What Is Personalisation?

Personalisation is about putting the individual child or young person at the centre and all those involved with them working together to support and enable them to achieve their potential in all areas of life. As equal partners, they and their family are actively involved.

The idea of putting the child at the centre of planning their care and support is not new. What personalisation adds is the active participation of the child and their family in managing their own lives.

It also encourages the family to look at and appreciate the ‘wealth’ they already have so that resources can be focussed on what is really needed to improve things.

A national organisation called InControl explains what this ‘wealth’ could include:

The concept of ‘real wealth’

1. **People:** The people they know e.g. close friends, extended family, work colleagues, social friends and neighbours.

2. **Access:** The place they live, local resources, shops, health services, schools, leisure facilities and community activities they are part of.

3. **Assets:** The money they have control over, their income, benefits, savings, and if they have one, a personal budget.

4. **Skills and knowledge:** Their strengths, abilities, knowledge and decision making skills.

5. **Resilience:** Their well-being, the inner strength that keeps them going when times get tough, their physical, emotional and mental health, and for some, their faith, belief system or religion.
What is a Personal Budget?

A Personal Budget has been described as the ‘vehicle’ to enable people to achieve their individual outcomes through a personalised approach. However, this is only one part of the wider support available to families.

For children and young people with Special Educational Needs and Disability (SEND) a Personal Budget is an amount of money identified by the local authority to deliver all or some of the provision set out in an Education, Health and Care Plan (EHCP).

Personal Budgets do not come from a new pot of money so if you already receive a service you won’t get both the support you get now and a Personal Budget.

It is not the total sum of all the resources that are available to support a child or young person and the EHCP (Section J) does not need to list all the costs associated with supporting a child or young person.

The EHCP does need to explain how a Personal Budget (when requested and agreed) will be used to deliver agreed support, the needs and outcomes it will meet and how the money will be used, spent and managed including arrangements in relation to any Direct Payments.

Personal Budgets will not be available for all areas of service provision as the local authority also has to consider the wider impact on families due to economies of scale. Or if having to release funding for Personal Budgets means some services no longer being provided.

Personal Budgets will form part of the assessment process and be based on the support a child or young person needs to meet their outcomes. By having a say in the way this budget is used a young person or a parent/carer of a child can control elements of their support.

There are three different types of Personal Budget:

1. **A personal social care budget:** this refers to the budget that will be made available if a child or young person is assessed as needing additional and individual support at home and when out and about in the community.

   Children and young people who are assessed as requiring support from Derby City Council’s Integrated Disabled Children Service are already able to request their personal social care budget as a Direct Payment – that is the money can be used directly by the family to purchase their own support.

2. **A personal health budget:** this refers to the budget that will be made available should a child or young person have a complex, long-term and/or life limiting condition. It may also be available to help with equipment or other health services.
From April 2014 – there is the ‘right to ask’ for a personal health budget for adults eligible for continuing healthcare and **parents of children receiving continuing care**.

From October 2014 – there will be the ‘right to have’ personal health budgets for those eligible for continuing healthcare, not in nursing or residential care homes.

From April 2015 – anyone with a long term physical or mental health condition will have the ‘right to ask’ for a personal health budget where they can benefit.

3. **A personal SEN budget**: this refers to a sum of money made available by the local authority when it is clear that without this additional (top up) funding it would not be possible to meet the child’s or young person’s learning support needs.

   It cannot be used to fund a school place or a post-16 institution.

   The school or college involved will already have funding for learning support for its students and only children and young people with more complex learning support needs are likely to need a personal SEN budget.

   In some circumstances the head teacher and school may choose to offer some funding towards a personal SEN budget - this will **always** be the decision of the head teacher.

   There is no expectation that the school will release funding from its own budget but personalisation gives the opportunity for the school to **choose** to do this if it is clear it is the best way to improve outcomes for the child or young person.

   In all cases the option of a Personal Budget is based on the support a child or young person needs to meet their individual outcomes.

**What kind of services/support can Personal Budgets be used for?**

A **personal social care budget** could be used for short breaks, activities in the home, personal care for example.

A **personal health budget** could be used for equipment or training for family members to be able to give medication/health support for example.

A **personal SEN budget** could be used for specialist input that the school can’t provide or a work based learning opportunity for example.
Who can ask for a Personal Budget?

Young people and parents of children have the right to ask the local authority to prepare a Personal Budget once the authority has completed an EHC assessment and confirmed that it will prepare an EHCP.

A Personal Budget may also be requested at an EHCP Statutory Review.

Situations where a Personal Budget cannot be offered

- Personal Budgets are not available to children or young people in Custody
- Where the impact on other children and young people would be detrimental
- Where sums of money are too small against the associated administrative costs and so not effective use of public funds.

When can I ask for a Personal Budget?

You can ask for a Personal Budget:

- when you have been through the new assessment process and it has been agreed to produce an EHCP
- at the Statutory Review of an existing EHCP

Ways to manage a Personal Budget

There are four ways in which a Personal Budget can be managed:

1. The family can choose to take the Personal Budget as a Direct Payment and manage it themselves. (There is information available on the organisations which can support families with Direct Payments. Note that these organisations have not been through any Derby City Council process to quality assure).

2. The family can ask a third party service or organisation to manage it on their behalf - this is often called an individual service fund (ISF).

4. The family can ask the local authority to manage it on their behalf.
The family can choose to have a mix of the three options - part Direct Payment, part ISF, and part managed by the local authority.

In some circumstances, usually identified through the assessment process, the choice of taking a Personal Budget as a Direct Payment may be withheld. As set out in Direct Payments legislation the reason is likely to be safeguarding concerns and/or issues around consent (in particular around 16 and 17 year olds).

**What is Derby’s Initial Personal Budget Offer?**

In Derby City Council, we have looked at the following:

- Budgets allocated to social care
- Existing Direct Payment Social Care budgets (Specialist Support)
- Short break Vouchers (targeted support)
- The School formula – for financing Special Educational Needs
- Funding for Education High Needs called Element 3
- From home to school transport

and can work out what a Personal Budget looks like based on these areas. At the moment Derby City Council will use current systems to calculate a notional Personal Budget.

In the future we may decide to develop what is called a Resource Allocation System which will involve asking you some different questions – this approach is used in our Adult Services. Responses to these questions will result in a score linked to financial bands for a Personal Budget.

Note that, at this time, personal Health budgets are not yet part of the Derby City Offer although work progressing to make these available. Personal SEN budgets are also not yet available generally in Derby City as we need to have more discussions with schools and other educational settings.

**Personal Budgets as a Direct Payment**

We have then looked at the provision which we can currently offer as a ‘cashable’ Personal Budget, or Direct Payment, that you can use to purchase your own support. These are:

- Social Care Direct Payments
- Short Break Vouchers
- From home to school transport

The above three areas are included in the initial Direct Payment offer from Derby City.
You will need to open a separate bank account for your Direct Payment(s) and provide information on a regular basis so that the Council can check that it is being spent as agreed in the EHCP/Care Plan.

You will also need to sign an Agreement which details what is expected of you in taking a Direct Payment – the template is attached at Appendix 1.

**How do I get a Personal Budget?**

The Personal Budget process is part of the SEND integrated assessment process and the decision to produce an EHCP.

When the decision has been made to produce an EHCP and it is clear, through discussion with professionals and the family, that a Personal Budget would be appropriate in helping to provide the support needed to achieve outcomes identified in the EHCP then further discussion with you will take place.

If you are still sure that you want a Personal Budget you will be asked to choose your Personal Budget options and, if appropriate, your Direct Payment options.
Appendix 1

Agreement between
Derby City Council (“we” / “us”) and [insert name of parent] (“you”) for the provision of
A Personal Budget as a Direct Payment

For [insert name of child/young person]

This Agreement is legally binding on both Derby City Council and [insert name of parent] and states what you must do in agreeing to receive a Direct Payment and what we will do when agreeing to make the payments to you.

You have informed us that you wish to receive a Direct Payment as part of the Personal Budget agreed in your child’s/young person’s Education, Health & Care Plan (EHCP), and we have agreed to give you a Direct Payment subject to the conditions contained within this Agreement. You have agreed that you can manage a Direct Payment without our assistance.

We will -

• Calculate the Direct Payment that [insert name of child] is entitled to based on <insert.
• Pay the Direct Payment directly into your nominated bank account.
• Review the availability and suitability of your Direct Payment, as well as the amount offered and the calculation made according to your individual circumstances but at least once a year.
• Reduce your Direct Payment if you have accrued a surplus or if we have made an overpayment to you.
• Reduce your Direct Payment if we consider that it is reasonable to offset unused Direct Payments against the outstanding amount to be paid.
• Reserve the right to receive and request evidence that the money paid to you has been used for the specified purpose only, that purpose being <insert>. 
You as the parent receiving the Direct Payment will –

- At all times act in the best interests of the child you are receiving the Direct Payments for.
- Nominate a specified bank account for the Direct Payment to be paid in to on a <insert> basis, and be responsible for ensuring that the payments are received into this account.
- Ensure that the bank account approved by the local authority is only accessible by the person receiving the Direct Payment or any other person approved in writing by the local authority.
- Be responsible for making all the necessary arrangements to ensure that your child receives the support agreed in their EHCP using the Direct Payment.
- Be responsible for ensuring your child’s safety and security whilst receiving support funded through the Direct Payment, including ensuring that they are appropriately accompanied as necessary.
- Be responsible for the terms and conditions of any agreement made with any other parties for the purpose of arranging the support agreed in your child’s/young person’s EHCP.
- Take all reasonable precautions to make sure that all arrangements you make for your child funded by the Direct Payment will be in accordance with all relevant laws designed to ensure that they are safe.
- Ensure that any third parties involved in the provision of the support agreed in your child’s/young person’s EHCP are appropriate individuals to undertake such activities within the meaning of the Safeguarding Vulnerable Groups Act 2006, including ensuring that Disclosure Barring Service checks have been undertaken where necessary.
- Make sure that your child receives the support as agreed in their EHCP.
- Give written notice to us if your child’s needs change on a permanent basis, allowing 20 working days’ notice for an interim review to be arranged by us.
- Give written notice to us if your child moves address.
• Give written notice to us if your child is unable to receive the support agreed in their EHCP on a long term basis so that the Direct Payment can be adjusted.

• Make your own alternative arrangements utilising your Direct Payment to overcome any short term issues (such as occasional illness) which affect the provision of the support agreed in your child’s/young person’s EHCP.

• Give written notice to us, allowing 20 working days’ notice, if you no longer wish to receive the Direct Payment and wish to review this as part of the Personal Budget offer for your child.

• Repay some or all of the Direct Payment money if:
  o for whatever reason, you are temporarily unable to arrange the support agreed in your child’s/young person’s EHCP;
  o you have been using the Direct Payment for items or services other than those agreed in your child’s/young person’s EHCP;
  o your child’s level of school attendance falls to an unacceptable level (where this is applicable to your Direct Payment);
  o the Direct Payment has been inappropriately used (either intentionally or unintentionally), or you have shown yourself to be incapable or unwilling to manage your Direct Payment correctly;
  o you fail to comply with the review or monitoring process;
  o we suspect that criminal activity has taken place; or
  o we decide that another form of assistance is to be offered.

• Repay any overpayment within 14 days of presentation of an invoice from us.

• Understand that if your child/young person is assessed as no longer being eligible the Direct Payment will end.

• Not use money received as a Direct Payment for any purpose other than what was agreed in your child’s/young person’s EHCP.

• Maintain clear and accurate records of all spending using the Direct Payment and in particular be able to show how it has been used to meet your child’s requirements. You will also be required to keep invoices, payslips and receipts for anything (over £20) that you have purchased with your Direct Payment, although you may find it
easier to keep receipts for all expenditure. You must allow us to look at these records if we ask you.

- Keep all relevant paperwork concerning how you have spent your Direct Payment for a period of at least seven years, including retaining all receipts for a period of 6 months, in a condition which can be checked by officers authorised by us to ensure that all money received have been utilised for the stated purpose
- Understand that you are responsible for any tax liability that arises as a result of receiving a Direct Payment.

You agree not to use the Direct Payment:

- for household expenses, such as food or personal items;
- for non-statutory liabilities, such as tips, bonuses or ex gratia payments;
- for anything that is illegal;
- to buy services from us;
- for an activity or item that exposes any individual to serious risk of harm; or
- for anything else that has not been agreed in your child’s/young person’s EHCP.

**Employing Staff**

- If you choose to employ anyone to provide the support agreed in your child’s/young person’s EHCP, you must have employer’s liability insurance before they start work. You must renew this insurance as required, or annually.
- You cannot employ anyone who lives in the same household as you or the child without first having permission from us. This can only be given where exceptional circumstances are shown, and we will give you that permission in writing.
- You must act as a responsible employer and make all your arrangements in line with employment legislation, and ensure that you have sufficient funding to cover your potential employer responsibilities.
- If employing anyone who will have frequent unsupervised contact (more than three times per month) with your child within the relevant definitions of ‘regulated activity’ given by the Safeguarding Vulnerable Groups Act 2006, you must ensure that the
person has undertaken an appropriate Disclosure Barring Service check, and be satisfied that the person does not pose any significant risk of harm to your child.

- We reserve the right to carry out checks to make sure any PAYE income tax and National Insurance contributions deducted from an employee’s pay is in turn paid over to HMRC and that employment payments do not breach the national minimum wage and conform to pension requirements if eligible.

- We would strongly recommend that you obtain independent advice concerning employment law.

**Monitoring by the Council**

- We must review the making and use of Direct Payments -
  (a) at least once within the first three months of Direct Payments being made; and
  (b) when conducting a review or a re-assessment of an EHC plan or Care Plan

- Periodically we will request permission to look at your bank statements and other records to establish how you are spending your Direct Payment, to ensure that you are using it to meet what was agreed in your child’s/young person’s EHCP within the terms set out in this Agreement.

- We may do this by writing to you to request that you send certain documents to us, or we may contact you to arrange to visit you in your home, or other mutually agreed venue, at a time that is convenient to both parties.

- We may substitute the person receiving Direct Payments with a nominee, the child’s parent or the young person, as appropriate, where regulation 8 has been complied with in respect of that person.

**Suspending and Terminating this agreement**

We will give notice in writing, setting out our reasons for any decision to suspend your Direct Payment, or stop it and terminate this Agreement, if:
• you notify the local authority in writing that you no longer consent to receiving Direct Payments
• ceases to be a person to whom a Direct Payments may be made
• for whatever reason, you are temporarily unable to arrange <insert support agreed>; or the agreed support can no longer be secured by means of Direct Payments
• local authority becomes aware that the making of Direct Payments is—
  (i) having an adverse impact on other services which the local authority provides or arranges for children and young people with an EHC plan which the authority maintains; or
  (ii) no longer compatible with the authority’s efficient use of its resources;
• you have been using the Direct Payment for items or services other than those agreed in your child’s/young person’s Education, Health & Care Plan;
• your Direct Payment has been inappropriately used (either intentionally or unintentionally), or you have shown yourself to be incapable or unwilling to manage your Direct Payment correctly;
• you fail to comply with the review or monitoring process;
• we suspect that criminal activity has taken place, or
• we decide that another form of assistance is to be offered.

We reserve the right to recover payments as necessary in line with the local authority’s debt recovery process.

Complaints

• We must reconsider our decision when requested to do so by you but we are not required to reconsider our decision more than once.
• You have the right to complain about the operation of this Agreement using our complaints procedure.
Please return all pages of the Agreement. A full copy will be forwarded to you.

We understand and agree to the terms of this Agreement:

Signed by the person in receipt of the DIRECT PAYMENT payment:

________________________________________
Signature

________________________________________
Print Name

________________________________________
Date

Signed on behalf of Derby City Council by:

________________________________________
Signature

________________________________________
Print Name

________________________________________
Date

How your information may be used

We work with partners to provide you with public services. To do this, we may need to share your information. We will do this in a way that protects your privacy.
We are under a duty to protect public funds. We may use any of the information you provide to us for the prevention and detection of fraud. We may also share this information with other public bodies that are responsible for auditing or administering public funds.

Please let us know when any of your contact details change. You have the right to know what information we hold about you and we try to make sure it is correct.

If you would like any further information or advice, please contact your allocated case worker at:

Integrated Disabled Children’s Service
The Light House
St Mark’s Road
Derby, DE21 6AL

Telephone: 01332 256955