

# Explaining Personal Budgets for Special Educational Needs in Gloucestershire

## Acknowledgements:

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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)

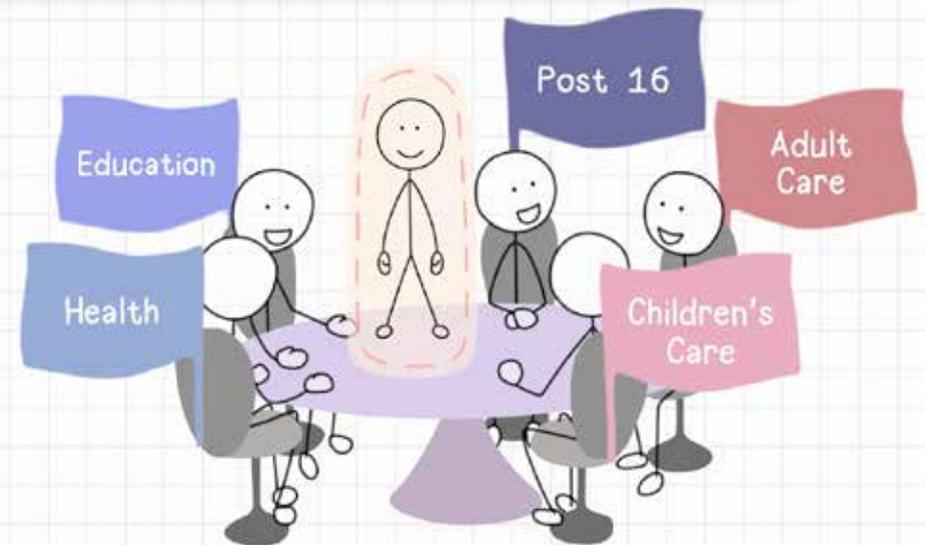
[www.glosparentcarers.org.uk](http://www.glosparentcarers.org.uk)

[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)

Information for Parents and Carers



If you have any feedback on this document, please email Jane. Shotbolt@gloucestershire.gov.uk

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. There are two fictional case studies at the end of the leaflet to give an idea of how Personal SEN Budgets may be used.

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## Our Commitment to Delivering Personal SEN Budgets in Gloucestershire

### What are we aiming to do?

- Be more transparent, accountable and open in all our processes and decision making
- Give parents and young people information to help them understand Personal SEN Budgets
- Provide Personal SEN Budgets to help children and young people achieve the educational outcomes identified in their EHC Plans
- Work in partnership with practitioners, young people and families all contributing their knowledge, skills and expertise (this is sometimes called co-production).

### 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.

### How can we do this?

We have successfully implemented Personal Budgets for children/young people open to the Disabled Children and Young People's Service (Gloucestershire County Council) over the past 6 years. We are now expanding this for children/young people with SEND through EHC Plans.

We know we have a long way to go on this journey but we are committed to personalisation and see Personal Budgets as a small but important part of this approach.

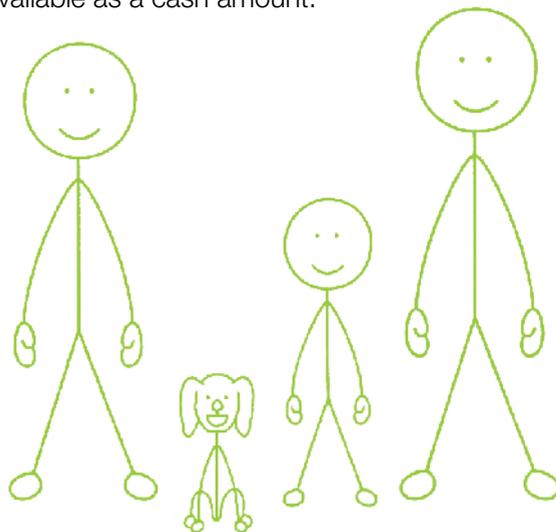
We are working hard to implement new processes and ways of working to make sure that all children and young people with SEND have the right support, when they need it.

In regard to Personal SEN Budgets, we are working towards:

- All young people and parents of children with Education, Health and Care (EHC) Plans will be told the indicative budget (explained in more detail on page 7) available to achieve educational outcomes.
- All young people and parents will know the actual budget allocated to support them/their child and how this funding is being used. This information will be contained within the child/young person's EHC Plan.
- Clear information and a pathway for young people and parents regarding Personal SEN Budgets.
- Support and advice for families and young people who manage their Personal SEN Budget as a direct payment (explained in more detail on pages 9 and 10).

### 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. In Gloucestershire, as every child/young person with an EHC Plan will have a Personal SEN Budget, this is your opportunity to request **control of the Personal SEN Budget**. We will follow the Code of Practice and work with you and all practitioners involved to agree the best method to enable this to happen. It does not mean you have to manage the budget yourself, although this is an option if everyone agrees. It is important to note that you may not be able to have control of the total amount of your child's Personal SEN Budget and we will have discussions with all parties to identify how much funding is available as a cash amount.



## Explaining Personal SEN Budgets in Gloucestershire

A Personal SEN Budget is the funding allocated to meet the **additional and individual educational needs (Element 3 funding)** of the child/young person within their Education, Health and Care Plan. It may also include **Additional Learning Support (Element 2)** funding contained within their EHC Plan. At present any provision that is block funded (eg Speech and Language therapy) or resources already committed, will not be included in the Personal SEN Budget but will still be included in the child/young person's plan if required.

In Gloucestershire all children and young people with an EHC Plan will have a Personal SEN Budget. This means that parents and young people will know how much funding is available, they will be involved in deciding the provision to achieve outcomes agreed in the EHC Plan and they will be involved in agreeing how the Personal SEN Budget is managed. A Personal SEN Budget does not mean a direct payment. Direct payments are explained later in this booklet (please see pages 9 & 10, Managing Personal SEN Budgets).

The table below shows the elements of education funding to support children/young people. These funding streams are explained in more detail on page 6.

### Funding Streams in Education

#### Element 1 Funding

*(Not available as a Personal SEN Budget)*

Also called Wave 1 and universal support

#### Element 2 Funding

*(Parts of this may be available as a Personal SEN Budget via a direct payment if setting agrees)*

Also called Wave 2 & 3, targeted support and Additional Learning Support

#### Element 3 Funding

*(Parts of this may be available as a Personal SEN Budget via a direct payment 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** a Personal SEN Budget.

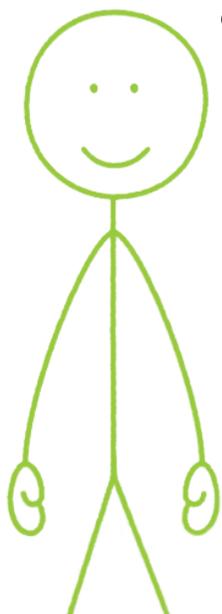
### Level 2 Funding (Targeted support):

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 £6000 to meet the additional support needs of children and young people who need it. This funding is included within the SEN Personal Budget. **It is only available as a Direct Payment if the setting agrees.**

### 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 can be requested if the total amount of additional support needed is more than £6000 and the child/young person needs more provision than ordinarily provided by the setting. Once allocated, this funding is included within a Personal SEN Budget. Part or all of this can be provided as a **Direct Payment if the setting and local authority agree.**

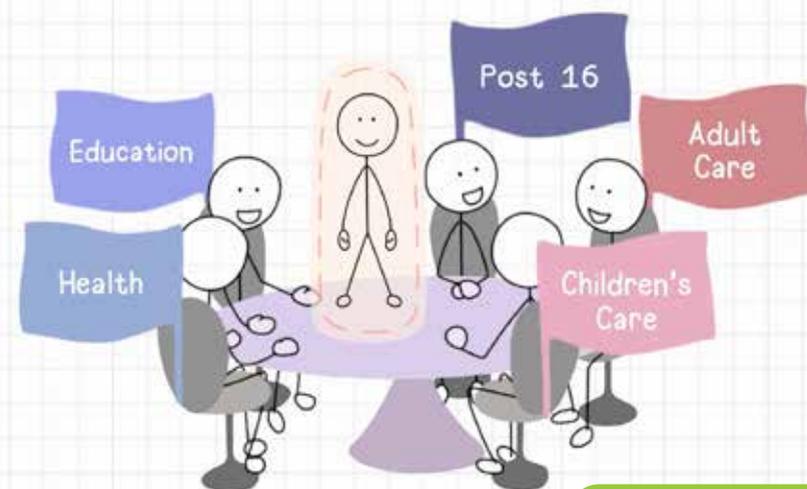


## How Personal SEN Budgets work in Gloucestershire

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, supported by a Personal SEN Budget.

When the local authority agrees that an EHC Plan is needed, we will allocate an indicative budget. The indicative budget is an **estimate** of the funding required to meet the child or young person's educational needs. Parents and young people will be told the indicative budget available and can work with everyone involved 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.

As stated earlier, not all services are able to separate funding out to give an indicative budget. In these cases the provision will be stated in the Plan and not the cost. We will continue working towards extending the range of support that can be included in the indicative budget.



## 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

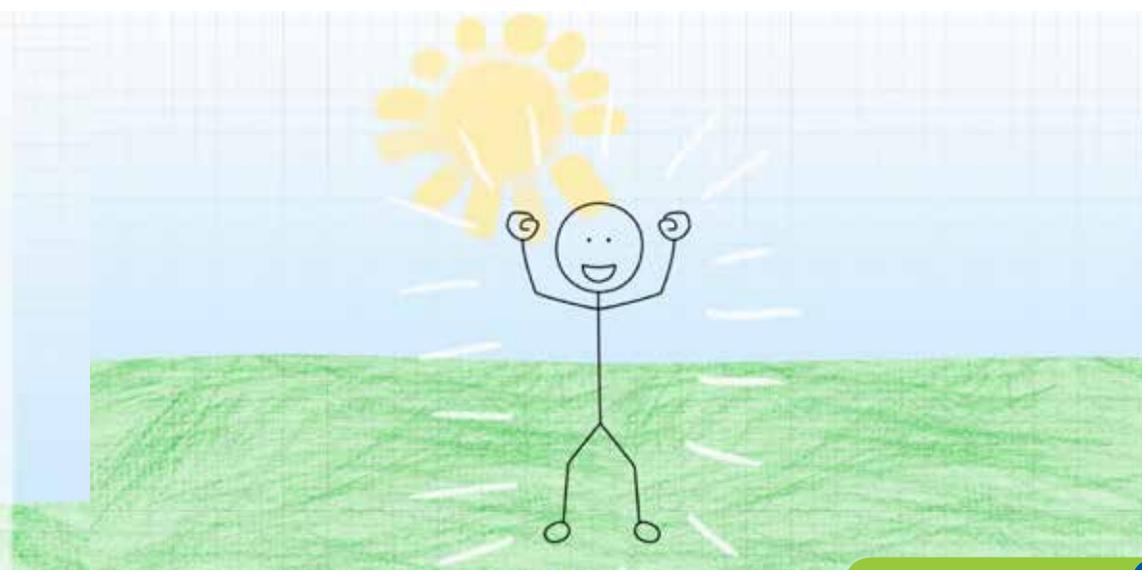
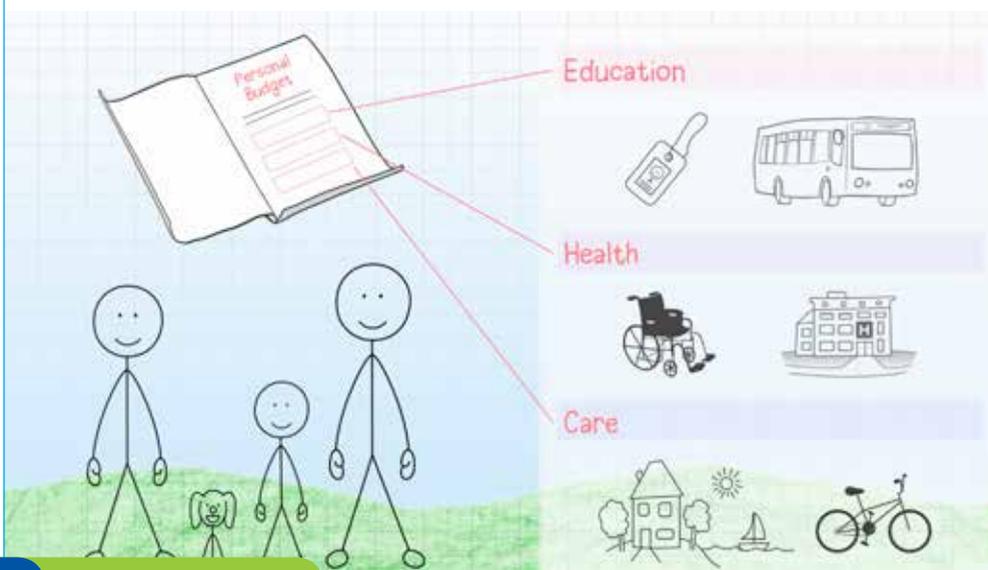
**A direct payment cannot be used to fund a school or post-16 placement.**

## Ways to Manage Personal SEN Budgets

In a nutshell, an indicative budget is calculated (an idea of what the budget might need to be) and, when the provision is agreed in the Plan, the indicative budget becomes a Personal SEN Budget.

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 as 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 the funds in line with the agreed EHC Plan. Any provision bought must be something that is already written in the child/young person's EHC Plan*

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

In order to implement a direct payment, Gloucestershire County Council 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 Gloucestershire County Council is not satisfied of the above, then the Personal SEN Budget will be managed either by the local authority/setting or, if this is not feasible, then a third party organisation may be commissioned to do so.

## Personal Care Budgets, Personal Health Budgets & Personal SEN Transport Budgets

A child or young person may also have a personal budget from Social Care and/or Health and SEN Transport. These can form part of an EHC Plan or as standalone plans (except SEN Transport) if no educational needs are identified. All of the personal budgets below can be taken via a direct payment if Gloucestershire County Council and/or Gloucestershire Clinical Commissioning Group (Health) agree.

## 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 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)

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' will be 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 your child usually gets from your family GP or dentist. Details are set out in guidance provided by NHS England (see below).

Information on PHBs can be found here:

<http://www.personalhealthbudgets.england.nhs.uk/About/faqs/>

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) over 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, including eligibility, can be found here:

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

## Personal SEN Transport Budget

In certain circumstances, a personal transport budget may be available for children/young people who are entitled to SEN Transport and whose families wish to make their own arrangements to transport their child to/from school. This might be offered where the Authority is unable to offer alternative suitable transport provision and/or where it is more cost effective. Further details are available at [www.gloucestershire.gov.uk/sentransport](http://www.gloucestershire.gov.uk/sentransport)

## 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 via a direct payment **may** be available, if Gloucestershire County Council agrees.

If Gloucestershire County Council 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 direct payment within a Personal SEN Budget.

## Children Educated Out of Area

A school/specialist college placement out of area **cannot** be funded via a direct payment. Gloucestershire County Council **must** provide reasonable transport or travel assistance to the child/young person who is eligible under the Home to School Transport Policy. This could be taken as a Personal SEN Transport Budget which the family may choose to have via a direct payment if the local authority agrees.

To ensure your child is eligible for assistance with transport, please visit [www.gloucestershire.gov.uk/sentransport](http://www.gloucestershire.gov.uk/sentransport)

## Resolving Disagreements

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 co-ordinator of the EHCP or his/her line manager in the first instance. If the issue cannot be resolved at this level, it will be presented to the EHC Panel, which meets weekly.

Parents/young people can request support from SEND Independent Support Gloucestershire on 0800 158603 or visit their website ([www.carersgloucestershire.gov.uk](http://www.carersgloucestershire.gov.uk))

If parents/young people are unhappy about any decision made within the process of allocating the PB, even before it is in place, they should raise this with the co-ordinator of the EHCP or his/her line manager.

For your information, key decision making points include the following:

- I do not agree with the indicative budget allocated
- My child's budget is not sufficient to achieve outcomes
- 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)

## Examples of a Personal SEN Budget within an EHC Plan

### Case Study 1: Setting Manages Personal SEN Budget

Jamie is 7 years old and attends his local mainstream school. He has a diagnosis of Downs Syndrome and moderate learning difficulties. His EHC Plan has been agreed and his Personal SEN Budget is as follows:

£6000	Element 2 funding
£7000	Element 3 funding
£13000	Total Personal SEN Budget

Jamie's parents and Team Around Child have agreed the following provision for him within his EHC Plan to meet his identified needs and achieve the agreed outcomes:

- TA support for agreed hours per week to support Jamie in specific areas
- Access to S&L Therapist once a term with ongoing 1:1 support from school staff as directed by S&LT
- Access to social skills group on a weekly basis
- Playground buddy each playtime and lunch time
- Pre-teaching in Maths and English before each lesson

Parents and Team Around Child have agreed the school will manage the Personal SEN Budget to fund the TA hours and make it possible for Jamie to go to groups and support provided at the school.

Management of Personal SEN Budget:

Element 2 funding will be managed by setting	£6000
Element 3 funding will be managed by setting	£7000

*All costs are fictitious and are for illustration purposes only – they should not be used as a basis for comparison of actual costs.*

### Case Study 2: Setting manages part of Personal SEN Budget and Parent manages part of Personal SEN Budget via a direct payment

Suzie is 13 years old and attends her local mainstream secondary school. She has Spinal Muscular Atrophy and needs support to make the most of her learning opportunities and with her personal care. Her EHC plan has been agreed and her Personal SEN Budget is as follows:

Element 2 funding:	£6000
Element 3 funding:	£11050
Total Personal SEN Budget:	£17050

Suzie, her parents and the Team Around the Child have agreed what needs to be in her EHC Plan:

- LSW support for agreed hours each week to support Suzie with some lessons or activities
- Help with physiotherapy exercises on a daily basis
- Help with eating her lunch daily
- Help with personal care twice daily
- Wheelchair basketball at a specialist setting as her PE lessons

Suzie has said that she wants her LSW to support her learning needs only. She has said she wants a carer to support her personal care, eating and physio exercises and take her to wheelchair basketball sessions. Suzie's parents have agreed to make sure that this person is trained as required and holds DBS clearance. They will employ this person and insure the carer to use the family's adapted vehicle. A Direct Payment will cover the cost of the carer's hours, insurance on vehicle, employer's liability insurance, payroll services etc. The school has agreed that the carer can work on school premises to provide support specified in Suzie's EHC plan and to go with her to and from basket ball sessions.

Management of Personal SEN Budget:

Element 2 funding will be managed by setting	£6000
Element 3 funding will be managed by setting	£6900
Element 3 funding will be managed by parent via a DP	£7100

*All costs are fictitious and are for illustration purposes only – they should not be used as a basis for comparison of actual costs.*