

Personal Budgets Frequently Asked Questions

Eligibility & Resources

1. What is a Personal Budget?

A **Personal Budget** is an amount of money identified to support the delivery of all or some of the outcomes set out in an EHCP (Education, Health and Care Plan).

A Personal Education Budget enables the support offered to the child or young person to be further personalized.

You can find out more about what can be included in a Personal Budget in Sections 9.110 to 9.118 of the [SEND Code of Practice](#).

Options for taking a personal budget are:

- a) **Organised** – local authority, school or college holds the funds and commissions the support specified in the plan (can also be used where contractual or funding arrangements mean that the cash cannot be released as a direct payment); or
- b) **Direct Payment** – funds made available to the parent carer or young person to contract, purchase and manage services themselves; or
- c) **Third Party** – funds (direct payments) are paid to and managed by an individual or organisation on behalf of the parent carer or young person; or
- d) **Combination of above.**

2. Can I be refused a personal budget?

Sometimes the LA may not agree to a personal budget. If that happens, the LA should tell you why.

The Local Authority is required to assess if this is the most effective way to provide these services to achieve the outcomes in the EHCP.

There is no right to appeal if the LA does not agree a request for a personal education budget. However, parents or young people can ask the LA to review the decision.

3. What rights do parents have to get a Direct Payment for their child?

A Direct Payment is an option within the Personal Budget. If you qualify for the payment and are not subject to the exclusion criteria (see 6.8 of the policy), then this is one of the options. There are clear contractual arrangements (EHC Direct Payment Agreement – Appendix 1 of policy) regarding Direct Payments.

4. Do we as his / her parents make a plan of how the money will be spent?

Yes, in thinking about taking a personal budget you need to consider:

- a) the particular outcomes you are seeking to achieve
- b) the provision you will be arranging with the potential personal budget;
- c) Who will be arranging/delivering the provision and support; and

This will then have to be agreed via EHC Panel accordingly.

5. I am 18 years old, about leave school and go on to college. Can I have my own personal budget, or do my parents have to manage it for me?

You can manage a personal budget yourself, if you are able to. Young people over 16 years old, who have an EHCP, Learning Disability Assessment (LDA) or Statement of Special Educational Need (SEN) in place are able to ask for and may receive a personal budget.

6. My child is educated in a mainstream school, it has been identified that there is £2000 top up funding available. Can I have a personal budget?

Top up funding currently goes to the education provider to support the provision identified for an individual child, outlined in Section F of the EHC Plan. If a personal budget is requested, the funding for such would come from this amount and would impact upon the level of support that is provided by the school.

Therefore, following your request for a personal budget, we would need to look at everything as a whole, and work with the school and LA on the best way to support your child from the available resources.

A personal budget is not an additional amount of money or service but a different way of detailing and possibly arranging what support has been agreed in the EHC Plan. The focus of a personal education budget will be on ensuring that the outcomes agreed are secured in the best way possible.

For example: If top-up was £2000, and you wanted all or part of this as personal budget, there will need to be consideration and assurances that the remaining resources could meet the provision and outcomes in the EHC Plan.

7. My child is educated in a special school, and the annual review is coming up. I am thinking about taking a personal budget, is it likely to be agreed?

In the majority of cases Personal Budgets will not be provided to those children and young people in special education provision. This limited scope is due to current local commissioning arrangements of specialist and additionally resourced services and settings.

Personal Budgets to children and young people educated in specialist settings will potentially reduce the level of funding available to the provider, and impact of the school offer.

However, each case will be considered on its own merits via the EHC Panel, following discussion between yourself and the school during the formal review meeting.

Use

8. Can I use a personal budget to purchase Speech and Language Therapy, Occupational Therapy, Physiotherapy and other independent therapists?

A personal budget wouldn't cover services which are commissioned by health through the clinical commissioning group (CCG); this would need to be through a personal health budget (PHB). This would include physiotherapy and occupational therapy.

Speech and language therapy (SLT) is slightly different, as SLT addresses health as well as educational needs. There will need to have been formal statutory assessment advice from a Speech and Language Therapist, determining speech and language needs requiring intervention and support. Additionally, there will need to be further discussion and agreement about the delivery of intervention to meet all outcomes on the EHC Plan.

PHBs are currently available for children who are eligible for continuing care. However if other families were interested in having a personal health budget, the SENAR Principal Officer would discuss this with the children's health commissioning team in the first instance.

9. My child has Dyslexia and has difficulty with recording ideas and work. I would like to spend the money on a laptop, is this allowed?

Equipment can be purchased in order to support access to learning. However, provision implemented through a personal budget must relate to the outcomes identified in the EHC Plan. Provision is also required to be evidence based, as recommended by professionals involved in the statutory EHC assessment process.

Where a direct payment is used to buy equipment to support learning, the equipment becomes your property. Therefore you will be responsible for paying for and arranging ongoing maintenance, repair of the equipment (this will need to be considered at the point of request in order to enable additional long term costs to be considered, e.g. extended warranty and insurance costs and upgrades etc.)

Any purchase of equipment will need to be supported and informed by relevant professional advice, in order to ensure appropriateness and consider any training needs and risk assessment e.g. ICT parental controls. It will be the parent's responsibility to ensure appropriate and safe use of the equipment.

10. Can I use a personal budget to pay for school fees?

No, EHCP Personal budgets cannot be used to fund educational placements in school or college settings.

However, should you wish to make your own education arrangements (under s7, Education Act 1996), consideration can be given to providing a personal budget to support the package of necessary provision. A request in line with these arrangements will be considered in line with the LA duty.

Process

11. Are there forms to be filled in around the way we spend the money?

Yes, if you chose to take a personal budget as a direct payment, there are clear contractual arrangements (EHC Direct Payment Agreement) that need to be made outside of the EHCP itself.

The EHC Direct Payment Agreement outlines both the LA and your responsibilities when using the direct payment and the processes that have to be followed. It is a legally binding document, and LA will not be able to make any payments in the absence of the agreement being signed by all concerned parties

Where you may be intending to use a direct payment to employ an external provider to support your child on a centre, school or college site, formal signed agreement from the Head teacher, Principal, or Teacher in Charge (and the provider) is required.

12. If I do not spend my entire personal budget, what happens to the money?

A maximum of equivalent 6 weeks' funding can be carried forward at the end of the financial year, at the discretion and agreement of the LA.

Balances in excess of 13 weeks' funding at any time during the financial year will be reviewed, and the LA will decide at its sole discretion whether to require repayment of some or all of the excess, or to deduct relevant amount from future payments.

If the Personal Budget ceases, any unspent or misused will be claimed back by the Local Authority.

This will be in addition to a consideration on whether a formal review of arrangements is required

13. Who monitors the spending and how often?

You will be required to send details of your spend to the LA at the end of each quarter (every 3 months), using the quarterly return form, together with a copy of your bank statement within 4 weeks of that quarter to which the return relates.

You are responsible for how money is spent and complying with the LA monitoring arrangements, and the framework as set out in the EHC Direct Payment Agreement.

Support

14. I am not sure about whether I can manage a personal budget, but am interested. Can anyone help me with my choice?

Yes, your SEN Principal Officer and professionals involved with your child will be aware of the current policy and procedures in relation to EHCP Personal Budgets. They will be about to provide you with further details, and options in order that you can make an informed choice.

You can also get further information, advice and direct support from the LA commissioned support organisations:

- a) Compass Disability Services
11-12 Belvedere Trading Estate
Taunton
TA1 1BH
0330 333 0089 or 01823 282 823

info@compassindependentliving.org.uk

- b) Pendrels Trust
Room G12
Fairgate House
205 Kings Rod
Birmingham
B11 2AA
0121 707 1817

birmingham@pendrelstrust.org.uk

- c) Ideal for All
100 Oldbury Road
Smethwick
West Midlands
B66 1JE
0121 558 5555