

**CAMBRIDGESHIRE COUNTY COUNCIL AND CLINICAL COMMISSIONING GROUP (CCG) PERSONAL BUDGET POLICY FOR CHILDREN AND YOUNG PEOPLE AGED 0-25 WITH SPECIAL EDUCATIONAL NEEDS AND DISABILITIES (SEND)**

**To: Children and Young People Committee**

**Meeting Date: 13 January 2015**

**From: Adrian Loades, Executive Director: Children, Families and Adults Services**

**Electoral division(s): All**

**Forward Plan ref: 2015/027                      Key decision: Yes**

**Purpose: To agree the proposed introduction of a Personal Budget Policy for Children and Young People aged 0-25 with Special Educational Needs and Disabilities (SEND), as part of the requirements of the Children and Families Act (2014).**

**Recommendation: The Committee is asked to agree the draft Cambridgeshire County Council and Clinical Commissioning Group (CCG) Personal Budget Policy for Children and Young People aged 0-25 with Special Educational Needs and Disabilities (SEND).**

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## **1.0 BACKGROUND**

- 1.1 There are many children and young people who have a special need or a disability but who do not need additional support as their needs are met by existing services. However, there are some children and young people who do need additional support. Some of these children and young people have had in the past, or may have now, a Statement of Special Educational Need. Due to new legislation this will now be replaced by an Education, Health and Care (EHC) Plan. The main difference between a Statement and EHC Plan is that the latter will include information about health and social care support, as well as information on educational provision.
- 1.2 As a result of the Children and Families Act 2014, the Local Authority (LA) is now required to publish a policy regarding Personal Budgets. The legislation states that the EHC Plan which sets out support and provision available should also be clear about the amount of funding available, including through Personal Budgets. A family can then decide whether to request a Personal Budget to meet part of the child's needs.
- 1.3 In light of this statutory change a policy has been developed jointly with the Clinical Commissioning Group (CCG) on Personal Budgets and aims to increase family control over funding and choice of support.
- 1.4 After the policy was developed by the LA and CCG it was shared widely with schools, parents/carers and other partners in order to gather views on what has been proposed. Feedback from these groups has now been integrated into the policy which explains how Cambridgeshire proposes to deliver the option of a Personal Budget.
- 1.5 Below is a summary of the content of the policy, a full policy is also attached at **Appendix 1**.

## **2.0 MAIN ISSUES**

### **2.1 Personal Budgets**

- 2.1.1 The policy sets out that there are four ways in which a Personal Budget can be provided to a family:

1. A Direct Payment - the family are given the funding directly and use the funding to purchase the support that is agreed in the plan
2. A Third Party Managed Arrangement - a charity or other organisation is given the funding and assists the family in purchasing support
3. An Organisational Arrangement – the funding remains with Health or with the LA, but the family are told how much funding is available and identify how the funding is to be spent
4. A combination of the above

The options above will be discussed at the drafting of an EHC Plan or at the time of the Annual Review. In addition the sources of support will be explored. The proposal is that an information leaflet is provided setting out the options, the finance arrangements and giving details of organisations who may be able to offer support. The legislation does limit what a Personal Budget can be used for; this is reflected in the policy and outlined in section 2.6 and 2.7 of this report.

## 2.2 **Personal Budgets and Social Care**

2.2.1 Some children and young people with special needs or a disability do access support from Social Care. This might be for:

1. Support in the home
2. Support to access social or family activities
3. Short break support

2.2.2 Some families in Cambridgeshire who have this type of support in place now already have this support provided through a Personal Budget or a Direct Payment (as set out in 2.1.1). This policy proposes to bring together their Social Care Personal Budget with any Education and Health Personal Budget they may request.

## 2.3 **Personal Budgets and Health**

2.3.1 Most children and young people with Special Educational Needs or a disability do not require more support from Health than any other child or young person. However there are a small number of children and young people who do need additional support from Health because they have a complex, long-term and/or life limiting condition.

2.3.2 Children and young people in this situation have been assessed as having 'Continuing Health Care needs'. This is funded by the CCG. Where these services and additional needs are in place they will be included in the EHC Plan and the family will be informed how much funding is available from the CCG to meet the needs identified.

2.3.3 Children and young people who have a service provided because they have a Continuing Health Care need have the right to have this provided as a Personal Budget from October 2014 and this development is included in the policy. To date this request has not been made by parents however this policy will allow clarity for the future.

## 2.4 **Personal Budgets and Education**

2.4.1 Where additional support has been agreed as part of an EHC Plan, then this support is usually paid for by the "High Needs Block" funding of the Dedicated Schools Grant via the LA to the school or college. This funding might be used instead to provide a budget to a family so that the family might organise this support themselves.

2.4.2 For example, where an EHC Plan includes transport to and from school, then the family may decide not to have this service provided by the LA but may decide to have a small budget and organise the transport themselves.

2.4.3 It is also possible for the school or college to agree to release some funding to contribute towards the family having a Personal Budget where it is clear that this will help to meet the needs of the child or young person and achieve the desired outcomes.

## 2.5 **Process for Direct Payments**

- 2.5.1 Following an assessment, a written agreement between the family and the LA/Health is drafted regarding the Direct Payment. This confirms how the funding will be spent, the responsibilities of the parents/carer or young person and LA and/or Health. A specific bank account will be set up and will be audited periodically by the LA, and any unspent funding will be returned to the LA or Health. If a family requests a Personal Budget in more than one area, such as Health and Social Care, this will be administered as a single Personal Budget with one bank account.
- 2.5.2 Direct monitoring will be managed by the Self Directed Business Support team that sits within the Children's Disability Service. This is an established team with three years experience of managing and monitoring Direct Payments for Social Care. It has established a process to take on this role for Health and Education.
- 2.5.3 The LA also uses an independent support agency to help families with a Direct Payment, this includes helping to manage the funding, providing advice and support with paying staff and also help with the recruitment of a personal assistants.

## 2.6 **What Personal Budgets can be used for:**

### 2.6.1 Social Care:

- Providing assistance with personal care
- Contracting with an agency, or someone who is self-employed, to provide care services
- Buying equipment agreed by Social Care
- Assistance to purchase Short Breaks
- Assistance with essential domestic care tasks, which are essential to meet the assessed needs of the child or young person and is evidenced in your overall care / support plan
- Assistance to access facilities to promote social inclusion, including leisure or social activities

### 2.6.2 Education:

- Transport - if the child or young person is eligible for SEN Home to School transport as per the LA's policy
- Information Technology (IT) – if the child or young person meets the criteria for IT assessment and meet the eligibility for IT equipment as set out in the IT Equipment policy
- Additional courses and work experience - if the child or young person's EHC Plan contains outcomes that can be met through additional vocational courses or through supported work experience /training

### 2.6.3 Health:

- Purchase Continuing Care support

## 2.7 **What a Personal Budget can't be used for :**

### 2.7.1 Social Care:

- To buy permanent residential care
- To purchase any overnight Short Break outside of the child or young person's home without the permission of Social Care. Any agreements will be recorded within the child's/young person's Care Plan.
- To purchase any residential care for longer than 28 consecutive days or 120 nights in a 12 month period
- To buy services owned by the LA or any other LA
- To buy health-related services or equipment that should be provided by the NHS
- To make major adaptations to the home that would come under the Disabled Facilities Grant
- To use Direct Payments to employ a partner or a close relative who lives in the same household unless Social Care services are satisfied that someone's needs could not be met any other way

### 2.7.2 Education:

- Fees for early years places, independent and specialist independent schools and colleges
- Funding for additional adult support (Teaching Assistants) where the funds have been delegated to schools for all or part of the allocation
- Funding for commissioned places in special schools or specialist provision

### 2.7.3 Health:

- To buy therapy
- To buy universal health services i.e. GP or Paediatrician

## 2.8 **Implications of the Personal Budget policy**

2.8.1 Block contracts will be reviewed in order to release funding for Personal Budgets where possible. Schools or colleges can also agree to release some funding to contribute towards the family having a budget where it is clear that this will help to meet the needs of the child and achieve the desired outcomes.

Where there are disagreements between young people and their parents regarding the use of a Personal Budget the LA will signpost to services that are available to support mediation.

There may be high expectations from some families regarding the amount of funding that can be used as a Direct Payment and what it can be used for. This may lead to requests being declined for funding that is currently designated for provision such as Teaching Assistants. Where this is the case the LA will ensure that a meeting is offered with officers to discuss the reasons and look for other ways forward.

### **3.0 ALIGNMENT WITH CORPORATE PRIORITIES**

#### **3.1 Developing the local economy for the benefit of all**

3.1.1 There are no significant implications for this priority.

#### **3.2 Helping people live healthy and independent lives**

3.2.1 The report above sets out the implications for this priority in 2.2, 2.3 and 2.4.

#### **3.3 Supporting and protecting vulnerable people**

3.3.1 The report above sets out the implications for this priority in 2.2, 2.3 and 2.4.

### **4.0 SIGNIFICANT IMPLICATIONS**

#### **4.1 Resource Implications**

4.1.1 There are no significant implications within this category. The funding will come from resources already allocated to the child or young person, not in addition to that already agreed. Administration of the Personal Budget will be through existing arrangements within Children's Social Care and this is unlikely to require any additional resources. Should additional resources be required funding will be diverted from other administration tasks that may decline due to the demand for this option.

#### **4.2 Statutory, Risk and Legal Implications**

4.2.1 The duty to publish a policy regarding Personal Budgets for children and young people with SEND between 0-25 is a requirement of the new SEND Code of Practice, as part of the Children and Families Act (2014).

#### **4.3 Equality and Diversity Implications**

4.3.1 A community impact assessment has been completed for this policy. It was assessed that the policy had a positive impact for children and young people with disabilities, as the policy will provide families with more control and flexibility over the services they receive. This will enable families to personalise services to their particular needs. Support in setting up these services will be provided should it be required.

The policy did not have any negative equality and diversity implications.

#### **4.4 Engagement and Consultation Implications**

4.4.1 A consultation was carried regarding the policy. The draft policy was published on the County Council website, along with an online survey. This was then shared with parent/carer groups and relevant professionals. The draft policy was also shared with schools at briefings regarding the new legislation. Feedback from the survey was collected and analysed.

## 4.5 Public Health Implications

4.5.1 The report above sets out the implications for this priority in 2.3.

## 4.6 Localism and Local Member Involvement

4.6.1 The following bullet points set out details of significant implications identified by officers:

- The policy empowers young people and families to manage and purchase their own support
- The policy devolves decision making about provision to the individual family or young person

Source Documents	Location
Cambridgeshire County Council and Clinical Commissioning Group (CCG) Personal Budget Policy for Children and Young People aged 0-25 with Special Educational Needs and Disabilities	<a href="http://www.cambridgeshire.gov.uk/info/20136/special_educational_needs_and_disabilities/528/education_health_and_care_plan/5">www.cambridgeshire.gov.uk/info/20136/special_educational_needs_and_disabilities/528/education_health_and_care_plan/5</a>
Special Educational Needs and Disabilities Code of Practice: 0-25 Years	<a href="http://www.gov.uk/government/publications/send-code-of-practice-0-to-25">www.gov.uk/government/publications/send-code-of-practice-0-to-25</a>