

**Title:** **Personal budgets for children and young people with special educational needs / disabled children**  
**A City of York Council guide to personal budgets**

**Updated:** **January 2016**

**First Published:** **September 2014**

**To be reviewed:** **January 2018**

**Purpose:**

This document is the **City of York Council (CYC) guidance document** on personal budgets for children and young people with special educational needs and disabilities.

**Relevant to:**

Parents, young people, and all those who support children and young people with special educational needs and/or a disability.

**Produced with:**

- agreement of parents, young people and partners in Education, Health and Social Care
- close reference to the **Special educational needs and disability code of practice: 0 to 25 years. January 2015.** This is statutory guidance for organisations who work with and support children and young people with special educational needs and disabilities.

**Legislation this guidance relates to:**

Part 3 of the Children and Families Act 2014 and associated regulations. The associated regulations are:

- Section 49 of the Children and Families Act 2014
- the Special Educational Needs (Personal Budgets) Regulations 2014
- the Community Care, services for Carers and Children's Services (Direct Payments) Regulations 2009 (the 2009 regulations will be replaced by those made under the Care Act 2014)
- National Health Service (Direct Payments) Regulations 2013
- Care Act 2014

**Key content:**

- 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 to parents and young people
- clear and simple statements of eligibility criteria and the decision-making processes that underpin them
- Local Authority planning to support the development of personal budgets.
- Links to additional information and support.

**Supporting documents:**

Personal budgets for children and young people with special educational needs and disabilities. CYC September 2016 guidance document

## Personal Budgets in York

### What are personal budgets?

A personal budget gives a family or young person control over funding for eligible support for education, social care, transport and health funding for disabled children/young people or children/ young people with special educational needs. It enables parents or the young person to choose their support and provides increased flexibility to decide what works best for them. This budget can be used in conjunction with other provision or support. Many children or young people, who access a personal budget, will have an Education, Health and Care Plan (EHC Plan) that brings together information about a child or young person's education, health and social care needs.

The government definition for a personal budget delivered through an Education, Health and Care Plan is:

*'A personal budget is an amount of money identified by the local authority to deliver all or some of the provision set out in an EHC plan. By having a say in the way this budget is used, a parent or young person can control elements of their support'* – Children and Families Act 2014.

Young people and parents of children who have Education, Health and Care plans or have been assessed as needing a plan, have the right to request a personal budget which can include a personal education budget as well as social care and health funding.

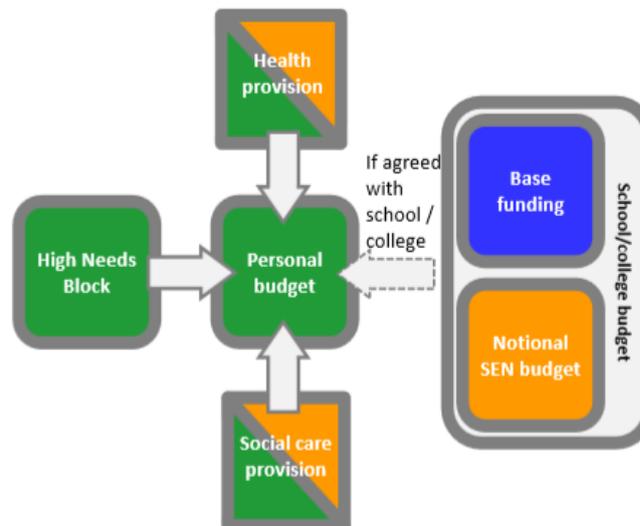
### How have personal budgets been developed in York

In York this has been introduced in a phased way, following government recommendations. All planning for personal budgets involve families fully to agree the personal budget and package of support. The Local Authority (LA) continues to work with parents and young people to listen to their views, share their experiences of using a personal budget and plan the next steps.

CANDI, York's parent carer forum have worked with the Local Authority to develop personal budgets and held a conference in October 2014 with a key focus of personal budgets. Families have the right to request a personal budget, however, the offer of a personal budget will be based on the support a child or young person needs for them to achieve agreed outcomes.

## Funding

Funding for a personal budget can come from education, health or social care.



**Figure 4:** Funding available for a personal budget (DfE and Mott Macdonald, June 2013).

**Education Funding** The personal education budget will usually be part or all of the ‘element 3 funding’ from the ‘high needs block’ which is awarded through an Education, Health and Care Plan to provide support at a level that is additional to or beyond what an educational setting is normally expected to provide to meet special educational needs. The head teacher/principal may also choose to offer some funding towards a personal SEN budget. However this will be at the discretion of the head / principal.

*‘There is no expectation that the school will release funding from its own budget, but there is the opportunity for a school to choose to do this if it is clear it is the best way to improve outcomes and support the child or young person receives.’* Aspiration: Introducing Personal Budgets. In Control and SQW April 14

**Health Funding:** Since April 2014 children and young people who are eligible to support through ‘Continuing Healthcare’ funding, have had the ‘right to ask ’ for a personal health budget. From October 2014 this becomes a ‘right to have’ a budget. Continuing Healthcare funding is available only for a very small number of children and young people; just 5,000-6,000 children nationally. Clinicians can also offer personal health budgets to others that they feel may benefit from the additional flexibility and control. The NHS Mandate commits to a further roll out of personal health budgets to people who could benefit from April 2015.

Families who wish to request a personnel health budget should contact their Continuing Healthcare Coordinator in the CHC team on 0300 303 8294.

For more information go to:

<http://www.valeofyorkccg.nhs.uk/your-health/personal-health-budgets/>

**Social Care Funding:** Individual or personal budgets will continue to be available for children through social care and are offered to all young people who are eligible for social care support when they become adults at eighteen.

Children are assessed by the Short Breaks Referral Coordinator or by their social worker.

Children may receive up to 100 hours short breaks each year without requiring a full social care assessment. This is to enable children and young people to access positive activities each week in their community with the minimum of bureaucracy. Those who need more than 100 hour short breaks will be assessed by a social worker using the Single Plan. This will decide how much support they are eligible for.

Young people moving into adulthood who are eligible for adult social care funding, will have an Adult Learning Difficulties Core Assessment and be allocated a care manager between 16.5 years and 17 years. The care manager works closely with the young person, family and the children's social worker to support a smooth transition into adulthood. During this time, they will support the young person to make plans about what they will do when they leave school; how they will access their local community and what support they may need.

#### **Personal Budgets that are available in York from September 2014:**

- Personal budgets for transport
- Personal SEN budgets where the child/young person's complex needs cannot be met through what is currently available through the Local Offer or require a more personalised approach. Currently, this is a very small number of children/young people.
- Specific provision may also be funded through personal education budgets where they are eligible for element three top up funding, with the agreement of the education setting.
- Personal health budgets where a child or young person is eligible to continuing health care funding.
- Personal budgets are available for children and young people who are eligible for short breaks through children's social care funding
- Young adults who meet the eligibility criteria for adult social care (**substantial? currently not moderate**)

The LA aims to increase the number of personal budgets agreed and funding sources available for personal budgets over time that allow for flexibility and improved outcomes through planning and testing of personal budgets with families and young people.

Personal budgets are available to young people who have left school and are accessing Personal Learning and Work Programmes (PLWP). These programmes are already person centred; developed around the young person's wishes, with learning focused on how they wish to increase their independence and access to work, volunteering or engagement in the community.

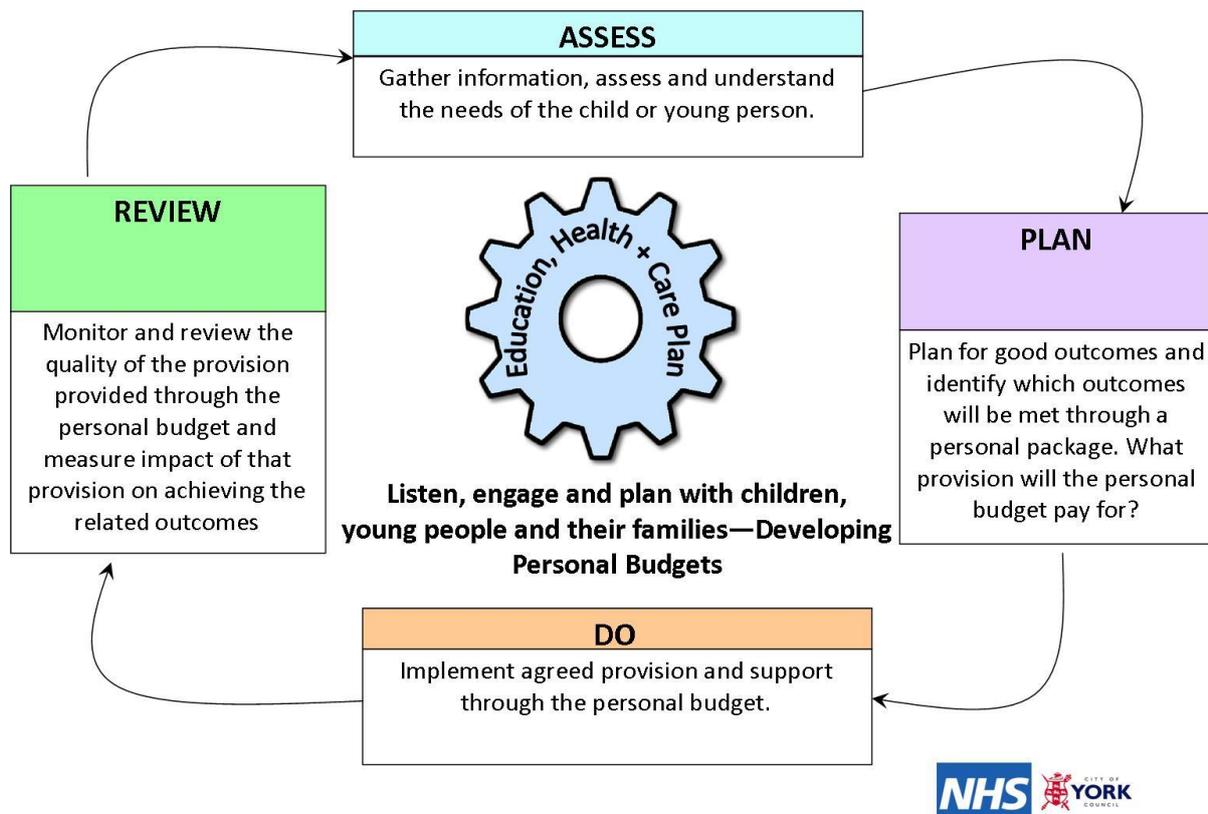
Personal Budgets for children and young people with special educational needs and disabled children  
A City of York Council Guide

**The mechanisms of control for funding available to parents and young people include:**

1. direct payments – where individuals receive the cash to contract, purchase and manage services themselves
2. an arrangement – whereby the local authority, school or college holds the funds and commissions the support specified in the EHC plan (these are sometimes called notional budgets)
3. third party arrangements – where funds (direct payments) are paid to and managed by an individual or organisation on behalf of the child’s parent or the young person
4. a combination of the above

**The process for requesting and agreeing a personal budget**

The process for requesting and agreeing a personal budget as part of an Education Health and Care Plan is embedded in the ‘Assess, Plan, Do, Review’ model of ‘Graduated Support’ as outlined in the Special Educational Needs and Disability Code of Practice: 0 to 25 years. July 2014. Families and young people will be sent information about their right to request a personal budget when a statutory assessment has been agreed.



**Assess**

Through the Pathway of Coordinated Support families, young people and practitioners work together to identify and agree individual strengths and needs. Assessment will be part of the statutory assessment for an EHC Plan or a social care or health assessment. Your child will need to meet the eligibility criteria for support.

### **Plan**

Outcomes that are important for the child, young person and their family and the actions and resources that are needed to achieve them, will be identified and agreed. Resources available, through the Local Offer, community and family support will be taken into account. A request for a personal budget can be made at this stage from any or all of the eligible funding sources.

Detailed requests for a personal educational budget will be considered by the Education Health and Care Panel as part of the statutory assessment process or through annual review of an Education, Health and Care Plan.

The funding for any personal budget will be agreed through a shared decision with any commissioners who provide the funding requested. Each agency will continue to be responsible for agreeing funding to meet related needs for services or equipment.

Any agreed personal budget must clearly support identified outcomes.

Each agreed personal budget will specify the size of the budget, its funding source, and how it will be paid, managed and monitored.

### **Do**

When a personal budget is agreed the budget can be paid in 4 different ways: direct payment, third party holding the budget, LA holding budget as a 'notional personal budget' or a combination of these as described in mechanisms of funding control on page 3.

The budget will then be used to support the identified outcomes.

### **Review**

The budget will be reviewed at least annually or sooner if planned or required. How the budget will be monitored will be clearly described in an individual's Education, Health and Care Plan. It is important to ensure the personal budget is used effectively for improving outcomes for a child or young person.

## **Future Plans and development**

### **Collaborative working, involving all stakeholders**

The LA will listen, work and plan with young people, parents, commissioners, and practitioners from education, health and social care.

- The Local Authority (LA) has a steering group with parent involvement to support planning for personal budgets.
- CANDI, York's parent carer forum are holding a conference in October 2014 which will include personal budgets as a key focus.

- The Local Authority will work Future Links and young people who are the Moving into Adult Life group (MIAL), as well as other young people to fully involve them in the developments.
- York's Strategic Partnership Integrating Services for Disabled children will be fully involved in the planning and development of personal budgets. The group has key people from Education, Health and Social Care as well as parent representation.
- 

To add: Joint commissioning must include arrangements for agreeing personal budgets

Identify how new joint commissioning will support greater choice year on year

Clear and simple statements of eligibility criteria and the decision making process that underpins them

separate bank account is a requirement of direct payment

preparation for adulthood, independence skills

direct payments agreement

exploring prepaid cards

guidance for parents

PB support specific outcomes

Dispute resolution

Link to safeguarding board re managing risk with PB

Veritau audit

9.108 Where the disagreement relates to the special educational provision to be secured through a Personal Budget the child's parent or the young person can appeal to the First-tier Tribunal (SEN and Disability), as with any other disagreement about provision to be specified in an EHC plan.

**Special educational needs and disability code of practice: 0 to 25 years**

**Statutory guidance for organisations which work with and support children and young people who have special educational needs or disabilities**

**January 2015**

Decisions in relation to the health element (Personal Health Budget) remain the responsibility of the CCG or other health commissioning bodies and where they decline a request for a direct payment, they **must** set out the reasons in writing and provide the opportunity for a formal review. Where more than one body is unable to meet a request for a direct payment, the local authority and partners should consider sending a single letter setting out the reasons for the decisions.

**Ongoing review, planning and development work on personal budgets will focus on:**

1. Ensuring children, young people and families are involved in the decision-making processes at both an individual and a strategic level.
2. Joint commissioning strategies and the development of greater choice and control year-on-year, as the market is developed and funding streams are freed from existing contractual arrangements.

3. The agreed funding streams and services for personal budgets and the necessary infrastructure to support their inclusion.
4. Making clear links locally between the SEN offer and Personal Health Budgets for children and adults.
5. Ensuring necessary information, advice and support at an area and individual level is accessible and up to date. This is to help families consider options for, and take up and manage personal budgets
6. Embedding person centred approaches through the City of York Coordinated Support Pathway and workforce training and development.

## Further information

### [The York Local Offer](#)

York's local offer website will enable parents and young people to see what disability services are available in their area and how to access them.

Personal budgets for children and young people with special educational needs and disabilities. September 2014. A City of York Guidance Document (link to be added)

City of York Fact sheets on personal budgets:

[Personal Budgets](#)

[Personal Budgets: a step by step guide to employing a Personal Assistant](#)

[Personal Budgets: employing a PA and useful contacts](#)

SEND Pathfinder: [Personal Budgets Information and Resource Pack](#)

[NHS England Personal Health Budgets](#)

[Special educational needs and disability code of practice: 0 to 25 years. July 2014.](#) This is statutory guidance for organisations who work with and support children and young people with special educational needs and disabilities. July 2014.

[SEND: guide for parents and carers. Department for Education. August 2014](#) A guide on the support system for children and young people with special educational needs and disabilities (SEND), for parents and carers.

[Insert send guide for young people](#)

## Advice and Support

Personal Budgets for children and young people with special educational needs and disabled children  
A City of York Council Guide



[City of York Family Information Service](#) Information about childcare, children's centres, activities, parenting, disability and more. Tel: 01904 554444

[City of York Special Educational Needs and Disability Independent Advice Support Service SENDIASS](#) - formerly Parent Partnership. York SENDIASS is a free 'arms length' service provided by the Local Authority to offer specialist advice, guidance, support and information to parents/carers of children with Special Educational Needs and Disabilities (SEND) and for young people with SEND living in York. The Service works with young People and families who have children at all stages of the SEN Code of Practice and will now offer information about education, health and social care provision, for parents of young people up to 25 years and tailored support to young people who live in York. The Service operates an open referral policy so parents and young people can directly access the service by email [Parentpartnership@york.gov.uk](mailto:Parentpartnership@york.gov.uk) and telephone 01904 554444.



[CANDI](#) Children and Inclusion – a forum for parents and carers of disabled children and young people. [@CANDIYork](#)

Independent Supporters

**Insert contact details**



[Independent Living Scheme](#)

Independent Living Scheme (ILS) provides support, advice and information for disabled people in York who want to live independently and have more choice and control over how their individual needs are met. ILS is funded by the City of York Council to support individuals who are receiving direct Payments and/or personal budgets which are used to arrange their own care. Tel: (01904) 479851



In Control is a national charity. Their mission is to create a fairer society where everyone needing additional support has the right, responsibility and freedom to control that support.