

An offer of personal budgets by September 2014 and beyond

Updated October 2014

(Explanation of updates included on page 2)



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This updated version was published in October 2014; it replaces the version published in July 2014 and includes the following changes:

- **Appendix 1: Frequently Asked Questions now published**
- **Clarification throughout that the decision support tool (DST) for Continuing health care, is applicable to adults only.**
- **Link to the National Framework for Children and Young People’s Continuing Care, now provided.**
- **New resource ‘Making it Personal:2’ developed by Kids involving the Office for Public Management (OPM), In Control, Family and Childcare Trust and the National Association of Family Information Services (NAFIS).**

An offer of personal budgets by September 2014 and beyond

Introduction

A family or young person will be able to request a personal budget at the point where the local authority is drafting an Education health and Care Plan. This toolkit sets out the key actions which need to be completed to enable local authorities to make an offer of personal budgets across SEN, health and social care from September 2014 and beyond. There is a clear expectation that the offer of personal budgets and funding available will increase over the transitional period of three and a half years. This toolkit is focused on having an offer in place for September 2014 and how to develop this over the following 6 months. Further work, examples and tools will be published to support the longer term development of personal budgets.

This toolkit describes what needs to be included in the Local Offer as referenced in the [Special educational needs \(SEN\) and disability Code of Practice: 0 to 25 years](#)ⁱ. It provides links and examples in support of the work, key to this are two sources of information

1. The SEND pathfinder webpages and Personal Budget Information Pack www.sendpathfinder.co.uk/infopacks/pb/ⁱⁱ, including a [stock take exercise in Appendix 3.1](#).
2. [Support and Aspiration, Introducing Personal Budgets](#)ⁱⁱⁱ. Written by In Control and SQW with the support of the DfE and sets out all key information about personal budgets, definitions, examples and a structure for the long term planning of work to introduce and scale up the offer of personal budgets in line with the wider SEND Reforms.

The toolkit includes:

- a set of Frequently Asked Questions
- examples of work which add to the answers offered
- a growing bank of examples, case studies and documents
- links to work by DfE funded delivery partners, work being undertaken by In Control with NHS England and many children's services across the country and evaluation reports from SQW covering the DfE funded Individual Budget Pilotsiv and the work of the SEND Pathfinders.

A new publication from SQW - a study of personal budgets and the SEND reforms will also be published soon.

Co-production

Co-production is at the centre of the new approach to supporting children, young people and families. Personal budgets should model co-production; not just in terms of the planning around an individual but also in the development and taking forward of this approach. Developing an offer of personal budgets will mean genuinely working with all partners; families, young people, parent carer forums and local providers.

- [Guidance for providers on how to become 'personal budget ready'](#)^{ix}
- [Extended guidance for on personal budgets and direct payments for families](#)^x
- [Refreshed guidance for commissioners of education, health and social care services](#)^{xi}
- [Case studies](#) illustrating real life examples of how the reforms can work positively for all
- A [new eLearning suite](#) has been developed to explain the changes in simple, easy to digest modules. Users can create a free account.
- [Zone on the Knowledge Hub](#) for commissioners to share expertise

Thinking about implementing Personal Budgets – implications for the Local Offer

As with the wider development of the Local Offer it will be a combination of information about rights, expectations, regulation and excerpts from the [0 - 25 SEND Code of Practice](#)^{xii} alongside locally specific information.

Key information in the [0 - 25 SEND Code of Practice](#)^{xiii} comes in Section 4 pages 65 – 66 and Section 9 pages 167-173.

Your Local Offershould include,

1. General information about:

What a personal budget is and what different options there are for managing a personal budget including an explanation of direct payments.

- *Drawing direct from the Code of Practice and associated materials to offer clear concise definitions consistent across the country along with information about how a personal budget can be managed as set out in the Code of Practice.*
- *Example: Draft Information for Parents and Carers of Children with Special Needs and Disabilities in Middlesbrough and Redcar and Cleveland April 2014*^{xiv}. [Personal Budget Information Pack, Appendix 5.](#)

Who may be eligible for a personal budget across education, health and care.

- *Explain the thresholds for accessing support from education, social care and health; this will be a combination of local eligibility for an EHC Plan and arrangements for accessing short breaks, more substantial support from social care. In addition the Department of Health has published the following:*
 - The [decision support tool \(DST\) for Continuing health care](#)^{xv}, which is applicable to adults only.
 - The [National Framework for Children and Young People's Continuing Care](#)^{xvi}

How parents and young people will be supported to consider their options and decide whether or not to request a PB and when they can do this (which should include information about any differences in the education element if a mainstream or a special school is chosen).

- *The duties to provide information advice and guidance to children, young people and families are clearly set out in the Code of Practice; how local services choose to do this will be based upon a number of factors.*

- Existing arrangements to support families managing direct payments and the approach taken by adult social care locally.
- Current commissioning arrangements to support information advice and guidance which vary greatly across the country.
- The current roles of the Parent Partnership, Family Information Service, Parent Carer Forum, Healthwatch and local advocacy services.

How joint commissioning will seek to increase choice and control over time through a wider range of budget areas being available for personal budgets.

- Clear expectations are set out in the Code of Practice about joint commissioning and personal budgets including a requirement for joint commissioners to agree a common approach to personal budgets and their allocation. Local arrangements will be built upon these but should be clear about what is happening and will happen over the coming years to increase flexibility and funding available.

2. Information about the personal budget process:

How funding from different agencies will be integrated into a personal budget.

- At this early stage the exact process in local areas for delivering this expectation, as set out in the Code of Practice, is unlikely to be fully developed. What is important is to be clear about how funding from different streams can be used to deliver more holistic support which is focused on outcomes and the provision identified in a child or young person's EHC Plan. Work being taken forward by a small number of children's services with In Control can be found on the SEND Pathfinder Information pack pages^{xvii}.

How parents and young people will know how much indicative funding would be in their Personal Budget and at what point in the coordinated assessment and planning process.

- Some services have well established approaches to this when it comes to social care funding, many will have banding systems when it comes to the allocation of additional SEN funding and the [Continuing health care Decision Support Tool \(DST\)](#)^{xviii} (applicable to adults only) all make allocations which can be shared with families. Work on resource allocations system is covered in the SEND pathfinder information pack pages^{xix}, including Top Tips shared by Pathfinders and examples. Over time and with a focus on delivering the Code of Practice these current approaches across services will need to be brought closer together and made both transparent and participative.
- Example: [Newcastle Children's Services publish all their resource allocation questions, a table of allocations and access statements for social care support on their web pages](#)^{xx}.

How the amount of the PB is agreed, how this links to the agreement of the content of the Education Health and Care Plans (EHC Plans).

- Most current arrangements for the agreement of support packages use a panel based system, in the short term this is likely to continue however it will be necessary to both ensure that this is supportive of families and young people's involvement and how efficient this may be in the long term as people become more confident with agreeing and using personal budgets. Whatever the short or long term approach it must be transparent and include families and young people as much as is possible in all decisions being made about how their son or daughter is to be supported.
- Example: Cambridgeshire have delegated responsibility for agreeing social care personal budgets to front line workers up to a certain amount and then to team managers, services

leads with only the most complex and high costs support packages needing the sign off of the Joint Agency panel.

How parents and young people can challenge the amount of a personal budget or the refusal to provide one.

- *This will form part of any 'challenge' approach outlined in the Local offer. Families and young people may challenge at an early stage the amount of funding available, however it will be difficult to see if the funding available will suffice until it has been added to all the available provision and a person centred support plan has been drawn up. The personal budget / self-directed support pathway used by many children's services provides a basis for open and honest discussion throughout the process hence mitigating and hopefully minimising the challenges that have historically happened at the end / agreement stage.*

How a PB will provide families and young people with the chance to make choices and have control over provision set out in their son or daughters EHC plan.

- *A collection of case studies collected by In Control and others as part of the DfE funded [Making it Personal](#)^{xxi} project led by KIDS provides families with many ideas about personal budgets can be used to support their child. Local information can add to this with stories and input from families and professionals involved. These stories should be backed up with simple and clear guidelines about use and how it needs to be linked to delivering the outcomes set out in the child's EHC Plan.*

3. Information about managing and using a personal budget:

Clear information on the services and provision that are available in the area for parents and young people to access through a personal budget/direct payment; and information about outcomes and the flexible and personalised use of a personal budget.

- *A key part of the Local Offer this information will cover all sorts of activities, opportunities and sources of support. Referencing stories from families and young people it will be important to both evidence and provide options for personal budgets to be used to deliver outcomes and to be used in a variety of practical ways to support disabled children and young people to participate in activities alongside their non-disabled peers, i.e. in universal services.*

How parents and young people will be supported to plan for and manage their PB; by the local authority, by a provider service or VCS organisation and direct payments (including information about bank accounts, being an employer and keeping accounts)

- *Local arrangements to support families and young people think about personal budgets how one may work for their child or young person, how they can be managed and what support is available to help them use direct payments. This will include offers of support around pay roll, bank accounts and employing personal assistants. Much of this will already be in place for social care and hence a clear opportunity to add to this commissioned service to support families and young people with education and/or health personal budgets.*

How the spend will be monitored and what the arrangements are for auditing and reviewing direct payments and how this links to the reviews of the Education Health and Care Plans (EHC Plans)^{xxii}.

- *Building on information above and setting out clearly arrangements and support for using, managing and the auditing / review of EHC Plans and personal budgets.*

A statement about 'rolling over funding in the next year; what money can be taken forward and what money would be claimed back by the local authority

- *There are many examples of these, the focus being upfront not only about allocations but about local guidelines to how budgets, can be managed in a family centred, reactive and flexible way including the opportunity to accrue funding for specific activities and/or equipment.*

4. Information about changes:

What would happen if the family/young person's circumstances change?

- *There is no need for any new personal budgets systems here, it is simply an opportunity to repeat and state existing arrangements for reacting to change. This will centre on stabilising support and situation in the short term and then as things settle or new circumstances become clear longer term planning can take place with a revised offer of provision including a personal budget.*

What happens if there is a sudden change in the child or young person's support needs

- *Emergency support might be offered and put in place, this could be informed by all the person centred information in the child's EHC Plan and will focus on stabilising support and their child's life and can then move to looking more long term at changes to current support in light of the new situation.*
- *How parents and young people can use part of their personal budget as a contingency if there are 'fluctuating' support needs, and what happens to this contingency at the end of the year / at review*
- *In some areas where a child's or young needs fluctuate over a year families can manage a contingency fund which enables them to react to these changes and purchase additional support as and when needed, this would be explained in the EHC Plan and agreed by all.*

A stake take exercise in [Appendix 3.1 of the Personal Budgets Information Pack](#), provides a chance for a local partnership of services and families and young people to work through what they already have in place, for example a commissioned direct payment support services for families, and what work is then needed. In undertaking the exercise it is clear the scale of work needed to successfully deliver An offer of personal budgets by September 2014 and beyond; this briefing, using the structure of the [Common Delivery Model \(CDM\)](#)^{xxiii} provides a guide to work which is a 'must' in that it delivers the 'musts' in the Code of Practice, and bases work on co-production, transparency, participation and clear concise information.

Risk

There is a very clear risk for local authorities who do not invest in such work, who then leave themselves open to legal challenge and dispute and who hence disenfranchise families locally. The frequently asked questions section (*coming soon*) which accompanies this briefing covers many of the barriers, misunderstandings and confusion we have all encountered across the country.

Taking forward work over the next three and a half years

Further publications using the structure explained in 'Support and Aspiration, Introducing personal budgets'^{xxiv} (In Control and SQW 2013) the Common Delivery Model (CDM)^{xxv} will be available later in 2014. The CDM was developed by SQW to support the DfE funded Individual Budget Pilots in 2009 and continues to offer a useful way of planning and monitoring work to offer personal budgets.

The CDM is set out in four areas of work:

- **Organisational engagement and cultural change**
- **Engaging and involving families**
- **Setting up and scaling up the infrastructure**
- **Safeguarding and risk management**

In the full guide each section has been further broken down in to more detailed areas of work.

Summary

To successfully deliver An offer of personal budgets by September 2014 and beyond it will be important to maintain a co-production approach and to focus on what is achievable. This early work will be followed with the setting in place of a clear jointly owned plan to deliver an integrated and increased offer over the 3 ½ years of work in transitioning from current to the new approach. Evidenced in SQW's work on evaluation maintaining a focus on 'family centred, holistic and outcomes focused' will be essential although challenging; this is a challenging area of work, beset with challenging historical and cultural approaches to supporting disabled children, young people and their families.

This document is a very brief summary and tool kit of work, it has set out not to duplicate any existing information all of which is clearly referenced on the SEND Pathfinder information pages.

Appendices

Appendix 1: Frequently Asked Questions (*Updated October 2014*)

Personal Budgets - Frequently Asked Questions (FAQ)

The following FAQ responses have been developed by the DfE as part of the SEND Pathfinder personal budgets accelerated working group.

Q1: Where would a local authority stand if they were to say a personal budget will not be available because it is uneconomical - e.g. a service funded for a wide cohort is more cost effective than allowing families to source their own service independently?

A1: The Local Offer will set out how the local authority and their health partners will deliver support to children and young people with EHC Plans. This will include universal and mainstream support, targeted support and funding which will be available for a personal budget should the child or young person be eligible for a personal budget. This should help pre-empt this discussion; being clear in advance about services that are delivered to a wider cohort as an efficient approach to making best use of funding or where, at present, funding cannot be disaggregated.

However, local authorities must consider any request for a personal budget on its own merit. Where a local authority is unable to disaggregate funding (either because of cost effectiveness or impact on other service users) they should inform the child's parent or young person of the reasons ([9.106 of the CoP](#)) and where this is requested as a direct payment they must give reasons in writing with the opportunity for the family to request a review of the decision.

Q2: Where would a local authority stand if they were to say a personal budget will not be available because the Local Authority deems that the provider requested by a family is not suitable to meet the needs of the child/young person?

A2: The provision to be secured by a personal budget will need to be specified in the EHC plan and developed as part of an open and transparent person-centred approach to planning. However, where disagreements occur over the actual provision to be secured using a personal budget the family will have the right to appeal to the first tier tribunal as with disagreement about any other provision to be specified in the plan.

Q3: Are local authorities developing lists of services which are included in personal budgets?

A3: It may be useful as part of the work on a Local Offer for the local authority to identify and publish a list of services and support which can be purchased with a personal budget, for example a directory of Personal Assistants, or providers with a flexible workforce who can be purchased using a personal budget. However, we do not expect LAs to develop lists of preferred suppliers as they can be restrictive in nature; see '[Barriers to Choice review](#)'.

Q4: Can schools and colleges manage personal budgets on behalf of pupils and students?

A4: Yes, schools and colleges can manage personal budgets and extend this role to employing staff etc. There are examples within the SEND Pathfinder group of schools taking this role where a family want a personal budget but do not want to manage the Personal Budget as a direct payment.

Q5: What duties have been placed upon the local authority to develop a wide and diverse offer of support options, activities and opportunities for children and young people with EHC Plans?

A5: There is a whole chapter in the [CoP \(chapter 3\)](#) about joint commissioning which includes an explanation of how personal budgets are a key part of a local joint commissioning strategy. Local Authorities will need, in consultation with their partners and parents, to put in place an offer of support which includes support services, options, activities and opportunities which can be accessed using a personal budget. This needs to be a joined up approach aimed at:

- maximising access to mainstream and universal activities and opportunities;
- efficient and useful targeted services to groups of children, young people and families; and
- a clear offer of additional funding which can then be used as a personal budget.

There are many examples of approaches to developing opportunities and the local market.

Q6: How does the EHC Pathway fit with personal budgets?

A6: The [CoP \(para 9.44\)](#) sets out a flow chart which includes key steps. Within this, it is clearly stated that at the same stage as a family express a preference for a school, they can confirm whether they would like a personal budget. In part these two decisions are linked, as a decision about a personal budget will be influenced by the school or college chosen.

As acknowledged in the CoP, the family will need information about all the potential provision available and any potential personal budget (including an indicative allocation) prior to thinking about how they may choose to use the funding, and then in making any decision about whether or not to have a personal budget.

Q7: Do senior teaching staff have the right to refuse the use of any SEN direct payment to be deployed in the school/college which threatens the teaching support of other children, for example, including a specific one to one teaching assistant in a class that already has provision for the whole class?

A7: The CoP and regulations are very clear on this. Any use of direct payment to employ support staff on a school site, whatever role they may have, has to be with the agreement of the school. There may well, for individual children, be a need for one-to-one skilled support in the classroom, sometimes the funding for this may come from a personal budget. It will always be the case that this will be with the agreement of the school and the role and participation of the support person will be guided by the teacher and/or others at the school alongside the EHC Plan, which explains how all the support needs of the child or young person need to be met.

Q8: Can I have my PA support me in hospital or at school (when my PA is funded by social care)?

A8: The answer to this question will vary between local authorities, however it is a mark of how child and family centred a local authority is being in its support to families to use personal budgets.

There may be issues relating to people's understanding of accountability and liability when people are working in different places. However on an individual basis there is nothing stopping such individually appropriate approaches being supported. For children in hospital due to ill health it will be important to offer them the best support from people who know them best. These people, alongside family members are likely to be members of the child or young person's support team. A strong focus on the best outcomes for the child or young person should mean that staff can continue to support a child or young person no matter what the source of funding.

Q9: Can a personal budget be used for [X] therapy?

A9: Yes, as long as the local authority or partners agree that it is suitable provision for the child or young person and are happy to list it in the EHC plan and funding can be disaggregated.

Q10: Can someone have a personal budget for home education?

A10: From September, all parents whose child has an EHC plan, or has been assessed as needing a plan, will be entitled to request a personal budget. This includes those who are educated at home. If the parents and the local authority have agreed that the child should be educated at home and 'home education' is named in their EHC plan the local authority is under a duty to arrange the special educational provision specified in the plan and this could include provision delivered through a personal budget.

If the local authority name a suitable school in the EHC plan but the parents then choose to home educate, then the duties to arrange the special educational provision and to provide a personal budget do not apply. However, in the CoP, local authorities are encouraged to help parents exercise their right to home educate their children. They should work with parents and consider using their powers to help parents make suitable provision for their children. In such cases they can consider making a financial contribution through personal budgets to ensure the home arrangements are suitable for the child's needs.

- ⁱ [Special educational needs and disability Code of Practice: 0 to 25 years, July 2014](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/338195/Code_of_Practice_approved_by_Parliament_290714.pdf)
https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/338195/Code_of_Practice_approved_by_Parliament_290714.pdf
- ⁱⁱ [Personal Budgets Information Pack](#), [Mott MacDonald](#) April 2014
- ⁱⁱⁱ Support and Aspiration: Introducing Personal Budgets, [In Control](#) and [SQW](#) April 2014
http://www.sendpathfinder.co.uk/files/page/556903/Appendix_2_PB_v4.pdf
- ^{iv} Individual budget pilot programme for families with disabled children, Evaluation reports, SWQ
www.gov.uk/government/publications/evaluation-of-the-extended-individual-budget-pilot-programme-for-families-with-disabled-children-the-extended-packages
- ^v Implementing a new 0 to 25 special needs system: LAs and partners, Duties and timescales - what you must do and when, DfE July 2014
https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/328221/SEND_implementation_update_-_June_update_version_15.1.pdf
- ^{vi} [Personal Budgets Information Pack](#), [Mott MacDonald](#) April 2014
- ^{vii} Making it Personal ([Supportive guidance for commissioners, appendix A](#)), [KIDS](#) with [In Control](#), [OPM](#) September 2012 <http://www.kids.org.uk/Handlers/Download.ashx?IDMF=6fcd832-4faa-400c-adf5-28d0d1d73421>
- ^{viii} Making it Personal: 2 developed by Kids and involving the Office for Public Management (OPM), In Control, Family and Childcare Trust and the National Association of Family Information Services (NAFIS)
<http://www.kids.org.uk/mip2>
- ^{ix} A Provider Guide to Personalisation, Personal Budgets and Education, Health and Care Plans, Consortium led by KIDS and involving the Office for Public Management (OPM), In Control, Family and Childcare Trust and the National Association of Family Information Services (NAFIS), September 2014. Available at <http://www.kids.org.uk/Handlers/Download.ashx?IDMF=71e64858-af2b-4db7-9a79-fe1e1bea17093>
- ^x A Family Guide to Personalisation, Personal Budgets and Education, Health and Care Plans, Consortium led by KIDS and involving the Office for Public Management (OPM), In Control, Family and Childcare Trust and the National Association of Family Information Services (NAFIS), September 2014. Available at <http://www.kids.org.uk/Handlers/Download.ashx?IDMF=3d9a1b43-084c-4210-988b-d957293f2acd>
- ^{xi} How to commission for personalisation - Guidance for commissioners and others in children and young people's services, Consortium led by KIDS and involving the Office for Public Management (OPM), In Control, Family and Childcare Trust and the National Association of Family Information Services (NAFIS), September 2014. Available at <http://www.kids.org.uk/Handlers/Download.ashx?IDMF=0ff9b856-7d75-4aab-a5ba-579b111243c4>
- ^{xii} Special educational needs and disability code of practice: 0 to 25 years, July 2014
https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/338195/Code_of_Practice_approved_by_Parliament_290714.pdf
- ^{xiii} Special educational needs and disability code of practice: 0 to 25 years, July 2014
https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/338195/Code_of_Practice_approved_by_Parliament_290714.pdf
- ^{xiv} Draft Information for Parents and Carers of Children with Special Needs and Disabilities in Middlesbrough and Redcar and Cleveland April 2014 <http://www.sendpathfinder.co.uk/infopacks/pb/>
- ^{xv} Decision Support Tool for NHS Continuing Healthcare November 2012 (Revised) – Applicable to Adults only
https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/213139/Decision-Support-Tool-for-NHS-Continuing-Healthcare.pdf
- ^{xvi} National Framework for Children and Young People's Continuing Care
http://dera.ioe.ac.uk/877/1/dh_114787.pdf
- ^{xvii} [Personal Budgets Information Pack version 4](#), [Mott MacDonald](#) April 2014 INSERT EXAMPLES
- ^{xviii} Decision Support Tool for NHS Continuing Healthcare November 2012 (Revised) – Applicable to Adults only
https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/213139/Decision-Support-Tool-for-NHS-Continuing-Healthcare.pdf
- ^{xix} [Personal Budgets Information Pack version 4](#), [Mott MacDonald](#) April 2014
- ^{xx} Newcastle Children Services Resource Allocation System www.newcastle.gov.uk/health-and-social-care/disabilities/children-with-disabilities/individual-budgets

^{xxi} Making it Personal, [KIDS](#) with [In Control](#), [OPM](#) September 2012

<http://www.kids.org.uk/Handlers/Download.ashx?IDMF=6fcdd832-4faa-400c-adf5-28d0d1d73421>

^{xxii} Special educational needs and disability Code of Practice: 0 to 25 years, July 2014 Section 9

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/338195/Code_of_Practice_approved_by_Parliament_290714.pdf

^{xxiii} The Common Delivery Model was developed by [SQW](#) as part of a scoping study to inform the development of the individual budget (IB) pilot programme in 2008-2009

^{xxiv} Support and Aspiration: Introducing Personal Budgets, [In Control](#) and [SQW](#) April 2014

<http://www.in-control.org.uk/media/161498/support%20and%20aspiration%20personal%20budgets%20oct13.pdf>

^{xxv} The Common Delivery Model was developed by [SQW](#) as part of a scoping study to inform the development of the individual budget (IB) pilot programme in 2008-2009