

Personal Budgets: A Parent's Guide

Leicester City

1st September 2014

Welcome

The government has changed the way in which support is to be provided where a child has a special educational need and/or disability. The intention is to focus on more people who support your child or young person working together to allow children, young people and their families to be more involved in the support and services which are provided to them.

These changes are included in the new Children and Families Act and implementation starts on September 1st 2014. A copy of the full act can be found at; <http://www.legislation.gov.uk>

Being a parent/carer is the most rewarding experience but it can also be tough, especially if your child has a special educational need and or a disability. Sometimes families need additional support for their child - this extra support might include:

- Additional support from education to ensure that a child's learning needs are met
- Additional support from the NHS where a child has a complex, long-term and/or a life limiting condition
- Additional support from social care where a child needs significant additional and individual support at home, or where the family need a short break from caring, or where support is needed so that the child and the family can have the same experiences as other families.

Instead of a family being provided with a service, a budget can be identified and work takes place to plan how this can best be used to meet the child or family's needs. This puts the family or young person in control of how they are supported, can give choice over who provides the support and ensures it is delivered at a time that suits the family.

This booklet has been put together to explain what a Personal Budget is and what you need to think about if you would like some of the support provided to your child and family to be delivered in this way. We hope you find it useful and that it answers some of your questions.

Sandra Holyoake
Disabled Children's Service
Sandra.holyokae@leicester.gov.uk

Other information that you might find helpful can be found at www.localofferleicester.org.uk

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1. What is an Education Health and Care (EHC) Plan?

There are many children and young people who have a special need and or a disability but who do not need additional support as their needs are met by existing services- these are often called universal services. However there are some children and young people who do need additional support. Some of these children and young people have had in the past, or may now have, a Statement of Special Educational Need. From September 1st 2014, Statements will be replaced by Education, Health and Care (EHC) Plans (EHCP) and the main difference will be that this will include information about health and social care support.

The EHC Plan should be developed with and agreed by families and all those who work with the child or young person in Education, Health and Social Care. This should mean that in future instead of a child or young person having separate plans from the different services involved, there will be only one plan.

An EHC Plan will only be issued if there are educational needs identified, this does not mean you will not receive services from health or social care (if eligible) but they will not be an EHC Plan. Each service will maintain its own records and write to you confirming treatment and support plans as they do now.

For more information on EHC plans go to www.localofferleicester.org.uk

The Children and Families Act regulations says that Personal Budgets will be offered alongside the introduction of EHC Plans. So children and young people assessed as needing an EHC plan or who already have an EHC plan will have the option of a personal budget from September 2014.

2. What is a Personal Budget?

Personal budgets are only one part of a whole system of support, opportunity and activities that can be available to families.

Children's services will, as part of setting out what support and provision may be available for a child or young person, make it clear what funding may be available as a personal budget. A family can then decide whether to ask for the personal budget, which means they can have more control over how it is used to support their son or daughter.

If you are eligible for a Personal Budget from more than one agency the money can be combined to create one Personal Budget

Usually the family will discuss this with the Family Supporter; this is the person helping them with their EHC Plan while it is being written. That person will be able to explain what a Personal Budget is and how it can be used. For example;

A family can chose to use some of the personal budget to pay for a personal assistant to help with personal care. If a family decide to employ a personal assistant they will be paid an amount of money directly into a bank account. The parent/carer or young person will be responsible for employment rules.

A family can decide to use only a small amount of the funding available as a personal budget, they can, in discussion with the person helping them, decide to maintain many of the services which are currently working well for their child and only use a small amount of funding as a direct payment.

The family can discuss a Personal Budget at any time, but there will need to be an agreement about when this can be arranged. This would usually be when the EHC Plan is being drawn up, or at a review.

There are three ways in which a Personal Budget can be provided to a family:

- A Direct Payment - the family are given the money directly and use the money to purchase the support that is agreed in the plan (see section 6 “How will a Direct Payment Work?”)
- A Third Party Managed arrangement - This means that an organisation approved by Leicester City Council or a person nominated by the family are given the money and help the family spend it. The third party takes responsibility for all financial arrangements but the person who receives the direct payment remains responsible for the money.
- An organisational arrangement – this means that the money remains with Health or with the Council, but the family are told how much money is available and identify how the money is to be spent.

You may also choose to spend different parts of your budget using a combination of all three of the above.

3. Who is eligible for a Personal Budget?

3.1. Personal Budgets and Education

Many children with special educational needs or a disability attend school or college and are supported by the resources available there and do not need any additional support. The school or college make it clear what additional support they provide. This information is also available in the “Local Offer” a statement which makes it clear which support and services are provided by the Local Offer website www.localofferleicester.org.uk.

However there are some children who do need additional support. Where this has previously been agreed in their Educational Statement, and where it is now part of an EHC Plan, then this support is usually paid for by the Local Authority. If a child doesn't have an Education, Health and Care plan schools/colleges and settings can still apply to the local authority for further funding. The money used to pay for this is referred to as “High Needs Block” funding and is usually paid by the Council to the school or college.

This additional funding might be used instead to provide a budget to a family so that the family might organise this support themselves. For example, where an EHC Plan includes transport to and from school, then the family may decide not to have this service provided by the Local Authority Transport Service but may decide to have a small budget and organise the transport themselves.

It is also possible for the school or college to agree to release some funding to contribute towards the family having a budget where it is clear that this will help to meet the needs of the child and achieve the desired outcomes.

For example, where part of the plan for the young person is that they will access work experience, the school could agree to release some of the funding into the budget, so that the family could employ a direct payment worker to support this. Families need to remember that they will not be able to access a budget to pay for something the school or college already provides. This may mean that the support available through a Personal Budget will change if their child moves from a mainstream school to a special school as the special school will be providing higher levels of support

Where the support or service is to be used in a school the Head teacher of the school must agree. If they do not Leicester City Council cannot make the payment

3.2. Personal Budgets and Health

Most children with special needs or a disability do not require any more support from Health above what is provided through NHS services. They access health and dental care as and when needed, and they receive support in emergencies.

However there are a small number of children and young people who do need additional support from Health because they have a complex, long-term and/or life limiting condition. This might include children who cannot breathe without support or who have severe epilepsy which is not controlled by medication, or who have a significant health need which means that someone has to be with them all the time to keep them as healthy as they can be.

Children in this situation are referred to as having “continuing care needs” and may have had a “continuing care assessment”. This assessment helps decide which additional services they need. Where such services and additional needs are in place these should be included in the EHC Plan and the family should know how much money is available from the NHS to meet the needs identified. Your health professional will help you to write this section of the Plan if you wish, and will sign to say they agree with it when the Plan is complete.

In Leicester the NHS provide a service that delivers continuing care packages for children and young people.

Some families might prefer to have the service provided to their child by the NHS, but some might prefer to manage the money themselves and take responsibility for the provision of support. From April 2014 children and young people who are eligible for continuing care have had the right to request a personal health budget and from October 2014 this will become a right to have one.

For example, a family who have an assessed need for ten hours of support each day to help with meeting health care needs might have these hours provided by the NHS or might be given the money to provide this for themselves. Some families who do this employ a worker directly (this must be a worker trained and approved by the NHS as being competent to undertake the required healthcare tasks) or some

families employ an agency (this must be an agency approved by the NHS in terms of competency to perform healthcare tasks).

It is also possible to put personal health budget money together with any budget families may have from social care or education, to then fund personal assistants that are able to assist with personal care, socialisation and help in the classroom, for example.

When families like this have an EHC plan then the support provided will be included in the plan and the budget agreed will also be included. Remember this is not about services that are available to all families such as access to a G.P. hospital or to emergency services such as out of hour's services

3.3. Personal Budgets and Social Care

Most children with a special educational need and or a disability do not receive support from social care, either because they do not meet the criteria for this support, or because they choose not to use it. Some children with special needs or a disability do access support from social care. This might be for:

- Support in the home - this may be additional help with bathing or personal care
- Support to access social or family activities - help to do the things that other children their age can do and to take part in activities other families can access
- Short break support - help so that parent/carers can have a break

Many families in Leicester City who have this type of support in place now have this provided through a Direct Payment. For example, a family who have an assessed need for four hours of support each week may employ someone to support a young person to access social activities or to help support the young person with their personal care in the mornings to get ready for school or college. This support may be provided by the Council, or money be given to the family to arrange this for themselves. Some families who do this employ a worker directly or some families employ an agency (this must be an agency approved by the Council).

When families who have this support in place have an EHC Plan then the support provided will be included in the plan, and the budget agreed will also be included.

If you already have support from social care in place make sure that the person helping you organise your EHC plan is aware of this.

If you do not receive one of the new EHC Plans the support you already receive from social care will not be affected and will carry on (subject to continued eligibility).

If you feel that you may be entitled to support from social care you can discuss this with the Family Supporter and this will become part of the assessment.

4. How will a Direct Payment Work?

You may choose to have responsibility for the financial management of the budget by receiving a 'Direct Payment' to buy all or some of the services outlined in your child's plan. This means that the money will be given to you. Usually you will receive a fortnightly payment, but occasionally additional sums may be given to you for any extra amounts that are agreed.

You will have to open a separate bank account to do this, and you will have to keep all the receipts. You will have to take responsibility for the employment and payroll tasks. The account will be audited periodically by the Leicester City Council and any unspent money has to be returned to the Council and or the Clinical Commissioning Group (Health).

Receiving a Direct Payment can mean more flexibility around how services are provided. However, it also entails more responsibility. There is support in place to help with this, Leicester City Council pay independent support agencies to help families with a Direct Payment. These organisations can help manage the money, provide advice and support with paying staff and also help with the recruitment of a personal assistant. Leicester City Council can also help with some of this responsibility.

If you choose to receive a Direct Payment to buy some of the items or services identified in the plan yourself, the Council will ask you to sign a written agreement. The purpose of the agreement is to confirm that you understand how the Direct Payment is to be spent. It will explain what your responsibilities are as the person receiving the money and what responsibilities the Council holds in providing the Direct Payment to you. This is a legally binding document.

You must make sure that you have read and understood the agreement before you sign it. You will need to understand that if you spend the money on anything which has not been agreed then you can be asked to pay it back.

You also need to understand that any money not spent must be returned at the end of the financial year. You should take time to read the agreement carefully and ask for help with this if you need it.

5. Who can the payments be made to?

Payments can be made to either the young person themselves or their parent/carer if;

- The young person is aged 16 or over before 1st September 2014 or is over compulsory school age from 1st September 2014, or
- The parent/carer of the young person if under 16 years of age before 1st September or is over compulsory school age from 1st September 2014.
- A direct payment can be paid to a person nominated by the parent/carer or the young person.
- Direct payments will only be made if the parent/carer, young person or their nominee consents to receive them.

- When LCC obtain consent they will need to assess that the person who is to receive the payment has the capacity to consent and that they are able to manage the payment and all the responsibility that goes with it.

LCC will provide support to people to manage their payments and remain included in the plans to meet their needs.

If the family nominate someone to manage their direct payment the nominee will be responsible for managing the payments and the responsibilities.

6. When can a Direct Payment be refused?

Before deciding to make a direct payment LCC and Health must be satisfied that the person who receives the payment proposes to use them to make sure the assessed need is met, or

That the making of a payment will not have an adverse impact on other services which LCC or the NHS provides or arranges for children and young people it is responsible for, and;
that the direct payment is in line with LCC and the NHS' policies regarding efficient use of resources.

7. What if a direct payment is refused?

If LCC or the NHS decides not to give someone a direct payment we will inform you or your nominated person, in writing and tell you the reasons. You can ask for this decision to be reviewed. We will only undertake one review of the decision but an appeal can be made in the first instance to;

Special Education Service

1st Floor

10 York Road

Leicester.

LE37RN.

0116 4542050

ses@leicester.gov.

8. What can direct payments be spent on?

A direct payment may only be spent on provision that will meet the outcomes agreed in the EHC plan. As far as possible, the child or young person or their parent/carer with support if needed, should make these choices.

In general a direct payment may be spent on anything (with a few exceptions) that will meet the needs of the child or young person and which is agreed by LCC or the NHS. There will need to be evidence that the provision is meeting the needs and agreed outcomes.

A direct payment cannot be used to purchase alcohol or tobacco, cannot be used for gambling and cannot be used to repay a debt. It cannot be used for illegal activities.

9. Frequently asked questions?

Q1: I have decided that I want to request a Personal Budget and a Direct Payment. Must the local authority agree to this?

A: No, the Local Authority can only agree to this if they are sure that:

- You plan to use the Direct Payment in an appropriate way
- You will act in the best interests of the child
- Making the Direct Payment will not adversely impact upon other services provided to other children who an EHC Plan
- It is an efficient use of the Local Authorities resources.

Where the support or service is to be used in a school the Head Teacher of the school must agree. If they do not the Local Authority cannot make the payment. If the Local Authority refuses a Direct Payment they must explain their decision in writing and also explain to you how you can challenge this decision. If the refusal concerns the personal health part of the plan, then the explanation concerning the refusal must be sent out by the Clinical Commissioning Group who is the health organisation responsible for the decision.

Q2: I have decided that I want to request a Personal Budget and a Direct Payment - but my Child's Statement was completed recently and may not be updated to an Education Health and Care Plan for two years. Must the local authority agree to my request now?

A: No - your request will usually be considered when your child receives an Education Health and Care Plan. However, it may be possible to consider some parts of your request, or to bring forward the date for the Education Health and Care Plan. Talk to the professionals working with you and they will try to help find to find a way forward.

Q3: How much money will I get?

A: This will depend on the plan, and will vary from child to child. The Local Authority must make sure that the amount they pay you is enough to meet the need identified and to purchase the support and services agreed in the plan.

The budget is “personal” to the child and based on an assessment of their needs, so each child will have different plan and a different budget. However, if a Personal Budget is used instead of transport the amount will usually be around 40p per mile. If a Personal Assistant (PA) is employed the family will usually receive around £10 per hour to do this. This amount must cover the payment to the PA and also tax etc. If a worker with health/nursing skills is required the amount may be higher.

Q4: We both work - does this mean we will not be able to have a Personal Budget?

A: No. Personal Budgets are not means tested. However if your child/young person is over 18, and part of the budget comes from Social Care then the family may have to make a financial contribution - you should talk to your social worker about this.

Q5: I do not really want a social worker to be involved - I feel uncomfortable about my family being discussed with a social worker. My child has an Education Statement now - why do I have to have social service involved to get an EHC Plan?

A: When the Education Statement was written Social Services would have been informed and asked to provide any relevant information they had - you would have been asked to consent to this when you agreed to an assessment taking place. This always happens and is not something to worry about - consulting with other services helps to ensure that the best service is provided for your child. If you are worried about this talk to the person who is working with you on your plan.

Q6: I do not really understand the difference between a Personal Budget and a Direct Payment. Can you explain?

A: A Personal Budget is the agreed amount you can use to meet the needs of your child. The budget can be used to purchase a range of services including council services. You do not have to handle the money, the budget can be held for you and you can control how it is spent.

Some families do not want to manage the money themselves and are happy for the budget to be held for them. However some families do want all or some of the money to be given to them so they can purchase services themselves. This is a Direct Payment. The money is paid to you and you open a separate bank account for it to be paid into. Any money not used is returned to the Council.

Q8: Once the budget plan is written can it be changed during the year?

A: Yes, as long as there is money left in the budget to make the changes and the changes meet the needs of your child and the outcomes identified in the assessment. Any small changes will be looked at by the worker who completed the plan with you to make sure that the change is in the best interests of your child.

Q9: My child has a Statement of Educational Need; does this mean I will have a EHC Plan and a Personal Budget by September 2014?

A: Implementation of the new guidance starts in September 2014, however it is not possible for all children to have a new EHC plan by that date. EHC Plans need to meet the individual needs of the child and take time to put in place. They will be introduced from September 2014 but it may be up to three years before everyone has one in place.

Q10: My child does not have a Statement of Educational Need and is unlikely to have an EHC Plan. Does this mean that I cannot have a Personal Budget?

A: No, you might still be entitled to a budget from social care or from Health.

Q11: My child is on "School Action Plus" does this mean I cannot have a Personal Budget?

A: "School Action" and "School Action Plus" are being replaced by "SEN Support" so your child may not have one of the new EHC plans and may not have a Personal Budget provided through this. However if your child has social care needs you still might be able to access a Personal Budget to meet those needs.

If you are receiving support because your child has a complex health need or a life limiting condition then you should talk to the health professional who organises your support and ask them about a health budget.

Q12: My child is to have one of the new EHC Plans but I do not want the stress of a Personal Budget, do I have to have one?

A: No, you can continue to have support and services provided in the same way as previously, however if you ever want to think about this again remember that there is a lot of support available, and it is not as difficult as it might first seem.

Q13: Is a Personal Budget just a way of the Council getting out of providing services and making a parent sort it out for themselves?

A: No, it is put in place so that families who want to organise their own support can do so. Many families have a Personal Budget or a Direct Payment already in place for the support they receive from social care and they find this very useful, but it is optional. You can continue to use traditional support if this is what you want.

Q14: When can I request a Personal Budget?

A: You can talk to those working with you about this at any time, but usually a budget is put in place when the EHC Plan is being drawn up or at the review.

Q14: My child has a Personal Budget from social care and I think may get a Personal Budget from Health and Education, do I need three separate bank accounts?

A: No, just one! The money will be put together into one budget and paid to you by the Local Authority who will also audit the account. The NHS will pay your personal health budget element into the same bank account at times and frequency agreed during planning.

Q15: My child needs speech and language therapy and physiotherapy. He also has support from Mental Health Services. I have never been happy with the service provided; can I have a budget and employ my own support?

A: Nothing is impossible and you should talk to the people helping you with your EHC plan. However currently these services are provided through a contract which is in place and it may not be possible to provide these through a budget at this time. This might be something which we have to work on in the future.

10. Useful contacts

Special Education Service

1st Floor
10 York Road
Leicester.
LE3 7RN

Tel: 0116 4542050
Email: ses@leicester.gov.uk

Leicester City Council

Tel: 0116 4541000

Local Offer Website

www.localoffer@leicester.org.uk

Disabled Children's Service

Tel: 0116 4544710
Text: 0709 032 0322
Email: DCS@leicester.gov.uk
Website: <http://dcs.leicester.gov.uk>

Special Needs Teaching Service

New Parks House
Pindar Road
Leicester.
LE3 9RN
Tel: 0116 4544650