

# Darlington's EHC Personal Budgets Policy

## Overview

From the 1<sup>st</sup> September 2014 The Children and Families Act 2014 and associated regulations in relation to children and young people are in force- and a new co-ordinated Education, Health and Care plan (EHC Plan) will replace the historic system for Statements of Special Educational Need.

One of the central themes of Part 3 Children and Families Act 2014 is making sure that services and support are 'personalised'. This means that children, young people and their families have as much choice and control as possible over the support they need and that any support is built around the individual rather than trying to fit into existing services or ways of support, if these are not appropriate.

One way of making the EHC Plans more 'personalised' is the option of having a 'Personal Budget'.

Darlington has a long history of people using personal budgets, and in particular direct payments to meet their assessed social care needs. Darlington Borough Council therefore welcomes this new way of offering support as part of the EHC process.

As an 'SEN Reforms Pathfinder Authority', the approach in Darlington to personal budgets and in particular in relation to direct payments for the EHC process has been developed using a co-productive model that has had as its starting point 'how do we make this work for local people?'.

Within social care, personal budgets have been available for a number of years and the mechanisms for accessing them are well established. The SEN Pathfinder work has supported local development of personal health budgets, with commissioners in health being responsive to considering each request. In Education within the Council there is flexibility within budgets to look for solutions to individual issues and within Schools we are working towards a model that sees a personal budget as a positive and flexible way to support an individual.

## What is a Personal Budget in Darlington?

If a child or young person is eligible for an EHC Plan, the EHC process will work out the type of support and provision that is required to best meet their needs (special educational and/or disability including health and social care) and the ways in which services can be delivered, funded and commissioned -(Personal budgets are not just about direct payments but about how resources aligned with services can be adapted and delivered to best meet the outcomes for the child/ young person.)

During the EHC process parents/ carers or a young person may decide that they would like more control over how some or all of the funding is used to provide the support required to meet the outcomes. At this stage parents/carers -or a young person can request a Personal Budget to be calculated for them by the Local Authority or the Health Authority.

The personal budget will set out the specific areas of funding that can be used to support the child/young person and that can be made available to the parents/ carers or young person as a personal budget to meet the outcomes as agreed in the EHC Plan. A personal budget is not just a

total of all the funding that is in place to support a child/young person. It is also important to note that the indicative budget will not necessarily be the final agreed budget, which could be higher or lower based on assessed, outstanding needs.

Personal budgets may well reflect the holistic nature of an EHC Plan and can include funding for special educational, health and social care provision brought together in one pooled budget. However, it is not necessary to have all three areas of support included in a Personal Budget and some families may only have one element of the EHC Plan identified as a Personal Budget.

Not everyone will want a Personal Budget and there is no requirement for parents/carers or young person to have one. During the process of developing the EHC Plan the family and professionals will work together to identify what is most appropriate to meet the outcomes for the child/young person.

### **When can I request a Personal Budget?**

A child's parents/carers or a young person (age 16+) have a right to request a Personal Budget, when the local authority has completed an EHC assessment and confirmed that it will prepare an EHC Plan or during a statutory review of an existing EHC plan.

The Local Offer web-page (<http://darlington.fsd.org.uk>) provides an overview of the statutory EHC assessment process in Darlington and gives an indication of when it is possible to make a request for a Personal Budget.

If a family or a young person is interested in a personal budget they should mention this to their SEN Case Worker, Lead Professional or Key Worker as soon as they begin to have discussions about the possibility of a child or young person being eligible for an EHC Plan or at the beginning of the annual review process.

The sooner a family or a young person indicates their preference for a personal budget, the quicker everyone can work together to consider whether it is possible to make this available.

### **How do I access a Personal Budget?**

The ways in which parents/carers or young people can access a Personal Budget are:

- A Direct Payment – where individuals receive the cash to contract, purchase and manage services themselves to meet the outcomes identified in their EHC Plan
- A Service Managed Arrangement – whereby the local authority, school or college holds the funds and commissions the support specified in the EHC plan.
- A Third Party Arrangement – where funds are paid to and managed by an independent organisation, trust or nominated person and supports the child's parents or the young person to purchase the services/ support identified in the EHC Plan.
- A combination of the above.

## A Direct Payment Agreement

If a personal budget is agreed, parents/carers or the young person will need to ensure that the budget is used to secure the provision and outcomes agreed in the EHC plan.

We will ask the parent/carer, young person or a suitable person to sign a Direct Payment Agreement. This agreement will set out what the parent/carer, young person or a suitable person must do in agreeing to receive a direct payment and what Darlington Borough Council must do in agreeing to make the direct payment.

If the parent/carer, young person or a suitable person is assessed as requiring support to meet their obligations we will take this into account and ensure that suitable support is available.

Further information will be provided and the details will be explained to anyone who may want to consider a direct payment before they would be asked to sign any contractual documents.

Darlington Borough Council works in partnership with a local user led organisation to deliver the support that some people need to manage their own direct payments. If a parent/carer or young person thinks that they would like a direct payment arrangement but would like support for this, an assessment process would be undertaken. If, through the assessment process, a need for support is identified the resource to do this would be included in an individual's Direct Payment allocation.

## Further Information, Advice and Guidance

Further information is available in the following ways:

Darlington's SEN Team                      01325 388850 or [SENQueries@darlington.gov.uk](mailto:SENQueries@darlington.gov.uk)  
Darlington's Local Offer web-site        <http://darlington.fsd.org.uk>

Further information about 'a third party arrangement' for a personal budget can be found at the following link:

Darlington Association on Disability     <http://www.darlingtondisability.org/>

If you would like to access more information about the Code of Practice, the Regulations or review the DfE Personal Budgets toolkit, please follow these links:

SEND Code of Practice

<https://www.gov.uk/government/publications/send-code-of-practice-0-to-25>

Personal Budget Information Pack (Mott MacDonald)

[www.sendpathfinder.co.uk/infopacks/pb/](http://www.sendpathfinder.co.uk/infopacks/pb/)

Regulations

<http://www.legislation.gov.uk/uksi/2014/1652/contents/made>

## **Description of the services across Education, Health and Social Care that currently lend themselves to the use of a Personal Budget**

### **A Personal Education Budget**

Darlington Borough Council will work closely with parents/carers and young people to ensure that the outcomes identified in an EHC plan are achieved and where possible that a personal budget is made available if requested. However, not every request for a personal budget will be approved because Regulations governing the use of direct payments for special educational provision place a requirement on Local Authorities and Parents to consider the impact on other service users and value for money.

Each request will be considered on its own individual merits and will be subject to consideration and evaluation by the LA's Provisional Panel.

As part of the EHC process, Darlington LA will consider requests for a personal budget where the funding is allocated through the HIGH NEEDS BUDGET.

At present, any funding routinely provided as a targeted part of the schools provision will not automatically be made available as part of the Personal Budget. The Schools NOTIONAL BUDGET will only be available as part of a Personal Budget following discussion and full agreement of the Head Teacher.

It is also important to note that where a Direct Payment is proposed to be used to deliver provision on an institution's premises, this will only be considered with full agreement of the Head Teacher.

Please follow this link for an overview of how schools are funded for the provision of SEN support ([link to be available soon](#)).

### **Additional Support Services in Schools**

In Darlington a proportion of the overall HIGH NEEDS BUDGET has already been used to commission services from local schools to provide additional needs support to children in mainstream school.

A child from any Darlington School can access this provision without the need for an EHC plan and it is important that this targeted level of support remains available for as many children as possible.

If a child is recommended for support from these additional services, this funding is not currently available as part of a Personal Budget.

However, the LA will continue to evaluate the demand for such requests and may consider opportunities for this funding to be more accessible for inclusion in a Personal Budget in the future.

Dedicated provision is available in the following ways:

- Heathfield Primary School Resource Base – Complex learning disabilities
- Mount Pleasant Primary School Resource Base – Social and communication difficulties
- Northwood Primary School Resource Base – Speech and language
- Hurworth School Resource Base – Social and communication difficulties

Low Incidence Needs Service  
Outreach Services for additional needs

Further information about each of these units or services can be found as part of Darlington's Local Offer (<http://darlington.fsd.org.uk>)

If this is something that you feel is relevant to you or your child, we would encourage you to speak to your SEN Case Worker about this before finalising the EHC plan.

### **Special School Provision in Darlington**

Parents and young people should be aware that the scope for a personal budget varies depending on school preference. For example, as part of their core provision, special schools and colleges make some specialist provision available that is not normally available at mainstream schools and colleges.

The particular choice of a special school, with integrated specialist provision, might reduce the scope for a Personal Budget, whereas the choice of a place in a mainstream school that does not make that specialist provision automatically available could increase the opportunity for a Personal Budget.

### **Transport Services for children with SEN**

If a child or young person is eligible for an EHC plan, part of the process will consider whether they require support with transport between home and school. The LA will use the following guidance when making their assessment:

The Local authority is keen to work with families and young people to consider flexible ways of providing support to ensure eligible children get to and from school and to ensure young people are prepared for independent travel as an adult, wherever possible. A number of successful examples have been tested during the Pathfinder programme and we would be keen to consider further applications for using the funding as part of a Personal Budget.

## **A Personal Health Budget**

A personal health budget refers to the budget that will be made available should a child or young person have complex, long-term and/or a life limiting condition/s. A personal health budget may also be made available to help with equipment costs or other health services.

The Clinical Commissioning Group in Darlington have developed their framework for delivering personal health budgets in line with national guidance and are currently focussed on those children/young people who meet the criteria for 'continuing health care' funding to meet their needs.

However, the Darlington Clinical Commissioning Group are willing to be flexible and are prepared to test greater opportunities for personal budgets where possible. Requests for Health elements of an EHC plan to be considered for a personal budget should be made to:

Sheila Welch, Continuing Care Specialist Nurse Co-ordinator – 07768360822

Or

SEN Casework Team – 01325 388850

## **A Personal Social Care Budget**

A personal social care budget refers to the budget that will be made available if it is clear that a young person or a child needs additional and individual support at home and when out and about in the local and wider community.

For young people aged between 18 and 24 a community care assessment is undertaken by a care manager/social worker through which eligible social care needs are identified. There are currently four levels of eligibility, which are built around risks to an individual's independence. These are a:

- critical need
- substantial need
- moderate need
- low need

Darlington Council currently meets those needs assessed as either substantial or critical.

Once needs are assessed they are matched to what is called a Resource Allocation System. This translates these needs and circumstances into a potential or indicative cash budget. An individual can then develop, usually in partnership with a social worker a support plan that sets out how their identified needs will be met using the indicative cash amount.

An individual could choose to develop a plan that simply allocated the resource available using a menu of support options e.g. domiciliary support or a day service. Or they could choose to take the budget as a Direct Payment and commission their own support or directly employ staff to meet their needs. Within social care people are actively supported to use a Direct Payment to meet their needs and it's the default position.

### **Children and young People 0-17**

Within the children and young people's social care service in Darlington a similar model to that of the 18+ service has been developed.

There are three simple assessments that look to identify need which are linked to three simple resource allocation systems that identify an indicative cash amount.

These three assessments are age related and attempt to support a young person's move to greater independence. They are from:

- 5 to 10
- 11 to 15
- 16 to 17 years old

Again in line with adult social care individuals and their families are encouraged to use a Direct Payment to increase their choice and control, for those who do not wish to use a Direct Payment, commissioned alternatives are available.

If a child has an EHC plan, their Social care support plan would form part of the same document so there would not be the requirement to have two separate processes or plans.