

# **Personal Budgets Policy**

**Children/Young people aged 0-25 and their families with  
Special Educational Needs and disability and continuing care/adult  
continuing healthcare**

**Essex County Council & Clinical Commissioning Groups (Mid  
Essex CCG, North East Essex CCG, West Essex CCG, Castle Point  
& Rochford CCG and Basildon & Brentwood CCG)**

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## 1. Introduction

This Personal Budget's policy applies to any child or young person who has an Education Health and Care Plan or where a Personal Budget has been requested and agreed by the relevant funding body. The purpose of this document is to outline the Personal Budget policy in Essex in relation to the following guidance and policy:

- Special Educational Needs (Personal Budgets) Regulations 2014
- National Framework for Children and Young People's Continuing Care (2010)
- National Framework for NHS Continuing Healthcare and NHS-funded Nursing Care *November 2012 (Revised)*
- NHS England's Guidance on the "right to have" a Personal Health Budget in Adult NHS Continuing Healthcare and Children and Young People's Continuing Care
- Statutory Guidance and Code of Practice for Special Educational Needs and Disability 0-25 years, 2014
- Children and Families Act 2014
- Essex Personal Health Budgets for Continuing Healthcare: Policy & Practice Guidance (2014)
- Care Act 2014

A child or young person may be able to receive a personal budget if one of the following applies:

- There is identified provision within the child or young person's Education, Health and Care (EHC) Plan
- The child or young person has an EHC Plan and they request a personal budget
- The child or young person is eligible for Children and Young People's Continuing Care / Adult Continuing Healthcare (CYPCC/ACHC)
- The child or young person has a long-term physical and mental health need and is supported to receive a Personal Health Budget by their respective Clinical Commissioning Group. Clinical Commissioning Groups will have determined who may be entitled to receive a Personal Health Budget.
- Following a Single Assessment from Children's Social Care, a provision of a personal budget is appropriate to meet assessed needs in a Child in Need plan
- The child/young person is in receipt of SEN Education Transport

**The Education, Health and Care Plan (EHCP), in addition to Children in Need (CIN) , and children /young people with health plans** (relating to a long term physical/mental health need) offer a choice of a personal budget for some aspects of the provision, outlined in the relevant plan, if parents or the young person request it. The request can be made either: as an EHCP/CIN/health plan is being developed, reviewed or re-assessed. Personal Budgets are not created from any new money available to services but with funding coming from releasing the value of a child or young person's provision from the services they might otherwise be expected to receive; however some services may not initially be organised in ways which make this possible without affecting the rest of the service.

Each agency may have a separate process for the assessment and identification of a personal budget. Wherever possible such process will be undertaken jointly to develop an EHC plan that delivers on the identified outcomes and within the SEND EHC plan timeframe. Where identified provision is agreed to be delivered, as part of a personal budget, the child/young person will not be able to receive the equivalent provision from core/universal or specialist services.

## **2. Definition of a Personal Budget**

Personal budgets are one element of a personalised approach to supporting children and young people with Special Educational Needs or Disability (SEND) or identified health need. They should not be seen in isolation but as an integral part of the agreed individual plan, with a clear focus on improving outcomes for children and young people, with each partner agency being responsible for the relevant provision identified within the personal budget.

The aim of a personal budget is for a child or young person and their families to have greater control and choice over the type of support they receive. A personal budget should reflect the agreed outcomes of an EHC/CIN/Health Plan. It should be focused so that it secures the provision agreed in the Plan and is designed to secure the outcomes specified in the Plan

***The Children and Families Act 2014 introduces an Education Health and Care Plan which replaces a statement of special educational need.***

*“The purpose of an EHC plan is to make special educational provision to meet the special educational needs of the child or young person, to secure the best possible outcomes for them across education, health and social care and, as they get older, prepare them for adulthood.”*

***The Code of Practice also makes clear that;***

*“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 personal budget during a statutory review of an existing EHC plan.....(personal budgets) should be focused to secure the provision agreed in the EHC plan and should be designed to secure the outcomes specified in the EHC plan.”*

***Personal Budgets can help in ensuring that the plan is tailored to the needs of the individual child, young person and family. This is reflected in the code of practice.***

*“As part of a person-centred approach to the development of the EHC plan, the local authority should agree the provision to be made in the plan and help the parent or young person to decide whether they want to take up a Personal Budget.”*

## Education, Health and Social care Personal Budgets

**A personal SEN budget** is a sum of money made available because it is clear that without this additional (*top-up*) funding it will not be possible to meet the child's learning support needs. The educational setting (school/college/early years) will already have funding for learning support; only pupils or students with more complex learning support needs, who have an EHC Plan, are likely to need a personal SEN budget. In some circumstances the head teacher/principal and school or college/learning provider, may choose to offer some funding towards a personal SEN budget but is not required to do so. Scope for a personal budget could vary depending on school preference. For special school placements it is likely that the specialist provision on offer will be met by provision which is detailed as part of an EHC plan but this can be discussed on an individual basis.

**A personal health budget** refers to the budget that may be made available should a young person or child have complex, long-term and/or a life-limiting health condition/s. A child or young person, who has been assessed as eligible for CYPCC/ ACHC funding, has the right to receive a personal health budget. Children and young people who are not eligible for CYPCC/ACHC but who have health provision identified within their EHCP funding, may be considered for a personal health budget, where this is supported by the respective Clinical Commissioning Group. A personal health budget is an amount of money to support a person's individual health care and wellbeing needs, planned and agreed between the individual and their local NHS team. Where a personal budget is secured for a particular service the child/young person will no longer be able to receive the equivalent provision from core/universal or specialist services.

**A personal social care budget** refers to the budget that can be made available if a young person or child is assessed as needing additional and individual support, beyond that which their family is able to provide or arrange, or specific support needed to help family members care for that child or young person.

In all cases the availability of a personal budget will be based on the support a child or young person's needs in order for them to achieve a set of agreed outcomes and to have their identified support needs met.

### 3. How can Personal Budgets be made up?

Personal budgets can be made up in the following different ways, or a combination of them:

- **Notional budget** – where a young person, a child and their family understands the amount of funding available to them and decides how the budget is used. No money is exchanged. The Local Authority or CCG still commissions' services and manages contracts. Children or young people and their families are informed how much money is available and, with support, identify the different ways to spend that money to meet their defined outcomes.
- **Real budget managed by a third party organisation** – where the child or young person and their family know how much funding is available to them but a third party

organisation holds the funding. The third party organisation helps the child/young person and their family decide what they need and then buys the services the child/young person and their family has chosen to achieve their outcomes.

- **Direct payments**– where the child or young person and their family receives the funding that is available to them as a direct payment for them to manage with or without assistance (managed account).
- **A combination of all three**

## **4. Request for a Personal Budget**

When a statutory EHC, Social Care child in need or relevant Health Assessment commences, the personal budget process will be discussed with the child/young person and their family and always with the young person (if post compulsory school age) to see if this is something they may be interested in pursuing, if eligible. The benefits and responsibilities around the personal budget will be explained by the lead professional from Education, the social worker or health care professional

Each organisation will have an identified way of identifying a personal budget. Following formal assessment, a personal budget may be identified through using a 'resource allocation tool' known as a 'RAS' or identifying provision/budget based on assessed need and outcomes. A personal budget is not necessarily the sum total of all the resources that are available to support a child or young person and it is expected that the child/ young person will continue to access other services such as primary care or emergency services.

In the event of a 'RAS' being used, the outcome will be the production of an indicative budget which gives a financial envelope within which the personal health budget support plan is completed.

## **5. Support Planning**

Following agreement of the child/young person's Personal Budget a support plan needs to be developed. This plan will explicitly demonstrate how the Personal Budget will be used to meet the individual's agreed outcomes. Support plans can be developed by the child/ young person and their family and/or in partnership with a designated support planner who will help to develop the plan in a person centred way.

Good support planning involves looking holistically at a child/young person's life to improve their health, safety, independence and wellbeing. A good support plan will identify:

- who will provide each element of support,
- who will be managing the budget
- how the plan will meet the agreed outcomes and clinical needs
- how the individual has been involved in the production of the plan
- how any training needs will be met,
- identifying any risks, consequences and mitigating actions,
- contingency planning.

## **6. Advice and Assistance with Personal Budgets**

In addition to support planners the Local Authority and Health have identified people/organisations people who are able to provide information, advice and guidance around personal budgets.

For the development of Education Health and Care Plan's these are known as EHC Coordinators.

Please refer to the Appendix and Essex Local Offer for more information ([www.essexlocaloffer.org.uk](http://www.essexlocaloffer.org.uk))

## **7. Decision making**

Following completion the appropriate assessments and Support Plan will be presented to the relevant agency panel or Joint Agency Panel for formal approval. For the support plan to be approved each organisation will need to confirm that it meets specific guidelines set out by their respective regulatory body.

For Special Educational Needs Regulation sets out that the Local Authority may only make personal budget payments if:

- The recipient will use them to secure the agreed provision in an appropriate way
- The person receiving payments on a person's behalf will act in their best interests
- The direct payments will not have an adverse impact on other services, which the LA/Health Provides or arranges for children and young people with an EHC Plan
- Securing the proposed agreed provision by direct payments is an efficient use of the authority's resources.

Where decisions of the panel are disputed by a young person or family, families will be advised how they can follow the relevant statutory complaints or appeals process.

## **8. How will funding be made available?**

If a personal budget is agreed, each agency will seek to ensure parents or the young person receive the budget as a Notional Budget, Third Party Payment or Direct Payment at the earliest opportunity and are clear about the requirements on them and support available.

A parent or young person will be expected to sign a Personal Budget / Direct Payment Agreement before payment is made. This will outline the parameters of use of the payments and how it should be managed. It will also outline other aspects, such as any employed person having to have an enhanced Disclosure Barring Service (criminal record) check.

There is some exclusion as to who may receive a direct payment set out in the Personal Budget Guidance. Appendix

Although there will normally be a set amount of money paid on an agreed cycle there may be one off payments, for instance around specific equipment needs, that could be paid via the direct payment mechanism. A value for money judgement will be made in these circumstances. The equipment would need to meet professional specifications and maintenance of the equipment would be required.

All EHC plans, Child in Need plans and health plans are subject to a minimum annual review to determine the child /young person's needs and what if any changes are required to ensure that individual outcomes are met. This may include situations where a personal budget is no longer required or only required at a reduced rate. Each review will result in the up-dating of the support plan and personal budget if any change is necessary. The support plan would then be re-presented to the appropriate panel for authorisation.

## **9. How will the Personal Budget be monitored?**

There are expected requirements on Essex County Council and NHS Clinical Commissioning Groups to ensure resources are appropriately used and monitored. Information and guidance will be offered to help understand how Personal Budgets are monitored and what information is required to be submitted and/ or recorded. For an overview of monitoring systems please refer to **appendix 1**.

## **10. Ceasing a Personal Budget**

Personal budgets are offered as a mechanism of improving outcomes for the child /young person in addition of increasing choice and control over the support they receive. In some cases Personal Budgets may not deliver on the agreed outcomes and therefore may need to cease. In the event of this Education, Health and social care will consider an alternative support package for the child/ young person. In these circumstances this decision will be discussed with the child/young person and their family and notice will be in writing by the local authority/CCG, along with the rights of appeal, by the recipient saying they wish to do so.

Circumstances when a Personal Budget may cease can be found in **appendix 2**

Where a young person transitions into adult services with an EHC plan, provision should continue with the respective agencies maintaining their statutory function and funding provision.

## 11. Appendices

### Appendix 1

#### Personal Budget Monitoring

<b>Personal Budget Agreement</b>	<p>To receive a Personal Budget as a cash payment (i.e. a Direct Payment), the individual must enter into a formal contractual agreement with Essex County Council or CCG.</p> <p>The contractual arrangements between the Council /CCG and the individual must be established in a formal, written Personal Budget Agreement.</p>
<b>Separate Bank Account</b>	<p>All individuals receiving personal budgets as cash payments are required to set up a separate bank account for receipt and maintenance of these funds, unless the Council/CCG agrees to make an exception.</p> <p>Normally, the one exception the Council will make is where the individual opts to use a recognised payroll service that meets the Council's/CCG's monitoring requirements.</p>
<b>Records</b>	<p>Individuals will be required to keep records of how they have spent their Personal Budget and submit these to the Council/CCG or agreed organisation for monitoring as required.</p> <p>Individuals receiving a high level of cash payments, or who are deemed to present a higher risk, may be subject to enhanced monitoring arrangements.</p> <p>Records may include bank statements, invoices and receipts, payroll records or any other relevant documents specified by the Council/CCG.</p>
<b>Financial Contributions</b>	<p>For those over 18, payments will be made net of any financial contribution the individual is assessed as being required to make towards the cost of support for their assessed, eligible needs.</p>
<b>VAT</b>	<p>Essex County Council/CCG is unable to recover VAT on goods and services which are purchased via personal budgets. Any goods and services purchased are regarded as being purchased directly by the individual, who is therefore liable for any VAT incurred.</p>

<b>Contingency</b>	<p>Up to four weeks' funds may be set aside for use as a contingency fund.</p> <p>Individuals may also plan for savings to make larger one off purchases or to fund more expensive services, as long as this is planned and agreed in the support plan.</p>
<b>Treatment of surplus</b>	<p>The Council/CCG may seek to recover money from the individual if they have a surplus of more than eight weeks' funds in the direct payment bank account and this is not part of any contingency fund that has been agreed with us (see above).</p>

## Appendix 2

### Ceasing a Personal Budget

- The person is found to be barred from receiving a Direct Payment
- They are found not to be used for the specific purpose outlined in the EHC/CIN/Health Plan
- If the recipient no longer wishes to use direct payments to provide the provision, they will cease as soon as this request is received in writing and alternatives can be arranged
- Upon review it is agreed that they are no longer required because needs are being met differently
- If the individual no longer has a health need determined to be supported by a Personal Budget
- If the individual is no longer eligible for NHS CYPCC/ACHC funding
- The use of direct payments is having an adverse impact on other services provided by the local authority/CCG or having an impact on the provision for other children and young people with an EHCP.
- There has been no consent from a young person post statutory school age to receive them
- The outcomes identified in the EHC plan are not being met

## Appendix 3

### Relevant

### Legislation

- Children and Families Act 2014 [www.legislation.gov.uk/ukpga/2014/6/part/3](http://www.legislation.gov.uk/ukpga/2014/6/part/3)
- 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)
- The Special Educational Needs (Personal Budgets) Regulations 2014
- [www.legislation.gov.uk/uksi/2014/1652/contents/made](http://www.legislation.gov.uk/uksi/2014/1652/contents/made)
- The Community Care, services for Carers and Children's Services (Direct Payments) The National Health Service (Direct Payments) Regulations 2013
- [www.legislation.gov.uk/uksi/2013/1617/part/3/made](http://www.legislation.gov.uk/uksi/2013/1617/part/3/made)
- **Care Act 2014**

## Appendix 4

### Supporting Guidance

- Parental Guide to School Funding  
[www.councilfordisabledchildren.org.uk/news/january-june-2013/school-funding-changes-and-children-with-sen-in-mainstream-schools-a-briefing-for-parents](http://www.councilfordisabledchildren.org.uk/news/january-june-2013/school-funding-changes-and-children-with-sen-in-mainstream-schools-a-briefing-for-parents)
- Support for Children and Families in Essex with a disability  
[www.essex.gov.uk/Publications/Documents/Support Disabled Children Young adults People Guidance.pdf](http://www.essex.gov.uk/Publications/Documents/Support%20Disabled%20Children%20Young%20adults%20People%20Guidance.pdf)