



## Personal Budgets Policy for Children and Young People with SEND (0-25)

### Policy statement

This policy sets out the London Borough of Bromley's approach to Personal Budgets for children and young people with special educational needs and/or disabilities (SEND), in line with the Children and Families Act 2014 and the SEND Code of Practice (0–25 years).

Personal Budgets are intended to give children, young people and their families greater choice, flexibility and control over how agreed support is delivered, while ensuring that public funds are used appropriately, lawfully and efficiently.

### Scope of the policy

This policy applies to:

- *Children and young people aged 0-25 who:*
  - Have an Education, Health and Care plan (EHC plan, often referred to as an EHCP), or,
  - Are in the process of an EHC needs assessment where it has been confirmed that an EHCP will be prepared.
- *Parents/Carers and young people requesting a Personal Budget for:*
  - Education,
  - Health,
  - Social care,
  - Or a combination of these, where eligible.

This policy does not create an automatic entitlement to a Personal Budget, nor does it guarantee the availability of funding in every case.

### Legal and statutory framework

This policy is informed by and complies with:

- Children and Families Act 2014,
- SEND Code of Practice: 0–25 years,
- Care Act 2014 (where social care Personal Budgets apply),
- Relevant health legislation relating to NHS personal health budgets.

## What is a Personal Budget

A Personal Budget is an amount of money identified by the local authority and/or health service to support delivery of some or all of the outcomes set out in a child or young person's EHCP.

A Personal Budget:

- Is based on assessed needs,
- Can include funding from education, health and/or social care,
- Is not additional funding,
- Does not represent the totality of resources available to support a child or young person.

## Principles underpinning Personal Budgets

Bromley's approach to Personal Budgets is guided by the following principles:

- Children, young people and families are at the centre of planning,
- Personal Budgets must support agreed outcomes,
- Safeguarding and value for money are paramount,
- Decisions must be fair, transparent and consistent,
- Commissioning arrangements and statutory responsibilities must be respected.

## Eligibility and availability

Education:

A Personal Budget for educational provision is only available where:

- The child or young person has an EHCP,
- The funding relates to specialist or individual provision beyond what schools or colleges are expected to provide from their delegated resources,
- The provision can be separated from block contracts or group arrangements.

Health and social care:

Personal Budgets for health or social care may, in some circumstances, be available without an EHCP, subject to eligibility criteria and statutory duties for those services.

## Requesting a Personal Budget

A request for a Personal Budget may be made by:

- A parent or carer,
- A young person aged 16 or over, who has capacity to make decisions.

Requests are usually made:

- When it has been confirmed that an EHCP will be prepared
- During drafting of an EHCP,
- As part of an Annual Review.

Requests are made through the child or young person's lead professional or key worker.

### **Decision-making and governance**

Decisions about Personal Budgets are made by the local authority and, where relevant, health partners, in line with:

- Assessed needs,
- Agreed outcomes,
- Available resources,
- Commissioning and contractual arrangements,
- Statutory duties.

Some funding may not be available as a Personal Budget due to block contracts or other arrangements that do not allow funding to be disaggregated.

Where a request is declined:

- The reasons will be clearly recorded,
- The decision will be communicated to the parent or young person.

There is no statutory right of appeal to the SEND Tribunal in relation to Personal Budget decisions; however, parents and young people may request a review of the decision.

### **Managing a Personal Budget**

There are three ways a Personal Budget can be managed:

- Direct Payment – funding is paid to the parent/carer or young person,
- Third-party arrangement – funding is paid to an organisation or individual who manages it,
- Managed arrangement – the Local Authority, school, college or Health Service manages the funding

A combination of these options may be used.

### **Direct Payments**

Where a direct payment is agreed:

- A separate bank account is required
- Records, receipts and invoices must be kept
- Monitoring arrangements will be put in place
- Support will be available to help parents/carers or young people understand their responsibilities, including employer responsibilities where applicable.

### **Use of Personal Budgets**

Personal Budgets must:

- Be used only to meet agreed outcomes,
- Support only provision set out in the EHCP (where applicable),
- Comply with national and local restrictions.

Education funding cannot be used to pay for:

- A school or college placement itself,
- Universal Services already commissioned,
- Services that do not benefit the named child or young person,
- Provision, equipment, or resources more than that which is in the EHCP, or more than that which would be ordinarily available in a school or setting, unless specified within the EHCP.

Health Personal Budgets cannot be used to purchase primary medical services such as GP services or surgical procedures.

### **Monitoring and review**

Personal Budgets are:

- Reviewed as part of the Annual Review of the EHCP, where applicable,
- Subject to ongoing monitoring including return of receipts and confirmation of invoices paid, to ensure that public funds are used appropriately, and before any future monies are released.

Where needs change significantly, a reassessment may be arranged.

### **Choice and consent**

Personal Budgets are optional.

Children, young people and families are not required to take up a Personal Budget in order to receive support.

### **Appendix 1: Personal Budgets – Information for Families and Young People**

View Personal Budget information for families and young people on the SEND Local Offer website.

**Review date: January 2027**