

Health

Since October 2014 anyone receiving NHS continuing healthcare, including a child, has the right to have a personal health budget. This sets out the funding available to meet the healthcare needs that have been agreed by health professionals, in a care and support plan. A care and support plan helps people to identify their health and wellbeing goals, and then sets out how the funding in their personal budget will be spent to achieve these goals.

Guidance makes clear that if someone receiving NHS continuing healthcare asks for a personal budget, the expectation is that it will be provided. A CCG should only refuse to offer a personal budget if it is seen as an impracticable or inappropriate way of securing the necessary health care.

However, even if you have a personal health budget, you will not necessarily be given the option of direct payments.

CCGs can agree to prepare a personal health budget for other groups of patients but at the time of writing are not obliged to do so. However, from April 2015 onwards CCGs are expected to roll out personal budgets beyond those receiving NHS continuing healthcare to other groups of patients likely to benefit. NHS guidance suggests that this should include children with EHC plans who could benefit from a joint personal budget that includes NHS funding.

Personal health budgets cannot include funds used to buy primary health services provided by GPs, surgical procedures and certain other health services.

Integrating education, social care and health budgets

Social service departments, education authorities and CCGs are being encouraged to work together. The aim is to establish arrangements allowing for single personal budgets that cover someone's social care, education and healthcare needs. EHC plans can then set out how this integrated personal budget is to be used to meet the different social care, education and health needs and the outcomes to be achieved.

I want as much control over my child's personal budget as possible. Do I have the right to insist on getting direct payments?

Education

You will be refused a direct payment for special education provision if your local authority believes that it would be an 'inefficient' use of its resources, or if it would have an

adverse impact on other services it already provides for children with EHC plans.

For example, you may ask for direct payments to buy a service from a particular speech and language therapist of your choice. However, your local authority may have already 'block commissioned' a particular service to provide this therapy to children in its area, and your chosen therapist doesn't work for this service. In this scenario you may well be refused a direct payment for the reasons outlined above.

In addition, if you wish to use direct payments to buy a service that would be provided on the premises of a school, college or early years setting, then that educational establishment must agree to it. For example, if you wish to employ a therapist to work with your child in the school. If they don't agree then the local authority cannot give you direct payments.

Social care

If social services assess that your child needs social care, then you have a right to choose direct payments rather than getting that support organised by your local authority. This applies equally to children under the age of 18 and to disabled adults.

There are a few exceptions to this, for example funding for long-term residential accommodation. But generally, if social services assess that your child needs services from them, you have the right to ask for a direct payment.

If you are already getting help from the local authority, you can ask for direct payments instead. If you don't currently get help, you will first need to ask social services to assess your child's care needs. You still have a right to direct payments instead of support from social services even if your local authority does not offer the other forms of personal budget mentioned earlier in this guide.

If your child is aged 18 or over direct payments will normally be made to them rather than to you. However, if your son or daughter is 18 or over and lacks the mental capacity to manage direct payments then you may be able to manage them on their behalf. Please see our guide *Getting direct payments to buy social care for your disabled child*.

Health

Currently CCGs are not obliged to offer the option of a direct payment to someone with a personal health budget. Although CCGs are encouraged to offer direct payments they can decide not to do so. Guidance suggests that a CCG can refuse to allow direct payments if they are deemed to be 'impracticable or inappropriate' or if they are seen as not representing value for money.

How is my child's personal budget worked out?

Your child's personal budget should reflect your child's needs and the level of support that they have been assessed as needing. The amount must be enough to cover the costs of all the additional support that has been agreed. So the more complex your child's needs and the greater the level of support needed, the higher the personal budget would usually be.

The personal budget should be based on your child's individual needs rather than simply being a rough figure based on the costs of providing services to other children with the same general level of need.

Many local authorities use resource allocation systems (RAS) to give an initial estimate of how much a child's personal budget should be. Some RAS are complex computer programmes, while others are based on more general ready-reckoners. However, regardless of the system used, any figure that has been generated by a RAS should be seen only as an initial starting point or a rough 'indicative figure'.

A more detailed assessment of your child's needs should then follow as a plan is developed, setting out how your child's individual needs will be met in practice. This may either take the form of a care and support plan or a draft EHC plan if your child is eligible for one.

In developing this plan, the actual costs involved in meeting your child's needs should become clearer, and this should be reflected in the amount of money in the final personal budget.

Once you have been offered a personal budget, you should ask the local authority (or CCG if a personal health budget) to break down the budget to show how it meets your child's assessed needs. If you do not believe that the amount allocated to your child's personal budget will be enough to buy the support your child has been assessed as needing, you should challenge the amount. How you go about doing this will depend on whether your personal budget is for special educational needs, social care or health care. Call our freephone helpline for more details.

Am I obliged to have a personal budget for my child?

No. While it is expected that many parents will want to take up the option of a personal budget, you are not obliged to do so and can simply ask the local authority or CCG to continue planning and managing the support that your child receives.

Further information

Local authorities are obliged to provide information about local organisations providing advice and assistance to help parents and young people make informed decisions about Personal Budgets. CCGs are expected to offer support in managing personal health budgets, either by providing advice via NHS staff or by working with organisations already offering advice and support with direct payments.

> Kids (search for 'personalisation 2 case studies')
Examples of how you might use personal budgets and real-life stories from families who have used them in education, health and social care.
www.kids.org.uk

> GOV.UK (search 'SEND code of practice: 0-25')
Detailed guidance on personal budgets for SEN provision on pages 178-184 of the special educational needs and disability code of practice.
www.gov.uk

> NHS England
Further information on personal health budgets, including frequently asked questions is available from www.england.nhs.uk/healthbudgets

Our helpline

If you're not sure about any aspect of personal budgets and would like to talk to someone, please call our advisers on our freephone helpline.
0800 808 3555 ✉ helpline@cafamily.org.uk
www.cafamily.org.uk

For detailed information about getting and managing direct payments from social services, see our free guide to *Getting direct payments to buy social care for your disabled child*, available from our freephone helpline or to download.



Call the Contact a Family freephone helpline: 0800 808 3555

Personal budgets in England

What is a personal budget?

A personal budget sets out the amount of money that is available to spend on support for your child, to meet their assessed needs. This money may come from your local social services team, local education department, or in some cases from your NHS clinical commissioning group (CCG). If you receive funding from the NHS this is known as a personal health budget.

Having a personal budget should mean that it is much clearer what money is available to fund the support that your child has been assessed as needing. It should also mean that you can have more involvement in deciding how that money should best be spent.

Having a personal budget does not mean that your child will get any extra funding. However, it should mean that you have more say in how the money that has been allocated is spent. In some circumstances you may have the option of getting direct payments, which you can use to buy support for your child rather than have this arranged for you.

What are the advantages of having a personal budget?

In principle, having a personal budget should provide your family with more choice and control over how your child's needs are met. You should:

- have more say in what outcomes you want to achieve for your child (an outcome is how the extra help will benefit your child, for example joining in at local clubs or activities or being better able to communicate with others)
- know how much money is available to buy the support your child needs to meet these outcomes
- have more involvement in creating a plan for how your child's needs will be met
- have a choice over how the money funding support for your child is held and managed, including in some circumstances, the right to ask for a direct payment so you can buy in and manage these services yourself. This means you should be able to spend the money in ways and at times that best suits your child, so long as the agreed outcomes are met.

How much control will I have over my child's personal budget?

There are four different ways a personal budget can be managed. The amount of control that you have over how your child's needs are met will vary depending on which of these options are used.

Direct payments

This is where you receive the money yourself so you can buy the support that your child needs. Using direct payments means you will have a lot more control and choice over how your child's needs are met. However, it also involves more responsibility for you in managing these services.

You may decide to use direct payments to buy a service from a provider, for example a care agency, or to use a sensory room or short break service. Alternatively you may decide to employ someone to support your child and this means you would have all the legal responsibilities of an employer.

Every local authority must ensure that there is a service in their area offering advice and information on setting up and managing direct payments. You should be able to find out who this is by contacting your local authority.

A third party arrangement

This is where funds to buy the support your child needs is paid to someone else, either a named individual or an organisation, to manage on your or the young person's

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0808 808 3555
helpline@cafamilly.org.uk
Open Monday to Friday, 9.30am-5pm

behalf. This offers more control over how services to your child are provided, without you having to take on responsibility for organising and managing those services. A notional or 'virtual' personal budget This is where the local authority or the CCC continues to hold all the funds and makes all the support arrangements. Having a notional personal budget means that there should be more transparency about how much funding is available to meet your child's needs and more discussion with you about how that money should be spent. However, the amount of control you have over how your child's needs are met is likely to be more limited than the other options outlined. A combination of the above For example, it is possible that some of the services your child needs continue to be organised by the local authority, while the money to buy other support is given to you to so you can buy them using direct payments.

Does my child have a right to a personal budget?

Education

If your child has an Education, Health and Care (EHC) plan then your local authority must prepare a personal budget covering the support identified in their EHC plan, if you ask for one. For more information about EHC plans see our factsheet *Education, Health and Care plans*.

If it's not possible for them to do so then they must explain the reasons to you. For example, your local authority might agree that your child needs a particular service, but might argue it is currently unable to separate an individual amount of money for your child from the wider block of funding that pays for the service to be provided to all the children who need it, including your child.

The personal budget for education will only include the funds needed to buy more specialist or individual support than the school or college is expected to provide. It does not cover the funding for the placement itself, or for the extra help the school, college or local authority is expected to provide for all children with special educational needs as part of the local offer. For more information about the local offer see our factsheet *The local offer explained*. A school or college can agree to contribute some of its own funding to a child's personal budget but are not obliged to do so.

You can ask for a personal budget when an Education,

Health and Care plan is being drawn up, or when the EHC plan is being reassessed or reviewed (which must happen at least once a year – see our factsheet *Education, Health and Care needs assessments*).

Every local authority must include information about personal budgets in its local offer, including information about the different services that lend themselves to personal budgets and how to ask for a personal budget. As well as having a right to a personal budget, you can also ask for direct payments so that you can use the budget to buy services for your child yourself. However, your local authority may not necessarily agree to make direct payments. Details of a proposed personal budget should be included in section J of the draft EHC plan. Where the proposed budget includes direct payments for special educational provision, this section must include the special education need (SEN) and outcomes that are to be met by these direct payments.

Only children with an EHC plan are eligible for a personal budget for education. A child will not be eligible if they only receive SEN support. Parents of children who still have a statement of SEN are not entitled to ask for a personal budget (or direct payments) and will need to wait until they are moved over onto an EHC plan as part of the transition review. This is when the local authority look at transferring your child's statement to an EHC plan. For more information see our factsheet *Changing from the old system to the new – how will it happen?*

Social Care

At the time of writing, social service departments are not obliged to offer a personal budget to a disabled child under the age of 18. Despite this an increasing number of councils do offer them. However, even if your local authority does not provide personal budgets for social care to children, it is still legally obliged to offer the choice of direct payments as an alternative to getting support arranged by social services.

Since April 2015, social services have been required to offer personal budgets to disabled people aged 18 or over who they assess as needing social care. The personal budget must cover the cost of the assessed needs the local authority must legally meet, alongside any needs that the local authority is using its discretion to meet. As well as setting out the overall cost of meeting the disabled adults' needs, the personal budget must also make clear the amount, if any, that person will be expected to pay as a result of the council's charging policy.

For information about getting an assessment for your child, and a carer's assessment of your needs, see our guide, *Getting social care services when your child has additional needs*.