

Rotherham's Personal Budget Policy

**For Children and Young People aged 0 - 25 with Special
Educational Needs and Disabilities**

in partnership with

Personal Budget Policy

1. Introduction

Within the SEND Code of Practice 2015 Parents have a legal right to request a Personal Budget if their child has an EHC Plan or is assessed as needing an EHC Plan.

The Local Authority has a legal duty to assess this request and must publish it's Personal Budget Policy on the Local Offer Web-site.

The purpose of this document is to outline the policy of Rotherham Metropolitan Borough Council and NHS Rotherham Clinical Commissioning Group (RCCG) in relation to the Children and Families Act, 2014, the Statutory Guidance and Code of Practice for special educational needs and disability 0-25 years, and the Special Educational Needs {Personal Budgets} Regulations 2014.

2. What is Personalisation?

Personalisation is a key feature of the Special Educational Needs and Disability (SEND) reforms, and is about putting children, young people and their families at the centre of the Education Health and Care (EHCP) planning processes. It means starting with the person as an individual with strengths, preferences and aspirations, identifying their needs and making choices about how and when they are supported to live their lives based on an asset based approach.

There are a number of ways in which personalisation is being developed. These include:

- **engaging** disabled children, young people and their families in developing support rather than being passive recipients of services
- supporting disabled children, young people and their families to have increased **influence, choice and control** about how services are provided.
- **personalising** the support that families receive by working in partnership with services across education, health, social care and wider partners.
- implementing funding mechanisms through the use of **Personal Budgets** including direct payments
- providing support to help families to develop a **Personalised Support Plan** that describes how they will use their budget to meet **agreed outcomes**.

3. Who does this policy apply to?

The Policy applies to any child or young person with special educational needs and disabilities where a personal budget has been requested from either RCCG or the Local Authority

Parents have control of a personal budget up to the end of year 11 {post compulsory school age}. It is then the young person who has this responsibility, as long as they have the mental capacity in relation to exercising choices in relation to their education as defined by the Mental Capacity Act, and should be consulted; they can choose their parent/carer to manage their funding.

4. What is a Personal Budget?

A Personal Budget is not the sum total of all the resources that are available to support a child or young person.

A Personal Budget is an amount of money identified by the local authority and / or RCGG to deliver support and services (education, health, and/or social care) to meet the assessed support needs of a child or young person as outlined in their EHCP or Care Plan. This will be established during the EHC or Care planning process and will be clearly communicated to families. The Personal Budget will not replace or replicate existing services and will only be used to create bespoke services where there is an identified need or gap in a child's plan.

A Personal Budget is used to purchase the services and support required by a child/young person with SEND to meet their specific assessed needs.

The Personal Budgets section of the EHCP does not need to list all the costs associated with supporting a child or young person. It should provide a detailed explanation of how a personal budget will be used to deliver identified and agreed support; the needs and outcomes it will meet, and will explain how the money will be used and managed, including arrangements in relation to any direct payments.

- **A personal social care budget:** This refers to the budget that will be made available if it is clear that a young person or child needs additional support at home, a Short Break or when out and about in the local and wider community. This will be assessed by the child or young person's Social Worker, Early Help worker or Transitions worker using a Person- centred plan.
- **A personal health budget:** This refers to the budget that will be made available should a young person or child have complex, long term and/or a life-limiting condition/s. A personal health budget may also be made available to help with equipment costs or other health services. This provision will be assessed and agreed by Rotherham Clinical Commissioning Group.
- **A personal SEN budget:** This is a sum of money made available by a local authority because it is clear that without this additional {top-up} funding it will not be possible to meet the child's learning support needs. It will be pupils or students with more complex learning support needs or students whose needs cannot be met within existing provision who might require a personal SEN budget.

5. How can Personal Budgets be made up?

Personal budgets can be made up in the following different ways:

- **A Direct Payment** is one way of taking control of a Personal Budget for the child, young person and family. Direct payments are made directly to the child's parent or the young person into a designated bank account which allows them to arrange provision themselves. In all instances the direct payment arrangement will be underpinned by a signed written agreement and supported by the positive risk taking policy. Whatever the individual then purchases with their direct payment is bought as a private purchaser, although the money is still public money and remains so for the purpose of recovery

when the support package ends. It will cover aspects of the Child's Plan that can be offered as a Personal Budget. It will not cover the cost of funding a school place or post-16 institution.

- **Notional Budget-** this is where no money changes hands. Parent carers are informed how much money is available and with support identify the different ways to spend that money meeting the outcomes of the EHCP. The services can then be commissioned on the family's behalf if the family chose this.
- **Budget held by a third party-** this is where a different organisation or trust holds the money and helps parent carers to decide the best way to spend the funding and then buy the chosen services. This is known as an Individual Service Fund.

Personal budgets can be a mixture of these three options but can only be used for outcomes identified in the EHCP. and where existing services cannot meet identified need.

6. Principles and Commitments

Rotherham Council and Rotherham Clinical Commissioning Group are committed to empowering children, young people with SEND and their families by working towards a shared vision which:

- offers a process that is open, fair and transparent
- Achieves ambitious outcomes for children and young people
- provides greater choice and control for children, young people and families
- focuses on the outcomes identified in the EHC Plan and Social Care Plans
- ensures that children, young people and families are offered help and support to manage their budget and personalised support plan

Professionals working with children and young people will adhere to these principles in order to ensure that the purpose of the policy is fulfilled.

7. What is in scope?

The exact aspects of what can be included in a personal budget, relating to an individual child or young person will be outlined in the EHCP or Child's Care Plan.



The E.H.C. Plan for the child or young person should reference how all the various services including community (for example family or local clubs), universal resources (for example schools) and targeted resources (for example C.A.M.H.S.; physiotherapy or S.A.L.T.) are supporting the agreed outcomes for the child or young person, contained in their E.H.C. plan. The Individual resources required (for example a Personal assistant to support access to a Community Group) should also be identified and these can be taken as a Personal Budget.

8. What is not in scope?

- Areas where it is difficult to separate an individual cost from an overall amount will not normally be offered as part of a personal budget. For example, where it is not possible to separate funding that is currently supporting provision of services to a number of children and young people.
- Provision which already exists within the Local Authority.
- Day care provision for working parents

9 How will funding be made available?

If a personal budget is agreed, and a Direct Payment is the chosen way of receiving this, each partner agency will agree their individual contributions according to their individual assessments and care plans and ensure that they take responsibility for monitoring their agreed share of the budget. Any agreed costs from the R.C.C.G. would be paid by the agreed process to fund the plan. The eventual aim will be for pooled budgets between the R.C.C.G. and the Council.

The Social Care element of any Personal Budget will be calculated using a Resource Allocation System or determined via an Early Help Assessment; Carer's Assessment or Child and Family Assessment to ensure that the totality of a child or young person's needs are assessed.

10 Decision Making

1. Within the Education, Health and Care Planning Process: When a statutory integrated assessment starts, the personal budget process will be discussed with the family by their (EHC Assessment Coordinator) to see if this is something they may be interested in pursuing, if appropriate. The benefits and responsibilities around the personal budget will be explained by the lead professional.

An indicative amount will be given, as soon as possible following the completion of the integrated assessment and if an EHCP is the outcome of the assessment. Some families may already be accessing personal budgets for care or health and these will continue and be incorporated in the final EHCP if one is issued.

All professional reports will outline the provision required from their perspective. However, the vital part of the assessment and support planning process will be the views and aspirations of the child, young person and family. The assessment will be asset based, working with the strengths of the young person rather than the needs and deficits. This person centred planning approach will include each party to the plan and what they will contribute, including the community, young person/child and their family.

2. Within Social Care: Social Care use Personal Budgets as a resource to provide Short Breaks from Caring or to support a child or young person to access social activities which their disability would otherwise prevent them from accessing.. Where a Social Care professional identifies that a child or young person might benefit from a Personal Budget to meet their Social Care Needs then they will complete a Support Plan and Resource Allocation tool with the family to identify levels of need and indicative costs.

3. Within Health- RCCG will, as a minimum, accept any expression of interest in a Personal Health Budget and will offer a personalised conversation to explore the reasons for the request. These conversations will focus on improving outcomes, and whether needs could be met differently, resulting in a personalised care plan. RCCG :

The following links outline the position of RCCG regarding personal health budgets.

<http://www.rotherhamccg.nhs.uk/personal-health-budgets.htm>

<http://www.rotherhamccg.nhs.uk/local-offer-20162017.htm>

11 Who would be excluded from holding a Personal Budget as a Direct Payment?

The legal guidance for the law relating to personal budgets states the following people may not receive direct payments:

- A person who is subject to a drug rehabilitation order
- A person who is subject to an alcohol treatment order
- A person who is subject to a youth rehabilitation order
- A parent whose child is in care. If in long term foster care the foster parents may access a personal budget if there is agreement as part of the plan

- A child who has a Safeguarding Plan. Any use of a personal budget would have to be a part of the agreed plan. If the use of it was felt not to meet the aims of the plan, and to compromise the safety of the child/young person, it would not be agreed

12. Management of Direct Payments.

The responsibility for managing the Direct Payment lies with the Parent.

The Local Authority has a separate booklet (see appendix A) which outlines the responsibilities for managing the Direct Payment for Parents and their duties.

13. Transitions:

The person with Parental responsibility will manage direct payments for their child until they are 16 years of age.

Once a young person reaches 16, it is possible for payments to be made to them in their own right, so long as the local authority believes that they have the ability to manage direct payments with help. This is regardless of whether that help comes from parents, a user controlled trust or a local support service. This allows a 16/17 year old to choose if they want to take control of part or all of their direct payments. Alternatively their parent can continue to receive direct payments on their behalf. As a young person approaches their 18th Birthday the Adults Transitions Team will assess needs for adulthood using the Rotherham Adults Resource Allocation System.

14. Reviews and Appeals Processes:

If Parents, carers and young people disagree with the decisions relating to their Personal Budgets or Direct Payments they can request that these decisions are reconsidered either by contacting the appropriate agency SEN; Social Care or R.C.C.G. or alternatively contact Rotherham S.E.N.D.I.A.S.S. (www.rotherhamsendiass.org.uk) who can advise parents and young people regarding SEND appeals and Tribunals.