

## Shropshire Special Educational Needs and Disabilities (SEND) Personal Budgets Policy

March 2018 (Update of original version, dated July 2015)

Validated by SEND 0-25 Strategic Board 13 June 2018

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### 1. Background

- 1.1. This document explains the approach taken by Shropshire Council and Shropshire Clinical Commissioning Group to personal budgets across education, health and social care for children and young people aged 0-25 years who have an Education, Health and Care (EHC) Plan.
- 1.2. This policy relates to the duties of Shropshire Council in relation to personal budgets as outlined within the Children and Families Act<sup>1</sup>, 2014 (section 49) and associated legislation<sup>2</sup>. The code of practice relating to these duties can be found at:  
[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/398815/SEND\\_Code\\_of\\_Practice\\_January\\_2015.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/398815/SEND_Code_of_Practice_January_2015.pdf)

### This policy also

- 1.3. A personal budget is an amount of money that can be used by children, young people and their parents/carers to manage the support they need in a way that suits them. A personal budget gives children, young people and their parents/carers more choice and control in the way they receive the support they need.
- 1.4. EHC plans set out the additional care and support a child/young person requires to meet their special educational needs. In Shropshire, personal budgets may be available to deliver some or all the provision named in a child or young person's EHC plan.
- 1.5. Young people and parents/carers of children who have EHC plans have the right to request a personal budget, which may contain funding from education and/or health and/or social care.
- 1.6. Young people and parents/carers of children eligible for health services through continuing care<sup>3</sup> or continuing healthcare<sup>4</sup> have a right to have a personal health budget to meet their assessed health needs.

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<sup>1</sup> <https://www.gov.uk/government/publications/young-persons-guide-to-the-children-and-families-act-2014>

<sup>2</sup> <http://www.shropshire.gov.uk/adult-social-care/the-care-act/>

<sup>3</sup> National Framework for Children and Young People's continuing care DOH 2010

<http://www.nhs.uk/CarersDirect/guide/practicalsupport/Documents/National-framework-for-continuing-care-england.pdf>

<sup>4</sup> <http://www.nhs.uk/conditions/social-care-and-support-guide/pages/nhs-continuing-care.aspx>

- 1.7. This policy sets out the circumstances in which children and young people may be eligible for personal budgets and the different types of personal budget that may be available.

## **2. Requesting a Personal Budget**

- 2.1. Young people and parents/carers of children have a right to request a personal budget once Shropshire Council has confirmed that it will prepare an Education, Health and Care (EHC) plan. They may also request a personal budget during an annual review of an existing EHC plan.

## **3. Assessment and calculation for Personal Budget**

- 3.1. Separate assessments and funding calculations will take place for education, health and social care. Assessments may take place for one or more elements of the Education, Health and Care plan. The information below sets out how the personal budget assessments and calculations work for each of the three elements of EHC plans.

### **3.2. Education**

An assessment will be completed to determine eligibility. The funding amount will be calculated using a resource indication method. The method is described in the council and CCG's Resource Indication and Allocation Policy<sup>5</sup>. Any personal budgets will be considered for approval by a panel of senior officers.

### **3.3. Health**

The health needs of children and young people with special educational needs and disability can be assessed under children's specialist health services or the continuing care framework. For young people over 18 years of age, the assessment will be through the continuing healthcare framework.

- 3.4. *Assessment through children's specialist health services:* Following referral to specialist services, an assessment will be made by health professionals to identify the health needs of the child or young person.

- 3.5. An indicative personal budget will be calculated based on the services or outcomes required as described in the Education, Health and Care Plan. The final budget will be agreed through the Clinical Commissioning Group.

- 3.6. *Continuing Care Assessment:* Those eligible for assessment will have needs above and beyond existing commissioned and specialist services. The assessment is carried out by a continuing care nurse assessor. The process considers the child's/young person's needs

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<sup>5</sup> Insert link to RIS

<sup>6</sup> <https://www.gov.uk/government/publications/national-framework-for-nhs-continuing-healthcare-and-nhs-funded-nursing-care>

under 11 headings, which cover the physical and mental health needs of the child/young person and their family.

3.7. An indicative budget will be identified based on the completed continuing care assessment. The final budget will be agreed once the support plan is confirmed. Personal budgets in relation to continuing care are authorised through the Clinical Commissioning Group.

3.8. Continuing Healthcare Assessment

NHS Continuing Healthcare is a package of ongoing care that is arranged and funded solely by the NHS. It is for individuals aged 18 or over, who have health needs that have arisen as a result of disability, accident or illness. Continuing Healthcare applies where the individual has been found to have a primary health need as set out in the National Framework for NHS Continuing Healthcare and NHS-Funded Nursing Care (2012)<sup>6</sup>.

3.9. The assessment is carried out by a continuing healthcare nurse assessor. Eligibility for NHS Continuing Healthcare places no limits on the settings in which the package of support can be offered or on the type of service deliver.

3.10. An indicative budget will be identified based on the completed continuing healthcare assessment. The final budget will be agreed once the support plan is confirmed. Personal budgets in relation to NHS Continuing Healthcare are authorised through the Clinical Commissioning Group.

3.11. Social Care

For children under 18 years of age, their eligibility will be identified through an Early Help assessment or Social Work assessment depending on their level of need. This will determine the provision/resource required. Consideration for approval will be through the Disabled Children's Resource Panel. Funding decisions will be monitored for reasonableness and consistency.

3.12. For young people aged 18-25 their eligibility will be identified through the agreed eligibility decision process. The funding will be calculated by the social worker following an assessment of need. Funding will be agreed, where appropriate by senior officers. Funding decisions will be monitored for reasonableness and consistency. The *Shropshire Choices*<sup>7</sup> website provides more details about adult social care in our area.

3.13. SEN Transport payments are not covered by this policy. Guidance on this can be found at <http://new.shropshire.gov.uk/the-send-local-offer/parentcarers/education/sen-transport/>.

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<sup>6</sup> <https://www.gov.uk/government/publications/national-framework-for-nhs-continuing-healthcare-and-nhs-funded-nursing-care>

<sup>7</sup> <https://www.shropshirechoices.org.uk/>

**4. Types of services, which currently lend themselves to the use of Personal Budgets**

4.1. Personal Budgets are appropriate for specific, personalised care and support services, which are

- not routinely commissioned for all children and young people OR
- only commissioned for a limited period.

4.2. The following types of services are currently not considered for a Personal Budget.

<b>Types of services not appropriate for Personal Budgets</b>		
<b>Education</b>	<b>Health</b>	<b>Social Care</b>
<ul style="list-style-type: none"> <li>- Any services normally provided by an education setting, using the setting's element 1 and element 2 funding<sup>8</sup>.</li> <li>- Any services provided by a specialist setting as part of the core provision</li> <li>- Any provision that would destabilise the core provision within a setting</li> </ul>	<ul style="list-style-type: none"> <li>- Primary medical services provided by GPs</li> <li>- Acute Hospital Services</li> <li>- Any provision that would destabilise existing services</li> </ul>	<ul style="list-style-type: none"> <li>- Children/young people accessing overnight short breaks of 75 nights or above and as such are deemed Looked After Children</li> <li>- Children/young people who have targeted interventions i.e. child protection plan</li> <li>- Any provision that would destabilise existing services</li> <li>- Structural adaptations via a Disabled Facilities Grant that are reasonable and practicable in line with the grant guidelines</li> <li>- Large pieces of equipment, in some cases due to expense and maintenance plans</li> </ul>

<sup>8</sup> <https://www.gov.uk/government/policies/school-and-college-funding>

## 5. Types of Personal Budget available

### 5.1. Direct payment

Individuals receive the allocated funding to meet their identified needs to purchase, contract and manage services themselves. Use of the direct payment is monitored by the Local Authority and/or Shropshire Clinical Commissioning Group. To receive a direct payment, families will need to open a separate bank account and keep records of how the money has been spent as this will be monitored and reviewed.

5.2. Depending on the outcome of the assessment, young people aged 18-25 may be required to contribute towards the social care element of their direct payment.

### 5.3. Council/CCG managed fund

Service users know the total cost of their personal budget but the care and support package will be arranged by local authority and/or health professionals. This option provides people with greater control over their support package without the responsibility of managing the budget themselves.

### 5.4. Individual Service Fund

Service users know the total cost of their personal budget and will instruct the Council/CCG to purchase particular services to meet their needs. These services will be managed by the individuals. This option is only available for social care and education.

### 5.5. Third party arrangements

A different organisation or trust holds the money for the parents/young person and helps them decide how to buy the services to meet their identified needs. The organisation or trust that holds the money could be the local authority or another organisation. After this has been agreed with the local authority/CCG, the organisation buys the care and support chosen and manages it on the family's behalf.

### 5.6. Mixture of budget arrangements

Families may choose a mixture of personal budget types according to their needs.

## 6. When will personal budgets change or stop?

A personal budget can change or stop in the following circumstances:

- When an EHC plan ends
- When it is agreed at a review that the intervention has achieved its outcomes OR the intervention is deemed ineffective.
- When the child/young person's needs change
- When the child/young person no longer wishes to have a personal budget
- When the personal budget has not been used in line with the requirements of the agreement



**7. When will this policy be reviewed?**

- 7.1. Shropshire Council and Shropshire CCG are seeking to learn and improve the personal budget arrangements. This policy will be reviewed at least every year and more often if required.