

To: **Executive**
12/12/2023

APPROVAL OF THE PERSONAL BUDGETS POLICY 2023
Executive Director of People

1 Purpose of Report

- 1.1 The purpose of this report is to seek approval for the revised Personal Budgets Policy.
- 1.2 Providing a Personal Budget where requested is a duty the council must meet as set out in the SEND Code of Practice 2015.
- 1.2 The revisions to the policy include:-

Section 1 (Introduction)

- Updating link in Section 1 to BFC SEND Strategy.
- Amendment from Clinical Commissioning Group to Integrated Care Board.

Section 2 (What is a personal budget?)

- Clarification provided that should parents/carers wish to use some of their own resources to further support the outcomes identified in their child's care plan, this would be for support/services in addition to the funding identified to cover the provision in section F of the EHCP.

Section 4 (What can be included in a personal budget:

- Direction that personal budgets should be considered and reviewed at each annual review.
- Direction that transition to adulthood should be a component for consideration, at every annual review, and should include contributions from education, health, children's and adult social care.
- Updating links to BFC Education Travel Policy and associated advice.
- Clarification that a personal health budget can potentially be spent on a broader range of care and support than would be routinely commissioned by the NHS if it is agreed by the ICB as being appropriate to meet an individual's assessed needs
- Updating link to Frimley ICB's approach to personal health budgets.

Section 12 (Appeal process):

- Updating details provided regarding grounds for appeal and the appropriate commissioner to contact.

2 Recommendation(s)

- 2.1 Executive to approve the revised Personal Budgets Policy including the revisions outlined in section 1.2 above.
- 2.2 Revised Personal Budgets Policy to be published and implemented December 2023.

3 Reasons for Recommendation(s)

- 3.1 In accordance with the SEND Code of Practice January 2015:

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.

- 3.2 Personal Budgets are optional for the child's parent or the young person but local authorities are under a duty to prepare a budget when requested. Local authorities must provide information about organisations that may be able to provide advice and assistance to help parents and young people to make informed decisions about Personal Budgets.
- 3.3 The child's parent or the young person has a right to request a Personal Budget, when the local authority has completed an EHC needs assessment and confirmed that it will prepare an EHC Plan. They may also request a Personal Budget during a statutory review of an existing EHC Plan.
- 3.4 Personal Budgets should reflect the holistic nature of an EHC Plan and can include funding for special educational, health and social care provision. They should be designed to secure the provision and outcomes specified in the EHC Plan.

4 Alternative Options Considered

- 4.1 As this is a legal requirement alternative options have not been considered.

5 Supporting Information

- 5.1 A personal budget is an amount of money or resources dedicated to a child, young person or their family/carer in order to deliver the identified outcomes for a child or young person set out in their support plan(s). Personal budgets work best when they are co-produced with children, their families/carers and all partners. The application of this policy is part of the work that supports the vision set out in Bracknell Forest Council's SEND Strategy that children and young people with special educational needs and disabilities (SEND) achieve their full potential at all ages and stages of their childhood and into adulthood.

6 Consultation and Other Considerations

Legal Advice

- 6.1 Pursuant to Section 49 of The Children and Families Act 2014, young people and parents of children who have an EHC Plan or where the local authority is securing the preparation of an ECH Plan, have the right to request a Personal Budget.

Schedule 2, paragraph 19 of the Special Educational Needs and Disability Regulations 2014 sets out the requirement to include how to request an EHC needs assessment and the availability of Personal Budgets in the council's local offer.

The Special Educational Needs (Personal Budgets) Regulations 2014 and the National Health Service (Direct Payments) Regulations 2013 (as amended) set out the legal framework for direct payments within a Personal Budget.

Schedule 1 of the Care and Support (Direct Payments) Regulations 2014 set out a list of people who may not receive direct payments.

The revised policy addresses the relevant legal issues.

Financial Advice

- 6.2 The Executive Director: Resources is satisfied that it is unlikely that any significant financial implications will arise from this report due to the relative low number of Personal Budgets currently requested and the value for money approach adopted in funding allocations that will be no higher than the cost of direct council provision.

Other Consultation Responses

- 6.3 The Personal Budgets Policy has been revised incorporating feedback from:
- Bracknell Parent Carer Forum
 - Assistant Borough Solicitor
 - Head Of Learning Disabilities and Autistic Spectrum Disorder, Adult Social Care
 - Head of SEND and Specialist Support Services, Education & Learning
 - Operational Service Hub Manager
 - Finance Hub Manager
 - Head of Transformation, Children & Young People, Frimley Integrated Care Board

Equalities Impact Assessment

- 6.4 The Personal Budgets Policy aims to achieve the best possible outcomes for all children/young people and their parents/carers in receipt of services, taking into account all factors of ethnicity, gender, religion, language, culture and disability.

Strategic Risk Management Issues

- 6.5 None identified.

Climate Change and Ecological Impacts

- 6.6 The recommendations in Section 2 above are expected to have no impact on emissions of CO₂. The reason the Council believes that this will have no impact on emissions is that the approval of this Policy will not result in any additional travel.

Health & Wellbeing Considerations

- 6.7 The Personal Budgets Policy in its entirety sets out how identified health, social care and educational needs can be met via a personal budget where requested, thus positively impacting on the health and wellbeing of children/young people with disabilities and their families/carers.

Background Papers

Personal Budgets Policy **[annex 1]**

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