



**Guidance on Personal Budgets for
Parents and Young People with an
Education Health and Care (EHC) PLAN**

LONDON BOROUGH OF SUTTON

What is a Personal Budget?

If a child or young person has an Education, Health and Care (EHC) Plan, the parents or the young person can request that funding to achieve some or all of the outcomes in the plan is given through a Personal Budget.

A Personal Budget is an amount of money identified by the Local Authority and Health (as appropriate) to deliver provision set out in an EHC Plan where the parent or young person is involved in choosing and securing that provision.

An EHC Plan is a statutory document which lays out information about a child or young person's needs, the outcomes they will be working to achieve and the additional support which will be required to give that child or young person the opportunity to achieve those outcomes.

Personal Budgets are intended to give parents and young people more choice and control about how the outcomes in the EHC Plan can be met.

Some aspects of Personal Budgets are already established in both Adult and Children's Social Services and many families access some or all of their social care packages via direct payments. Personal health budgets for children and personal budgets for SEN support are new developments. Personal budgets are a way of giving families more choice about the way they are supported and of helping them to have choices over who supports them.

You already give people Direct Payments. Aren't Personal Budgets the same thing?

Not exactly. Direct Payments are one form of Personal Budget but not the only one. With Direct Payments, we hand over money so that individuals and families can buy their own care. With Personal Budgets you are not required to manage the money and pay for services (but you may choose to). Instead, we can hold the budget and do the financial transactions, but you tell us how you want the budget divided up. We think that a lot of Personal Budgets for children will be made up of a mix of Direct Payments and funds that we hold on behalf of families.

Where does the money for my Personal Budget come from?

Personal Budgets are not 'new money' available to services. Funding for Personal Budgets comes from funding to services already agreed but is about using the available funding in the best way to meet needs and agreed outcomes.

Not all services can have their funding reduced in this way without adversely affecting other children that use the provision because of the way in which they are provided. For example, some schools in Sutton are provided with a block contract for speech and language therapy and therefore students at those schools would not be able to have a Personal Budget for this service. Where block contracts are currently in place, we will keep provision under review.

What can a Personal Budget be used for?

A Personal Budget must be used to achieve an outcome identified in the child or young person's EHC plan. It takes the money which would be spent on support by the local authority and places it in the hands of the parents/carers or young person for whom it will be used. It replaces the local authority's provision for those outcomes.

There are many things a Personal Budget could be used for. As examples, a SEND personal budget could be provided to support the child or young person's learning targets in an EHC Plan. It could be used to add to existing learning support or to fund specialist input and services. It could be used to fund work experience or work-based learning. It could be used to provide technology or equipment to support a child or young person's learning.

A Social Care Personal Budget can be used to buy Short Breaks for a young person. Whereas at present a care package may consist of separate elements of support, by using a Personal Budget a single value can be assigned to that support so the family can decide how much to invest in each service and how services can be employed to work together.

What can a Personal Budget NOT be used for?

It cannot be used for anything which is illegal, or which would endanger the child or young person, or any other person; for example, it cannot be used for gambling, for debt repayment, for alcohol or for tobacco. Funding for school places, GPs, health visitors, school nurses and social worker support cannot be released for personal budgets.

Funding for Personal Budgets comes from releasing the value of the provision that an individual child or young person might have had from services they use. Removing money from some services might adversely affect others that use that particular provision. In such a situation these services will not be eligible as funding sources for Personal Budgets.

How much will the Personal Budget be?

When an EHC Plan is being drafted, we will calculate an indicative budget which estimates the cost of the support required to achieve the objectives in the EHC Plan.

Some children and young people may have a Personal Budget that includes funding from the LA for Education, Social Care and/or Health services: in these cases it will be possible to bring the funding together to use as a single budget focused on holistic and child/family centred support to meet needs and outcomes.

Education Personal Budget

Within Education and Special Educational Needs, there are three elements which make up the support for a child or young person. Only Element 3 is available to the Local Authority to use for individual support or to allocate to a Personal Budget.

Element 1 covers universal services and the mainstream. Each school, academy, college or other learning setting will directly receive funding for a place at the school.

Element 2 provides targeted services and support. Each school, academy, college or other learning setting is provided with allocated SEN funding, and will be expected to provide support up to the equivalent of £6,000 to meet the additional support needs of a child or young person who requires it.

Element 3, also known as 'top-up funding' or specialist, is retained by the Local Authority and allocated to provide support for individual children and young people. This is the funding that is available for an indicative Personal Budget and will be based on the cost for which the local authority can obtain such services. A Personal Budget takes this money, which would otherwise be spent on support by the Local Authority, and places it in the hands of the parents/carers or young person for whom it will be used. It replaces the Local Authority's provision for these outcomes.

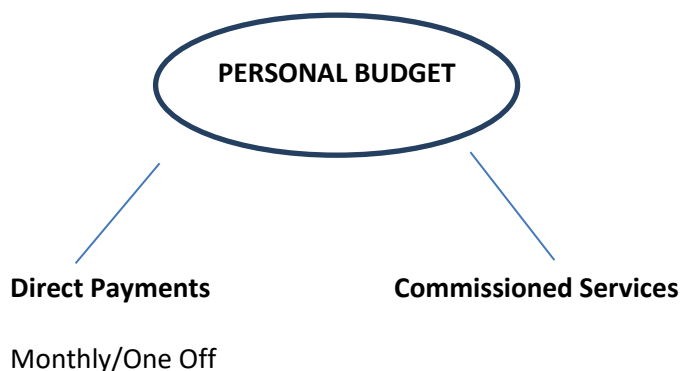
Social Care Personal Budget

We offer care packages to meet needs identified in the child or young person's assessment. When we allocate resources we specify the purpose of the care package; we tell you what it is intended to achieve. Your Personal Budget can be used for anything you wish, provided we agree it is consistent for that purpose.

We will reach agreement on how you will use your Personal Budget through discussion. You will tell us your ideas and we will discuss them with you and if necessary, help you cost them. A Personal Budget support plan on which we agree will come out of this dialogue.

The Personal Budget support plan will be flexible and can change. In any case, we will review it with you regularly to make sure it is working for you.

A Social Care Personal Budget is the pot of money allocated to you following review and discussion. This Personal Budget can be delivered in 2 methods:



- If you receive your Personal Budget in the form of Direct Payments, this may be paid to you in monthly instalments or in a one off payment. If you receive a Direct Payment, you will pay for the agreed services yourself.
- If your Personal Budget is in the form of Commissioned Services, London Borough of Sutton will pay for the agreed services on your behalf.

Personal Health Budget

From 1 April 2014, children and young people up to the age of 18 years who were eligible for Children's Continuing Care funding have a right to ask for a Personal Health Budget. A Personal Health Budget is an amount of money to support a child or young person's identified health and wellbeing needs, planned and agreed between the child or young person, their family and the local NHS team. Personal Health Budgets work in a similar way to Direct Payments. Many families are already using Direct Payments to manage and pay for Social Care to provide more choice, flexibility and control over the money spent on meeting health and wellbeing needs.

The support plan would be discussed with the family and the indicative budget adjusted to allow for the assessed needs of the child or young person and the required outcomes. The Personal Budget which is agreed at the end of the process may be more or less than the indicative budget.

Other funds that may contribute to Personal Budget

You may choose to add to the Personal Budget in order to make arrangements that really suit you and your family. So, your total Personal Budget is made of up the amount we put in, plus what you put in.

Do I have to have a Personal Budget?

No. It is just one way in which we can work together to help a child or young person to achieve the outcomes in their EHC Plan. If a child's parents/carers or a young person decide they do not want a Personal Budget, the family will still receive support to meet the child or young person's needs.

How do I manage a Personal Budget?

There are four ways of managing Personal Budgets:

- A Direct Payment where individuals receive the cash to contract, purchase and manage a service themselves;
- An arrangement whereby the Local Authority, School or College holds the funds and commissions the support specified in the Plan;
- A third-party arrangement where funds are paid to and managed by an individual or organisation on behalf of the parent/carer or young person; or
- A combination of the above.

If you take your personal budget as direct payments, the London Borough of Sutton will assist you in opening a Sutton Prepaid Card account. Direct payments will go directly in to this account, and monitoring will take place at 6 monthly/yearly intervals to ensure that the personal budget is being used to support the outcomes identified in the child or young person's EHC plan. You will not need to provide bank statements, but you may wish to keep receipts of activities attended in case there are discrepancies with any transactions.

You may also wish to open a separate bank account which is only used for these payments and for any other Direct Payments for your child or young person. Within the first three months, and thereafter every six months, we will ask you to complete a short declaration and send us the bank statements and details of expenditure from that account. This is to ensure that the Personal Budget is being used to support the outcomes identified in the child or young person's EHC Plan.

Will a Personal Budget affect any entitlement to welfare benefits?

No. The allocation of a Personal Budget will not affect any welfare benefits that the child or young person, or their family, are entitled to. It is not classified as income.

Can I have a personal budget without an EHC plan?

No. The Personal Budget is the notional amount of money that will be needed to cover the costs of making the Special Educational provision specified in the EHC Plan. You cannot have a Personal Budget unless you have an EHC Plan.

Safeguarding children and young people who receive a Personal Budget

It is important for families to understand their responsibility when they are buying services for their child or young person. Before an agreement is made with a family to have a Personal Budget, a professional will need to discuss with them how they will ensure their child or young person will be safeguarded. Whilst the Local Authority cannot enforce that parents/carers undertake checks to ensure the person providing the service is suitable, we strongly encourage this.

When funds from a Personal Budget are being used to provide equipment (e.g. communication equipment), it is the responsibility of the family to ensure that the equipment is used safely. This would include setting any necessary parental controls for equipment which can be connected to the internet.

Frequently Asked Questions:

1. Is a Personal Budget used to help pay for the cost of a school place?

No, a Personal Budget is to pay for the additional support a child or young person needs and not for an early years, school or college place.

2. Is there any extra money for Personal Budgets?

No, but by pooling budgets or using a combination of different funding streams, better use can be made of existing funds.

3. Can parents/carers decide who they want to support their child in school?

No, it is not possible for parents to make this decision without the written consent of the head teacher, even if their Personal Budget is in the form of a Direct Payment.

4. Do LAs have to mention about Personal Budgets when working on the draft EHC Plan?

Yes; LAs must provide information, advice and support to the parent/carers or the young person about Personal Budgets, including the provision for which a Personal Budget may be available. In addition, the Code of Practice states that Local Authorities should have a Personal Budget policy, which should be part of the Local Offer.

5. Is it up to parents/carers or young people to ask for a Personal Budget if they want one?

Yes, the responsibility is on parents/carers or young people to request a Personal Budget.

6. Can Local Authorities refuse parents'/carers' request for a Personal Budget?

Yes, but only under certain circumstances. These are when it is not possible to separate the provision for the child or young person from provision being made for other children or young people.

7. Can Local Authorities have a universal approach to agreeing a Personal Budget?

No, agreement must be done on an individual basis.

8. Does a Personal Budget mean the family can spend the money as they like?

No, this must be agreed at the time the budget is allocated and it can only be spent on the agreed elements of support that it is designed to cover.

9. Is the only time parents/carers can request a Personal Budget when an EHC Plan is being prepared?

No, as well as requesting one at the time the draft Plan is being drawn up, parents/carers can also ask for one at a later time, including the transfer review.

10. If parents/carers do not get a Personal Budget, can they apply to the SEND Tribunal?

No, the SEND Tribunal does not have jurisdiction to resolve disputes in relation to Personal Budgets. The only legal option available to parents/carers or young people is judicial review.

11. Do Personal Budgets have anything to do with a LA's Local Offer?

The Local Authority should have a policy on Personal Budgets and this should be on their Local Offer.

12. Can the school my child or young person goes to stop me getting an EHC Plan and a Personal Budget?

No, it is not up to the school, but the Local Authority. If the school do not apply for an EHC Needs Assessment for your child or young person, you can apply as their parents/carers

