 

Knowsley Borough Council

and

Knowsley CCG

Personal Budget Policy for Children and Young people aged 0-25 with Special Educational Needs

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# About this policy

This policy relates to the duties of Knowsley Borough Council and Knowsley Clinical Commissioning Group (CCG) in relation to personalisation and personal budgets as outlined within the Children and Families Act 2014 (Section 49), the Statutory Guidance and Code of Practice for Special Educational Needs and Disability 0-25 years.

The aim of this policy is to explain the approach taken to personal budgets across education, health and social care in implementing the above reforms.

# Policy context

From 1 September 2014, changes have been introduced to the way children and young people with special educational needs and disabilities ([SEND](https://www.knowsleyinfo.co.uk/categories/glossary#SEND)) are supported.

The [SEND](https://www.knowsleyinfo.co.uk/categories/glossary#SEND) reforms are set out in part 3 of a new law called the Children and Families Act 2014. This is the biggest change in policy and practice with regard to children and young people with SEND since the 1981 Education Act.

A Code of Practice was published in 2015. uk/government/organisations/department-for-education. The code gives statutory guidance for local authorities, CCGs and other organisations on how to work together to support children & young people with SEND.

The Act includes new duties on local authorities and the NHS to jointly plan and commission services for all children and young people with special educational needs and disabilities. One of the specific duties placed on authorities and CCGs is to carry out coordinated assessments and where necessary work with young people and their families to produce Education, Health and Care (EHC) plans.

There is a detailed guide to the EHC plan process in Appendix one of the Making It Personal guide for families.

# What is personalisation?

Personalisation is about putting children & young people and their families at the centre of the EHC process. It means starting with the person as an individual with strengths, preferences and aspirations, identifying their needs and supporting them to make choices about how and when they are supported to live their lives.

# What is a personal budget?

A personal budget is an amount of funding allocated by a service (education, health, and/or social care) to meet the assessed support needs of a child or young people with SEND.

The option for personal budgets is intended to enable non-traditional solutions towards a defined outcome, thereby meeting the individual’s needs.

A personal budget is not the overall total of all the money that is available to support a child or young person.

# Mechanisms for delivery

There are four ways in which the child’s parent and/or the young person can be involved in securing provision:

* Direct payments – funding is given directly to parents and young people to contract, purchase and manage services
* Notional budget – parents and young people do not handle any funding but can direct Local Authorities as to how they want their money spent to support the plan
* Held by a third party who handles funding on behalf of the parent/young person
* A combination of the above.

# Eligibility criteria

Each of the three areas has its own criteria that decide whether a child or young person with SEND can receive funding from that area.

A child or young person with SEND may be eligible for a personal budget when they have complex learning difficulties and disabilities within the definitions set out in the Special Educational Needs Code of Practice, 2014, (page 15 section xiv). A personal budget may be provided where a child or young person requires individual tailored support that goes beyond universal and targeted services. In general this means that in:

## Education

Children & young people who have an EHC Plan and who have High Needs Funding to meet their needs in education.

The decision about eligibility for a personal budget will be arrived at through the assessment process of the EHC pathway. The education placement will also be taken into account and may vary the availability of a personal budget.

## Health

This specifically relates to children eligible for Continuing Care (CC) as defined by the National Framework for Children and Young People’s Continuing Care, 2016. Children in receipt of continuing care, and others on a discretionary basis, have a right to request a Personal Health Budget. This is referred to as a Personal Health Budget as it covers the element of their care package that would normally be provided by the NHS. Independent brokerage services can be involved to support parents/carers and ensure correct management of personal health budgets.

## Social Care

Children & young people assessed by Children’s Social Care and/or Children with Disability Team can receive a personal budget if they are assessed as needing additional funding above the resources provided within universal and targeted support.

# Requesting a personal budget

Any child or young person with SEND, or their parents/carers can request a personal budget at the point at which a draft EHC Plan is issued or during a statutory review of an existing EHC Plan.

As explained in the SEND Code of Practice, children & young people and their families should be given an ‘indicative allocation’ of funding which they could request as a personal budget should they choose. An indicative allocation is not a final figure but an estimate of funding, i.e. it is information the family/children & young people can use to make an ‘informed decision’ about whether they wish to request a personal budget, and/or how they might use a personal budget alongside the other provision available.

On receipt of a decision to proceed with a draft EHC plan, parents and carers will be invited to contact the SEN Officer if they wish to pursue a discussion on eligibility.

An appeal via the SEN Officer can be made if:

* An aspect of provision listed in the EHC Plan has not been offered in a personal budget and was requested by the parent or young person
* A personal budget has not been offered or the request has been refused
* The amount of the personal budget is felt not to be sufficient to meet the needs of the children or young person.

# What can a personal budget be used for?

In principle a personal budget can be used for any expenditure that meets outcomes defined in the agreed EHC plan, as long as expenditure is lawful, effective and affordable.

**Direct payments**

Direct payments are payments made directly to a child’s parent, the young person or their nominee. This allows them to arrange provision themselves.

Direct payments for EHC personal budgets are subject to separate regulations; the detail of the requirements contained within these is in Knowsley Council’s Direct Payments Policy. This policy also refers to the support/brokerage services available to families wishing to receive a direct payment.

**Transition**

As young people develop, and increasingly form their own views, they should be involved more and more closely in decisions about their own future and how their budget is spent in meeting their needs; and achieving their outcomes.

After compulsory school age (the end of the academic year in which they turn 16) the right to make requests and decisions under the Children and Families Act 2014 applies to them directly, rather than to their parents. Parents, or other family members, can continue to support young people in making decisions, or act on their behalf, provided that the young person is happy for them to do so.

The right of young people (aged 16 or over) to make decisions is subject to their capacity to do so as set out in the Mental Capacity Act 2005. In all cases, the young person must agree with how their budget should be spent where they are deemed to have mental capacity.

The Mental Capacity Act starting point is to confirm that it should be assumed that an adult/young person (aged 16 or over) has full legal capacity to make decisions for themselves (the right to autonomy) unless it can be shown that they lack capacity to make a decision for themselves at the time the decision needs to be made. This is known as the presumption of capacity.

Where a young person (aged 16 or over) is deemed to lack mental capacity, the local authority and CCG must be satisfied that the decisions regarding the use of their personal budget is in the individual’s best interests.

Decisions about mental capacity are made on an individual basis, and may vary according to the nature of the decision. Someone who may lack capacity to make a decision in one area of their life may be able to do so in another.

Further guidance on the Mental Capacity Act and how it applies can be found in the Code of Practice [Mental-capacity-act-code-of-practice.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/497253/Mental-capacity-act-code-of-practice.pdf)

# Monitoring and review

There is a statutory requirement to review EHC plans at least annually or where there is a significant change in needs, this will include the personal budget component of the plan. In addition there is a statutory requirement to review the health component 3 months post review and if the child or young person’s health or circumstances change.

The purpose of the review is to ensure resources are being used in the best way to support the child or young person to achieve their outcomes.

If a personal budget is withdrawn or reduced, the Council and CCG will consult with all relevant parties and give written notice of the decision.

# How to find out more

To find out more, please visit the Knowsley Information Service website.

Or click [**here**](https://www.knowsleyinfo.co.uk/categories/knowsley-local-offer-special-educational-needs-and-disability)if viewing this policy online.

[www.knowsleyinfo.co.uk](http://www.knowsleyinfo.co.uk)

# Glossary

Assessment

A formal process of collecting all necessary information about the child or young person, their family and those supporting them.

Clinical Commissioning Group (CCG)

CCGs are groups of professionals that work together to commission services, ensuring there is sufficient capacity contracted to deliver necessary services to people.

Commissioning

The process for deciding how to use the total resource available for families in order to improve outcomes in the most efficient, effective, equitable and sustainable way.

Direct Payments

The opportunity for families and/or people to ask for the financial equivalent of the cost of the services being offered to meet their support needs as a cash payment. This is how families take control of a personal budget and receive the ‘cash’ to purchase the support their child needs.

Education, Health and Care (EHC) Plan

Brings a child’s education, health and social care needs into a single, legal document. The child/young person must have special educational needs to be eligible for a plan. All children and young people in receipt of a Statement of Special Educational Needs or a Learning Difficulty Assessment will be entitled to an EHC Plan up to the age of 25, as long as they stay within education (except university). The local authority should work closely with parent/carers and the child to make sure the plan takes full account of their views, wishes and feelings.

Local Offer

Provides information for children and young people and their parents/carers in a single place. Local authorities are required to consult with children/young people and their families to ensure they are providing the right information in an accessible format. The local offer must provide information on a number of things, including: special educational provision and other educational provision, health provision, social care provision, childcare provision, training provision, travel arrangements for children and young people to schools, colleges and early years education, and preparing for adulthood, including housing, employment and leisure opportunities, as well as what leisure opportunities are available.

Mainstream and/or Universal Services

A term used to describe the services, activities and opportunities the majority of the population use and take for granted as part of everyday life, such as shops, leisure centres, buses, waste disposal, road maintenance, the built environment, public toilets, parks and recreation facilities.

Providers

Services offering support to children, young people and their families. Most often this term describes voluntary or private services but can also be used to describe a children’s in-house provision.

Statutory guidance

Statutory guidance is guidance which local authorities and other local bodies have a legal duty to follow.

Young person

A person over compulsory school age (the end of the academic year in which they turn 16). From this point the right to make decisions about matters covered by the Children and Families Act 2014 applies to the young person directly, rather than to their parents.