

PERSONAL BUDGETS

**A GUIDE AND POLICY FOR FAMILIES/CARERS,
CHILDREN AND YOUNG PEOPLE**

LONDON BOROUGH OF HAVERING

Document Control Sheet

Title of Policy:	Personal Budgets Policy
Date policy approved:	TBC
Review Date:	This policy will be updated following further consultation with parents/carers
Lead Director:	Tim Aldridge
Date / Version	31st August 2018 / Draft Version 15

DRAFT

This guide and policy is for Families/Carers and Children and Young People who are considering a Personal Budget.

The sections in this guide and policy are as follows:

- 1) What is a Personal Budget?
- 2) Who can have a Personal Budget?
- 3) Why might someone want a Personal Budget?
- 4) What a Personal Budget can and cannot be spent on
- 5) How can I manage my Personal Budget?
- 6) Why you might not be able to have a Personal Budget
- 7) How Education, Health and Care are working together on Personal Budgets
- 8) How can I get a Personal Budget or find out more about Personal Budgets?

1) What is a Personal Budget?

A Personal Budget is an amount of money that is allocated to a family/carers, child or young person to help meet their assessed needs and achieve agreed outcomes.

In this context **needs** are those that the social care and education service have deemed eligible for support as determined by the Children and Families Act 2014.

Outcomes are changes to a child or young person's life that they would like to make. Eg An outcome might simply be to increase confidence in establishing friendships or to become more independent.

For a Personal Budget needs can relate to:

- Education Needs
- Care and Support Needs
- Health Care Needs

A child or young person might have a Personal Budget to meet any or all of these types of needs. There are different Personal Budget arrangements related to each of these needs.

This guidance covers Personal Budgets in relation to Education and Social Care needs. The Clinical Commissioning Group (CCG- Havering) holds the responsibility for health budgets and any requests for a health budget would need to be made directly to the relevant health authority.

Examples of the kinds of things or services that meet Education, Health, and Care and Support needs are as follows;

- Education needs and outcomes could be met for example by specialist equipment or support from a Personal Assistant (PA) to assist with accessing educational activities and increasing learning.
- Health needs might be met by the employment of support at home to carry out specialist health procedures at a time of your choosing.
- Care and support needs such as emotional or practical needs might be met by short breaks or care in a home. Getting this as a Personal Budget is partly dependent on whether there is already provision.

These are just examples and everyone will differ in relation to how their needs can be met and outcomes can be achieved.

There is a lot of flexibility in what Personal Budgets can be used for.

One example of the flexibility of Personal Budgets is that the budgets for more than one element in the EHCP eg education and social care can be pooled to meet needs. For example, one child might receive support in the home in the mornings, then get transport to school and also have personal care during the day at school. Instead of these separate parts, the family could employ one personal assistant to carry out all of these tasks. The funding source would be social care and education but the support is joined up and provides more continuity for the child or young person.

Who can have a Personal Budget?

To have a Personal Budget, children and young people or carers must have eligible needs which have been assessed during the EHC planning process.

In the EHC planning process, parents/carers, and the child or young person, and representatives from Education, Health and Social Care, discuss needs and the outcomes that children and their families want to see. The assets and support you already have is also discussed. Families will be encouraged to make the best use of their own resources, unique skills, and networks within the community to find ways to meet their needs.

The emphasis for families is on 'what's important for your child' and therefore 'how we can sort it out'. It's about finding solutions to the outcomes to be achieved.

If having a Personal Budget will make a difference to meeting needs and achieving outcomes related to Education, Health and Care, then a Personal Budget will be offered.

Whatever the agreement, the arrangement will be reviewed at least annually, seeing what is working and if outcomes are being achieved – potentially stretching outcomes, changing support, with potentially more or less resources agreed.

Personal Budgets are also an important part of The Care Act (2014). The Care Act focuses on the achievement of wellbeing for people who are 18 and over through effective care and support. Personal Budgets for Care and Support for those 18 and over are subject to eligibility criteria set out in the Care and Support (Eligibility) Regulations 2014. Children and Young People with Special Education Needs (SEN) up to the age of 25 may also be eligible for Personal Health Budgets.

More information on the EHC planning process in Havering can be found at: [TO INSERT REFERENCE BEFORE PUBLISHING]

2) Why might someone want a Personal Budget

A Personal Budget should give the person who has it, more choice and control of how their needs are met and also help them to achieve the outcomes set out in the EHC Plan.

People can choose what is best for them, providing what they choose meets agreed outcomes and is a good use of wider council and school and other resources.

People tend to know what works for them – for instance – a long period of respite or short regular breaks. People's ability to choose gives them more independence with potentially services become more responsive to the people's needs.

Even if you are offered a Personal Budget and don't want one, you can still receive services.

3) What a Personal Budget can and cannot be spent on

Can be spent on:

As said above a Personal Budget must be spent in relation to needs and achieve agreed outcomes in the plan. In effect, this means it can be spent on anything that achieves those agreed outcomes – providing it is safe and legal and is an efficient use of funding.

This is why it is important that you feel able to suggest ways to use your child's Personal Budget that are personal to your child and your family circumstances. You are very much part of the process.

Examples:

- Support in your own home (equipment or help with personal and domestic activities)
- Equipment to help communication or learning
- Support for your child to join in with local clubs or activities
- Sports or cultural activities
- Short breaks
- Employing Personal Assistants (PA's)
- Someone to go with you on a day trip to give you more time to talk to brothers or sisters
- Work based learning opportunity

While this is a useful list – it is really about being creative. Some excellent examples are given in the publication: ‘Making it Personal: A Family Guide to Personalisation, Personal Budgets, and Education, Health and Care Plans’¹

In Havering, there is some flexibility to use Personal Budgets in relation to short breaks and employing personal assistants. We are seeking to be flexible if there is clear case for the use of a Personal Budget and again if it is a good use of resources.

We will be working to increase the range of services and provision that are relevant for Personal Budgets.

Cannot be spent on:

A Personal Budget cannot be spent on a place at a school or college.

4) How can I manage my Personal Budget?

A Personal Budget can be managed in one of 3 ways:

- As a **Direct Payment**

This is cash, usually in the form of card, a bit like a debit card where you or your family can spend on the agreed support or services. However, you cannot use the card to withdraw cash.

- As a budget that is managed by the Local Authority or School.

This is often known as a **Managed or Notional Budget**. In this case you won’t actually receive the money to spend it. You receive the service and you know how much is being spent on it.

- As a budget managed by another organisation but on your behalf (This cannot be a Local Authority or a School). This is sometimes known as a **Third Party Arrangement**.

The organisation that manages the budget will listen how you want to spend the money and then spend it influenced by you. In this case you might better be able to influence the times a carer visits, or who the support person is for your child.

¹ Department for Education 2014. See Section 7: Stories of Using Personal Budgets.

You can use a combination of these three options. For example, the Local Authority could provide a short break service, while you use a Direct Payment service to pay for a Personal Assistant (PA) to support the child to make and meet friends at the local youth club.

Each of these options for managing a Personal Budget has implications and you need to make a decision as to whether the benefits of having a particular type of Personal Budget outweigh the costs.

For instance, with a Direct Payment some people might want to pay for a Personal Assistant (PA). If they do so, they will actually employ that PA which brings with it extra responsibilities which might be a cause of worry. However, there will be local organisations to help you, including with things like recruitment, employment contracts and payroll.

Whatever you decide, a full understanding on behalf of each party will be necessary and in the case of Direct Payment, a contract with various stipulations signed.

In Havering at present, there are two types of Personal Budgets available for children and young people. These are Direct Payments, and Managed/Notional Budgets.

5) Why you might not be able to have a Personal Budget

The Regulations provide that a direct payment may only be made where the Local Authority is satisfied that:

- a) You will use them to secure the agreed provision in an appropriate way
- b) You will act in the best interests of the child or young person
- c) The direct payments will not have an adverse impact on other services which the Authority arranges for other children and young people with EHC Plans.
- d) Securing the proposed agreed provision by direct payments is an efficient use of the Authority's resources.

The Council and its partners already buy services that meet the needs of the population. It might buy services for particular client groups and in doing so, may well already meet the needs of those who would otherwise benefit from a personal budget and EHC plan. Personal Budgets are really additional resources for more specialised needs.

That said, it is clear that discussions should be creative and listen to the needs that people have and outcomes they want to achieve, and if it is best for families and not

detrimental to other families then a Personal Budget may be given. The Council and its partners and many providers that are being commissioned from, are ready to be flexible about this.

In relation to specific areas, whilst you have a right to request Direct Payments from all services, for Social Care, Local Authorities must offer direct payments.

For Education and Health Care, there are some conditions:

- For Education Direct Payments, Local Authorities have to consider the impact on other services for children and also whether they would still be getting value for money. They also have to get agreement from your child's school if you want to use a Direct Payment for a service that will be delivered at a school.
- For Health Direct Payments, there must be agreement about managing risks and a named person who will be responsible for managing the healthcare that's been agreed in the plan. NHS organisations will also want to ensure value for money.

6) How Education, Health and Care are working together on Personal Budgets now and in the future

The Children and Families Act 2014 effectively requires that the various agencies involved specifically Schools, the Local Authority Education Department, Health (the local NHS), and the Local Authority's Social Care Services which provide Care and Support have to come together as partners and provide a coordinated response to a child and young person's needs. This is in relation to children and young people with Special Education Needs and Disabilities. (SEND). Many of the activities described in this guide and policy reflect that intention and this co-ordination between Education, Health and Care and Support is progressing well.

The London Borough of Havering and its partners are committed to increasing the use of Personal Budgets and moving towards integrated Personal Budgets across Education, Health and Care.

This is in its early stages, but as integration develops it will increasingly enhance personal and family choice and control which will lead to better service responsiveness.

Personal Budgets are here to stay and they will become increasingly more important in the provision and improvement of services that are person centred.

7) How can I get a Personal Budget or find out more about Personal Budgets?

You have a right to ask for and have a Personal Budget if you have an Education, Health and Care plan or are working towards one.

You can talk to the Children and Adults with Disabilities (CAD) Team or your school or college to tell you more about Personal Budgets and how you might apply. For the CAD Team, please call: [TO ADD NUMBER BEFORE PUBLISHING]

If your requirement relates to Personal Health Budgets you can talk to the Clinical Commissioning Group at: [TO ADD NUMBER BEFORE PUBLISHING]

Disputes

Any disputes in relation to the allocation or provision of personal budgets should be addressed to the Head of Service, Children & Adults with Disabilities Service in the first instance.

If the recipient of a personal budget or direct payment has a complaint about services they have purchased independently, they should address this with the service provider or employee concerned.