

**POLICY STATEMENT FOR PERSONAL BUDGETS IN EDUCATION  
BIRTH – 25 FOR CHILDREN AND YOUNG PEOPLE WITH  
EDUCATION, HEALTH AND CARE PLANS**

**This policy is only applicable to children and young people who either have or are in the course of obtaining an Education, Health and Care Plan as defined within the Children & Families Act 2014.**

**Definition : this document refers throughout to Education Provider/Education Provision. This means specialist and mainstream Early Years Setting, specialist and mainstream School and specialist and mainstream College**

**1. Introduction**

- 1.1 The Children and Families Act 2014 states that all children and young people from birth to 25 who are in receipt of an Education, Health and Care plan (EHC) will be able to request a Personal Budget from September 2014.
- 1.2 The request for a Personal Budget may apply to any one or all of those statutory services, if the child or young person is eligible for that particular service, i.e. education, health or care.
- 1.3 Personal Budgets are not additional resources, they are intended to ensure that resources are used in the best way to meet the needs of, and agreed outcomes for, children and young people and can offer flexibility, choice and control to families in a clear and transparent way.
- 1.4 In LBB Education much of the resource (funding) is currently bound up in block contracts and/or in delivery of services on a group basis and the identification of a resource which can be attributed to an individual child or young person may not be possible where block contracting or group based delivery arrangements prevail.
- 1.5 A 'block contract' arrangement exists when LBB and/or Bromley CCG have 'block' commissioned (purchased) services from a provider for the benefit of a number of service users but without specifically naming those service users. Within the actual contract the provider states the delivery method for the particular service which is most often applied on a group basis.
- 1.6 Within the Children and Families Act legislation as it relates to Personal Budgets, the local authority is required to ensure best use of resources. The disaggregation of block contracts and/or group based service delivery may be contrary to that requirement (SEN (Personal Budgets) Regulations 2014 Clause 6.1 (c) & (d) ).
- 1.7 This policy therefore identifies those elements of education funding which may currently be offered by way of a Personal Education Budget for an individual child.

- 1.8 Any offer of a Personal Budget in Education is the responsibility of the relevant education funding authority so a non -Bromley resident in a Bromley school cannot be offered a Personal Budget in Education from LB Bromley.
- 1.9 This policy is informed by SEN Code of Practice (May 2014) and the Children and Families Act 2014, which comes into force in September 2014.

## 2. What is a Personal Education Budget ?

- 2.1 A Personal Education Budget is an amount of money identified by the local authority which can be used to deliver parts of the education provision as set out in the EHC plan.
- 2.2 Where an amount that might be attributed to a specific child or young person can be identified, parents or the young person themselves, may elect to direct how that amount is spent in order to achieve prior agreed outcomes, including requesting some or all of that amount by way of a Direct Payment to source provision themselves.
- 2.3 A Personal Education Budget will be available where support provided by the Education Provider as set out in the Education Provider's Local Offer cannot meet the student's identified support needs and where the Education Provider would therefore typically have to source that support separately for the individual.
- 2.4 A Personal Education budget **may only** be available for services which the Education Provider would commission for the sole use of, or for the sole support of, an individual (pupil/student)
- 2.5 A Personal Education budget **will not** be available for services which are commissioned for more than one individual (pupil/student). (See 2.7 below)
- 2.6 A Personal Education budget may not be used for the purpose of funding a place within an Education Provision (SEN (Personal Budgets) Regulations 2014 Clause 6.2).
- 2.7 In exceptional circumstances, and in the event of the same Education Provider sourcing the same individual support for more than one pupil/student, it may be possible for the individual Personal Education Budgets to be 'pooled'
- 2.8 An appendix to the EHC Plan will set out how the Personal Education Budget is going to be used to deliver support and to meet outcomes. Any decision by a parent or young person on the use of the expenditure, or the direct purchase by a parent of a provision, must seek to meet those outcomes.
- 2.9 Where a decision is made to offer a Personal Education Budget, the local authority must advise the recipient of the specific purpose for which the budget has been agreed, must provide details of organisations that provide

advice and guidance and must advise any conditions upon which the funding is made. (SEN (Personal Budgets) Regulations 2014 Clause 3).

- 2.10 The decision on whether to agree to a Personal Budget will always ultimately rest with the Education Provider as they must ensure that there will be no detrimental impact on other pupils/students. (SEN (Personal Budgets) Regulations 2014 Clause 9). (See 9.1 below )

### **3. Amount of Personal Education Budget**

- 3.1 The funding for a Personal Education Budget is drawn from Dedicated Schools Grant (DSG). This can be used for education purposes only
- 3.2 Personal Education Budgets will only be considered to commence on a termly basis.
- 3.3. The funding will most usually come from the local authority's 'high needs' block, which is funding that has not been passed (delegated) to schools and which is retained by the local authority to meet individual needs.
- 3.4 The local authority must ensure that the amount of funding is sufficient to secure the agreed provision ((SEN (Personal Budgets) Regulations 2014 Clause 10).

#### **3.4.1 Early Years Setting funding**

Funding for Early Years settings is ordinarily drawn from (i) the 'Free Educational Entitlement' funding, with supplementary support, e.g. SIPS, provided from LBB budget (DSG) or (ii) LBB budget (DSG) for specialist provision that is delivered by the local authority (Phoenix Pre School Assessment classes and Griffins Hearing Impaired Unit )

- 3.4.2 In the event of a parent requesting a Personal Education Budget, an 'indicative' budget would be based on the value of the Free Entitlement Funding plus the value of the supplementary support. The 'indicative' budget is not necessarily the final budget – it is intended to give a fair indication of what a likely budget might be. Once the support plan is agreed the amount of the Personal Education Budget is finalised. This funding would be drawn from the 'high needs' block.

- 3.4.3 The local authority is required to ensure best use of resources and the request for an Early Years Personal Education Budget must be carefully considered alongside the provision available within the Local Offer

#### **3.4.4 School funding – mainstream school**

The first £6,000 of any support cost is automatically delegated into schools within their budget.

#### **3.4.5 School funding – specialist provision**

The nominal cost of an individual school placement is included with the schools local offer.

3.4.6 Where the needs of an individual child are sufficiently complex to warrant funding for support which is over and above that identified with the school's local offer, the school may apply to the local authority (and evidence the request) for additional support funding. This amount will be paid from the 'high needs block ' and may be used for the purpose of a Personal Budget (see 2.8 above). This 'indicative' budget is not necessarily the final budget – it is intended to give a fair indication of what a likely budget might be. Once the support plan is agreed the amount of the Personal Education Budget is finalised.

#### 3.4.7 College funding

In a college placement, additional funding to support young people to access and progress in their education is calculated on an individual, needs led basis and is based on both assessment information carried from school to college and also the college's own assessment of need.

3.4.8 The college identifies an 'indicative' budget which enables consideration of a Personal Education Budget. The 'indicative' budget is not necessarily the final budget – it is intended to give a fair indication of what a likely budget might be. Once the support plan is agreed the amount of the Personal Education Budget is finalised.

3.5 Personal Education Budgets will be calculated on the basis of education funding being made available for 195 days per annum.

#### **4. Time scale for deciding whether a Personal Education Budget will be available**

4.1 There is a 20 week statutory time scale which must be adhered to by the local authority from the start of the EHC planning process through to the finalisation of the plan detail, which includes the naming of an Education Provider. Decisions about whether or not a Personal Education Budget will be available cannot be taken until the Education Provider has been identified as the nature of the specific support required may already be part of the Education Provider's usual provision as set out in their Local Offer . In the event that a Personal Education Budget is agreed, the outcome based plan for the use of the budget will be appended to the EHC plan.

4.2 When a Personal Education Budget has been awarded from another LA and the child/young person moves into Bromley, Bromley LA is entitled to re-assess this decision in a Bromley context . The re-assessment would take place at the next review. Any existing arrangement would be honoured by Bromley until such time as this re-assessment is completed.

4.3 Personal Education Budgets are an option for families with EHC plans. If a family decides they do not want a Personal Education Budget, the child or

young person will still be entitled to the support to meet their assessed needs. This support will be arranged either by the Education Provider or by the local authority.

## **5. Personalisation**

- 5.1 Every family, child and young person is entitled to have transparent information and be part of the discussions as to how funding resources that are allocated to Education Providers on their behalf are best used. In this way, families may still influence these decisions without undertaking the additional processes involved with obtaining a Personal Education Budget.
- 5.2 If eligible and after exploring the options open to them, the family decide not to request a Personal Education Budget, the identified funding will be used either by the local authority or by Education Provider to provide the additional support required.

## **6. Management of a Personal Education Budget**

- 6.1 A family or young person can decide how they want this to be managed:-
- 6.2 As a direct payment - The family or young person will know how much money is available and, when the way to spend the money to achieve identified outcomes is agreed, the funding will be paid directly to the family or young person who will manage it themselves to ensure the delivery of support as set out in the EHC plan.
- 6.3 As an 'organised budget' - The local authority manages the budget on behalf of the family or young person. No money changes hands but the family or young person know how much money is available and, when the way to spend the money to achieve identified outcomes is agreed, the local authority or the Education Provider makes arrangements for the specific provision.
- 6.4 As a 'third party' arrangement - Funds are paid to another organisation on behalf of the family or young person and they know how much money is available and, when the way to spend the money to achieve identified outcomes is agreed, the third party purchases the service and manages the funds
- 6.5 As a combination of the above options

## **7. Decision not to make a Personal Budget**

- 7.1 If and when the local authority decides not to offer a Personal Budget, it must inform the parent/carer or young person of the reason for this decision and of their right to request a review of the decision ((SEN (Personal Budgets) Regulations 2014 Clause 7).

## **8. Monitoring and Review of Payments**

- 8.1 The local authority must monitor the use of the funding by the recipient, with a review being carried out within the first three months of payments being made. (SEN (Personal Budgets) Regulations 2014 Clause 11).
- 8.2 The local authority reserves the right to withdraw a Personal Education Budget if and when the local authority or school deem that the funding is not being used appropriately. (See 9.1)
- 8.3 If a pupil/student with a Personal Education Budget is subject to a permanent exclusion from their Education Provision, the funding of the budget will cease within one month from the date of the exclusion.

## **9. Resolving Disputes**

- 9.1 A tiered approach to disagreement resolution will be made available to parents and young people, including a Disagreement Resolution Service which will be independent of the local authority

## **10. Important clarifications**

- 10.1 This policy is only applicable to children and young people who either have or are in the course of obtaining an Education, Health and Care Plan as defined within the Children & Families Act 2014.
- 10.2 Personal budgets are allocated individually to children and young people where their needs cannot be met by the support normally provided by the Education Provider (including any specialist support that the Education Provider delivers)
- 10.3 Funding that is already used for the purpose of a 'block contract' is unlikely to be eligible to be used for a Personal Education Budget at this may have a detrimental impact on provision for other pupils/students
- 10.4 If a Personal Education Budget is taken as a direct payment and the funds are to be used to support a pupil or student whilst attending an Education Provision, the Education Provider must agree with the support plan when and if the funding is to be used for equipment or a service that will be used or delivered on their premises.
- 10.5 How a Personal Education Budget will be used to meet support needs and outcomes and how it will be managed will be part of drawing up an EHC plan.
- 10.6 A keyworker may be involved in discussions with the family but does not have a decision making role
- 10.7 The decision to whether to agree to a Personal Education Budget will always ultimately rest with the Education Provider as they must ensure that there will be no detrimental impact on other pupils/students.

- 10.8 Personal Education Budgets must ensure efficient use of resources and must intend to deliver the outcomes as identified within the EHC plan, being measurable and time limited.
- 10.9 A Personal Education Budget will not affect any welfare benefits that a child or young person is entitled to as it is not classed as income.
- 10.10 All services and provision for children and young people should be developed and delivered in a person centred way and in partnership with families
- 10.11 Not every child or young person with an EHC plan will have a Personal Education Budget. Local commissioning arrangements may mean that the scope of a Personal Education Budget will differ depending on the early years setting, school or college placement. It may be that an early years setting, school or college already provides the specialist provision required as part of its Local Offer and in such a case a Personal Budget would not normally be available.

## **11. Supplemental Information**

- 11.1 Some children and young people may also have a Personal Budget that includes funding from social care and/or health services. In these cases it may be possible to bring the funding together to use as a single budget focused on holistic and child/family centred support to meet needs and outcomes as defined in the EHC plan.