

Report to:	EXECUTIVE CABINET
Date:	26 August 2020
Executive Member:	Councillor Fairfoull – Executive Member, Children’s Services Councillor Feeley – Executive Member (Lifelong Learning, Equalities, Culture and Heritage)
Reporting Officer:	Tim Bowman, Assistant Director, Education.
Subject:	PERSONAL BUDGETS
Report Summary:	This report consolidates current good practice in relation to Personal budgets into an accessible Personal Budget Policy for children (0-25) with Special Educational Needs and Disabilities (SEND). It is a requirement of the Children and Families Act 2014 for the Local Area to have a Personal Budget Policy and to publish this policy on their Local Offer website.
Recommendations:	(i) That the personal budget policy attached at Appendix 1 be approved. (ii) That the Education Transport Policy at Appendix 2 be approved to reflect the proposed Personal Budgets Policy
Corporate Plan:	The report closely aligns with and delivers the priorities contained within Starting Well and Living Well aspects of the Corporate Plan.
Policy Implications:	The Personal budgets Policy and related amendments to the Education Transport policy ensure compliance with Statutory Duties.
Financial Implications: (Authorised by the statutory Section 151 Officer & Chief Finance Officer)	There should be no direct financial impact to an Education Health Care Plan as a result of this policy; the funds would simply be paid to the family as opposed to the provider of the services where it is appropriate to do so. In terms of the School Transport personal budgets, the policy confirms that personal budgets would not exceed the cost of transport delivery by the council. Again this policy would not create additional cost pressure this would be a change of where the funds are paid to. The Education Service do not currently have a system, that would allow them to make direct payments if there was a wider take-up of personal budgets. A system would be needed to achieve this, which may present an additional financial pressure to the council which cannot be quantified at this stage. There are other areas of the council that make payments for personal budgets, a review of these systems should be carried out to see if these can be utilised to see if they could meet Education team’s needs.
Legal Implications: (Authorised by the Borough Solicitor)	These policies bring together the council’s practice in relation to personal budget and education transport policies to enhance the offer to children and young people with Special Educational Needs and Disabilities. These policies are drafted so as to comply with the relevant legislative requirements as set out in the Children and Families Act

2014.

As such it is important that these policies are regularly reviewed to ensure that they remain compliant with legislation and government guidance.

Risk Management:

There is a risk to compliance with our statutory duties if we do not have a Tameside Personal Budgets Policy.

Background Information:

The background papers relating to this report can be inspected by contacting Louise Rule, Programme Lead, Education



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1. INTRODUCTION

- 1.1 The Children and Families Act 2014 requires local authorities to offer families Personal Budgets where an Education Health and Care (EHC) plan is in place for children and young people with disabilities.
- 1.2 The SEND Code of Practice is the statutory guidance for organisations that work with and support children and young people who have special educational needs or disabilities. It clarifies in more detail the requirements under Part 3 of the Children and Families Act 2014 and the associated Special Educational Needs (Personal Budgets) Regulations 2014.
- 1.3 The Children and Families Act 2014 also requires Local Authorities to publish a Local Offer. The Local Offer gives children and young people with special educational needs or disabilities and their families information about what support services the local authority think will be available in the local area. Every local authority is responsible for writing a Local Offer and making sure it's available for everyone to see.
- 1.4 Local Authorities must provide information on Personal Budgets as part of the Local Offer. This should include a policy on Personal Budgets that sets out a description of the services across education, health and social care that currently lend themselves to the use of Personal Budgets, how that funding will be made available, and clear and simple statements of eligibility criteria and the decision-making processes.'
- 1.5 A Personal Budget is an amount of money identified by the local authority that can be used to deliver some of the provision set out in an Education, Health and Care (EHC) plan.
- 1.6 A Personal Budget is an indicative amount that is likely to be required to make the provision specified, or proposed to be specified in the EHC plan. The 'cashable' amount is that which can be used flexibly, as a direct payment, by the family or young person to support the additional needs of the child or young person.
- 1.7 Personal Budgets are designed to help families of eligible children and young people with Special Education Needs and Disabilities (SEND) to have more control over their lives. Through person centred planning approaches it is viewed that the child's and family's needs are central to identifying the outcomes that will most effectively support the family.
- 1.8 The overall purpose of the Personal budget/direct payment is to increase:
 - i. **Choice and control:** Increased choice and control is achieved by supporting families as far as they are able to manage their own budgets and income streams (e.g. Disability Living Allowance).
 - ii. **Flexibility:** The intention is that families can vary their support arrangements to suit their children's individual requirements.
 - iii. **Social inclusion:** Easier for individuals to identify support which enables them to use a wider range of activities in the community and better meet their eligible needs and support plan.
- 1.9 The SEND Code of Practice clarified how local authorities must consider each request for a personal budget on its individual merits and prepare a Personal Budget in each case unless the sum is part of a larger amount and disaggregation of the funds for the Personal Budget would have an adverse impact on services provided or arranged by the local authority for other EHC plan holders or where it would not be an efficient use of the local authority's resources

- 1.10 The local authority can determine which services currently lend themselves to the application of Personal Budgets at this time, but with the understanding that this should inform future commissioning decisions in order to give greater flexibility and choice for families.

2. PROPOSAL

- 2.1 The proposed Personal Budgets policy is attached at Appendix 1. This policy consolidates existing good practice in Tameside and draws Personal budgets and Education Personal Transport Budgets together under one policy.
- 2.2 In addition to Education, Health & Social Care Personal budgets, the proposed policy covers Education Personal Transport Budgets. Statutory, statutory duties placed under the Education Act 1996 and Education & Inspections Act 2006 require that local authorities must promote the use of sustainable travel and transport and make transport arrangements for all eligible children. Local authorities must publish general arrangements and policies in respect of home to school travel and transport for children of compulsory school age in their Local Offer.
- 2.3 In order to comply with the statutory duties outlined above and in order to consolidate good practice in relation to personal budgets, it is necessary to amend the Education Transport Policy to reflect this. The proposed changes to the Education Transport Policy are attached at Appendix 2

3. NEXT STEPS

- 3.1 It is proposed that further work with related groups in relation to engagement with children, families and practitioners will be carried out moving forward.

4. CONCLUSION

- 4.1 To adopt the recommended personal budgets policy and proposed amendments to the Education Transport Policy to ensure compliance with statutory duties placed under the Children & Families Act 2014, the Education Act 1996 and Education & Inspections Act 2006.

5. RECOMMENDATIONS

- 5.1 As set out at the front of the report.