

PROCESS FOR PERSONALISED PLANNING AND PERSONAL BUDGETS FOR CHILDREN ELIGIBLE FOR AN EDUCATION HEALTH AND CARE PLAN (EHCP) FROM ISLE OF WIGHT CHILDREN'S SERVICES AND THE ISLE OF WIGHT NHS

This document is a co-production between the Isle of Wight Council, Clinical Commissioning Group (CCG) and Parents Voice.



Introduction

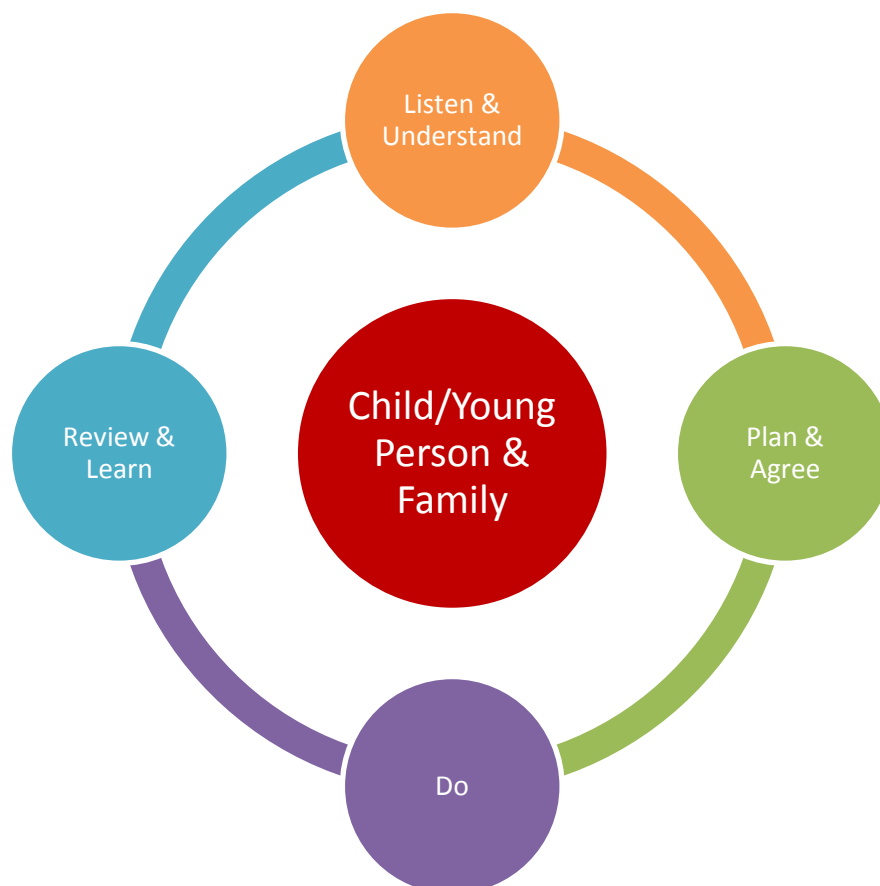
This document sets out the process for personalised planning & personal budgets from the first enquiries and discussions between a family, child/young adult & professionals, to the allocation of any funding, planning and review for children and young adults who have been assessed to receive a personal budget through an Education Health and Care Plan under the Children and Families Act 2014.

Chapters three, four and nine of the SEND Code of Practice set out the arrangements and duties that education health and social care must meet. (<https://www.gov.uk/government/publications/send-code-of-practice-0-to-25>)

The principles of section 19 of the Children and Families Act are to bring together education, health and social care with the parent/carer and child/young adults views, wishes and feelings at the centre of the planning and decision making process.

Our process takes into account deciding how to use all resources available in order to improve and achieve outcomes efficiently, effectively, and sustainably.

At the heart of this is the child/young adult and family.



What is a personal Budget?

A personal budget for a child/young adult (up to 25 years) with special educational needs is:

- A sum of money made available for children/young people who require additional support above what is available to most children/young people through local services.
- A sum of money to allow you choice and control over your child's support.
- It can include funds from the Local Authority for education and social care and from the Clinical Commissioning Group (CCG) for health.

A Personal Budget is not

- The overall total of all the money that is available to support a child/young adult.
- For example, it does not include the cost of a child's school place or existing targeted support provided by the school, such as additional learning support.
- Some Head teachers have contributed some money from their own school budget, although there is no requirement for them to do this.

The main aim of a personal budget is to enable children, young adults and their families to take control and make choices about the support and services they receive. It is one way of achieving the outcomes specified in a child/young person's Education, Health and Care Plan (EHCP).

What can a personal budget be used for?

It is important to know that Personal budgets are only one part of a whole system of support, opportunity and activity.

The diagram below shows how society and services support children/young adults with Special Educational Needs and Disabilities (SEND) in a family centred way.



Children and young adults access many activities and services in their community (swimming pools, cinemas, schools, their GP); **universal** and **mainstream** services are the first place to look for opportunities for children and young adults to get involved alongside their peers (please see the local offer website for information about local services).

Sometimes there is an identified need such as a diagnosed health condition, or age group which needs targeted support. Examples of **targeted** support include speech and language therapy, special schools, or a summer holiday play-scheme for young carers.

Communities are groups of people who come together due to a shared interest such as activities, beliefs/religion etc. These are present in every community and every family has 'real wealth' hence a community is made up of everyone's real wealth. This is called **social capital & community wealth** and includes all the people community members know, all the skills and knowledge represented by the community members, their assets, their access and their resilience.

Finally there is the part relating to additional and individual support for children/young adults and their families where their needs are over and above

those which can be met within the other three parts without specific tailored individual support, this is called ‘**choice and control**’ and relates to personalised support including personal budgets and funding, for example for help with shopping or going to the cinema.

Ref: SE7 Framework for Choice and Control – In Control & South East 7 SEND www.se7pathfinder.co.uk

A truly person centred approach thinks about support from all four of these quadrants, however it is important that support from each of the quadrants is considered rather than just focussing on the orange and green sectors.

There are lots of kinds of support that can be part of the EHCP personal budget.

For example a family or young adult can choose staff through employing personal assistants with a personal budget. This is particularly relevant where a young adult requires one to one support and consistent assistance, to meet their outcomes. Also when a young adult wants to trial having a personal budget to help with the transition to adult services.

If it helps to reach the objectives and outcomes of the EHC plan, a wide range of activities can be used. Social workers will always look at short breaks (www.iwight.com/shortbreaks) or the community directory (www.iwight.com/adultsdirectory) first to see how they may compliment the specialist support required in the personal budget. This is called holistic planning and often creates a really strong plan.

Please also see the local offer website for more information www.iwight.com/localoffer

Personal Budgets Case Study: Island mum, Lynda, explains in her own words the major difference a personal budget has made to the life of her autistic son, James.....

"Before our son James turned 18, we were made aware of a 'new thing' called a personal budget. This was a sum of money that would be allocated to him (after an assessment) each year, and would provide him with the financial help to access activities and learning opportunities to aid his development. This was a revelation to us, as just for once the emphasis was about what James needed, not just putting up with what was available. James had spent the whole of his school life at a special school, and we strongly felt in the last few years his development had stood still. So we wanted to embrace the 'new thing' as soon as we could, because we knew we could make a better job of his continuing education and learning.

The first step was the self-assessment questionnaire, which was supposed to highlight where he was in terms of ability and understanding (our son's autism is not very easy to define and runs on different levels in different areas). This caused no end of debates both between ourselves and with our social worker, but we finally reached agreement, and this formed a basis on which his needs, social and educational, were worked out. The support plan was then written. We were very keen his timetable should provide learning opportunities and activities reflecting his interests, build on his levels of understanding, and provide him with long term, achievable goals.

The second step was submitting our plan, including the costings. This was not easy as parents are not allowed to attend the meeting either to explain or argue the case. As a result it came back to us three times before the final sum for the year was agreed. There were some blips, mainly to do with the cost of transportation and budgeting for extra activities.

In the first year of having a personal budget our son was able to experience Haylands Farm at Ryde, Blue Sky Arts Drama, a trampolining club, swimming, tree climbing and bush craft. We were also able to find a care agency that had a great young man who took him for outings to various Island attractions, and also accompanied him on long walks and shared lunches. At this point our son was still at school, but to ease him into the next stage of his life, we were able to negotiate with school so that he attended only three days a week, then two. This provided him with the time to access the extra opportunities, and when he went to two days, we found someone we could employ as a life skills coach. Our son's education became very practical, such as cooking lunch, shopping, travel training and various sports activities – and his life skills with his coach increased to include learning to travel solo to Newport, practical maths and work experience in a residential home.

For the last 2 years James has attended IYWAC and gained his Stage 1 Royal Yachting certificate. He attends West Wight Sports Centre for the gym,

swimming and badminton and continues to have a lifeskills coach 3 days a week, where he learns cooking/ cleaning/ practical maths(money)/ shopping/ & travel training. James has also, with the Island Dance & Theatre Co , danced at the London Theatres of Sadlers Wells, Drury Lane, & the London Palladium with the Island Dance and Theatre Co. . He has also danced with the troope on stage in shows at Disneyland Paris & Shanklin IOW!



Whilst some people may regard these things as "frivolous", I can't emphasise enough how much he has learnt and developed his life and social skills from his support plan for his budget. Things like being able to hold a short conversation with people other than his family, standing and walking tall and confidently when he is out on his own, (so he no longer looks like a target), developing his fine and gross motor skills, and above all coping with backstage chaos when he's in a show. All these things are lifeskills and I'm hoping they will help him in the future to deal with an ever-changing and confusing world. Many of these things would not have been possible without his personal budget, and I hope that he will always be able to access the community and have a meaningful life.

Along the way, I have met many people that consider a personal budget is a huge mountain to climb, and it can feel like it until you get your head around the whole thing. But if you embrace it, you really can make it work for your 'special person'. It really has made quite a difference to us all."



Listen & Understand

The Assessment

If a child/young person requires support in school/college, over and above what is available to all children/young people, because of the level or complexity of their special educational needs, the Isle of Wight Local Authority will arrange an assessment to consider and agree what support the child/young person requires, this is overseen by the SEN assessment and review team. An educational assessment automatically triggers a single assessment that looks at a child/young person's requirements for support from health and social care as well. This means that there should be no need to repeat the same information over and over to different people from different services. The assessment process is about gathering information, from the child/young person, family and the people who know and understand them. (please see the local offer website for more information about starting an EHCP)

At the end of the assessment, a decision will be made about the support that needs to be put in place and whether an Education, Health and Care plan is needed. If it is agreed that a plan is needed, the decision should also be made about whether a personal budget can be set up.

Children/Young people do not need to have an EHC plan to get a personal budget for social and health care, but once they have an EHC plan or one is being prepared a request for a budget for all three areas of support can be made. Children/Young People **must** have an EHC plan to get a personal budget for special educational provision.

Children/Young people do not, however, have to have a personal budget.

When it has been agreed that a child/young person is eligible for an EHCP and where the child/young person, parent/carer and the professionals working with the family have agreed, some or all of the assessed needs and corresponding outcomes can be translated into a personal budget.

The amount of funding that will be provided by Education, Health (CCG) and Social care will be based on the individual agencies eligibility criteria and assessment which all feed into the EHC planning process.

Plan & Agree

Support Planning

Using the whole system of support the support plan will take into account the **Universal & Mainstream Services**, **Targeted Support** and the **Social Capital and Community Wealth** available to the child/young person. This will help identify what **self-directed support** is required to achieve the outcomes and what could be part of the personal budget.

The EHCP will include both long term and short term outcomes and the support plan will include provision to support all of these.

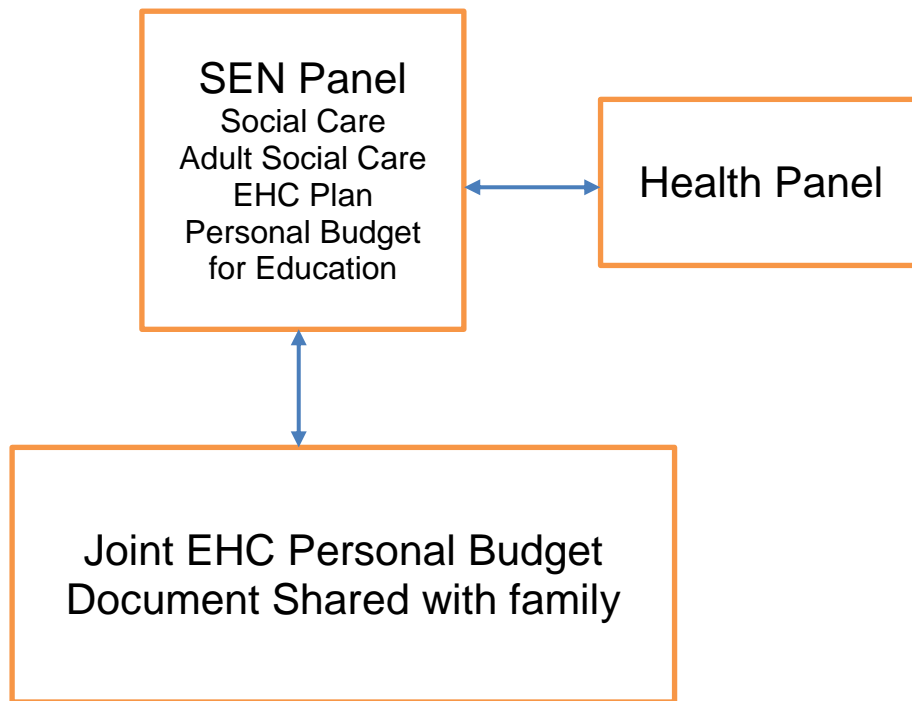
There is support available for children, young people & their families to help create their support plan and this may come from:-

- A member of the SEN assessment and review team
- The child's social worker.
- A member of the health team
- Someone else who knows the family well.
- An appointed broker who can assisted in managing the process



Agreeing the Personal Budget

The Local Authority and CCG hold panel meetings once a month where the relevant services meet to discuss and agree EHCPs. This is also where the personal budget will be agreed and signed off.





Managing a personal budget

The personal budget section of the EHCP sets out a detailed explanation as to how the needs and outcomes identified within the plan, which cannot be met by existing services, will be delivered by the personal budget. Specifically it details how the money will be used, spent and managed including arrangements for any direct payments.

If you choose to have a personal budget to buy services or support to meet the outcomes in your plan, you need to make some decisions about how to manage that budget.

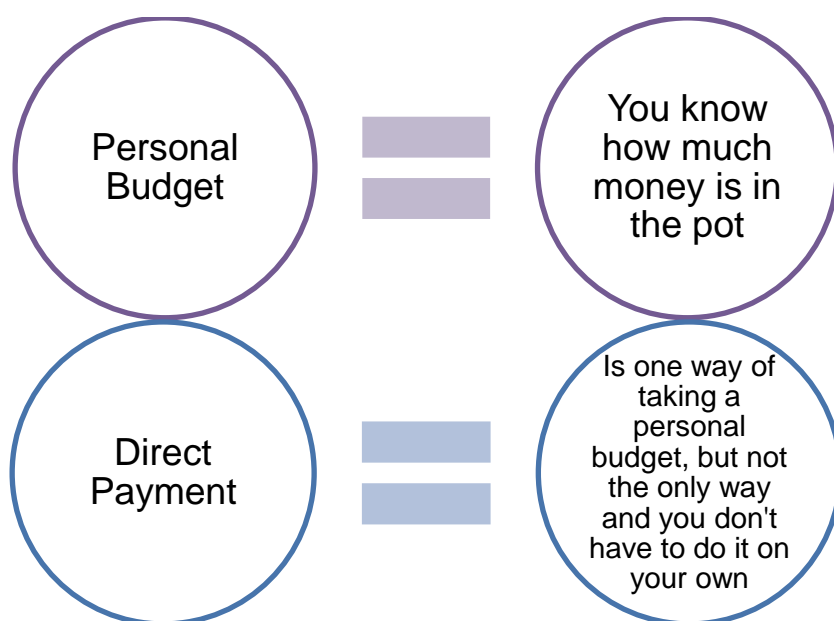
There are four ways a personal budget can be managed:

- 1. Arrangement or Notional Budget:** this is where the local authority, school/college or CCG will look after the Personal Budget. The EHCP will detail the amount of funding and which outcomes will be met and what the solutions for achieving them are. However the LA, School/College or CCG will manage and commission the service(s) on behalf of the child/young adult/family.
- 2. Direct Payment:** this is where the child/young adult/family receive the money directly into a bank account specifically set up for this purpose to manage the Personal Budget themselves. Local direct payment support services set up for people using social care direct payments can be an effective way of ensuring people get the help they need. If they have received direct payments from social care in the past then they could use the same bank account. Direct payments can be managed in a number of ways:
 - Paid directly to the person, into a designated bank account
 - Paid into an account managed by a third party
 - Paid into an account held by a nominee or representative
 - Paid onto a pre-paid card
 - Individuals can employ personal assistants directly and have complete control over the money.
- 3. Third Party Arrangement:** this is where the child/young adult can opt to have someone else manage the Personal Budget for them. These could be:
 - Independent user trust
 - Voluntary organisation

- Private sector organisation
- Community interest company
- User led organisation

4. Or a mixture of some or all of these arrangements can be used. For example the Local Authority could provide a short break service and speech and language therapy, while the child/young adult and family use a direct payment to pay for a personal assistant to support them to make and meet friends at the local youth club

It's easy to get confused by the difference between a personal budget and a direct payment - remember:



Educational Element of an EHCP Personal Budget

The SEN direct payment cannot be used to fund a place at a school or college. No new money is being introduced into the education system to fund personal budgets and any personal budgets must come from existing resources.

On the Isle of Wight, arrangements made for delegating funding to schools and colleges for places, and the additional top up provided to fund the special educational provision for children and young people with EHCPs, means that the vast majority of money is spent on staffing and other day to day support costs. The way that schools and colleges meet the needs of children and young adults with special educational needs and disabilities including those with EHCPs is set out in the Local Offer. The potential for a personal budget varies depending on individual circumstances. However, for the majority of children and young people in a school or college setting the opportunity for a personal budget for special educational provision is very limited.

All requests for a personal budget will be considered on the individual circumstances of the child or young person.

Health Element of EHCP Personal Budget

To receive the Health element of an EHCP Personal Budget the child or young adult will need to meet continuing health care criteria. If eligible the request for the health element of the EHCP Personal Budget will need to be agreed and signed off by the Designated Doctor before returning the plan to the EHCP panel. For further information on continuing care please refer to the Local Offer website.

Social Care Element of EHCP Personal budget

To receive the child or adult social care element of an EHCP Personal Budget the case will need to be considered through the relevant assessment process either using the thresholds for childrens social care <https://www.iwight.com/azservices/documents/2310-Disabled-Children-Services-Eligibility-Criteria.pdf> or the National Eligibility Thresholds for adult social care

http://www.legislation.gov.uk/ukpga/2014/23/pdfs/ukpga_20140023_en.pdf - please see section 13 (page 23) and <https://www.iwight.com/Residents/Care-and-Support/Adults-Services/Adult-Social-Care-Services/Eligibility>

A social worker allocated from either childrens social care or the adult transitions team will undertake a social care assessment of need which will consider if the child/young adult will be entitled to a personal budget within the EHCP. Any agreed social care personal budget would then be agreed through either the children or adult resource panel.



Review

Three months after the EHCP is in place the provision will need to be reviewed. The review will be organised by the child or young persons lead service e.g. health, social care or education and should include the people who helped create the plan. The review should be held in a way that makes it comfortable and easy for children, young adults and their families. The review will be based around how the support plan is working and how it is helping the child/young adult and family reach their objectives and outcomes.

The review meeting will look at these questions, in relation to seeing how the identified **outcomes** are being met.

- What has been tried?
- What has been learned?
- What is working well?
- What is still difficult or concerning?
- What needs to change?
- What are the new goals and outcomes?
- What needs to happen next?

This first review after three months will help children/young adults and their families get a really good start and problem solve any difficulties early on. After this first review there will be a review every year.

In between reviews children, young adults and their families can always speak to their lead service if there are problems or there are any issues that need to be talked over or if advice is needed.

As a child, young adult grows up their plan should reflect their changing needs. Yearly assessment reviews with the lead service should highlight new needs and outcomes and plans should be created to reflect this. Assessment changes will need to be taken back to the panel of origin to ensure the right levels of funding have been agreed, to meet the needs and desired outcomes.

Childrens social care will review their element of the EHCP every 6 months as required by the Childrens Act 1989.

The local authority and CCG must monitor the use of direct payments.

- At least once within the first three months of the direct payments being made; and
- When conducting a review or a re-assessment of an EHCP under section 44 of the Children and Families Act 2014

When carrying out a review, the local authority and CCG must consider whether:

- It should continue to secure the agreed provision by means of direct payments;
- The direct payments have been used effectively;
- The amount of direct payments continues to be sufficient to secure the agreed provision;
- It is still satisfied as to the matters set out in regulation 6; and
- The recipient has complied with the conditions set out in regulation 8(3).

A recipient may make a request for the local authority to review the making and use of direct payments and the local authority must:

- then consider whether to carry out a review; and
- If it decides to carry out a review, must consider the matters set out above

Following a review the local authority may:

- Substitute the person receiving direct payments with a nominee, the child's parent or the young adult, as appropriate, where regulation 8 has been complied with in respect of that person;
- Increase, maintain or reduce the amount of direct payments;
- Require the recipient to comply with either or both of the following conditions:
 - The person must not secure a service from a particular person,
 - The person must provide such information as the local authority considers necessary;
- Stop making direct payments

School is defined in section 4 of the Education Act 1996 c.56 which is applied by section 83(7) of the 2014 Act

Audit

The Isle of Wight Council and Isle of Wight CCG are required to check how the money has been spent from personal budgets.

If a young adult or family chooses social care to organise support, social care will do the majority of the audit, the family will however have to keep receipts for things they buy with money from the personal budget.

If the budget is taken as a direct payment, the young adult or family will have to keep invoices and receipts for everything that is spent from the personal budget. It is important to keep bank statements so that incomings and outgoings can be easily checked.

Transition: when a child becomes a young adult (18years)

The process for transition will begin at age 14 with a review of the education/social care plans for the young adult. If a young adult requires continuing health care this will need to be agreed by the age of 17 so that provision requirements can be commissioned appropriately.

Where a child in respect of whom direct payments are being made becomes a young adult, the local authority must take reasonable steps to ascertain whether the young adult consents to receive direct payments.

- Where the young adult has notified the local authority in writing that he or she wishes to receive direct payments, the local authority must make direct payments where the making of such payments are in accordance with regulations 5 and 6.
- Where the young adult consents in writing that the local authority continues to make direct payments to the young adults parent or the nominee, the local authority must do so.
- Where the young adult notifies the local authority in writing that they do not consent to the making of direct payment, the authority must stop direct payments as soon as reasonably practicable.

For further information about Personal Budgets within Transitions please see the Adult Personal Budget Policy April 2013.

Appeals Process

If the child/young adult or parent/carers are unhappy with the amount of funding offered within the personal budget by any agency, they will be given the opportunity to discuss this with the lead service and the decision maker. Together they will look at the assessment and identified needs again to try and decide if eligibility is met and what the right level of funding needs to be. The assessment may be taken back to the relevant panel for further review. If at the end of this process the child/young adult or their parent/carer are still unhappy with the decision, they will be supported to use the agencies formal appeals process and when required advice services.

Education - If the LA decides not to make direct payments it must inform the child's parent or young person in writing and give reasons for this decision. You have the right to request a review of this decision and the LA must when reviewing their decision take into account any comments and points that you make. The LA will write to inform you of the outcome of the review which will include reasons. If the LA are not able to provide a Personal budget for any element of provision they will write and explain the reason for this but there is no right to request a review of this decision.

Health - If you wish to appeal against a decision made by the Joint Continuing Healthcare Eligibility Panel, please write to the Deputy Chief Officer at: The Isle of Wight Clinical Commissioning Group, Building A, The Apex, St Cross Business Park, Monks Brook, Newport, Isle of Wight PO30 5XW, stating why you disagree with the outcome of the Eligibility Panel, and offering any further evidence, within 10 working days of the date of the decision letter. Further information regarding the appeals process can be requested from the IW CCG at the address stated above.

Childrens Social Care – The Isle of Wight social care disabled children's service holds a disability resource panel on a monthly basis. The role of this panel is to consider the need of each disabled child and then decide on what package of support is required to meet the need as assessed by the social worker in a fair and equitable way, so there is consistency in the service being delivered based on need. The panel comprises of the responsible Operational Service Manager, team manager- Disabled Children's Team, managers from Beaulieu House residential and short break service, the manager from the Disabled Children's Intervention Team and the Manager for Direct Payments/Personal Budgets and Short Breaks Social Workers will attend this panel and present their assessment of need to the panel members for consideration. The panel is chaired by the Operational Service Manager, with all panel members having the opportunity to ask questions. The panel will then make its decision which is recorded on the client's social care file and the social worker is informed so that they can have this discussion with the client and the family/carers. The decisions from this meeting are minuted during the meeting.

If the family/carers do not agree with the decision made by the panel they are able to appeal by writing to the chair of the panel at County Hall Newport

outlining the areas of the decision they are not in agreement with. The panel chair will then review that decision within two weeks and formally write to the parent/carer with the reviewed decision. If following this process the parent/carer is still not in agreement with the panel chairs decision then they are able to follow the formal Isle of Wight's complaints process by contacting the complaints officer at county Hall Newport either by phone on 01983 821000 ext 6259 or by email at childrens.services.complaints@iow.gov.uk or by letter at Data Collection and Complaints Officer, Isle of Wight Council, Children's Services, Floor 4, County Hall, Newport, IW, PO30 1UD.

Adult Social Care - You can find more details in the leaflet 'How to complain to the Local Government Ombudsman' which is available from any Council office, Help Point or library or you can contact: LGO Advice team, PO Box 4771, Coventry CV4 0EH. Phone: 0300 061 0614. Email: advice@lgo.org.uk

Please See the local offer for more information regarding appeals process and advice services for education, health and social care www.iwight.com/localoffer.

NB: The financial envelope for Personal budgets is not an additional resource, but is a new way of allocating Isle of Wight Council and Isle of Wight CCG funding fairly. The Council's legal duties have not changed. The key responsibility is to meet eligible children's assessed needs and provide the support they need in an equitable way.

Policy Review Date

This policy will be reviewed one year after implementation.