

London Borough of Hammersmith & Fulham

Report to: Cabinet

Date: 13/01/2025

Subject: Personal Budget Policy for Education Provision within an Education, Health and Care (EHC) Plan

Report of: Councillor Alex Sanderson, Deputy Leader (responsible for Children and Education)

Report author: Joe Gunning, Head of Programmes and Roisin Conroy, Commissioning and Transformation Lead

Responsible Director: Jacqui McShannon, Executive Director of People's Services

SUMMARY

The Personal Budget Policy sets out H&F's person-centred approach intended to give parents, carers and young people more flexibility, choice and control over the support they use and enables them to make their own decisions as a family about what works best for them in relation to the Education provision specified in the child or young person's Education, Health and Care Plan.

This policy formalises the application process for Personal Budgets. Parents have been actively involved in coproducing the drafting of this policy to ensure it is as clear and accessible as possible for parents/carers applying for personal budgets for their child/young person.

RECOMMENDATIONS

1. That Cabinet approves the publication of the EHC Personal Budgets Policy attached at Appendix 1.
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Wards Affected: All

Our Values	Summary of how this report aligns to the H&F Values
Building shared prosperity	Ensuring those with EHC plans have access to the personal budget they are entitled to so that they can prosper.

Creating a compassionate council	Listening and responding to feedback from professionals, young people, parents, carers, education settings and wider partners regarding the need for easy to comprehend policies.
Doing things with local residents, not to them	The documents were developed following engagement with families. They have been further updated in response to feedback received through consultation with wider stakeholders, including Parentsactive and SENDIASS.
Being ruthlessly financially efficient	This policy will consistency in the administration of personal budgets to eligible children, and young people.
Taking pride in H&F	Support H&F to be the best place to grow up, live and work. This policy will ensure our support to children and young people with SEND enabling them to lead happy, healthy, and fulfilling lives and achieve their life goals.
Rising to the challenge of the climate and ecological emergency	There are no anticipated climate and ecological implications as a result of the publication of these documents.

Financial Impact

There are no direct financial implications associated with the publication of the EHC Personal Budgets Policy. It is expected that the implementation of the policy will be managed within existing Children’s Services structures by existing budgets.

Implications by: Tony Burton, Head of Finance Children’s Services and Education, 18 October 2024.

Verified by James Newman, AD Finance, 31 October 2024.

Legal Implications

There are no direct legal implications associated with the publication of the EHC Personal Budgets Policy. In applying the policy, the council must ensure that each case is considered on the facts and blanket policies are not applied to all, to avoid legal implications by way of Judicial Reviews. Each decision must be well documented and shared with the subject within the stated timescales.

The strategy is produced in the context of the statutory requirements set out in the Children and Families Act 2014 together with the guidance in the SEN Code of Practice and The Special Educational Needs (Personal Budgets) Regulations 2014 that were

issued alongside the 2014 Act. Publication of the policy contributes to the fulfilment by the Council of these obligations.

Implications by: Razmin Rima Hussain, Senior Solicitor, 11 October 2024.

Background Papers Used in Preparing This Report

None

DETAILED ANALYSIS

Proposals and Analysis of Options

1. The Special Educational Needs (Personal Budgets) Regulations 2014 set out that Local Authorities must ensure children, young people and parents are provided with information and advice on the take up and management of Personal Budgets.
2. The EHC Personal Budgets Policy establishes the process by which children, young people and their families may apply for a Personal Budget to deliver provision relating to outcomes laid out in Section F of the child or young person's Education Health and Care Plan.
3. The policy will be seen as a key document for any future inspections.

Option 1 – Publish the H&F EHC Personal Budgets Policy (Recommended)

4. The policy document formalises Hammersmith & Fulham's approach to Personal Budgets in accordance with the statutory guidance and provides clear guidance on the eligibility, use and monitoring of Personal Budgets. Publishing the policy will ensure consistency in decision making and provide clarity to families and professionals on the approach in H&F.
5. The Policy is in line with the Council's commitment of doing things with residents, not to them, and is part of the person-centred approach intended to give parents, carers and young people more flexibility, choice and control over the support they use and enables them to make their own decisions as a family about what works best for them.
6. This option is recommended.

Option 2 – Do not publish the H&F EHC Personal Budgets Policy (Not recommended)

7. This option will mean that our families may struggle to understand the process of applying for an EHC Personal budget, this could negatively impact children and

young people with SEND, and their families. This would also be in contrary to the regulations in which Local Authorities must provide information and advice on Personal Budgets to families and not align to the Council's commitment of doing things with residents, not to them.

8. This option is not recommended.

Equality Implications

9. The formalisation of this policy will provide children, young people and their families greater choice and control over the support they use. It is anticipated that this policy will have a positive impact on those with protected characteristics.

Risk Management Implications

10. There are no identified risks that impact either LBH&F or the service it provides. The report recommends approval of a policy in line with regulations and developed with stakeholders, including the parent/carer forum. The policy provides a clear approach to administering personal budgets, is in line with being a compassionate council and in being ruthlessly financially efficient.

Implications by: Jules Binney, Risk and Assurance Manager, 8 October 2024.

Climate and Ecological Emergency Implications

11. There are no anticipated climate and ecological implications as a result of the publication of the policy.

Implication by: Hinesh Mehta, Assistant Director Climate Change, 14 October 2024.

Consultation

12. Whilst the policy is a direct application of the regulations, Officers have used the feedback and 'thousands of everyday conversations' via our Parent/Carer forum to shape and influence the language of this policy to ensure it is clear and accessible.
13. Parentsactive has actively supported the shaping and development of this policy, and their feedback and comments have been reflected in this final version. We have committed to create an accessible PDF version of this policy once the core document has been approved.

LIST OF APPENDICES

Appendix 1: Personal Budget Policy for Education Provision within an Education, Health and Care (EHC) Plan