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|  **Education, Health and Care Plans and Personal Budgets** |

 **Local Authority criteria for agreeing a statutory**

**Personal Budgets - Introduction**

A personal budget is an amount of money identified by the Local Authority (LA) to deliver provision set in out an Education, Health and Care (EHC) plan where the parent or young person is involved that securing that provision. A personal budget should reflect the holistic nature of an EHC plan and should be designed to secure the outcomes specified in the EHC plan.

**The right to request a personal budget**

Parents or the young person (over the age of 16) have a right to request a personal budget when the LA has completed an EHC statutory assessment and confirmed that it will prepare an EHC plan. Parents or the young person may also request a personal budget during a statutory review of an existing EHC plan.

**Eligibility criteria for a personal budget**

In general, a personal budget will only be agreed where it is clear that it represents a resource that is:

1. Above that which could reasonably be expected to be provided by all parents
2. Additional to normally available services and resources (ie, Local Offer)
3. Necessary to support the child/young person to achieve their outcomes
4. Clearly evidenced in terms of need
5. And/or assessed by the Disabled Children Service as eligible for additional and individual support at home, short breaks and/or specialist and occupational therapy services from the Disabled Children’s Service: For example, children who require:
* support to meet personal care needs in the home
* overnight short breaks to avoid family breakdown
* specialist equipment or adaptations to the family property
* where there are significant concerns about the child/young person’s welfare and safety
1. And/or assessed by the Health Service as eligible for continuing care, ie, a complex, long term and/or life limiting condition. For example, children:
* who cannot breathe without support
* with severe epilepsy that is not controlled by medication
* with a significant health need who require continuous adult supervision

**Mechanisms for delivery of a personal budget**

There are four ways in which the child’s parent and/or the young person can be involved in securing provision:

* Direct payments – where individuals receive the cash to contract, purchase and manage services themselves
* An arrangement – whereby the local authority, school or college holds the funds and commissions the support specified in the plan (these are sometimes called notional budgets)
* Third party arrangements – where funds (direct payments) are paid to and managed by an individual or organisation on behalf of the child’s parent or the young person
* A combination of the above

**Setting and agreeing a personal budget**

Request for a statutory assessment

When a request for a statutory assessment is made, the parent or young person may, if they wish, notify the LA of their intention to request a personal budget. They may make this request at any point during the statutory assessment process.

Introductory Meeting

At the introductory meeting, the Assessment and Plan Co-ordinator with the Independent Supporter (if involved) will explain the EHC statutory assessment including information about personal budgets, eligibility criteria and decision making processes.

At this meeting, the Independent Supporter will complete the child or young person’s Personal Profile with the family or young person and this will include specific questions about a personal budget. If the family or young person has expressed a wish for a personal budget then professionals providing advice for the statutory assessment will be asked to comment on this as part of their advice in so far as this relates to their area of professional expertise.

In order to support this, a copy of the child or young person’s Personal Profile that has been completed and agreed with the family or young person will be sent to all the professionals providing advice for the statutory assessment by the Assessment and Plan Co-ordinator.

Integrated Assessment Meeting (IAM)

When all the advice is received, the Assessment and Plan Co-ordinator will write a summary document of the advice as a starting point for co-producing the plan. This is circulated to everyone attending the IAM prior to the meeting. This will include the family or young person’s wishes with regards to a personal budget and the advice provided by professionals in relation to this.

At the IAM, each section of the summary document is discussed and co-produced including that relating to personal budgets and outcomes which are intended to be met by a personal budget. Wording which is agreed is clearly indicated and there is a difference of views, this is carefully recorded making clear who is saying what.

Resource Allocation Panel

This panel consisting of education, health and social care commissioners consider the summary document co-produced from the IAM including that relating to a personal budget. Based on this document and advice and information that informed it, the panel will consider the content of the plan and whether an EHC plan is required. Where a plan is agreed, the panel will then go on to determine the level and types of funding (including personal budget) and placement (reflecting parental preference where this has been expressed).

If it is decided not to provide a personal budget the LA will inform the family or young person in writing and give their reasons. The young person or family will be informed of their right to request a review of the decision. If requested, the LA will review the decision considering any representation made and inform the young person or family of the outcome in writing giving reasons.

Process to agree final EHC Plan

The draft EHC plan will contain details of the outcomes and the provision to meet the outcomes along with any personal budget and how this is to be paid.

The Assessment and Plan Co-ordinator will consult with the parents or the young person about the draft EHC plan including details of any personal budget. Where the plan is agreed including a personal budget, the Assessment and Plan Co-ordinator, on behalf of the LA, will then issue the final EHC plan and completes the written agreements and arrangements for a personal budget. Where this related to social care and/or health, this will be done through those agencies.

Where parents or the young person do not agree the draft EHC plan including details of any personal budget, then the Assessment and Plan Co-ordinator will provide the parents/carers with information about mediation, conflict resolution and complaints procedures.

Implementation Meeting

At the Implementation Meeting, the family and/or young person and professionals plan the short term targets derived from the outcomes specified in the plan and the support (including a personal budget) to enable the child or young person to make progress towards their outcomes.

**Review arrangements**

The LA will undertake ongoing monitoring of how the direct payment is being used. This will be carried out within the first three months of making the payment and then yearly after the first payment or whenever there are changes in relation to the services provided.