

# Personal Budgets Policy

## I. Introduction

Part 3 of the Children and Families Act 2014 proposes significant change to the way in which children and young people with Special Educational Needs and Disabilities (SEND) and their families are supported. These changes are known as the SEND reforms and aim to improve outcomes for children and young people by ensuring that support services work more closely together and parents and young people are much more involved in decisions that affect their lives and have greater choice and control in the support that is available to them.

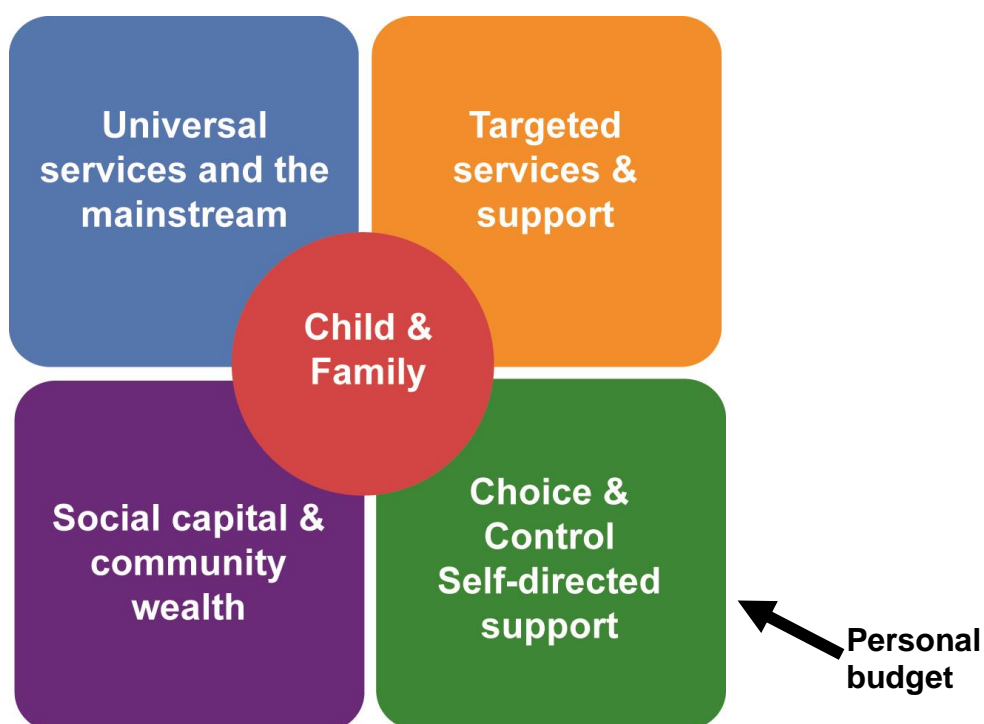
The changes include:

- Publication of a Local Offer, which will provide details of the support systems and services available to all children and young people with SEND (see [www.localoffer.camden.gov.uk](http://www.localoffer.camden.gov.uk));
- The transfer of Statements of Special Educational Needs for school aged children and Learning Disability Assessments for young people in post 16 provision, to Education Health and Care (EHC) plans; and
- Personal budgets for parents with a child or a young person with an EHC plan

The term 'personal budgets' is used throughout this document and should be read to include personal health budgets.

### **What is a Personal Budget?**

A personal budget is a sum of money made available for children who require additional support over and above what is available to most children through local services. It is not the overall total of money that is available to support a child. For example, it does not include the cost of your child's school place or existing targeted support provided by school, such as additional learning support.



A personal budget will support the child or young person to meet the outcomes in their EHC Plan.

Knowing how much money is available will give parents and young people choice and control over their support needs.

### **Who is eligible for a personal budget?**

A personal budget can be requested once the local authority has confirmed it will prepare an EHC Plan or during a statutory review of an EHC Plan.

A child or young person may have a personal budget from more than one source, for example, from education, health or social care services.

### **What is currently on offer in Camden for personal budgets?**

From September 2014, families will be able to access personal budgets, where eligible, for:

- Transport to and from school/college (Education)
- Continuing health care (Health)
- Short breaks (Care)

Although limited in scope, this will allow time for systems and processes (e.g. broker arrangements, payment cards etc.) to be developed and embedded. It will also allow time for services to adjust to a new market environment and assist in minimising the risk of market instability.

If you are interested in requesting a personal budget for services not listed above, you can discuss this with practitioners during the EHC planning process.

Camden is committed to further developing the range of services available as personal budgets and work is ongoing around this.

### **Providing families and young people with the chance to make choices and have control over provision set out in the EHC plan**

Personal budgets will allow families and young people to have more control over the provision of services they purchase.

For example:

- Education

For transport, parents can identify whether they are able to take the child to school themselves and use funding towards petrol costs or whether a taxi would be preferable.

- Health

Personal health budgets for continuing care will ensure families have greater control in how, and who, provides clinical care for their child by enabling them to 'employ' their own health staff or contract them from an agency and manage the hours of care as best meet the needs of the child and family.

- Care

A personal budget for short breaks would allow families to use their allocated package of care flexibly to ensure the assessed needs for their child or young person are met, or to employ a carer for a defined period of time.

## How will parents and young people be supported to manage their personal budget?

There are four ways a personal budget can be managed:

1. The family can choose to take the personal budget as a **direct payment** and manage it themselves\*
2. The family can ask a **third party service or organisation to manage it on their behalf**
3. The family can ask the **local authority or Clinical Commissioning Group (CCG)** to manage it on their behalf, known as a 'notional budget'
4. The family can choose to have a **mix of all three** options: part direct payment, part third party organisation and part organised by the local authority

\* All direct payments will be paid via a Camden-issued payment card. Families will be supported on set-up and ongoing use of the payment card.

A payment card can be used like any normal bank card – for example, to pay a provider directly for their services. The card is operated by a company on the Council's behalf and the accounts will be monitored by Council officers.

## Who is eligible to access personal budgets for these three elements?

### 1. Personal budgets - education (transport)

The full transport policy is available on the local offer website.

The following list describes which children / young people are considered eligible:

- a. A child / young person with special educational needs, a disability or mobility problem, who lives within walking distance of his/her school, but cannot be expected to walk;
- b. A child / young person who cannot be expected to walk because of the nature of his/her route;
- c. A child who lives further than the statutory walking distance (2 miles for pupils below the age of 8 and 3 miles for those aged 8 and over) who is without suitable alternative arrangements;
- d. A child over 8 years but under 11 from a low-income family living more than 2 miles from their nearest school; or
- e. A child in a low-income family living between 2 and 6 miles from his/her suitable secondary school.

Young people and adults with SEND aged 16 – 25

- f. For young people with statements who move from schools to Further Education colleges at age 16, and who were given transport support until the end of their school studies, transport provision will be reviewed.
- g. Where Camden Council has decided that it is necessary to provide transport, it will and in addition it will consider whether it is necessary to provide an escort to supervise the young person's journey. This will depend on, amongst other matters, their age and general behaviour.

## 2. Personal budgets – health (Continuing Care (CC))

From October 2014 families of children eligible for continuing care as defined by the National Framework for Children and Young People's Continuing Care will have a "right to have" a personal health budget. This refers to the element of their care package that would normally be provided by the NHS once they become continuing care eligible and not the elements of their package provided by social care or education.

Families of children already in receipt of NHS continuing care may take up their right for a personal health budget at any time and Clinical Commissioning Groups (CCGs) must give due consideration to any request made. Individuals and families assessed as eligible for NHS continuing care from October 2014 should be informed of their "right to have" NHS care delivered in this way.

Camden CCG is working closely with Whittington Health (our current providers of continuing care) to ensure families who would like a personal health budget can access one, where appropriate, and in a timely manner.

## 3. Personal budgets – care (short breaks)

A child is eligible for short breaks if, following a functional needs assessment\*, they score:

- Two or more on the moderate scale; or
- One or more on either severe or profound scale

The full assessment criteria can be found on the local offer website.

\* a functional needs assessment measures the different levels of need of a child or young person according to their skills, such as: learning, mobility, speech/ language and communication, behavioural problems, physical health etc.

### **How will parents and young people be supported to consider their options regarding personal budgets?**

The Government has commissioned the Council for Disabled Children (CDC) to provide support for parents and young people in the EHC assessment and planning process, including personal budgets. The CDC selected different local providers in each area to deliver this service. In Camden, KIDS are delivering this support.

They will provide an Independent Supporter to help families going through an EHC needs assessment and the process of developing an EHC plan. This person is independent of the local authority and has received training, including legal training, to enable him or her to provide this support.

The KIDS Independent Support Service will work closely with the local authority, SENDIASS and our Parent Carer Forums in order to ensure parents, young people and services have a clear understanding of the support provided by Independent Supporters.

## Key Contacts

### **KIDS Independent Support Service**

Email: [IS.London@kids.org.uk](mailto:IS.London@kids.org.uk)

Tel: 020 7288 7175

### **SENDIASS**

Email: [SENDIASS@camden.gov.uk](mailto:SENDIASS@camden.gov.uk)

Tel: 020 7974 6264

There is also support for families to manage their personal budgets. Personalisation Support in Camden (a subsidiary of Age UK) will be supporting families in managing their personal budgets, which can include helping to recruit carers/ personal assistants, managing all aspects of their payment and tax implications etc.

If parents or young people prefer to do so, they can spend their personal budget through Camden services or those of the Clinical Commissioning Group. This is known as a notional budget and will be available where a young person or parents agree it. The purpose of this will be to deliver provision through commissioned services.

### **What if parents and young people do not want a personal budget?**

If, after exploring the options open to them, a family / young person decides not to request a personal budget, the provision that the child or young person needs will be set out in their EHC plan.

### **How will Camden seek to increase choice and control over time with a wider range of budget areas being available for personal budgets?**

Camden commissions a wide range of services, covering education, health and social care. Re-negotiating these contracts, and supporting providers to adapt their services to new ways of working resulting from the SEND reforms, will take time. We want to ensure that we retain market stability for children, young people, parents and providers whilst these changes are taking place and therefore we will introduce a menu of services available to personal budget holders over the next three and a half years.

We will involve parents in the planning, development and the implementation of services available as a personal budget.

## II. The process for arranging Personal Budgets

### **How will funding from different agencies be integrated?**

Families who receive a personal budget from more than one agency (for example, from social care and education) can opt to manage just one total amount. So, for example, if this is in the form of a direct payment, families could choose for both payments to be paid on to one payment card. This will significantly reduce the administrative burden for families, compared to the current system.

### **Finding out about an indicative\* personal budget**

\* An indicative budget gives a rough idea of the level of funding that will be allocated to an individual, in their personal budget, to meet their eligible needs

At the first meeting with the Assessment Coordinator (the person who will be coordinating the information for, and writing, the EHC plan), families/ young people will be asked whether they already have a personal budget and whether they would be interested in having a personal budget attached to their plan.

If they are, or might be, interested in a personal budget, the Assessment Coordinator will provide an information sheet about personal budgets.

An indicative amount for a personal budget, if one is requested, will be discussed at the EHC planning meeting. The discussion will include how the personal budget will support the child or young person to meet the outcomes in their EHC Plan.

### **Agreeing the level of funding for a personal budget and how the budget links to the outcome(s) and contents of the EHC Plan**

The amount of the personal budget will be agreed according to the criteria for each service that provides a personal budget and therefore will be subject to decisions made by different systems and panels.

Over time, we hope to move towards a single, system for determining the level of funding of personal budgets.

### **What if I am unhappy with the either Camden Council or Camden CCG's decision about my personal budget?**

#### **The Appeal Process for Camden Council**

If a family/ young person wish to formally appeal against the decision, they should submit a completed Appeal Form which can be obtained from, and should be returned to:

SEN Finance & Resources officer  
Children, Schools & Families  
SEN and Educational Psychology Services  
Camden Town Hall  
Judd Street  
London WC1H 9JE  
Tel: 020 7974 4532 / 6500

The appeal will be investigated by the Assistant Director for Inclusion who will take into account the following, when considering your appeal:

- all the information presented with your original application;
- any additional information presented with your appeal;
- whether any of the information in the original response to you was inaccurate;
- whether consideration was given to all the circumstances;
- the original decision made prior to your appeal and the reasons for the decision;

Families/ young people will be notified of the outcome of their appeal in writing normally within 15 working days. On the basis of parental request a meeting can be arranged to discuss the outcome of the Appeal.

### **Information, Support and Advice**

At a very early stage of a disagreement, Camden's Special Educational Needs and Disability Information Advice and Support Service (SENDIASS) is often able to help and should be contacted in the first instance for information, support and advice.

### **SENDIASS**

Highgate Newtown

Community Centre

25 Bertram Street

London N19 5DQ

Email: [SENDIASS@camden.gov.uk](mailto:SENDIASS@camden.gov.uk)

Tel: 020 7974 6264

### **Mediation**

In the case of a dispute, Camden has an arrangement with KIDS London SEN Mediation Service to provide statutory mediation and disagreement resolution. KIDS London SEN Mediation Service is an impartial, independent and free service which parents/carers and young adults up to the age of 25 can access.

The aim of this provision is to help resolve disagreements that may arise between parents/carers/young people when they do not agree with the provision made by education, health or social care services for children and young people with SEN or a disability, including children who are looked after by the Authority.

### **KIDS London SEN Mediation Service**

Tel: 020 7359 3635

Fax: 020 7226 2845

Email: [enquiries.london@kids.org.uk](mailto:enquiries.london@kids.org.uk)

Website: [www.kids.org.uk/mediation](http://www.kids.org.uk/mediation)

Write to: KIDS 7-9 Elliot's Place, London N1 8HX

### **General complaints about Camden's children's services**

Camden has a complaints procedure for all of its services which can be found at:

<http://www.camden.gov.uk/ccm/content/council-and-democracy/having-your-say/complaints-and-suggestions/children-can-complain-too.en>

or parents/ young people can call the children's services complaints team on:

0800 393561 (Freephone)

020 7974 6673

### **The Appeal Process for Camden CCG**

Should parents disagree with the level of resource proposed then they have the right to complain. As part of the complaints procedure the decision making process and the decision itself will be investigated. If either is challenged then this could result in the decision being reconsidered.

Parents have 28 days from the date of the letter confirming level of resource to make a formal complaint. Complaints should be directed to the North and East London Commissioning Support Unit (NEL CSU) Patient Experience and Effectiveness Team, which is an NHS organisation that manages the complaints process on behalf of Camden CCG. They can be contacted on:

Tel: 0203 688 1666

Email: [nelcsu.complaints@nhs.net](mailto:nelcsu.complaints@nhs.net)

Upon receipt of a formal complaint, the NEL CSU will review the case within 10 working days. An independent assessment may be requested. The Patient Experience and Effectiveness Team will gather and scrutinise all assessments tools and decisions relating to the case in order to take into account the specific concerns raised by the parent /carer. The Children's and Young People's safeguarding lead for Camden may be involved in a review process.

It may take up to 30 working days for the review to be held.

### **Ombudsman**

Parents who remain dissatisfied may contact the 'Parliamentary and Health Service Ombudsman' (PHSO), to request an independent review of their case. This must be done within a year after the day on which the person aggrieved first had notice of the matters alleged in the complaint, unless the PHSO considers that it is reasonable to review the complaint outside of this timescale. This request can be made in the following ways:

Contact the PHSO on

Tel: 0345 015 4037

Email: [Phso.enquiries@ombudsman.org.uk](mailto:Phso.enquiries@ombudsman.org.uk)

Or write to them at:

The Parliamentary and Health Service Ombudsman

Millbank Towers

Millbank

London

SW1P 4QP

Visit their website at [www.ombudsman.org.uk](http://www.ombudsman.org.uk)

## **III. Managing and using a Personal Budget**

### **Monitoring personal budgets, including direct payments and the links to the EHC plan**

Families and young people will access personal budget direct payments through a payment card. Children and young people who are eligible for a personal budget and who have not previously had a statement of educational needs, will be given access to a payment card straight away.

Families who are currently in receipt of a personal budget will be informed by MOSAIC or the SEN Team about when and how they will move on to payment cards.

The payment card will be:

- Loaded with funds at agreed intervals (e.g. monthly, termly etc.)
- Available to use with agreed retailers/services etc.



- Monitored by the relevant team on a monthly basis to ensure usage is within scope of the agreed personal budget

### **‘Rolling over’ funding or under spending of personal budgets**

- Education

Money not used for transport in the allocated time will either be deducted from future payments, or must be paid back to the Council.

- Health

If a child or young person’s needs are met and there is money left in the personal budget at the end of a specified period, then Camden CCG is entitled to recover this money.

- Care

Care plans are agreed for a set period of up to one year. Funding cannot be rolled over from one financial year to another. Any money that is not used within the dates of the agreed care plan would have to be returned to the Council.

### **Moving into adulthood**

Transition to adulthood starts at the age of 14, in Year 9 at school, and continues up to the age of 25. A small number of young people who have continuing care needs or significant learning disabilities will be eligible to receive support from Camden adult services from the age of 18.

Camden’s Transition service works with young disabled people with significant needs from the age of 14 - 25 years. Where a young person has significant and continuing needs, a social worker will work with the family to make and/or coordinate assessment from other professionals involved. These assessments will be then used to see whether the young person is eligible for adult services.

Referrals are made through the social care team in MOSAIC (Making Our Service All Integrated in Camden) or by the social worker in the Transition social care team.

The Transitions team are working with some young people to pilot offering a more varied approach to personal budgets. If you are a young person and would like to be involved in this and are already registered with the Transitions Team, please contact your social worker.

## **IV. Information about changes**

### **If the family’s/ young person’s circumstances change**

- Education (transport)

Travel arrangements will be reviewed at least annually or if the child’s or parents’ circumstances change. The child’s progress and any other relevant information needs to be recorded on the Annual Review form which may be used to help determine future travel options. Where a pupil/student changes school/college or moves home or there are other changes in the child’s circumstances such as successful travel training, travel assistance will be reviewed accordingly.

- Health

Families must notify their child’s lead nurse from the Complex Care Team if there are any significant changes to the child’s health, he / she has to go to hospital, or

the family are no longer able to manage the personal budget, or they move to a different address. The lead nurse will then inform Camden CCG.

The child's support plan and direct payments will be reviewed three months from the date of first payment and at least annually thereafter. Further reviews may be requested at any time.

- Care

If family's circumstances change in any way, they should contact their allocated Social Worker, or in the absence the Duty Social Worker on 020 3317 2201. The informed Social Worker would then bring the matter to a Senior Practitioner in the team who would advise on how to progress.

### **Dealing with a sudden change in a child's/ young person's support needs**

The statutory annual review process governing Education Health and Care (EHC) Plans should be called upon in order to amend any changes to the provisions within the EHC Plan. It is essential that the parent/carer informs the Local Authority.