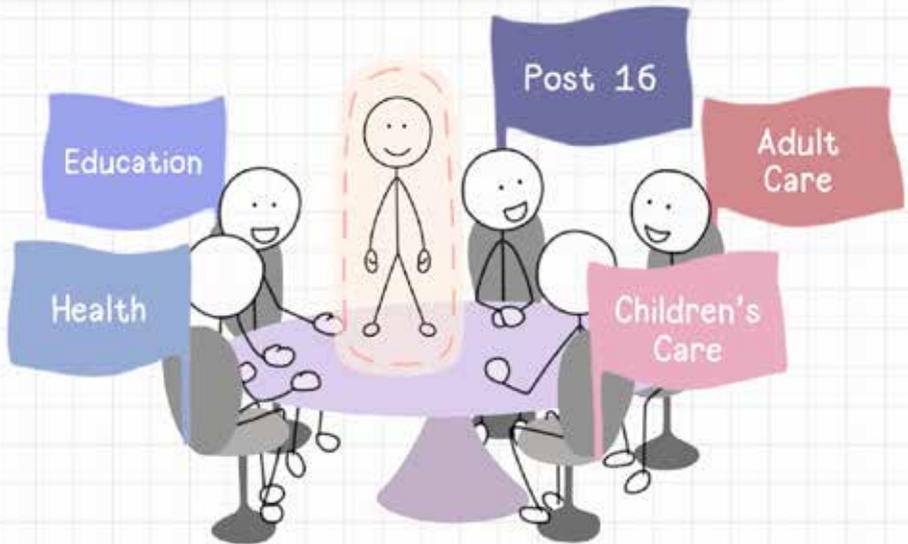


# Explaining Personal Budgets for Special Educational Needs in Gloucestershire

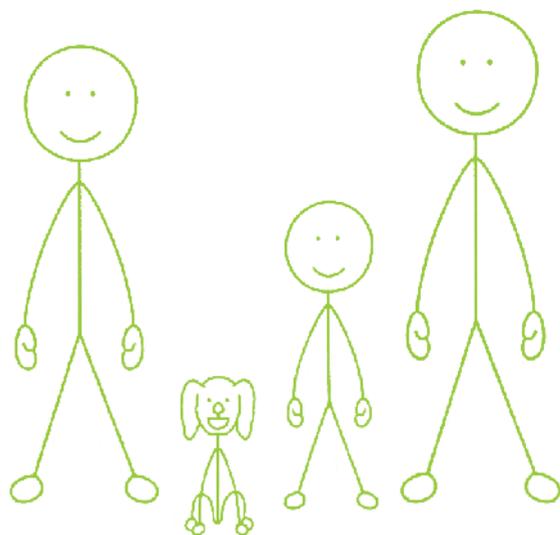
Information for Parents and Carers



This booklet explains Personal Budgets for Special Educational Needs (Personal SEN Budgets), how they might be used and how they are only one part of a much wider system of learning opportunities, support and activities available to children and young people with Education, Health and Care Plans.

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## Our Commitment to Delivering Personal SEN Budgets in Gloucestershire

### What are we doing?

- Being more transparent, accountable and open in all our processes and decision making
- Giving parents and young people clear information to help them understand Personal SEN Budgets
- Offering Personal SEN Budgets to help children and young people achieve the educational outcomes identified in their EHC Plans
- Working in partnership with practitioners, young people and families, all contributing their knowledge, skills and expertise (this is sometimes called co-production)
- Providing support and advice to families and young people who manage their Personal SEN Budget via a direct payment.

### Why?

We want to see children/young people with special educational needs and disabilities (SEND) achieve their potential and go on to live fulfilled lives as independently as they are able to.

We are committed to personalisation and child-centred working and see Personal SEN Budgets as a small, but important, part of this approach.

### Your Right to Request a Personal Budget

The Code of Practice states that parents/carers and young people have a right to request a Personal Budget at any time whilst the draft EHC Plan is being prepared or reviewed. The local authority has a duty to prepare a budget upon request unless it is part of a larger amount and separation of the funds for the Personal SEN Budget would:

- Have an adverse impact on services provided or arranged by GCC for other EHC Plan holders, or
- Not be an efficient use of GCC's resources.

If we do not agree to issue a Personal SEN Budget, we will work with all parties to ensure provision is in place to achieve outcomes identified on the EHC Plan.

## Explaining Personal SEN Budgets in Gloucestershire

A Personal SEN Budget is the “cashable” amount identified from Element 3 funding (see below) to meet the **additional and individual educational needs** of the child/young person within their EHC Plan. It may also include **additional learning support (Element 2)** funding if the Head Teacher /Principal of the education setting agrees. Any provision that is block funded (eg Speech and Language therapy) or resources already committed, will not be available as a Personal SEN Budget.

A Personal SEN Budget is not the same as a direct payment. Direct payments are explained later in this booklet (please see pages 7-9, Ways to Manage A Personal SEN Budget).

The table below shows the elements of education funding to support children/ young people. These funding streams are explained in more detail on page 5.

### Funding Streams in Education

#### Element 1 Funding

*(not available as a Personal SEN Budget)*

Also called Wave 1 and Universal Support

#### Element 2 Funding

*(not available as a Personal SEN Budget unless setting agrees)*

Also called Wave 2 & 3, Targeted Support and Additional Learning Support

#### Element 3 Funding

*(part of this may be available as a Personal SEN Budget if the local authority agrees)*

Also called High Needs Block and Individual & Additional Learning Support

## Levels of Support and Funding Streams Explained

### Level 1 Funding (Universal support):

Support for all children or young people to achieve good quality learning outcomes. Each setting receives an amount to fund a place. This funding is **not** available as a Personal Budget.

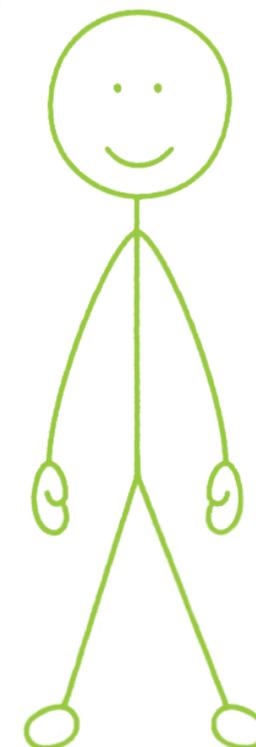
### Level 2 Funding (Targeted support):

Services and support targeted on a group of children/young people due to a particular common learning support need. This may include funding of support staff, focused literacy support, behaviour management programmes etc.

Each setting must provide additional support up to the value of £6,000 to meet the additional support needs of children and young people who need it. This funding is included within the support for children/young people with an EHC Plan but is **not usually** available as a Personal SEN Budget.

### Level 3 Funding (Individual support):

This funding provides the additional individual support the child/young person needs to achieve his/her learning outcomes as agreed in their EHC Plan. This funding is available if the total cost of additional support needed is more than £6000 and the child/ young person needs more provision than ordinarily provided by the setting. Part of this funding **can be used** as a Personal SEN Budget if the setting and local authority agree.

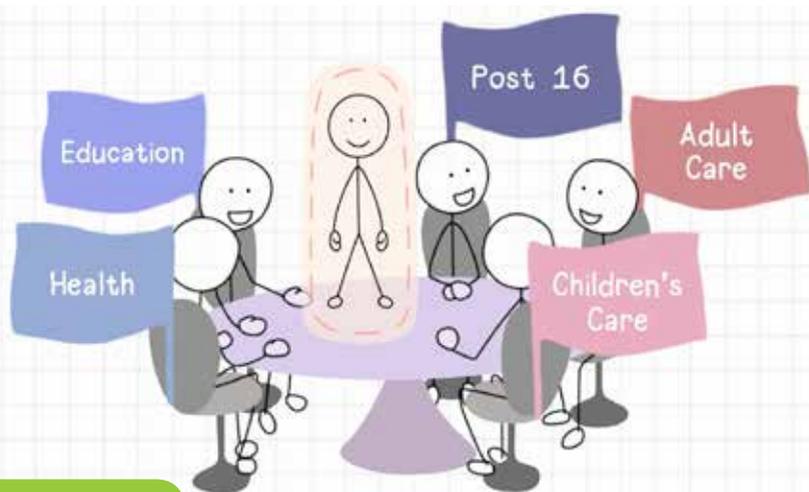


## How Personal SEN Budgets work in Gloucestershire

A small number of children and young people need **additional and individual support** to enable them to access learning activities, to be included within their education setting and to achieve well. These children and young people will have an Education, Health and Care Plan which can be supported by a Personal SEN Budget.

When the local authority agrees that an EHC Plan is needed, we will allocate an indicative budget using a Resource Allocation System tool. The indicative budget is an **estimate** of the funding required to meet the child or young person's educational needs. Parents, young people and practitioners will be told the indicative budget available and will work together to agree what needs to be put in place to meet the child or young person's educational needs. This will usually happen at the Team Around the Child Meeting. This is an opportunity to be creative and flexible as a team and to think about the best way to get results.

If a Personal SEN Budget has been agreed, the local authority will inform the parents/young person of the amount of the funding available. The TAC will then support the parents /young person to agree how the funding will be used to achieve the specific outcomes on the EHC Plan. The parents/young person can manage this budget via a direct payment if the local authority agrees. It is important to note that the setting must agree to any provision being delivered on site via a direct payment.



## Ways to Manage Personal SEN Budgets

The Personal SEN Budget can be managed in the following ways:

- The setting or local authority will hold the budget and pay for all provision. *(This decision must be agreed by the setting and/or local authority)*
- The family will hold the budget and manage it via a **direct payment**. The local authority pays an agreed amount to the nominated person to pay for the provision agreed in the EHC plan. *(If family want to have a direct payment, the local authority must agree and the setting must agree if the provision is to be delivered on its site.)*
- A third party organisation will manage the budget. The local authority pay an agreed amount to the organisation to buy the provision agreed in the EHC plan and pay "reasonable costs" towards the cost of managing the budget. *(This decision is made by the local authority and family if the family are unable/unwilling to have a direct payment and the setting/local authority cannot manage the budget).*
- A combination of any of the above options.

### Direct Payments

A direct payment means the family manage the budget and spend funds in line with the agreed EHC Plan. Any provision bought **must** be written in the child/young person's agreed EHC Plan.

Parents/young people can ask for a direct payment to manage the Personal SEN Budget but this **must** be agreed by the local authority and setting.

In order to implement a direct payment, the local authority must be satisfied that:

- The direct payment will be used to pay for things that have been agreed in the EHC Plan.
- The direct payment is an appropriate way to pay for things that have been agreed in the EHC Plan.

- The person receiving the direct payment will act in the best interests of the child/young person.
- The direct payment is an efficient use of resources.

If the local authority is not satisfied of any of the above, then the Personal SEN Budget will not be agreed. The local authority will continue to work with all parties to ensure provision is in place to achieve outcomes on the EHC Plan.

### What *can* be bought using a Personal SEN Budget?

Any spend **must** be detailed in the agreed EHC Plan and **must** be set against an identified educational outcome. Examples include:

- Some activity or staffing to be delivered in the education setting or elsewhere
- Equipment
- Something bought specifically for an individual child/young person eg play therapy (individually commissioned services)
- Activities or staffing for a group of children/young people with EHC plans e.g. art therapy (group commissioned services)
- Advice and assistance from an organisation to help with direct payments (if there is a reasonable charge by the organisation)

### What *cannot* be bought using a Personal SEN Budget?

- Anything that is **not** identified on the child/young person's EHC plan
- Health or social care provision that will **not** achieve identified educational outcomes on the child/young person's EHC plan
- Any provision that the setting would give any child/young person
- A place within a school or post-16 placement

## Children/Young People in Specific Circumstances

### Home Education

The Code of Practice states that if the local authority and parents agree that home education is the right provision for a child/young person within an EHC Plan, then the local authority **must** arrange the special educational provision set out in the plan, working with the parents (under Section 42(2) of the Children and Families Act 2014). In this situation, a Personal SEN Budget **may** be available.

If the local authority does not agree that home education is the right provision, but the parents choose this option, a Personal SEN Budget will **not** be available.

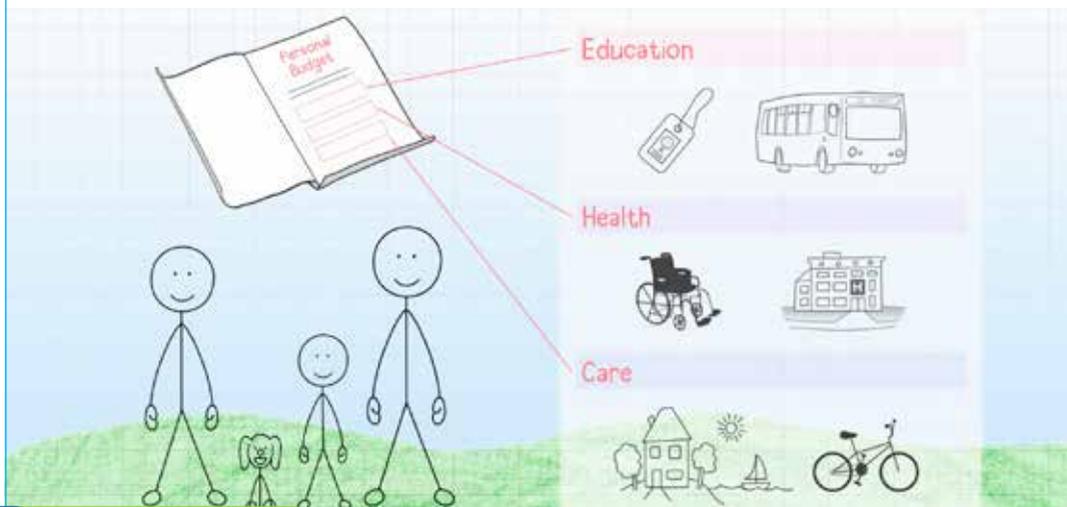
### Special School Provision

If a special school or college makes some specialist provision available that is not normally available at mainstream schools/colleges, this may reduce the scope for a Personal SEN Budget. For example, onsite speech and language therapy, hydrotherapy etc will not be available as a SEN Personal Budget.

### Children Educated Out of Area

A specialist school/college placement out of area **cannot** be funded by a Personal SEN Budget. The local authority must provide reasonable transport or travel assistance to the child/young person if they are eligible under the Home to School Transport Policy. To determine whether your child is eligible for assistance with transport, please visit

**[www.gloucestershire.gov.uk/sentransport](http://www.gloucestershire.gov.uk/sentransport)**



## Resolving Disagreements

We will make every effort to ensure the process of requesting/ implementing a Personal SEN Budget runs as smoothly as possible. However, should there be disagreement or if parents/young people are unhappy about any part of the process, the following is in place to support resolution:

Parents/young people have a right to request a formal review of their Personal SEN Budget once it is in place if they are unhappy about any part of it. This can be done via a request to the education setting (SENDCo) or to their Case Co-ordinator within the SEND Service.

If parents/young people are unhappy about any decision made within the process of agreeing the Personal SEN Budget, even before it is in place, they should raise these concerns with their Case Co-ordinator within the SEND Service.

For information, key decision making points include the following:

- I do not agree with the indicative budget
- I cannot manage the budget in the way I wish
- I am not happy with the services to be put in place

If parents/young people are still not satisfied, please refer to GCC Complaints Procedures. [www.gloucestershire.gov.uk/feedback](http://www.gloucestershire.gov.uk/feedback)

## Personal Care Budgets, Personal Health Budgets and Transport Assistance

### **Personal Care Budget (Disabled Children & Young People) 0-17 yrs**

This funding is available to those children and young people who meet the eligibility criteria for a service from the Disabled Children and Young People's Service and who have identified needs on their Care Plan that cannot be met without additional resources being available. For eligibility criteria and to find out how we are supporting all disabled children and young people, please visit GCC website Local Offer (link on back page).

### **Personal Care Budget (Adult Social Care) 18 years +**

This funding is available to adults who have been assessed by Adult Social Care and have needs identified that cannot be met without additional resources being available.

### **Personal Health Budget (Children) 0-17 yrs**

Since April 2014 children eligible for continuing care funding have had the 'right to ask' for a Personal Health Budget (PHB) and, from April 2015, this 'right to ask' was extended to include children with long term conditions who may benefit from a PHB. There are some aspects of NHS care that PHBs cannot be used for. A PHB cannot be used for emergency care, for example, or care a child usually gets from their family GP or dentist. Details are set out in guidance provided by NHS England (see below).

Information on PHBs can be found here:

<https://www.england.nhs.uk/healthbudgets/>

Further information on children's continuing care, including eligibility, can be found here: <http://www.nhs.uk/CarersDirect/guide/practicalsupport/Pages/continuing-care-children.aspx>

### **Personal Health Budget (Continuing Health Care) 18+ years**

Adults who have been assessed as eligible for Continuing Health Care funding also have a 'right to ask' for a PHB. Information on Continuing Health Care funding, including eligibility, can be found here:

<http://www.gloucestershireccg.nhs.uk/your-services/continuing-healthcare/>

### **Transport Assistance**

Assistance may be available to enable children/young people with EHC Plans to attend school or college. In order to assess eligibility and support requirements, an assessment is made of the child/young person's needs and individual circumstances. Further details are available at:

[www.gloucestershire.gov.uk/sentransport](http://www.gloucestershire.gov.uk/sentransport)

## **Acknowledgements:**

Thanks to members of Gloucestershire Parent Carer Council for their valuable input.

Thanks to staff at Gloucestershire County Council and Gloucestershire Clinical Commissioning Group for their time and efforts contributing to this document.

Useful links:

[www.gloucestershire.gov.uk](http://www.gloucestershire.gov.uk)

[www.gloucestershire.gov.uk/schoolsnet/sencospot](http://www.gloucestershire.gov.uk/schoolsnet/sencospot)

[www.gloucestershire.gov.uk/localoffer](http://www.gloucestershire.gov.uk/localoffer)

[www.glosparentcarers.org.uk](http://www.glosparentcarers.org.uk)

[www.carersgloucestershire.org.uk](http://www.carersgloucestershire.org.uk)

[www.gloucestershire.gov.uk/sentransport](http://www.gloucestershire.gov.uk/sentransport)

[www.gloucestershireccg.nhs.uk](http://www.gloucestershireccg.nhs.uk)

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