

Introduction

With effect from April 2014, any child or young person receiving NHS funded continuing healthcare will have the right to ask for a personal health budget. This right to request a personal budget also extends to children and young people with an education, health and social care plan or their parents under the Children and Families Bill 2014 (Clause 48) from September 2014. However, it is important to note that direct payments are already offered for some social care support services.

This guide can help you advise parents and/or young people about the local arrangements for personal budgets in Kingston upon Thames and Richmond upon Thames across education, social care and continuing care health services.

What is a personal budget?

A personal budget is a sum of money identified to deliver all or some of the provisions set out in an education, health and social care plan (EHC). By having a say in the way this budget is used, it provides a parent or young person with greater control and choice over elements of their support.

Key points

Personal budgets should help improve the individual outcomes for the child or young person. They should not make things worse. Families do not have to take up a personal budget if they do not want one and can still have control and choice over the decisions about how the outcomes will be best met through the planning process.

Who can request a personal budget?

A parent, carer or young person can request a personal budget if they meet the criteria for one or more of the following specialist strands of support.

1. NHS funded continuing healthcare

A child or young person may require a continuing care package if their complex and often long term healthcare needs cannot be met by universal, targeted or specialist services. However, the diagnosis of a particular disease or condition is not in itself a determinant of a need for continuing care. To be eligible the child or young person must have at least three health domains assessed as high or priority need by a qualified health needs assessor.

2. Disabled children's social care short break services

Short break services form part of a continuum of social care services which support disabled children to access social activities and to assist their families by providing them with a break from their caring roles. These needs will be identified through an assessment by a qualified social worker.

3. Top Up (Element 3) education funding in a mainstream school

Where a child has special educational needs, the school will receive additional money to meet these needs. Some children will have higher needs normally requiring individualised support and will receive further funding to meet the cost of these needs.

Funding sources

Only the funding sources supporting NHS continuing healthcare, short breaks for disabled children and Element 3 education funding will be made available as a personal budget to support the delivery of a child or young person's education, health and social care plan. Funds that are delegated to schools and colleges will not normally be in scope for inclusion in a personal budget, unless the institution has previously agreed to this. Personal budgets must not be used to fund a school place.

How can a parent or young person request a personal budget?

A parent or young person can request a personal budget directly as part of the assessment and planning process for an education, health and social care plan or at the annual review. In some circumstances they may ask you or another professional to request a personal budget on their behalf.

Who do I contact?

Contact the special educational needs department in which the child or young person is a resident and/or goes to school or college. Contact details below.

What if a child or young person is only eligible for one of the personal budget funding sources, but does not qualify for an education, health and social care plan?

If a child or young person does not qualify for an education, health and social care plan, but is eligible for one of the specialist support strands, they should be signposted directly to social worker, health assessor or SEN case worker undertaking the assessment or overseeing the existing care plan. Contact details for the SEN team, social care and continuing care can be found in Annex 1.

What types of personal budgets are available?

There are three types of personal budgets available and all come with varying degrees of responsibility and management for the personal budget holder.

1. Notional budget

A notional budget means that the Council or health organisation retains the money and buys or provides the agreed support on behalf of the individual.

The responsibility for the employment of staff, quality and compliance, delivery, ensuring value for money, payment, risk management and 'if things go wrong' remains with the Council or health department. Any unanticipated additional costs arising from the delivery of the provision will also be the responsibility of the council or health organisation. But, the family, child or young person are aware of how much money is available and directs its usage.

2. Third party managed budget

An organisation or individual separate to the Council or health organisation are given the personal budget allocation and manage this on behalf of the family or young person. This organisation will be responsible for the employment of any staff, quality and compliance, delivery, payment and monitoring expenditure, risk management and 'if things go wrong'.

The third party will have to sign an agreement or contract with the Council or health organisation and report back and evidence to the Council or health organisation how the money has been spent. Again, the family, child or young person will be aware of how much money is available and directs the third party organisation or individual in how the money is spent.

3. Direct payment

Direct payments are cash payments made directly to the family or young person allowing them to purchase the support, services or equipment they require directly. The recipient will be responsible for the employment of staff, quality, compliance and registration if the activities are regulated, covering sickness or vacancies.

In addition, the recipient will have to set up a separate bank account, keep records of how the money is being spent and have signed an agreement with the Council or health organisation.

Direct payments do not affect a person's entitlement to benefits.

What can a personal budget be spent on?

The allocated budget can be spent on anything that helps to meet the agreed outcomes of the education, health and social care plan. You can spend the money on support and services from a range of health and social care organisations including the Council, equipment, transport, respite, assistance with accessing the community, learning new things and/or personal care.

Who will decide?

Top Up (Element 3) education funding in a mainstream school ONLY

The special educational needs (SEN) panel will decide on the allocated Top Up budget. A banding system is used that is based on the number of hours of additional support a child or young person would require from a teacher or teaching assistant to help them in mainstream school. In conjunction with the school, the SEN panel will consider any requests for this funding to be provided as a personal budget. This panel meets on a fortnightly basis.

Disabled children's social care short break services ONLY

The social care short breaks panel will consider all requests for short break provision where appropriate offer a direct payment for these provisions. This panel meets on a monthly basis.

NHS funded continuing healthcare ONLY

The joint agency panel (JAP) approves a child or young person's eligibility for continuing care and the associated budget. A banding system is used based on the number of additional hours support from a nurse or healthcare assistant a child or young person would require to meet their long term or complex medical needs in the home. The JAP will consider any requests for this funding to be provided as a personal budget. This panel meets on a monthly basis.

ANY combination of funding streams

Where a child or young person is eligible and a request is made to access more than one funding stream and/or to pool multiple funding streams as a personal budget, the joint agency panel in Kingston or the joint funding panel in Richmond will consider these requests.

How will it be decided?

The panels will consider requests and the use of a personal budget against the following criteria.

1. Is the child or young person eligible for one or more of the specialist support strands?

2. Will the use of the personal budget support the child or young person to:
 - engage in education and show progression
 - support their access to and engagement in social activities
 - manage their individual medical needs in the home?
3. Will the use of the personal budget meet the child or young person's individual outcomes as specified in their education, health and social care plan?
4. Is there an evidence base supporting the use of the service, support or equipment to be purchased or are there measures of improvement that can be applied? (Personal budgets should help improve the individual outcomes for the child or young person.)
5. Are the services, support or equipment to be purchased with a personal budget
 - value for money
 - qualified to provide the service or support
 - able to meet the Council's commissioning standards?

Timescales

An indicative budget will be made available to the parent or young person within 12 weeks of the request being made and will be based on the support required for one year.

There are different timescales for the completion of the different assessments that are related to the personal budget funding sources and this means different elements can be made available sooner.

Urgent requests

The most appropriate panel will be responsible for ensuring requests for personal budgets can be fast tracked to ensure there is no detrimental delay in a child or young person's access to support.

Appeals

Where the joint agency panel does not agree that the support plan will meet the identified outcomes and a parent or young person does not agree with the decision and explanation provided, they will have a right to appeal.

- **Stage 1** - The brokerage service will work with the family to provide any further supporting evidence and re-present a proposal to the joint agency panel. The brokerage service may ask you to provide additional support evidence.
- **Stage 2** - If the joint agency panel upholds their original decision and the family or young person is still not happy with the decision and rationale provided, an independent mediator will be assigned to negotiate a solution.
- **Stage 3** - If the parent or young person is still not in agreement with the proposed education, health and social care plan they will have the right to appeal to the special educational needs and disability tribunal.

What support is available to parents and young people?

A local brokerage service will be available to support parents and young people. The support broker will help the family, child or young person:

- to draw up a support plan that includes how the money is going to be used to meet the planned outcomes and how these will be measured;
- ensure the support plan meets the criteria for a personal budget;
- advise and research the required services, support and/or equipment;
- provide impartial advice on the personal budget options;
- sign post to third party managed services;
- provide ongoing support to families and young people to manage their personal budgets.

Review

All personal budgets will be reviewed on an annual basis along with the child or young person's education, health and social care plan.

Parents and the child or young person will be entitled to request a review of their plan at anytime should they feel the needs have significantly changed and/or their personal budget arrangements are not meeting the outcomes. They should contact their brokerage service in the first instance.

What if the family or young person no longer wants to have a personal budget before the annual review?

Parents and/or the young person should be advised to contact their brokerage service in the first instance to review the current arrangements and how the personal budget is being used. The brokerage service will liaise with the Council to modify the arrangements on behalf of the personal budget holder.