**North East Lincolnshire SEND Personal Budgets Policy**

**1.About this policy**

Personal budgets are part of the policy reform relating to Part 3 of the Children's and Families Act 2014 and associated regulations. The vision is to ensure a clearer focus on the participation of children, young people and parents in decision making and a stronger focus on high aspirations and improving outcomes for children and young people.

This policy sets out how Education, Health and Social Care will provide personal budgets to assist people to have real choice and control over the services that they access to support them to lead successful and fulfilling lives.

**2.Introduction**

Personal SEND budgets are an integral part of the Education, Health and Care (EHC) plan process. They are not standalone and should not be viewed as such. SEND personal budgets in North East Lincolnshire can encompass all resources within the EHC plan and outline how the budgets will be used to help children and young people with SEN to access activities that promote greater independence and learn important life skills.

Once a child / young person has been identified as requiring an EHC plan, discussions will start to take place about the additional resource that is required to meet identified outcomes and ways in which these services can be delivered, funded, and commissioned.

Personal Budgets are not a requirement of every EHCP but are available to personalise provision that a child or young person needs in order to achieve successful outcomes. This policy applies to any parent or carer making a request on behalf of a child in receipt of an EHCP, a young person over 16 requesting a personal budget and all professionals involved in the EHCP process.

**3.What is a personal SEND budget in North East Lincolnshire?**

*‘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’* (9.95 COP 2015)

A Personal SEND budget in North East Lincolnshire provides a clear and transparent picture of the resource required to meet the assessed outcomes for a child / young person with special educational needs and / or a disability. This can be requested, dependent upon the needs of the child or young person, as either a single area budget, or one that cross cuts education, health and social care.

Once a personal budget is requested and agreed, the EHC plan will clearly identify where services are being funded from and how these budgets will be managed. Children/young people and parents/carers will be at the centre of these discussions and involved in how they would like to see services delivered and where applicable how they would like the funding to be managed.

A Personal Budget must represent an efficient and effective use of resources *(i.e., value of money*) and must not have an adverse impact on other services which North East Lincolnshire Council, North East Lincolnshire Commissioning Group (CCG) provides or arranges for children and young people with an EHC plan *(i.e., where contracts are already in place for a particular service).*

**4. Who can request a personal budget:**

Young people and parents/carers of children have the right to ask the local authority to prepare a personal budget once the authority has completed an EHC assessment and confirmed that it will prepare an EHC Plan. A request for a personal budget can also be made during an EHC plan annual review. Personal budgets will only be considered at the initial assessment and review stages.

Parents/carers, children and young people will only be eligible for personal budgets which directly relate to the identified outcomes within their EHC plan. Parents/carers, children and young people will not be able to make a request for any services which may lend themselves to personal budgets to be paid via a direct payment method which are not directly related to the identified outcomes.

**5. Managing a personal budget:**

Personal budgets can be managed in the following different ways,

**5.1 Direct payment**. Parent/carers/young person are given funding to buy and manage the services themselves to meet the outcomes identified in their EHC Plan. Spend and accountability will be monitored by the local authority through contract monitoring.

**5.2 An arrangement.** No money changes hands and the Local Authority hold the budget.

Parent/carers find out what additional support is identified through the EHC Plan process to meet the outcome needs of the child/young person. The relevant services/support agreed is then arranged by the local authority or health service. This is sometimes referred to as a notional budget.

**5.3 Third party arrangement/nominees.** A third party organisation, trust or nominated person holds the money and supports parent/carers/young person to purchase the service/support from the agreed outcome needs of the child/young person identified in their EHC Plan.

**5.4 A combination of the above**

**6. What is a Direct Payment?**

A direct payment is where individuals receive the cash to contract, purchase and manage services themselves, or it is agreed that the local authority will pay a direct payment to a nominated third party on the individual's behalf.

Where a direct payment is being used to contract a member of staff, a consistent rate of pay apply for a person undertaking a caring or support role. Payment for a qualified teacher, or instructor varies and will be paid according to the level of qualification required to deliver provision, on a case by case basis.

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

* The Community Care, services for Carers and Children’s Services (Direct Payments) Regulations 2009 (the 2009 regulations will be replaced by those made under the Care Act 2014)
* The National Health Service (Direct Payments) Regulations 2013
* The Special Educational Needs (Personal Budgets) Regulations 2014

Detailed arrangements of the direct payment will be detailed within section J of an Education Health and Care Plan.

**7. Requesting a Personal Budget**

A parent/carer or young person can make a request for a personal budget for consideration during the assessment stage of an EHC Plan, or, at the review meeting of an existing EHC Plan.

There may be reasons why it is not possible for parents/carers or young people to receive direct payments, such as, releasing funding has an adverse effect on other services which the Local Authority or Health provides or arranges for other children / young people.

For a full list of exceptions please refer to 'The Special Educational Needs (Personal Budgets) Regulations 2014' <http://www.legislation.gov.uk/ukdsi/2014/9780111114056>

**8. Support for managing personal budgets**

Deciding on how a personal budget can be managed especially if you are considering a direct payment is not easy. Often the use of a direct payment may mean you are considering becoming an employer yourself, which will mean you managing payroll, DBS checks and other associated functions.

[SENDIASS North East Lincolnshire](https://www.barnardos.org.uk/what-we-do/services/north-east-lincolnshire-sendiass), are able to provide information and advice to children, young people and their families about personal budgets and additional information can also be found on the [Contact](https://contact.org.uk/advice-and-support/social-care/how-to-access-services/personal-budgets-and-direct-payments/) website.

The following companies are examples of who families have used in the past for such purposes:

Rowan <http://www.therowan.org/Personal%20Budgets.php>

Care4All <https://care4all.org.uk/services/pass/>

AK Payroll  <http://www.akpayrollservices.co.uk/AKPayrollServices_direct.htm>

North East Lincolnshire Council will provide you with an option to use a separately funded payroll service and they will manage the personal budget on the child’s behalf. This includes salary, national insurance, and pension. There is a charge for this, costs will be factored into the personal budget.

**9. Decision Making for personal budgets**

Decision’s about personal budget requests will be considered by the service area affected, with a final decision made at a multi-disciplinary SEND panel. This will usually be the SEND case panel, or the Exceptional placements panel. Please see the appendix for full details and an outline of the panels and the process.

Where a decision for a personal budget is declined, a child, young person, or their parent or carer can expect the following:

The Local Authority will:

(a) inform in writing the child's parent or the young person of—

(i) its decision;

(ii) the reasons for its decision; and

(iii) the right to request a review of the decision;
(b) where requested to do so, review its decision and in carrying out the review consider any representations made by the child's parent or the young person; and
(c) inform in writing the child's parent or the young person of the outcome of the review, giving reasons.

**10.. How different personal budgets might be used:**

**10.1 Education personal budgets**

You must have an EHC plan to get a Personal Budget for special educational provision. However, you do not have to have a Personal Budget; it is optional.

A personal budget for education can be used for things that will support the child or young person to achieve their educational outcomes as set out in their EHC Plan. Some examples of this might be:

* Technology support for learning such as specialist IT equipment
* Support for communication with others
* Support to join an educational activity or club
* Additional specialist support to achieve an outcome
* Equipment to support access to educational outcomes

Personal Budgets may therefore offer a different and flexible way of meeting the needs and delivering the provision identified in a child’s or young person’s EHC plan, but do not provide additional funding or support above and beyond this.

**Personal budgets cannot be used to:**

* fund a school or college place
* supplement a school’s budget.
* For a full list of exceptions please refer to 'The Special Educational Needs (Personal Budgets) Regulations 2014' <http://www.legislation.gov.uk/ukdsi/2014/9780111114056>

**9.2 Personal Health Budgets**

A personal health budget may be used for continuing health care for children and young people in line with the government’s ongoing personalisation agenda.

There are five essential components of a Personal Health Budget. The patient with the Personal Health Budget (or their Representative) must:

1. Be able to choose the health outcomes they want to achieve to improve their health and wellbeing.
2. Know how much money they have for their health care and support.
3. Be enabled to create their own plan, with support if they want it from the CCG.
4. Be able to choose how their budget is held and managed.
5. Be able to spend the money in ways and at times that make sense to them, as agreed in their plan.

**A personal health budget cannot be used for:**

* Purchasing alcohol, tobacco, funding gambling or debt repayment, anything that is illegal
* Emergency or urgent care including inpatient care.
* Purchasing services which are run by the local authority.
* Purchasing services provided by the NHS such as primary medical care including dental and GP services.
* Purchasing services from a close family member who lives at the same address as you are other than in exceptional circumstances.

\*It should be noted that these lists are not exhaustive.

**Principles of a Personal Health Budget**

 Our underpinning principles for providing Personal Health Budgets are:

* Patients and their carers will be central to all processes
* Services will be personalised regardless of who pays and whether they are delivered by the statutory or private sector
* The delivery of Personal Health Budgets will be managed within the agreed budgetary provision affordable to the Local Authority as part of its annual financial plan.

The Local Authority acknowledges that people have the right to ask for a Personal Health Budget, but the capacity and resources to meet all requests is likely to result in the need to prioritise individuals in the local process.

Following a clinical assessment, an indicative budget will be offered based on a fair and transparent allocation process, with which the patient will begin to develop an individual plan to meet their holistic needs for their health and well-being. This plan must be legal, effective, affordable, and meet a range of agreed outcomes. This will then help calculate an agreed final Personal Health Budget. The freedom to prioritise what is important in their lives is a fundamental shift in roles and responsibilities for both the patient and the health professional.

Patients, supported by their parents/guardian where appropriate, in close liaison with health professionals, will identify their desired outcomes and plan their support within the proposed allocation of money.

**9.3 Social Care personal budgets**

For personal social care budgetsfor children and young people under 18, local authorities are under a duty to offer direct payments for services which the local authority may provide to children with disabilities, or their families, under section 17 of the Children Act 1989 (Defined as Child In Need)

For people aged 18 and over, the Care Act 2014 mandates that a Personal Budget as part of the care and support plan for people over 18 with eligible care and support needs, or where the local authority decides to meet needs.

**A personal social care budget can be used for**

* Help with personal care
* Day Care services both traditional and non-traditional
* Help with daily living activities
* Support to promote independence
* Supporting employment needs
* Short stay/respite care both traditional and non-traditional
* Personal Assistant costs
* To provide supported accommodation, where this is not funded by Housing Benefits or Supporting People
* Better access to transport
* Equipment to help you to be as independent as possible or assist you in employment
* Other services identified in your support plan

**You cannot use your Direct Payment to pay for:**

* Any expenditure/activity that isn’t in your support plan
* Employing someone who lives in the same household (unless there are exceptional reasons which have been agreed with the Local Authority)
* Residential care or Nursing Care Services
* Any activity that is illegal
* Services that can be obtained free of charge (e.g., dentistry, eye care, health care)
* Any activity that puts you or others at risk of serious harm
* Expenditure on drugs, tobacco, or alcohol
* Clothing and jewellery
* Food/heating/lighting/general household or living expenses
* Rent or housing costs
* Any form of building works
* Aids and adaptations which should be funded from other sources
* General Bank charges
* Mobile phone charges
* Payments to purchase and/or maintain ordinary household items, unless this is explicitly specified in your Support Plan, and meets an agreed need, (e.g., an individual budget would not normally be used to help someone pay to repair their central heating boiler or shower, or to buy carpets.)
* Gifts
* Cash Withdrawals
* Gambling
* Purchasing Food and Drink
* Transport Costs that would be part of a child or young person’s daily routine e.g. to school.

**Appendix**

**Process for decision making**

**Please note:** all decisions about personal budgets will be communicated in writing. Where a decision is made to not agree a personal budget, reasons for this decision will also be outlined, together with the process for seeking a review of the decision.

Decision making panels:

Requests for personal budgets will be considered at the following panels depending upon the request that is being made. All three panels are multi-disciplinary.

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| --- | --- | --- |
| SEND assessment panel | Meets weekly | A request may be made here, where an assessment for a plan has been made, and an element of a child’s provision is requested through a personal budget.  |
| SEND EHCP panel | Meets weekly | A request will be heard and discussed at this panel, where a child has a plan and there is a change of need reflected through an annual review, or an emergency annual review |
| SEND exceptional cases/placement panel | Meets weekly | A request will be heard and discussed at this panel, where a child has a plan and there is a significant change in need resulting in highly specialised or bespoke provision.  |