, in the case of children, their families and the CCG. It is not new money but it is money that would normally have been spent by the NHS on the person's care, used more flexibly to meet their identified needs.

Having a personal health budget

Radically changes the relationship between the health professional and patient to a much more equal one

Delivers integration at individual level and higher quality care

Works well for people with complex needs – eg those at high risk of hospital admission

Enables a wider range of possible solutions than traditionally commissioned services

Promotes self-management and reduces reliance on NHS services

Personal Health Budgets in NHS Continuing Healthcare

Adults who are eligible for NHS Continuing Healthcare (CHC) funding, and children in receipt of Continuing Care have a legal right to have a personal health budget.

<https://www.gov.uk/government/publications/children-and-young-peoples-continuing-care-national-framework>

As part of the Education, Health and Care Plan process a family may request a personal/health budget at the point they are informed that an EHC Plan will be prepared or during a statutory review of an existing EHCP and this request would be made to the CCG via the SEND Team.

Personal Health Budgets for other people using health and hospital services frequently

Tameside and Glossop CCG local personal health care budget offer is for people who frequently use health services, enabling them to have greater choice, flexibility and control over the health care and support they receive.

People who frequently use hospital and community health services such as those in the following groups may be eligible

- Children with an Education Health and Care Plan
- People needing long-term rehab
- People with long-term health conditions who use hospital services a lot
- People with long term mental health needs
- People with Learning Disability or Autism and MH needs or at risk of hospital admission/are in hospital.

To find out more please visit the CCG website

<https://www.tamesideandglossopccg.org/your-health/personal-health-budgets>.

Personal Wheelchair Budgets

Personal wheelchair budgets aim to increase choice and control for people who access wheelchair services through:

- Providing holistic assessments that take into account people's wider needs and how good wheelchair provision can increase independence and improve people's health and wellbeing outcomes
- Supporting people to identify their own health and wellbeing goals
- Better integration of services around individuals by bringing together care and support agencies.
- Increasing the availability of information about the choices available to people locally.

To find out more please visit <https://www.rosscare.co.uk/personal-wheelchair-budgets>

EDUCATION PERSONAL BUDGETS

Personal budgets for educational provision will be considered on merit. We will not issue a personal budget if:

- The request is not linked to achieving outcomes in the Education, Health and Care Plan;
- The service has already been commissioned and is accessible;
- It falls outside the scope of this policy on eligible spend;
- It does not meet the child or young person's needs, aspirations or outcomes;
- It does not achieve better value for money;

The cost of the specified special educational provision is part of a larger sum that cannot be disaggregated without having an adverse impact on other services, or where it would not be an efficient use of services

What provision could be included in a personal budget for a child with an EHC Plan?

An EHCP personal budget can include funding from education, health and social care. However the level of the budget will vary according to the need of the child or young person. Personal budgets are based on the clear, agreed outcomes set out in the EHC Plan. The decision making process to establish and agree a budget should be clear and must be open to challenge with parents able to request a review of decisions in relation to this.

The provision to be delivered through a personal budget will be set out as part of the provision specified in the EHC Plan. Where a personal budget has been agreed, the Plan must also set out the details of the needs and outcomes to be met by the budget and the arrangements for any use of direct payments including the services that they will be used for, the amount and frequency of the payments and arrangements for review. Direct payments must be set at a level that will deliver the provision specified in the plan.

Where the Local Authority is unable to meet a request to include particular education or social care provision in a personal budget or a direct payment the reasons will be provided in writing. The parent or young person will also be given the opportunity to request a formal review of the decision if a direct payment is not available. Decisions in relation to the health element (personal health budget) remain the responsibility of Tameside's Clinical Commissioning Group and where they decline a request for a direct payment, they must set out the reasons in writing and provide the opportunity for a formal review. Where more than one body is unable to meet a request, the local authority and partners will send a single letter setting out the reasons for the decisions.

The personal budget can include funding from education, health and social care. However, the scope of that budget will vary depending on the needs of the individual as well as the eligibility criteria for the different components and the mechanism for delivery. It will reflect local circumstances and commissioning arrangements and the type of school parents (or the young person) request.

Many children and young people with special educational needs or a disability attend school or Post 16 provision and are supported by their funding and do not need any additional support. Schools have, what is called, a notional SEN budget to support children and young

people with special educational needs. The school or Post 16 provider should make it clear what support they provide at SEN support and via a graduated approach. The information of all educational providers is available on the “Local Offer” via each individual school link.

For young people where it is necessary, following an assessment of their education health and care needs, for special educational provision to be made in accordance with an education health care plan the local authority must prepare a plan. In order for the educational provider to meet the specialist provision outlined in the education health care plan additional funding will be awarded.

The money used to pay for this is referred to as “High Needs Block” funding and is usually paid by the LA to the school or Post 16 provider. It might be used to increase the level of individual support or to provide specific resources for the child.

The additional funding might be used instead to provide a budget to a parent or carer so that the parent or carer might organise this support themselves.

What is funded through the High Needs Block?

Tameside Council uses the High Needs Block funding to:

- **Provide places at Special Schools**

This money is used to fund places in special schools including non-maintained special schools. Special schools are those schools that provide an education for children with a special educational need or disability where their needs can not be met in a mainstream school. Although the cost of support could be included in a personal budget, it will not be available as a Direct Payment.

- **Provide extra top up funding to Schools, Academies and Further Education Providers**

This money is used to meet the agreed educational outcomes in an Education, Health and Care Plan. This top up funding could be included in a personal budget but if it is used to support a child in school it could not be paid as a Direct Payment unless it is agreed by the Head Teacher.

Top up funding is also paid to our special schools. Although the cost of support could be included in a personal budget, it will not be available as a Direct Payment. This is because the schools already provide specialist provision.

- **Top up funding – independent providers**

This money is paid to non-maintained and independent special schools to meet the needs of children and young people with Education, Health and Care Plans. We would only consider placing a child in one of these schools if we were confident that their needs could not be met in local provision.

This funding could be shown in a personal budget but will not be available as a Direct Payment. This is because the schools already provide specialist provision.

- **Other alternative provision**

Sometimes, children and young people need to access other types of provision e.g. a Pupil Referral Unit. A Pupil Referral Unit cannot be named in an Education, Health and Care Plan, and therefore the cost cannot be considered for a personal budget.

- **SEN Commissioned Outreach Service**

SEN Commissioned Outreach Services provide advice and support to schools.

This resource is not available as a Direct Payment. This is because they provide a specialised service to school.

- **Social Emotional Mental Health Support Service**

Schools in Tameside have the option to buy into the service through a yearly Service level agreement or on an adhoc basis.

This resource is not available as a Direct Payment. This is because they provide a specialised service to school.

- **CLASS - Communication Language and Autistic Spectrum Support Service**

The outreach team is available to support mainstream settings with children within the ages of 2 and 16 who have social communication difficulties.

This resource is not available as a Direct Payment. This is because they provide a specialised service to school

- **The Specific Learning Difficulties Service – Cognition and Learning**

The role of the Specific Learning Difficulties (SpLD) service is to support schools to meet the needs of pupils with SpLD where the needs of the pupil is greater than can be met with quality first teaching.

This resource is not available as a Direct Payment. This is because they provide a specialised service to school.

- **Hearing Impaired Service**

The Hearing Impaired Team comprises of qualified Teachers of the Deaf, Teaching Assistants and a Deaf Role Model. The team provide direct teaching, advice, support and training to all key stages and early year's settings in Tameside.

This resource is not available as a Direct Payment. This is because they provide a specialised service to school.

- **Ill health provision**

Tameside MBC is committed to providing a good education to all pupils regardless of circumstances or settings. Where a pupil is unable to attend school for medical reasons the local authority will work alongside schools, health professionals and parents to provide an alternative provision which will meet a pupil's individual needs,

including social and emotional needs and enable them to thrive and prosper in the education system.

Wherever possible the local authority would look at education provision being provided by school to ensure continuity for pupils. However, it is recognised that in some circumstances that is not possible and provision for such cases will be considered by a case management panel on an individual basis.

The detail of the EHCP will determine the availability of provision and that in turn the ability to take a direct payment

Please refer to the current Local Authority Protocol for supporting Pupils at School with Medical Conditions for further information.

- **Specialist equipment**

If a child with a special educational need requires some specialist equipment so that they can access the school curriculum, the facilities or information, we can consider these costs as part of a personal budget and direct payment. We would still need to be satisfied that any alternative equipment meets the needs of the child or young person, is linked to the agreed outcomes in the Plan and achieves good value for money.

A SEN personal budget **does not** include funding for the school place.

However, it could:

- Add to existing learning support;
- Fund time to bring all key parties together to bridge the gap between home and school/ other learning provision and to build a team of dedicated support;
- Fund some specialist input;
- Fund work experience or work based learning opportunities;
- Add to the technology available to help a student learn.

What will be included?

In principle, the cost of any provision that is identified within a child's EHC Plan could form part of the personal budget but not all of it would be given to families as a direct payment.

The Personal Budget could cover the special education, health and care services detailed in an Education, Health and Care Plan. It must be based on the clear, agreed outcomes that are set out in the EHC Plan.

All cases will be considered on individual merit.

The type of educational provision that would be considered for a personal budget is shown below:

Service / provision	Can this be included in a personal budget?	Could this be given to parents as a direct payment?
The cost of the support in school that is funded from the school budget such as teaching assistant support, specialist resources. etc.	Yes, but only if the Head Teacher or Principal agrees	Yes, if the Head Teacher or Principal agrees
Support or provision from top up funding.	Yes	Yes
Specialist equipment for the child.	Yes, if it is being considered by the LA Yes, if considered by the school and the Head Teacher or Principal gives consent.	Yes
Home to school transport	Yes, if the child is eligible to access travel support	Yes
Central services	No	No
Specialist provision	No	No

HOW WILL DECISIONS BE TAKEN IN TAMESIDE?

The responsibilities for the key services are as follows:

SEN services

The SEN caseworker will discuss the option of a personal budget with the family during the statutory assessment process or as part of the statutory annual review meeting.

Joint outcomes and specialist provision determined, following assessment or the review process, will involve the young person, parents, carers and professionals working with the young person. Additional funding and resource will be made available to support the educational provider to deliver the provision outlined in the education health care plan; this is identified in Section I.

If a parent or young person requests a personal budget, the SEN Caseworker will calculate the costs of provision within an EHC Plan and draft the budget, based on the joint outcomes that were agreed during the statutory process. The SEN Caseworker would determine which aspects of the support costs would be included in a personal budget (in consultation with finance) and as a direct payment and then prepare the case to be discussed at a statutory panel for agreement across education, health and care.

Direct Payments *Please see Appendices 1 & 2 for further information on Direct Payments*

Once your support plan and personal budget has been agreed with you, you will be offered the opportunity to take the budget as a cash payment known as a Direct Payment. This is a sum of money paid direct to you either as a one off payment or regular payment that has been identified as sufficient to buy the help and support required to meet your assessed needs and outcomes.

Young people between the ages of 16 and 25 and parents of children have a right to ask the Local Authority to prepare a personal budget once the authority has completed the EHCP assessment and confirmed that it will prepare an EHCP.

Parents and young people may also request a personal budget once they already have an EHCP, during a statutory review of an existing EHCP

You can choose to spend your Direct Payments as you like, however, there are some rules and conditions that you will be expected to follow which will be explained to you when you are considering your options

You may not want to consider taking a Direct Payment at the start of your support being planned and delivered, however, you can decide at any time to take a Direct Payment for some or all of your assessed personal budget

People who decide to take a Direct Payment can choose to employ their own care worker(s) known as Personal Assistants (PA) or contract with a care agency

Some people may not be able to take the responsibility of managing their own personal budget and if you would require on-going support there are ways that this can be arranged. This will be explained to you by your Social Worker or Assessor if you are considering a Direct Payment

APPENDIX 1

Who cannot receive a direct payment?

The regulations about personal budgets state the following:

- a) a person who is subject to a drug rehabilitation requirement, as defined by section 209 of the Criminal Justice Act 2003(a), imposed by a community order within the meaning of section 177 of that Act or by a suspended sentence order within the meaning of section 189 of that Act;
- b) a person who is subject to an alcohol treatment requirement, as defined by section 212 of the Criminal Justice Act 2003, imposed by a community order within the meaning of section 177 of that Act or by a suspended sentence order within the meaning of section 189 of that Act;
- c) a person who is released on licence under Part 2 of the Criminal Justice Act 1991(a), Chapter 6 of Part 12 of the Criminal Justice Act 2003 or Chapter 2 of Part 2 of the Crime (Sentences) Act;
- d) 1997 (b) subject to a non-standard licence condition requiring the offender to undertake offending behaviour work to address drug-related or alcohol related behaviour;
- e) a person who is required to submit to treatment for their drug or alcohol dependency by virtue of a community rehabilitation order within the meaning of section 41 of the Powers of Criminal Courts (Sentencing) Act 2000 or a community punishment and rehabilitation order within the meaning of section 51 of that Act (c);
- f) a person who is subject to a drug treatment and testing order imposed under section 52 of the Powers of Criminal Courts (Sentencing) Act 2000;
- g) Subject to a youth rehabilitation order imposed in accordance with paragraph 22 (drug treatment requirement) of Schedule 1 to the Criminal Justice and Immigration Act 2008 which requires the person to submit to treatment pursuant to a drug treatment requirement;
- h) Subject to a youth rehabilitation order imposed in accordance with paragraph 23 (drug testing requirement) of Schedule 1 to the Criminal Justice and Immigration Act 2008 which includes a drug testing requirement;
- i) Subject to a youth rehabilitation order imposed in accordance with paragraph 24 (intoxicating substance treatment requirement) of Schedule 1 to the Criminal Justice and Immigration Act 2008 which requires the person to submit to treatment pursuant to an intoxicating substance treatment requirement;

APPENDIX 2

Use of direct payments

Direct payments are cash payments made directly to the child's parent, the young person or their nominee, allowing them to arrange provision themselves. They must be set at a level that will secure the provision specified in the EHC plan. If a direct payment is not set at a suitable level, it must be reviewed and adjusted. Local authorities must not make direct payments for the purpose of funding a school place or post-16 institution.

Local authority and health commissioning body duties to secure or arrange the provision specified in EHC plans are discharged through a direct payment only when the provision has been acquired for, or on behalf of, the child's parent or the young person and this has been done in keeping with regulations. Funding must be set at a level to secure the agreed provision in the EHC plan and meet health needs agreed in the Personal Health Budget Care Plan.

Direct payments for special educational provision, health care and social care provision are subject to separate regulations. These are:

- The Care Act 2014
- NHS (Direct Payments) Regulations 2013
- The Special Educational Needs (Personal Budgets) Regulations 2014

The regulations have many common requirements including those covering consent, use of nominees, conditions for receipt, monitoring and review of direct payments and persons to whom direct payments must not be made (such as those subject to certain rehabilitation orders). Detailed arrangements for direct payments should be set out in the EHC Plan.

Local Authorities must offer direct payments for social care services. For both education and social care the local authority must be satisfied that the person who receives the direct payments will use them in an appropriate way and that they will act in the best interests of the child or young person. Regulations governing the use of direct payments for special educational provision place a number of additional requirements on both local authorities and parents before a direct payment can be agreed. These include requirements to consider the impact on other service users and value for money and to seek agreement from educational establishments where a service funded by a direct payment is delivered on their premises.

Direct payments for health require the agreement of a Care Plan between the CCG and the recipient. This requirement can be fulfilled in the EHC plan as long as it includes the following information:

- the health needs to be met and the outcomes to be achieved through the provision in the plan
- the things that the direct payment will be used to purchase, the size of the direct payment, and how often it will be paid
- the name of the care co-ordinator responsible for managing the Care Plan
- who will be responsible for monitoring the health condition of the person receiving care

- the anticipated date of the first review, and how it is to be carried out
- the period of notice that will apply if the CCG decides to reduce the amount of the direct payment
- where necessary, an agreed procedure for discussing and managing any significant risk, and
- where people lack capacity or are more vulnerable, the plan should consider safeguarding, promoting liberty and where appropriate set out any restraint procedures