

# Personal Budget Guidance for Children and Young People 0-25 with Special Educational Needs and Disability (SEND) 2022

Hillingdon  
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Special Educational Needs Disability Information, Advice and Support Service



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## Contents

	Page
<b>1. Purpose of this document</b>	<b>2</b>
<b>2. Introduction to Personal Budget</b>	<b>2</b>
<b>3. Who is eligible for a Personal Budget?</b>	<b>3</b>
<b>4. What are the advantages of having a Personal Budget?</b>	<b>4</b>
<b>5. How do I request a Personal Budget?</b>	<b>5</b>
<b>6. Applying for a Personal Budget</b>	<b>7</b>
<b>7. How is the Personal Budget calculated?</b>	<b>8</b>
<b>8. What happens once a Personal Budget has been agreed?</b>	<b>9</b>

### **1. Purpose of this document**

The purpose of this document is to provide guidance for parents/carers and young people regarding Personal Budgets in relation to the Children and Families Act 2014 (section 49), the Statutory Guidance and Code of Practice for Special Educational Needs and Disability 0-25 years 2015 (9.92 – 9.121) and the Special Educational Needs (Personal Budgets) Regulations 2014. This also relates to National Framework for NHS Continuing Healthcare and NHS-funded Nursery Care (October 2018) which incorporates the NHS Continuing Healthcare Practice Guidance (paragraphs 296 – 300) and Guidance on Direct Payments for Healthcare (March 2014).

### **2. Introduction to Personal Budget**

A Personal Budget is designed to give children, young people and their families more control over the services they receive and how they are organised. A Personal Budget is the amount of money identified by the Local Authority (or, in the case of a health Personal Budget, by the NHS) to secure the provision, achieve the outcomes and deliver aspects of support set out in an Education, Health and Care Plan (EHCP) or in a Care Plan. This

could enable young people over the age of 16 and/or parents/carers to organise support themselves.

A Personal Budget can be made up in the following ways:

- The education setting or the Council will hold the budget and pay for all provision. In the case of a health Personal Budget, this would be managed by the NHS.
- An independent organisation will manage the budget. The Council pays an agreed amount to the organisation to buy the provision agreed in the EHCP and pay reasonable costs towards the cost of managing the budget. The decision to do this is made by the Council/NHS and the family/young person.
- The family/young person will hold all or some of the budget and manage it as a Direct Payment (*see 7.1 below for more information*). The Council pays an agreed amount to the nominated person to pay (using a pre-paid card) for the provision agreed in the EHCP.
- A combination of any of the above options.

Some of the advantages of having a Personal Budget are that young people and parents/carers:

- know how much money is available to pay for them or their child's own support to meet the agreed outcome;
- have more choice and control over how some of the outcomes are achieved for them or their child;
- have a choice over how the money to support them or their child is held and managed.

This means you will be able to have a say in the way decisions are made, so long as the agreed outcomes in the EHCP are met.

### **3. Who is eligible for a Personal Budget?**

If a child/young person meets the criteria for one of more of the following areas of support, then they are entitled to request a Personal Budget:

- an EHCP which sets out the educational support to help them to achieve their outcomes;

- support from the Children with Disabilities Team
- NHS continuing care
- home to school travel assistance (available when existing Local Authority's arrangements are not available)

#### **4. What are the advantages of having a Personal Budget?**

A Personal Budget is an amount of money the Council has assessed as necessary to spend to meet a child/young person's eligible social care needs, special educational needs or that the NHS has assessed as necessary to spend in order to meet a child/young person's continuing health care needs. This includes travel assistance for children and young people with SEND who meet the criteria for home to school transport (*please see 5.3*).

A part of a Personal Budget can be provided in a form of Direct Payment which enables parents/carers to have more choice and control over purchasing and arranging the assistance or services a child/young person needs. It is intended to give the individual the maximum degree of choice and control over how their eligible needs are met.

If a Service can meet a child/young person's needs within a reasonable cost and there are no funding barriers (e.g. block contracts) then we are committed to work with families to meet their wishes.

##### **4.1 Examples of what can be bought using a Personal Budget**

A personal budget can be used for a range of things to meet education, health or care outcomes, including:

- Activity or support to be delivered outside school or college e.g. Short Breaks ([www.Short breaks - Hillingdon Council](#))
- In some cases, we may consider occupational therapy equipment for a child/young person, this is decided on a case by case
- A service that is bought specifically for an individual child/young person i.e. Employ a carer for support in the home or community – (*see paragraph 7*)
- Shared activities or support for a group of children/young people with EHCPs or Care Plan who have similar needs

- Home to school travel assistance for eligible children/young people
- Resources, specialists and interventions in school or college (only with direct agreement)
- Providing educational services or tuition outside of school or college to meet the child or young person's outcomes. If any of the services need to be delivered in a school or other education setting, the Head teacher of that setting needs to agree. This is because they are responsible for all children in the setting, and they must make sure that no negative impact is caused to any other child.

#### 4.2. Examples of what cannot be funded via a personal budget Direct Payment

A Personal Budget is not a welfare benefit and is only to be used in ways agreed by the Council or NHS. For children and young people, the Personal Budget must be clearly aligned to achieving the outcomes which are set out in the EHCP, Social Care Plan or Continuing Care Plan.

- Anything that is not specified in the EHCP or Care Plan (other than travel assistance)
- Anything that will not achieve identified outcomes in the EHCP or Care Plan (other than travel assistance),
- Things that are ordinarily available in a school or college (within Ordinarily Available Provision and or within pre-commissioning arrangement),
- School or college placement costs,
- In the case of a health Personal Budget, services such as GPs and Accident and Emergency

## 5. How do I request a Personal Budget?

### 5.1. SEND

Young people with SEND and parents/carers of children have the right to request a Personal Budget once the Council has completed an EHC needs assessment and confirmed that it will prepare an EHC Plan. A request can also be made during an Annual/Interim Review. The request can only be considered at these stages.

If you do request a Personal Budget from the Local Authority, you can at the same time ask the LA to identify which elements of the Personal Budget you could receive as a Direct Payment. This is an actual amount of money that you would receive so that you could commission all or some of the provision in the EHC Plan yourself.

The LA can refuse to make a Direct Payment if they don't believe the person receiving the payments would be capable of managing the money, or if they do not believe it would be used in an appropriate way. The LA can also refuse where it would negatively impact other services provided by the LA, or if it would not be an efficient use of resources.

Where the provision proposed to be replaced by a Direct Payment takes place in a school or college setting, the consent of the head teacher or principal of the named school or other institution is required. If they do not consent, then the LA will be unable to make a Direct Payment.

If the LA refuse to identify a Personal Budget or make a Direct Payment, you cannot Appeal against that decision, but you can ask them to review it.

## 5.2. Social Care

Eligibility for a personal budget will be dependent upon children/young people meeting the threshold for Children with Disability (CWD) Team intervention. This will be determined via an assessment of needs that will be completed to consider your support needs, the outcomes you want to achieve for your child and how it could be provided.

The assessment process is done in partnership with families, the young person and other professionals working with you and your child. This will take the form of a Child and Family Assessment and will be completed by a Social Worker. It captures information about child's needs as well as the family circumstances. This is a holistic assessment and the input of other professionals like the school and any other care provider will be used to inform the assessment. If the assessment identifies ongoing needs for additional support, a Child in Need Plan will be completed.

The Child in Need Plan will be drafted and agreed at a multi-professional Child in Need Meeting. The plan describes the support child/young person require for their current needs in order to meet the desired outcomes.

## 5.3 Health

The right to have a personal health budget applies to people who are:

- Adults receiving NHS continuing healthcare (NHS-funded long-term health and personal care provided outside hospital)
- Children in receipt of continuing care.
- People who meet the eligibility criteria of their local NHS wheelchair service, these people will be eligible for a personal wheelchair budget.
- People who are eligible for after-care services under section 117 after-care of the Mental Health Act.

For a child/young person who has continuing health care needs and who is already in receipt of services through the NHS Continuing Healthcare the request for a Personal Health Budget can be made by contacting your GP or Health Care Provider.

#### 5.4. Travel Assistance

For a child/young person who is eligible for home to school travel assistance and where no available transport arrangements are in place, a request can be made if they meet the home to school travel assistant policy criteria. A transport Personal Budget is a sum of money provided to families (on a pre-paid card), so they can arrange their child's home-to-school travel arrangements in a way that suits their circumstances best.

Please see more information here:

[Home to school travel assistance policy 5-16 year olds](#)

[Home to school travel assistance policy for young people post 16](#)

## 6. **Applying for a Personal Budget**

Young people and parents/carers of children are asked to carefully check the routes for making a Personal Budget application below. Applications for a Personal Budget must fall into one of the listed categories to be considered (the young person or parent/carer should make it clear if they believe that the child/young person falls within more than one criteria). Further Information can be obtained from the relevant education, health or social care services and accessed on the Local Offer ([SEND local offer - Hillingdon Council](#)).

The outcome of the application will be sent to the applicant in writing. If the application is unsuccessful reasons will be provided together with full details of the Council's and the CCG's appeals process, where relevant.

A.	Applying for a personal budget following an initial EHC needs assessment
B.	Applying for a personal budget following a statutory review of the EHCP
C.	Applying for a personal budget from social care
D.	Applying for a personal budget from health
E.	Applying for a personal budget from transport team

A Personal Budget is optional for the child's parent/carer or the young person but the Council is under a duty (the Special Educational Needs Personal Budgets Regulations 2014) to prepare a budget when requested. A Personal Budget should reflect the holistic nature of an EHCP and can include funding from individual agencies to cover special educational, health and social care provision.

Similarly, children in receipt of Continuing Care have a right to have a health Personal Budget.

The Council will consider each request for a Personal Budget on its own individual merits. The Short Breaks guidelines need to be met for a short breaks package to be allocated. This does not mean that a Personal Budget cannot be allocated from education or health.

## **7. How is the Personal Budget calculated?**

### **7.1. SEND**

For a SEND Personal Budget, the Council applies an Education Banding Tool (EBT) to undertake an assessment of the child/young person's needs and determine the indicative funding that is required in order to meet their educational needs. This will be built into the EHC needs assessment process. Whilst the whole of this funding will make up the Personal Budget, it is unlikely that the whole Personal Budget can be taken as a direct payment. The Council will consider the cost of the provision that is required to enable the child to meet the



specific outcome in the EHCP in order to determine whether a Personal Budget can be offered and calculate the value of this budget.

#### 7.2. Social Care

For a social care Personal Budget, the Council will undertake an assessment of the child/young person's needs and use that to provide an indication of the level of Personal Budget that is appropriate in order to meet their needs.

#### 7.3. Health

For a Continuing Health Care personal budget, the NHS will undertake an assessment of the child/young person's needs and use that to provide an indication of the level of personal budget that is appropriate in order to meet their needs.

#### 7.4. Transport

For a transport Personal Budget, this will be based on eligibility for home to school transport. A Personal Budget can be considered upon request.

### **9. What happens once a Personal Budget has been agreed?**

A Personal Budget offered to support a child/young person can be drawn from different sources of funding.

#### Social care:

The parent and/or young person will be contacted by the Hillingdon Direct Payments Officer once their package of support has been approved. A parent and/or young person will be expected to sign a Direct Payment Agreement before the payment is made.

Evidence will be required from parent and/or young person (bank details and submission of receipts, payroll records related to the payment). If a carer is to be employed an enhanced Disclosure Barring Service (criminal record) check will be required.

All relevant safeguarding checks should be conducted, and the organisation or individual deemed safe to work with children and/or vulnerable adults. This will include providing evidence that any professional is fully qualified and registered to deliver any specialist service that requires registration to a professional body to practice

#### Education:

An education Personal Budget offered to support a child/young person to meet their Outcomes in their EHCP can be drawn from different sources.

The parent and/or young person will be contacted by the SEND Officer, or Team Manager. A parent and/or young person will be expected to sign a Direct Payment Agreement before the payment is made.

Evidence will be required from parent and/or young person (bank details and submission of receipts, payroll records related to the payment).

Payments will be made via BACS transfer to your pre-paid card termly 4 weeks in advance. The child/young person's EHCP will be updated to reflect the Personal Budget agreement and to stipulate the Outcomes to be achieved.

Invoices and receipts must be made available to ensure further payments can be made.

All relevant safeguarding checks should be conducted by the parent/young person to ensure the organisation or individual is safe to work with children and/or vulnerable adults. This will include providing evidence that any professional is fully qualified and registered to deliver any specialist service that requires registration to a professional body to practice.

### Health:

If you are able to have a personal health budget (different than a personal budget), then together with your NHS team you will develop a personalised care and support plan. The plan sets out your personal health and wellbeing needs, the health outcomes you want to achieve, the amount of money in the budget and how you are going to spend it.

A care co-ordinator, who will be your first point of contact in case you have any concerns, should be identified in the planning process.

Visit the peoplehub website, where people with a personal health budget and their families and carers share their experiences.

A personal health budget will not be right for everyone and it will not always be the best way to receive support. You are not allowed to spend the money on gambling, debt repayment, alcohol, tobacco, or anything illegal. Emergency care, medicines and the care you get from a GP is separate and will not need to be paid for from your budget.

### Monitoring and review

Once you have a personal health budget, your NHS team will periodically review your care plan with you. You can also ask your NHS team to review and update your plan because your health needs have changed, or you feel the current plan is not working for you.

You can give up your personal health budget at any point if you wish to; you will still be able to receive care and support in another way.

## Managing your personal health budget

A personal health budget can be managed in 3 ways, or a combination of these.

### 1. Notional budget

No money changes hands. You find out how much money is available for your assessed needs and together with your NHS team you decide on how to spend that money. They will then arrange the agreed care and support for you.

### 2. Third party budget

An organisation legally independent of both you and the NHS (for example, an independent user trust or a voluntary organisation) holds the money for you, and also pays for and arranges the care and support agreed in your care plan

### 3. Direct payment for healthcare

You get the money to buy the care and support you and your NHS team agree you need. You must show what you have spent it on, but you, or your representative, buy and manage services yourself.