



## **Special Educational Needs and Personal Budgets in Hounslow**

### **Introduction**

The Children and Families Act 2014 introduced Education Health and Care Plans (EHCP) which include the right to request a Personal Budget. The EHC Plan sets out the additional support that a child or young person with SEND needs to thrive and succeed. This guidance provides information on the SEN Personal Budget for children and young people with EHCP aged 0-25 years and is framed within the statutory duties on Hounslow Council as outlined in the following legislation and guidance:

- Section 49 of the Children & Families Act (2014)
- SEND Code of Practice 2015
- SEND Personal Budget Regulations 2014
- Community Care, Services for Carers and Children's Services (Direct Payments) Regulations 2009 (for children)
- Care Act 2014, s 25 (for Young Persons aged 18 years or over)
- National Health Service (Direct Payments) Regulations 2013
- Hounslow Council Direct payments policy for the implementation of direct payments.

Personal Budgets enable the individual to have a choice and control over who provides the help that is described in the EHC Plan and will have been agreed with the relevant service provider. This can be social care, health or education. Not all children with an EHC Plan will meet the criteria for social care or health services. It is important to note that it is not always possible to offer a Personal Budget as a direct payment as certain conditions apply. Information.

### **What is SEN Personal Budget?**

A personal budget is the notional amount of money that is required to cover the cost of making the special educational provision specified in the child young person's EHC Plan. A personal budget for education is taken from the support that the education setting would receive and is not in addition to this. Education Personal Budget is only available for children and young people with an EHCP. However, if eligible and based on individual Social Care and or Health assessment, there are personal budgets available as Direct Payments from Social Care and Health services.

Any support through a personal budget that is planned to be delivered on school premises this must be in agreement with the school. Additionally, the scope for personal budgets are reduced in special school or centre provision.

Personal Budgets are optional for the child's parent or the young person, but the Council is under a duty to prepare one when requested. Personal Budgets should reflect the holistic nature of an EHC Plan and can include funding for special educational, health and social care provision. Any Personal Budget allocated must be clearly aligned to the outcomes identified for the child or young person and deliver provision agreed in the EHC Plan.

### **When and who can make a request for SEN Personal Budget?**

Parent/carer of children with legal parental responsibility and with an EHC Plan and young people over the age of 16 years, with an EHC Plan can ask for the provision specified in the EHC Plan to be provided through a personal budget as direct payments. A request for a personal budget can be made during the EHC Plan annual review or at the point at which a new draft EHC Plan is issued following an EHC needs assessment. The Council is not

legally required to consider identifying a personal budget for educational provision at other times.

### **What can the Personal Budget be used for?**

A Personal Budget can be used to purchase any services or support that has been agreed in the child or young person's EHC Plan. However, there are some practical limitations on the use of a Personal Budgets, for example, it cannot be used to fund or contribute towards a school or college place. It cannot also be used for day-to-day household expenses.

### **What funding is available as a Personal Budget?**

A Personal Budget includes any top up funding (known as Element 3 funding) that is for provision specified in an EHC plan. It can also include support that is managed by the school or college – but only if the Headteacher or Principal agree.

Health provision that is to be delivered through the EHC Plan will be the allocated funding if eligible for continuing care support following the National Health Service Continuing Health Care Assessment. A Direct Payment for health requires the agreement of a Care Plan between the Integrated Care Board and the parent/carer or young person.

Social Care provision that is delivered through the EHC Plan will need to be linked to the outcomes identified in Sections H1 or H2 of the Plan. Any resource allocated through a Personal Budget will be determined by the Social Care Service following the completion of an assessment under the 1989 Children Act, taking into account the Council's duty to provide services under the Chronically Sick and Disabled Persons Act 1970.

The funding levels for personal budgets will be set and reviewed in line with the funding made for equivalent provision elsewhere. For example, individual support for a child young person's learning will be paid at the rate given to schools for learning assistants/teaching assistants.

### **How can Personal Budgets be delivered?**

- Direct payments – where individuals receive payment to contract, purchase and manage services themselves.
- An arrangement – whereby the Council, school or college holds the funds and commissions the support specified in the plan.
- Third party arrangements – where funds (direct payments) are paid to, and managed by, an individual or organisation on behalf of the child's parent/carer or the young person.
- A combination of the above.

### **Considering a request for a Personal Budget.**

Every request for a Personal Budget will be considered on an individual basis. The Council may refuse to identify a Personal Budget as direct payment when:

- the special educational provision is being provided as part of a larger budget for example, a contract with NHS to provide all speech and language therapy or occupational therapy and the Council cannot separate out or "disaggregate" the personal budget for an individual child or young person from the overall budget.



## London Borough of Hounslow

- this would negatively impact other services provided by the Council that will have an impact on other children or young people with an EHC Plan.
- it would not be an efficient use of resources. The Council has agreed costs for example, speech and language and occupational therapies at £75 per hour (September 2023). Where the parent/carer or the young person's proposal for cost is higher, then the Council cannot agree this due to an inefficient use of resources.
- the young person or their family cannot manage the Personal Budget properly. The Council will also seek evidence from the child's parent/carer, the young person directly or the nominated person employed by the child's parent/carer or by the young person that all relevant safeguarding checks have been conducted and the organisation or individual is safe to work with children and/or vulnerable adults.

Where the parent/carer or the young person expresses an interest in receiving a personal budget, an indicative figure for the amount of funding available will be identified by the relevant service.

Parents Carers and Young person can use the SEN Personal Budget request form when making their request. **Appendix 1.**

### **What happens if a request for a Personal Budget is refused?**

If after full consideration, the Council does not agree to the request for a personal budget, the council must inform the person requesting the Personal Budget in writing, setting out the reasons for their decision, and the parent/carer or the young person will be informed of their right to request a formal review of the decision (this will be by the team manager or head of service).

In direct relation to appeals to the Special Educational Need and Disability Tribunal, the SEND Code of Practice 2014 in section 11.45 stipulates that "*The Tribunal does not hear appeals about Personal Budgets but will hear appeals about the special educational provision to which a Personal Budget may apply*". This means that a decision whether to provide a personal budget cannot be heard through the appeals process. The Special Educational Needs and Disability Tribunal can only hear appeals relating to the "*description of a child or young person's SEN specified in an EHC Plan, the special educational provision specified, the school or other institute or type of school or other institution (such as mainstream school/college) specified in the Plan or that no school or other institution is specified*"(1). However, the Council will endeavour to resolve any disagreement relating to the content of the EHC Plan or enter into formal mediation (if appropriate).

### **Monitoring and review of a Personal Budget**

The Council will have a joint contractual agreement for the delivery of services provided through an EHCP in relation to the Personal Budget paid by a direct payment. A primary part of the conditions of a Personal Budget is that the child's parent/carer or the young person will be required to confirm their decision and agreement to the provision and services as outlined in the EHC Plan.

With any agreement where a direct payment has been agreed, the Council (Direct Payments Team) will seek evidence from the child's parent/carer, the young person directly or the nominated person employed by the child's parent/carer or by the young person that all relevant safeguarding checks have been conducted and the organisation or individual is safe to work with children and or vulnerable adults. This will include providing evidence that any



## **London Borough of Hounslow**

professional is fully qualified and registered to deliver any specialist service that requires registration to a professional body in order to practice.

Hounslow Council is responsible for monitoring the use of a Personal Budget. This will be carried out through the EHC Plan annual review by the SEN Team and working closely with the Hounslow Direct Payments Team to ensure whether a Personal Budget as a direct payment continues to be appropriate and that the parent/carer or the young person continues to agree on the use of the direct payments. The parent/carer, young person, or the Council can cease payments if requested or if there is any misuse of the Personal Budget. In such situations, the provision outlined in the EHCP will be delivered through an arrangement, whereby the Council, school or college holds the funds and commissions the support specified in the plan the Provision outlined in Section F of the he EHCP will then be delivered.

Where a Personal Budget is agreed as a direct payment, these will be outlined in Section J of the EHC Plan.

### **Information and Advice**

The Council provides information on Personal Budgets as part of the Local Offer. This policy is also published on the Council's Local Offer website.

**Aug 23**

**Appendix 1**



**London Borough  
of Hounslow**

**Parents Carers and Young Person Requests for Special  
Educational Needs Personal Budget to achieve educational  
outcome/s outlined in Education Health Care Plan**

Requester's Name			
Relationship to child/young person		Contact telephone no./email	
Child/Young person's name		Date of Birth	
Child/young person's address			
Current EHCP status	<input type="radio"/> Draft EHCP following new or re assessment Or <input type="radio"/> Following annual review, please add date of the annual review meeting: <p style="text-align: right;"><i>(please tick)</i></p>		
<i>For existing EHCP a personal budget request can only be made through the annual review process.</i>			
Education setting name			

If the parent/carer is making this request on behalf of the young person who is age 16 or over, does the young person to this request for Personal Budget? Please provide details and young person signature.	
	Young person Signature:
If the young person is 16 and over, we are keen to ensure they are fully involved, please provide contact details if they are different to above?	

Why is a Personal Budget being requested? *(Please include the provision being requested from Section F in the EHCP and why you consider this can be delivered differently to meet the child/young person's needs, as identified, and outlined in the EHCP).*

**A request for a Personal Budgets must be linked to achieving the Outcomes agreed in the EHCP. Please write below the Outcome/s for which a Personal Budget is being requested and proposed provision being requested.** (Every request for a Personal Budget will be considered on an individual basis).

For each Outcome, please state how the Personal Budget would be used to support achieving the outcome, how you will meet the need through a personal budget if this is agreed and how you will monitor success. Include any estimated costs of provision (if known).

Outcome/s listed from the EHCP.	Proposed Personal Budget Provision and how this will be used to support the outcome	Cost if known

*Before the Local Authority can agree, permission will be required from the Headteacher/Principal of the education setting as well as consideration must be given to efficient use of resources by the local authority.*



## London Borough of Hounslow

Have you discussed a Personal Budget with your EHC Officer or education setting?	Yes/No <i>(Please circle)</i> Please provide a brief outline of the outcome of your discussion and who this was with.
<i>I understand that if I request a Personal Budget to be delivered via a Direct Payment, I will need to set up a separate bank account for this purpose and agree to a PB Agreement between myself and Hounslow Borough Council.</i>	
<i>I understand that in order to process this request Hounslow Borough Council will need to access my child's or my EHC Plan and associated papers and may need to make enquiries of relevant professionals across agencies to obtain information and seek approvals before a budget request can be agreed. Please see SEND personal budget guidance which can be found on the Hounslow Local Offer.</i>	
Signature of the requester:	
Date:	

Please send this request form to [sen@hounslow.gov.uk](mailto:sen@hounslow.gov.uk) or post to Children's and Adults' Services, Hounslow House, 7 Bath Road, TW3 3EB.

**OFFICE USE ONLY:****Date Personal Budget request received:****Date the request will be presented to SEND Panel for Local Authority decision:**