

Personal Budgets (Version 5 – October 2014)

Appendix 6 – DfE updated slide deck from the North
East Personal Budgets event

Personal Budgets – Regs and the Code of Practice

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Department
for Education



Department
of Health

Personal Budgets

- **The Special Educational Needs (Personal Budgets) Regulations 2014:**
 - Made on 24th June 2014
 - Come into force on 1 September 2014
 - Available at www.legislation.gov.uk
- **Code of Practice:**
 - Approved by Parliament on 29 July
 - Chapter 3: Joint Commissioning
 - Chapter 4: Local Offer
 - Chapter 9: EHC plans
 - Available at www.gov.uk/government/publications/send-code-of-practice-0-to-25

Code of Practice and Personal Budgets: Joint Commissioning

Chapter 3: Working together across education, health and care for joint outcomes (3.11, 3.38-3.39):

*Arrangements **must** include arrangements for agreeing personal budgets...(3.11) and should develop and agree a formal approach to making fair and equitable allocation of funding and should set out a local policy for personal budgets ...(3.38)*

To do this, partners should:

- Identify and agree the funding streams and services for inclusion and develop the necessary infrastructure ...*
- Identify the links to be made locally between the SEN offer and personal health budgets..*
- Identify and establish the information advice and support...to help families considerer options for, and to take up and manage, personal budgets*
- Develop a pathway with... EHC needs assessment and plan development and the workforce and cultural changes necessary for a person centred approach.*
- Identify how the new joint commissioning strategies will support greater choice and control year-on-year...*
- ...ensure children, young people and families are involved in decision making processes at both an individual and a strategic level (3.39)*

Code of Practice and Personal Budgets: The Local Offer

Chapter 4: The Local Offer (4.58)

*The Local Offer ...**must** include information about the option of having a personal budget, including a local policy **produced with parents and young people**. This should provide:*

- *A description of the services across education, health and social care that currently lend themselves to the use of personal budgets*
- *The mechanisms of control for funding available...*
- *Clear and simple statements setting out eligibility criteria and the decision making processes that underpin them*
- *The support available to help families manage a personal budget*

Code of Practice and Personal Budgets: At an individual level

Chapter 9: Education, Health and Care needs assessment and plans (9.62, 9.95 – 9.124)

*EHC plan section j – the details of how the budget will support particular outcomes, the provision it will be used for including any flexibility in its usage and the arrangements for any direct payments in education, health and social care. The SEN needs and outcomes that are to be met by any direct payment **must** be specified (9.62).*

The child's parent or young person has a right to request a personal budget when the local authority has requested an EHC needs assessment and confirmed that it will prepare a plan. They may also request personal budget during a statutory review... (9.98).

*The child's parent or the young person should be given an indication of the level of funding that is likely to be required...local authorities should be clear that any figure discussed at this stage is indicative...the final allocation...**must** be sufficient to secure agreed provision specified in the plan. (9.102)*

Code of Practice and Personal Budgets: At an individual level

Chapter 9: Education, Health and Care needs assessment and plans (9.62, 9.95 – 9.124)

*Details of the proposed personal budget should be included in section j of the draft plan...local authorities **must** also provide written notice of the conditions of receipt of any direct payment for SEN provision and can do this alongside the draft plan...(9.103)*

*Where a direct payment is proposed for special educational provision, local authorities **must** secure the agreement of early years settings, school or college, if any provision is to be delivered on that institution's premises...should usually do this when consult institution about naming it on the child or young person's EHC plan (9.104)*

*Local authorities **must** consider each request for a personal budgets on its own individual merits (9.106).*