

Personal Budgets



This information is about personal budgets for children and young people with special educational needs & disabilities (SEND).



What is a personal budget?

A Personal Budget for SEN is money identified to pay for support specified in an **Education, Health and Care Plan** (EHCP) for a child or young person with special educational needs. It can give choice and control over how part of the provision in an EHCP is delivered.

It can include funds from the Local Authority for education and social care and from the Clinical Commissioning Group (CCG) for health and can contribute to a person centred support package for a family. Each type of personal budget has different legislation governing it so they do not all work in the same way.



Who can have a personal budget?

- ◆ If you are the parents of a child with an EHCP, or a young person with an EHCP, you can request a personal budget either during the drafting of an EHCP or at a review once the plan has been issued
- ◆ A young person with an EHCP can ask for their own personal budget after the end of the school year in which they become 16
- ◆ There is a right to **request** a personal budget (in education) but not a right to **have** a personal budget
- ◆ You do not need to have an EHCP to get personal budgets for social and health care, but once you have an EHCP, or one is being prepared, you can request budgets for all three areas of support.
- ◆ You must have an EHCP to get a personal budget for special educational provision. *not a Statement or LDA)

However, you do not have to have a personal budget.

What can a personal budget be used for?

Personal budgets can **only** be used to fund the support set out in an Education, Health & Care Plan (EHCP). This must be agreed by **the Local Authority** for education and care support, and by **the Health Authority** for the health provision. The EHCP will then set out how a personal budget is going to deliver support and outcomes.

While there is a degree of flexibility in how personal budgets can be used you must be able to demonstrate that your child's assessed **needs** would be met and that it contributes to the **outcomes** in the EHCP.

A personal budget will use any top up funding (known as Element 3 funding). It can also include support that is managed by the school or college – but only if the Headteacher or Principal agree.

BUT a personal budget for educational provision cannot cover payment for a place at a school or college.

Some possible ways in which a personal budget could be used might include:

- ◆ Additional tuition in a particular area such as literacy or maths (only where the child is under 16)
- ◆ An ipad for a child which is focussed on improving communication skills
- ◆ Teaching assistant support hours in schools
- ◆ Therapies (speech and language / occupational therapy / physiotherapy)
- ◆ Transport – home to school
- ◆ Continuing healthcare
- ◆ Short Breaks (direct payments only to employ a personal assistant)

Sometimes the Local Authority or the health authority may not agree to a personal budget. If the Local Authority refuses a personal budget for special educational provision they must tell you why.

You cannot appeal to the Special Educational Needs and Disability Tribunal over this refusal, but could use the 'disagreement resolution process'. This service is provided in Norfolk by Kids.

Kids

Contact 03330 062 835

senmediation@kids.org.uk

www.kids.org.uk/mediation

You can find out what can be included in a personal budget in the **Norfolk Local Offer** at www.norfolk.gov.uk/send

Norfolk SEND Partnership IASS can help you decide if independent disagreement resolution is right for you and you can ask for more information on personal budgets



What is the difference between a personal budget and a direct payment?

A personal budget shows you what money there is for the provision specified in an EHCP, and who provides it. The parent or young person does not actually manage the funds directly.

With a **direct payment** the parent or young person is given the money for some services and manages the funds themselves. The parent or young person is responsible for buying the service and paying for it.

A personal budget can include a direct payment if it is agreed that this is the best way to manage part of the personal budget.

Direct payments can be used for special educational provision in a school or college only if the school or college agree. Local Authorities can refuse a direct payment for special educational provision if it would make things worse for other children and young people with an EHCP, or if it would be an inefficient way to pay for services.

It is also possible to have a third party arrangement to manage a direct payment.

How much will I get if I have direct payments?

How much you get will depend on what has been set out in the EHCP. So it will vary from one person to another.

If the Local Authority has agreed to make a direct payment it must be enough to pay for the service or services specified in the EHCP.

Are there other kinds of personal budget?

Yes – some people have had personal budgets for health provision (a personal health budget) and for social care provision (e.g. Fair Access to Short Breaks). They may have managed some or all of the provision using a direct payment. But this is the first time that personal budgets have become available for SEN provision.

You can find out more about the different kinds of personal budget at <http://kids.ritdns.com/mip2>

Where can I get further information, advice or support?

You can see Norfolk County Council's policy on personal budgets on **Norfolk's Local Offer** at www.norfolk.gov.uk/send

Norfolk SEND Partnership IASS can also give you:

- ◆ More information about personal budgets, including direct payments
- ◆ Advice on whether a personal budget may be suitable and how you can apply for it
- ◆ Information and advice on local services, organisations, and resources that may be able to help
- ◆ Information, advice and support on what you can do if you are unhappy with the Local Authority's decision on your personal budget.



We also:

- ◆ Produce a newsletter each term
- ◆ Have information leaflets available on our website
- ◆ Ensure the views of children, young people and parent/carers are represented when influencing SEND policy and practice

Contact us:

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Disclaimer: This is a guide and should not be treated as legal advice. Although SEND Partnership makes all reasonable efforts to ensure that the information contained in this booklet is accurate and up to date at the time of publication we cannot accept responsibility suffered as a consequence of any reliance placed upon it.

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