

# Oldham's Education, Health and Care (EHC) Plan Personal Budget Policy Statement

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

Version 0.6  
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# 1 Context

This is a Policy Statement of Intent produced in partnership with Oldham Council, Oldham Commissioning Group and POINT (Parents of Oldham in Touch). Partners are developing policies for personal budgets in Education, Health and care and once completed and approved these will be published.

The Children and Families Act 2014 requires local authorities to offer families Personal Budgets where an EHC plan is in place. This policy statement is intended to provide families, young people and professionals with clarity about the resources that are required to meet an individual child or young person's needs and the opportunity to have more control over how that support is provided. Where a child or young person is in receipt of an Education, Health and Care (EHC) Plan, the parent, carer or young person may request the option of a Personal Budget, but are not compelled to do so.

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 EHC process and focusing on delivering better outcomes for children and young people with Special Educational Needs and / or Disabilities. 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.

Personalisation working practice is being enhanced and further developed in Oldham. This is being done in a number of ways including:

- **Involving** children and young people with SEND and their families in developing their own support services rather than being directed into services that may not meet their individual needs.
- **Personalising** the support that families receive by working with families in partnership with services across education, health and social care

In addition to this Policy statement, fact sheets for parents and young people have been developed. This and further information about Personal Budgets, is available via Oldham's SEND Local Offer -

[http://www.oldham.gov.uk/info/200368/children\\_and\\_young\\_people\\_with\\_special\\_educational\\_needs\\_and\\_disabilities](http://www.oldham.gov.uk/info/200368/children_and_young_people_with_special_educational_needs_and_disabilities)

The SEND Local Offer is a resource which is intended to bring together information about the range of services and provision that are available to families of children and young people with special educational needs/disabilities.

The Local Offer should always be explored before a request for an EHC Plan is made, because it forms part of a gradual response to meeting any additional needs of children and young people and helps to inform any request for an EHC needs assessment. In addition many of these services will continue to be available to support the child, young person and the family where the criteria for an EHC Plan are met.

## 2 Scope of this policy statement

This Policy statement covers the approach taken by Oldham Council and Oldham Clinical Commissioning Group for Personal Budgets where a child or young person has an Education, Health and Care (EHC) Plan, and meets the eligibility criteria for each element.

The Personal Budget can include funding from education, health and social care. However, the scope of that budget will vary depending on individual need and eligibility criteria as well as individual provider arrangements.

***Please see fact sheets for more information***

## 3 What is a Personal Budget?

A personal budget is an amount of funding allocated by a service (education, health, and/or social care) to meet the assessed support needs of a child. Associated costs for education health and /or care will be established during the EHC planning process and will be clearly communicated to families. The health component will be established at the children's continuing care panel.

A personal budget is used to purchase the services and support required by a child/young person with SEND to meet their specific needs and to help them live a more independent life, and ensure that their health needs are met.

Historically, where a child/young person with SEND required assessment by the local authority, this was used to determine which services the family could access to meet their child's needs. The process lacked transparency and relied on professionals making decisions for families about which services they felt would best meet the child's needs.

In contrast a personal budget provides a family with more choice and control over the services and support that will meet their child's individual needs. Once specific support is identified, the family will receive help to determine the full range of resources that are available. Families can choose to take some elements as a Direct Payment, unless they are excluded from holding a budget for reasons such as lack of capacity or if the person is subject to certain criminal justice orders.

***Please see fact sheets for more information***

## 4 Principles and Commitments

Oldham Council and NHS Oldham are committed to a Personal Budget offer which:

- is open, fair and transparent;
- provides greater choice and control for young people and families;
- focuses on the outcomes identified in the EHC Plan;
- ensures that young people and families are offered help and support to manage their budget and personalised support plan. This support may be offered internally or from external agencies that are approved by Oldham Council and NHS Oldham.

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

## 5 Eligibility criteria

In order to access a Personal Budget a child or young person must have an EHC Plan that has been issued by Oldham Council. The eligibility criteria for Personal Budgets individual services may differ across education, health and social care.

In order to demonstrate eligibility for a health component of funding the patients' health needs will be assessed and reviewed according to the National Framework for Children & Young People's Continuing Care.

*Please see fact sheets for more information*

## 6 How can the personal Budget be used?

In principle a personal budget can be used for any expenditure that meets outcomes defined in the agreed support plan as long as expenditure is lawful, effective and affordable.

- **Lawful:** The expenditure identified as part of the support plan is legitimate and does not contravene any national guidance on how funds can be used.
- **Effective:** The proposals in the support plan relate to the agreed outcomes which will meet the assessed eligible needs.
- **Affordable:** The total planned expenditure identified can be met within the individual budget.

A Personal Budget cannot be used to purchase primary medical services provided by GPs, as part of their primary medical services contractual terms and conditions, nor is a Personal Budget suitable for the following public health services:

- vaccination or immunisation, including population-wide immunisation programmes;
- screening;
- the national child measurement programme; and

a Personal Budget cannot be used for surgical procedures, urgent or emergency treatment services, such as unplanned in-patient admissions to hospital or accident and emergency. Individuals can choose which hospital they are referred to and they should be involved in discussions and decisions about the tests, treatment and management, but a direct payment cannot be used to pay for them. A Personal Budget cannot be used to pay for any NHS charges, such as prescription or dental charges.

## 7 How will a Personal Budget be funded?

There are three main sources of funding for a personal budget, which are:

- **Education** - this funding will be drawn from the Council's Education High Needs Block (this is the money held by the Council to support those children who are eligible for an EHC plan) and will be used to provide the educational support which is required to achieve the outcomes in the EHC plan.
- **Social care** – this funding is drawn from the Council's Social Care budget and will provide support to the child/young person to achieve the outcomes in the EHC plan.
- **Health** – this funding will be drawn from the Continuing Healthcare budget and will offer individual resources to fund children with complex health needs, in accordance with the criteria set out in the Children's NHS Framework for Continuing Care.

The joint funding approach will require trust and confidence between agencies so that the provision described in the EHC Plan is resourced equitably and transparently across education, health and social care, according to the child/young person's needs.

## 8 How is the funding for a Personal Budget determined?

Resource allocations systems (RAS) (The RAS is a tool that is used alongside the assessment process to help identify the level of individual need and to support the development of an indicative budget) are in place for Social Care and Education. Health, funding is determined by eligibility for children's continuing Care funding; work is on-going to streamline the process and finalise funding frameworks. In the interim funding will be allocated in line with existing thresholds across Education, Health and Social Care.

*Please see fact sheets for more information on Resource Allocation Systems*

## 9 Mechanisms for delivery of a Personal Budget

These are the options available to families:

### **Direct Payment**

The parent/carer receives payments and manages the budget to meet the identified needs of their child, unless there are exclusion reasons e.g capacity or criminal justice reasons.

a.

*Please see fact sheets for more information on Direct Payments*

### b. **A Brokered Fund**

Funds are passed to a Broker – an organisation that is not directly providing a service – who manages the fund on behalf of the family for a fee.

### c. **Individual Service Fund**

An Individual Service Fund is a sum of money managed by a service provider on behalf of an individual e.g. a young person age 16-25. The money is restricted for use on providing care and support services for that individual that meet the criteria set out in their support plan. It can include services purchased from other providers with agreement from the council or NHS Oldham.

### d. **Council/CCG managed – ‘Virtual Budget’**

The parent/carer asks the Council/NHS Oldham to manage all the arrangements for service provision. This means the Council/NHS Oldham or both are coordinating the support that is provided or may be providing the brokerage role where there is a mix of Council/Health and external services and a fee will be levied reflecting the cost of this work for the Council/NHS Oldham.

### e. **Mixed Model – A combination of above**

The parent/carer may take a combination of the above approaches, e.g. direct payments for some of their child’s support, and ask the Council/NHS Oldham to manage other areas on their behalf.

Other than option d. above the Council/NHS Oldham will no longer be responsible for the arrangement, direction, management or day to day organisation of those services; once a parent or carer agrees to receive payments in lieu of services they assume the responsibilities associated with managing their child’s support. In the case of payments to third parties (e.g. Brokers, Individual Service Funds), the third party assumes responsibilities associated with managing the support of the service user or care.

NHS Oldham will continue to monitor that the child's health needs are being met. Failure to adequately meet a child health needs is likely to result in the PHB component of the funding being withdrawn.

Oldham Council will also continue to monitor the child's progress against identified outcomes and if they are not being met then this could in certain circumstances lead to the option of a personal budget managed by the family being withdrawn.

## 10 Safeguarding and Managing Risk

There is a delicate balance between empowerment and safeguarding; providing choice whilst at the same time managing risk. During the planning process, Oldham Council staff and/or health professionals will have a detailed discussion with the person who wants to assume responsibility for managing Direct Payments. There are some statutory bars which prevent some people from administering a Direct Payment account. Further information is available in the Department of Health publication "Guidance on direct payments: For community care, services for carers and children's services" (England 2009) - <http://tinyurl.com/nuuhwt9>

The EHC Planning process will consider proportionate means of eliminating, reducing or managing the risks, and this should be informed by an on-going discussion about the significant potential risks and their consequences, at the time that the plan is formulated and during subsequent reviews.

Where a parent/carer has identified a potential person to work with their child, Oldham Council/Health authority will follow best practice in relation to safeguarding, vetting and barring. This will include confirming the person's identity; their qualifications and professional registration (if appropriate), taking up references and requesting Disclosure Barring Scheme (DBS) checks on other individuals. Any costs associated with this will be included within the final personal budget allocation and will need to be accounted for within the support plan costs.

## 11 Monitoring and reviewing Personal Budgets

There is a statutory requirement to review Education Health and Care plans at least annually or where there is a significant change in needs, this will include the personal budget component of the plan. In addition there is a statutory requirement to review the health component 3 months post review and if the child's health or circumstances change.

In addition Oldham Council's Adult and Children's Services Direct Payment Schemes have monitoring systems in place for financial audit purposes which ensure that the direct payment is used to meet the identified outcomes. This will contribute to the overall review of the EHC Plan and/or any other statutory reviews that may be required across education, health and social care.

The SEN Code of Practice states that Information Advice and support will be provided throughout the EHC plan pathway. This will be available from the EHC Coordinator, Oldham SEND Information Advice and Support Service (IAS), Independent Supporters and Personal Budgets Co-ordinator.

## 12 Transitions

There are a number of changes around legal status and entitlements that impact on a young person when they reach the age of 18 and these consequently impact on the calculations and the Personal Budget Process. The approach to transitions will be addressed as part of the EHC review process and budgets thresholds for Education, Health and Social care will be worked through with individual families.