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A Guide to Personal Budgets for Children and Young People with Special Educational Needs and Disabilities in Central Bedfordshire

Co-produced with;



SPECIAL NEEDS ACTION PANEL
CENTRAL BEDFORDSHIRE



NHS
Bedfordshire
Clinical Commissioning Group

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1. Aims

The aim of this document is to explain what a Personal Budget is, and the approach taken by Central Bedfordshire Council (Education and Social Care) and the Bedfordshire Clinical Commissioning Group (Health) to implement Personal Budgets across Education, Health and Social Care.

This guide will help young people, parent carers and professionals, to understand the local arrangements for a Personal Budgets within Central Bedfordshire. The sections in this guide will explain what to expect, how a Personal Budgets can work in practice, and provide advice on who to contact for help.

All of the information contained in this guide can also be found on the Central Bedfordshire **Local Offer** www.centralbedfordshire.gov.uk/localoffer.

We hope that this guide will answer many of your questions and equip you to make an informed choice as to whether a Personal Budget is right for you.

2. Introduction

The Children and Families Act 2014 has brought about many changes to the way that children and young people with special educational needs and disabilities (SEND) are supported. One of these changes concerns the way that the provision or services that are set out in a young person's Education, Health and Care Plan (EHC Plan) are paid for. Some of this provision can now be funded through a **Personal Budget**.

This document explains the approach taken by Central Bedfordshire Council (CBC) and the Bedfordshire Clinical Commissioning Group (BCCG) to personalisation and Personal Budgets across Education, Health and Social care.

This guide will be reviewed in July 2015 to reflect on national best practice and family experience.

Please note

Throughout this document:

- **The Local Authority** means Central Bedfordshire Council and the Bedfordshire Clinical Commissioning Group.
- **You means** parents/ carers and young people where they are old enough and able enough.
- **Young person** means child or young person

3. What is a Personal Budget?

A Personal Budget is a sum of money identified to deliver some of the outcomes set out in a Young Person's EHC Plan. A Personal Budget is optional but the Council has a duty to prepare a budget when requested.

A Personal Budget gives choice and control in the way your support for you is delivered. A Personal Budget can include funding for Education, Health or Social Care provision, but must be used in a way that enables you to achieve the outcomes in the Young Person's EHC Plan. A Personal Budget is one part of the total support that is on offer from the local authority and health authority.

Any young person with an EHC Plan, or their parents, can ask the Council to prepare a Personal Budget for them. The Council must prepare a Personal Budget where it has been requested. However, Personal Budgets are not compulsory and you are not committed to accept a Personal Budget just by asking for one to be prepared.

A Personal Budget can allow families to be creative and flexible in how they use the money or resources that are provided and thus improve outcomes.

4. How do I get a Personal Budget?

When an EHC Plan is being developed, you can request a Personal Budget. This might be when a young person receives an EHC Plan for the first time or when an existing EHC Plan is being reviewed.

When a Personal Budget is requested, a referral form will be sent to csccommissioning@centralbedfordshire.gov.uk by the Local Authority SEND Team. On receipt of this referral, a confirmation email or letter will be sent out to you confirming that a Personal Budget will be prepared. With consent, the SEND Parents and Young Person Partnership Service will be notified, so that they can make contact with you and offer you advice and support.

The Local Authority will prepare a draft Personal Budget, described as an *Indicative Budget* in the Code of Practice. A draft Personal Budget will show how much money is being proposed to purchase services to meet the outcomes set out in the EHC Plan. This draft budget is a starting point, and will be kept under review until the Personal Budget is finalised in parallel with the completion of the EHC Plan itself.

5. What could a Personal Budget pay for?

A Personal Budget can be used to purchase services that will support the Young person y to achieve the outcomes identified in their EHC Plan. A Personal Budget can be used in a variety of different ways for example:

- support workers and personal assistants
- small adaptations and equipment
- overnight stays or weekends away
- supporting learning like guitar and golf lessons
- accessing local activities, for example youth clubs
- transport costs

Over time, the Local Authority will seek to increase the choice of services that could be paid for through a Personal Budget.

Some universal services that are accessed by the general population cannot be paid for with a Personal Budget. These include things like GP services, A&E, school placement costs and mainstream activities and services. Some services that are currently provided by the Local Authority were originally organised as part of a large, block contract e.g. Speech and Language Therapy (SALT) and Community Adolescent Mental Health Services (CAMHS). These may not be able to be included within a Personal Budget at the present time, but the Local Authority are required to change the way in which it purchases some services to allow them to be included within a Personal Budget in the future. As these new changes take effect, more services could potentially be included as part of a Personal Budget.

The **Local Offer** sets out the services that can currently be included within a Personal Budget in more detail. This information will continue to be updated as more Educational, Health and Social Care services become available for inclusion within a Personal Budget. For details of the relevant services available for inclusion in a Personal Budget (see **Appendix 1**).

6. Setting and agreeing the Personal Budget

The Local Authority will produce a draft Personal Budget which will be sent to you for agreement. Part 1 of this statement will lay out what provision is being proposed for inclusion within the Personal Budget and what the associated funds will be to pay for it (see **Appendix 2**).

If you are in agreement with the contents of Part 1, you need to sign and return the form.

If you are not in agreement with any of the contents of Part 1, you need to complete Part 2 indicating your proposals for provision, and the funds needed, to enable the young person to meet the outcomes in the EHC Plan.

Part 3 is only completed once mutual agreement by all parties about the contents of the Personal Budget has been reached.

If you do not agree with the proposed provision or details captured within your EHC Plan, you can contact Kids on <http://www.kids.org.uk/> or 0207 3593635. Kids have been commissioned by the local authority to provide a Mediation Service to support you to seek a solution or agreement about the detail of your EHC Plan.

This process should take between 4-8 weeks, see flowchart (**Appendix 3**) and will be completed within the statutory timescales associated with the needs assessment and production of the EHC Plan. The final details of the Personal Budget will be laid out in Section J of the finalised EHC Plan, and will be linked to both the provision set out in Sections F to H, and to the outcomes set out in Section E of the Plan.

7. Who will agree a Personal Budget?

Your plan will be referred to be discussed at a meeting of professionals from Education, Health and Social Care. They will consider what outcomes are specified in the EHC Plan, and agree how funds from Education, Health and Social Care will be brought together to create a Personal Budget for you.

8. Managing a Personal Budget

Whilst you may choose to manage a Personal Budget yourself, you do not have to do this alone. There will be local agencies that can help you with organising the support that is needed. They may help with managing the finances of a Budget, with any employment issues or assist with the regular expenditure returns that will be required to show that the funds are being used appropriately.

There are four ways in which you can receive your personal budget:

- A payment direct to the recipient – where individuals receive the cash to contract, purchase and manage services themselves
- The council can manage the budget.

- Support Agencies or Third Party – where funds are paid to and managed by an individual or organisation on your behalf (see below)
- A combination of the above

The Local Authority will make a decision in consultation with you as to which option is most appropriate.

9. Support Agency Options

The Local Authority currently has an approved list of support agencies who could help with managing some elements of Personal Budget, as follows:

- **Carer/Personal Assistant (PA) Recruitment;** you are involved in choosing your own PA but the agency is the employer. The agency then charges the Personal Budget for the support of the PA on an hourly basis.
- **Carer/Personal Assistant Support;** the agency provides you with a list of PA's from which you can choose, but the agency is the employer and they pay the PA from the Personal Budget.
- **Payroll Support;** the agency deals with all aspects of paying the PA, including tax and national insurance payments and dealing with Her Majesty Revenue and Customs (HMRC).
- **Managed Bank Accounts;** the agency provides help to set up and manage the bank account.

Support agency list (see **Appendix 4**)

Once a Personal Budget has been agreed a visit may be arranged by a Local Authority officer to agree and support the next steps including (see **Appendix 5**):-

1. Opening a new bank account
2. Organising Employers and Public Liability Insurance
3. Signing an agreement with Local Authority
4. Audit process / Financial Monitoring (see **Appendix6**)

10. What if the Local Authority cannot offer a Personal Budget?

Where the local authority decides not to agree to make an offer of a Personal Budget:

a) It must inform in writing to you detailing:

- Its decision
- The reasons for its decision
- The right to request a review of the decision

b) Where requested to do so, the Local Authority will review its decision and in carrying out the review, will consider any representations made by you (the child's parent/carer) or the young person and:

- Inform you in writing (the child's parent/carer or the young person) of the outcome of the review, giving reasons for the decision.

11. Keeping you safe

A Personal Budgets is designed to empower and provide you with more choices so that you can access the help you need. However, this has to also be balanced with ensuring that the services that you access are always safe from danger and that you are never put at risk.

During the planning process the Local Authority will have a detailed discussion with you about potential risks including any safeguarding issues, and how to manage them. This will form part of an on-going dialogue.

The Local Authority will follow best practice in relation to safeguarding, vetting and barring; including satisfying themselves of a person's identity, their qualifications and professional registration if appropriate and taking up references.

12. Review

Your Personal Budget will be reviewed on an annual basis along with Young person's EHC Plan. In addition to this, there will be an initial review meeting three months after the first Personal Budget payment has been made, to help families to evaluate how the Personal Budget is working. This review will be organised by the Local Authority and will be held in a way which makes it comfortable and easy for you to be involved. The review will be based on how well the Personal budget is helping you to achieve the outcomes in the EHC Plan.

You will be entitled to request a review of your Personal Budget at any time should you feel that your (young person's (child's)) needs have significantly changed and/or the Personal Budget arrangements are not helping them achieve their outcomes.

If you decide that you no longer want to have a Personal Budget, the local authority will endeavour to change the arrangements on behalf of the family. However, a four week notice period is required to transition away from a Personal Budget.

13. Legislation and SEND Code of Practice

The relevant legislation and guidance from the SEND Code of Practice regarding Personal Budgets is included in (**Appendix 7**).

14. More information

We hope you have found this guide useful. We have tried to make it as simple and accessible as possible while giving you all the necessary information to enable you to make an informed choice regarding the suitability of a Personal Budget.

If you have any suggestions for improvements that you feel will make this guide more effective, we would really like to hear from you and we will do everything possible to include them in future versions.

If you have any questions that aren't answered in this pack, please contact us using the details below:

Children with Disabilities Commissioning Officer

Central Bedfordshire Council

Commissioning Team

High St North

Dunstable

Bedfordshire

LU6 1LF

Telephone: 0300 300 4867

csccommissioning@centralbedforshire.gov.uk