

REPORT TO: Health and Wellbeing Board

Date of Meeting: 26th July 2016

Report of: Kath O'Dwyer
Executive Director People and Deputy Chief Executive

Subject/Title: Policy and Guidance Document – Special Educational Needs
Personal Budgets (relating to EHC Plans)

1 Report Summary

1.1 The purpose of the Policy and Guidance document is to outline the policy of Cheshire East Council, together with NHS Eastern CCG and NHS South Cheshire CCG, in relation to Personal Budgets as described in:

- *The Children and Families Act 2014 (section 49)*
- *The Special Educational Needs (Personal Budgets) Regulations 2014*
- *Special educational needs and disability code of practice: 0 to 25 years - January 2015 (9.95 – 9.124).*

1.2 The policy applies to any child or young person with special educational needs and/or a disability (SEND) who has an Education, Health and Care Plan (EHC plan) or is undergoing an Education, Health and Care needs assessment, and their parent/carer(s), where a Personal Budget has been requested.

2 Recommendations

2.1 The Health and Wellbeing Board is asked to:

- a) Comment on the Policy and Guidance Document for Special Educational Needs Personal Budgets (relating to EHC Plans)
- b) Agree the implementation and publication of the policy.

3 Reasons for Recommendations

3.1 The policy seeks to enable Cheshire East Council, NHS Eastern Cheshire CCG and NHS South Cheshire CCG to offer the option of a Personal Budget for individuals with an EHC Plan in a fair and equitable manner, thereby increasing personalisation for residents and meeting statutory obligations.

3.2 From May 2016, Ofsted and the Care Quality Commission (CQC) will be inspecting local areas across the country on their effectiveness in fulfilling the new duties arising from the *Children and Families Act 2014*. When judging the

effectiveness of a local area's approach to improving outcomes for children and young people with SEND, inspectors will review evidence relating to both the Local Offer and Personal Budgets.

4 Background and Options

- 4.1 Part 3 of *The Children and Families Act 2014*, along with associated legislation and guidance, introduced a number of changes to the support framework for children and young people with SEND. The majority of new requirements came into force on 1st September 2014, subject to specified transitional arrangements. Key changes included:
- A new requirement for education, health and care services to commission services jointly for SEN and disability
 - The introduction of a more streamlined assessment process, co-ordinated across education, health and care and involving families throughout
 - New 0-25 EHC Plans for those with more complex needs, replacing Statements of SEN and Learning Difficulty Assessments (LDAs)
 - The option of a Personal Budget for children and young people with an EHC plan
- 4.2 According to the *SEND Code of Practice*, a Personal Budget is an amount of money identified by the local authority and/or the CCGs to deliver provision set out in an EHC plan, where the parent or young person is involved in securing that provision. Personal Budgets should reflect the holistic nature of an EHC plan and can include funding for special educational needs, health and social care provision.
- 4.3 Personal Budgets are optional for a young person with an EHC plan or the parent of a child with an EHC plan; support can still be given (as required) through an EHC plan without the use of a Personal Budget. A parent or young person has a right to request a Personal Budget when a EHC needs assessment has completed and it has been confirmed that a EHC plan will be prepared. They may also request a Personal Budget during a statutory review of an existing EHC plan.
- 4.4 Personalisation is one of the key elements of the SEND reforms arising from *The Children and Families Act*. The option of a Personal Budget is not the only means of personalisation for individuals with EHC plans. Personalisation is also achieved through the use of person-centred planning approaches and the active inclusion of children, young people and families in decision-making.
- 4.5 In line with the *Children and Families Act* and *SEND Code of Practice*, local authorities must publish information about the option of having a Personal Budget as part of their Local Offer, including a local policy for Personal Budgets produced with parents and young people. The policy should include 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.

5 Policy Development

- 5.1 The Cheshire East policy document has been created via a multi-agency EHC Personal Budget task and finish group. The group includes representatives from both children's and adults' services across education, health partners and social care (due to the 0-25 age range for EHC assessments and plans), along with finance representatives and local parent carers.
- 5.2 The task and finish group examined existing personalisation and Personal Budget mechanisms across education, health and care within Cheshire East. The Policy document outlines the local authority and CCGs' current position relating to Personal Budgets for EHC Plans. In brief, existing mechanisms will be used to determine funding for the education, care and health elements in the first instance.
- 5.3 Going forward, the LA, NHS Eastern Cheshire CCG and NHS South Cheshire CCG will seek to make the best use of resources and increase choice and control for service users through joint commissioning. Personalisation and Personal Budgets are highlighted as areas of focus in the Cheshire East Children and Young People's Joint Commissioning Strategy, and our Personal Budget offer will be kept under review.
- 5.4 Areas for action include the development of joined up methods for determining Personal Budgets across education, health and care and exploring the possibility of a joined up Resource Allocation System. Such steps are required in order to ease current difficulties in assigning funding for individuals from different elements across education, health and care. For example, more robust relationships are required between the LA and CCG's regarding budget management. Furthermore, there is a particular need to strengthen links between children's and adults' services in relation to Personal Budgets and to align processes to prevent unrealistic expectations in transitioning from children's to adults' services.

6. Impact on Health and Wellbeing Strategy Priorities

- 6.1 Outcome one of *The Joint Health and Wellbeing Strategy for the Population of Cheshire East 2014 - 2016*, 'Starting and Developing Well' sets out the Health and Wellbeing Board's priority to ensure that children and young people have the best start in life; they and their families or carers are supported to feel healthy and safe, reach their full potential and are able to feel part of where they live and involved in the services they receive.

7 Access to Information

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