

## **APPENDIX 1**

# **HAMMERSMITH & FULHAM PERSONAL BUDGET POLICY FOR EDUCATION PROVISION WITHIN AN EDUCATION, HEALTH AND CARE (EHC) PLAN**

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## WHAT IS A PERSONAL BUDGET?

A Personal Budget is an amount of money that is used to help children/young people with special educational needs and disabilities and their families choose the kind of support and services which will help them reach the agreed outcomes set out in the child/young person's Education, Health and Care (EHC) Plan.

Personal Budgets can include funding from Education, Health and Social Care, each service has its own eligibility criteria. This policy relates to the education provision within Section F of an EHC Plan.

## BACKGROUND

This policy sets out the formal position of the Council regarding the eligibility, purpose and authorised usage, processes and requirements of the Council, and families in receipt or wanting to receive Personal Budget. The Children and Families Act 2014 and supporting statutory guidance introduced new legislation in respect of Personal Budgets, including the Special Educational Needs (Personal Budgets) Regulations 2014.

This policy is for professionals, young people and parents/carers of children with an EHC Plan. Each Personal Budget is assessed and subsequently granted or declined based on individual merits, to secure provision and outcomes outlined in Section F of the Education Health and Care Plan (EHCP).

## WHAT CAN A PERSONAL BUDGET BE SPENT ON?

A Personal Budget is a direct payment to a parent/carer or young person (or representative) that is allocated to be spent on the identified provision in Section F of an EHC plan in order to support desired outcomes in an EHC plan.

There are four ways in which a child's parents/carers or young person can be involved in securing provision:

- Personal Budget where the child's parents or young person receive the funding to contract, purchase and manage the services themselves.
- An organised arrangement where the Council, school or college holds the funds and commissions the support specified in the plan. These are sometimes called notional arrangements and can also be used where contractual, or funding arrangements mean that cash cannot be released as a Personal Budget or where economies of scale are present.<sup>1</sup>

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<sup>1</sup> 'Economies of Scale' = cost advantages when production of goods/ a service becomes more efficient.

- Third party arrangements where Personal Budgets are paid to and managed by an individual or organisation on behalf of the child's parent or young person.
- A combination of the above.

This policy relates only to Education provision within an EHC Plan. The budget can only be used for provision set out in Section F of the child/young person's EHC Plan to meet the identified outcomes for the child/young person.

***Example, Child A's EHC Plan states they should receive one hour of hydrotherapy per week and a Personal Budget is provided to pay for this. Providing a two-hour session every fortnight or two-hour swimming session instead would not be appropriate.***

The Personal Budget excludes any provision not specified in Section F, such as:

- Payment for a place at a school or college
- Bills such as rent or mortgage
- Purchase household items
- Food, shopping, sundries, or refreshments
- An activity or service for someone else
- Anything illegal or adult activities such as alcohol and gambling

A Personal Budget will not be provided where the Council has delegated the funding to a school to deliver provision specified within Section F of an EHC Plan, or where the sum is part of a larger amount and disaggregation<sup>2</sup> of the funds for the Personal Budget would have an adverse impact on services provided or arranged by the Council for other EHC plan holders, or where it would not be an efficient use of the Council's resources. In these circumstances, the Council will inform the child's parent/carer or the young person of the reasons it is unable to identify funding following a request for a Personal Budget and will work with them to ensure that services are personalised through other means so that Section F of the EHC Plan is able to be met.

In most cases, provision set out in Section F will be expected to be met by a child or young person's educational setting through its school budget share, including its SEN funding, as well as that additional funding allocated through a child or young person's EHC plan.

It is important to remember that any changes to a child's or young person's needs and provision (Sections B and F of the EHC plan) are discussed with their allocated EHC Caseworker. The best time to do this is during an Annual Review meeting. You must always discuss a change in your/your child's support needs with your EHC Coordinator before making any decisions to reallocate your funds.

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<sup>2</sup> Disaggregation: dividing/ separating into parts.

## WHO CAN REQUEST A PERSONAL BUDGET?

The following may request a Personal Budget:

- The child/young person's parent/carer
- The child/young person
- a person nominated in writing by the child's parent/carer or the young person to receive the Personal Budget on their behalf.

Personal Budgets may only be made if the person:

- appears to the Council to be capable of managing direct payments without assistance or with such assistance as may be available to them;
- where the recipient is an individual and above school age (16+);
- does not lack capacity within the meaning of the Mental Capacity Act 2005 to consent to the making of direct payments to them or to secure the agreed provision with any direct payment; and
- where a nominee has been appointed. If the child's parent or young person notifies the Council in writing that they wish to withdraw or change their nomination, the Council will stop the Personal Budget payments to the nominee as soon as reasonably practicable and, where applicable, consider whether to make Personal Budget payments to the alternative nominee.

## HOW CAN I REQUEST AN EHC PERSONAL BUDGET?

A parent/carer, or the young person (aged 16+) can request a Personal Budget, when the Council has completed an EHC Needs Assessment (EHCNA) and confirmed that it will begin to draft an EHC plan with the parent/carer at a coproduction meeting. Parents/carers may also request a Personal Budget during a statutory review (Annual Review) of an existing EHC plan.

Requests for Personal Budgets should be submitted to the EHC Casework Service, by completing the application form at Appendix 1 of this policy.

The Council will provide an indication of the level of funding that is likely to be required to make the provision specified or proposed to be specified in section F of the EHC plan. As part of a person-centred approach to the development of the EHC plan, the Council will agree the provision to be made in the plan and help the parent or young person to decide whether they want to take up a Personal Budget.

## HOW ARE DECISIONS MADE?

Each decision is made on its own individual merits and budgets may be agreed to meet outcomes for a set period. Requests for Personal Budgets will be considered by the EHC Panel, which comprises of representatives from Education, Health and Social Care. The views of the multidisciplinary EHC panel concerning requests for a Personal Budget will inform the Council's decision. As a public body, the Council's

decision on whether to allocate a Personal Budget will take account of the efficient use of existing resources and value for public funding.

The key principles in considering any request will be whether:

- There is clear evidence of special educational needs which the request is seeking to meet.
- The request is linked to the achievement of specific outcomes in the EHC Plan.
- The request is not able to be met through the education, health and care provision and support allocated.
- The services for which a Personal Budget has been requested could be commissioned more cost effectively elsewhere.

The Council will provide written notice to the recipient setting out:

- The goods or services which are to be secured by the Personal Budget.
- The proposed amount of the Personal Budget.
- Any conditions on how the Personal Budget may be spent.
- The dates for payments into the bank account approved by the Council.
- The arrangements for an evaluation of the impact of the agreed Personal Budget.

Parents/ carers and young people requesting a Personal Budget must provide information on how they plan to meet the provision stated in Section F of the EHC plan, and what it will cost. If agreed the family/representative or young person will need to enter into a formal written agreement with the Council before funding is allocated.

## HOW MUCH WILL I BE PAID?

The amount that is received through a Personal Budget will be calculated by the Council based on the assessed need. This will then be considered by the EHC Panel in its advisory role for the Council. It is important to note too that before a Personal Budget can be agreed, the Council must be assured that additional funding through a Personal Budget relating an EHC plan is required in order to support a child or young person over and above the funding ordinarily available in educational settings.

## HOW WILL I BE PAID MY PERSONAL BUDGET?

Personal Budgets for Education provision are paid by a Direct Payment. Direct payments are cash payments made directly to the parent/carer, the young person or their representative, thereby enabling them to arrange the provision in the EHC plan themselves.

The Personal Budget will be paid termly in advance of each term commencing.

## MONITORING

The Council must monitor the use of Personal Budgets. A review will take place at least once in the first three months and when undertaking a review or a re-assessment of an EHC plan. The review will consider whether to:

- continue the use of Personal Budget to secure agreed provision
- whether the Personal Budget has been used effectively
- whether the amount continues to be sufficient
- whether the decision to provide a Personal Budget still applies and
- whether the recipient has complied with the conditions for being allocated a Personal Budget.

A recipient may ask the Council to review the decision and use of the Personal Budget. This request must be considered by the Council.

Parents/carers will be asked to provide receipts and agree to monitoring arrangements with the Council.

The Council can refuse to make payments if:

- It does not believe the person receiving the payments would be capable of managing the money allocated.
- It does not believe it would be used in an appropriate way.
- It would negatively impact other services provided by the Council.
- It would not be an efficient use of resources.

## REPAYMENT AND RECOVERY OF PERSONAL BUDGET

The Council may require the recipient to repay all or part of the Personal Budget:

- Where the child's or young person's circumstances have changed.
- All or part of the Personal Budget has not been used as agreed.
- An offence has been committed in relation to the Personal Budget.
- Or when the child or young person has died.

In the event of a notice of repayment, the amount to be repaid, the reasons for the decision and a reasonable timescale for repayment will be sent to the recipient in writing.

## SENDIASS

SEND Information and Advice Support Service (SENDIASS) [H&FSENDIASS \(hfsendiass.org.uk\)](http://H&FSENDIASS(hfsendiass.org.uk)) can support families with queries around Personal Budgets in an advisory capacity.

Contact	Information
Email	<a href="mailto:info@hfsendiass.org.uk">info@hfsendiass.org.uk</a>
Phone Number	020 3886 1582

## APPEALS

If the Council refuses a request for a Personal Budget for special educational provision on the grounds set out in regulations, reduces the Personal Budget amount, or stops the Personal Budget, the Council must set out their reasons in writing and inform the child's parent/carer or the young person of their right to request a formal review of the decision.

The Council must consider any subsequent representation made by the child's parent or the young person and notify them of the outcome, in writing, setting out the reasons for their decision.

## COMPLAINTS

### **Council complaints procedure:**

The Council operates a statutory complaints procedure and may process or investigate complaints about all aspects of Personal Budgets. Details of how to complain about a Council service or decision can be found at <https://www.lbhf.gov.uk/Councillors-and-democracy/complaints>

### **Complaints about providers:**

Children, young people and their families must not use the Council procedure for complaints about the services which they have purchased from independent sector agencies. These complaints must be addressed to the providers directly.

### **Challenges with workers employed by the family:**

Any issues with carers employed directly by the family through Personal Budgets must be dealt with by the family as the employer. If there is a safeguarding concern, it is important to follow the [Local Safeguarding Children's Board](#) procedures.

## DEFINITIONS

**Council:** London Borough of Hammersmith and Fulham

**EHC Panel:** Multi-agency panel comprising of representatives from Education, Health, and Social Care.



**Personal Budget:** the amount of money that the local and health authorities have agreed it will cost to meet the outcomes in the EHC plan. A Personal Budget is allocated in recognition that the child's or young person's support needs cannot be met in full by mainstream/universal or targeted services without an additional individual investment being made. The Personal Budget can be payable as a direct payment, and it may be provided from 3 different funding streams for example, education, health, and social care.

**Direct payment:** The method of payment for Personal Budget. A cash payment made to an individual, so that they can arrange their own services. The payment must be sufficient to enable users to purchase services to meet their outcomes and needs as specified in the EHC plan. If the Personal Budget is agreed, a direct payment will be made to the child's parent or to the young person or to a nominee.

**Indicative/notional budget:** the amount of money the Council and health authorities estimate it will cost to meet a child's/young person's education, health and care assessed needs.

**Targeted support:** services and support targeted at children and young people due to a particular learning support need. At a school level, targeted support will mean support focussed on one or more children and young people in a class or in a group, where there is a shared offer of support. This may include funding of support staff. This support will be funded through the budgets of early years settings, schools, and colleges.

**Young person:** for the purpose of this policy, this describes a young person, who is no longer of compulsory/statutory school age i.e., who has reached the end of Year 11.

## Appendices

**Appendix One:** [Personal Budget Application Form](#)