

## **Shropshire Special Educational Needs and Disabilities (SEND) Personal Budgets: Resource Indication & Allocation Policy**

March 2018 (Update of original version, dated June 2016)

Validated by SEND 0-25 Strategic Board 13 June 2018

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### **1. Background**

- 1.1. This document explains the approach taken by Shropshire Council and Shropshire Clinical Commissioning Group (CCG) to calculating an indicative budget and allocating resources related to personal budgets across education, health and social care for children and young people aged 0-25 years, who have an Education, Health and Care (EHC) plan.
- 1.2. This policy relates to the duties of Shropshire Council in relation to personal budgets as outlined within the Children and Families Act<sup>1</sup>, 2014 (section 49) and associated legislation<sup>2</sup>. The code of practice relating to these duties can be found at:  
[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/398815/SEND\\_Code\\_of\\_Practice\\_January\\_2015.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/398815/SEND_Code_of_Practice_January_2015.pdf)
- 1.3. This policy needs to be read in conjunction with Shropshire Council's Guidance on EHC plans<sup>3</sup> and Shropshire Council's and Shropshire CCG's Joint Personal Budget Policy<sup>4</sup>. The latter applies to situations where the council and / or the CCG have agreed to make personalised funding available to achieve outcomes and refers to this resource indication method and funding calculations.

### **2. Principles on which our method and funding calculations are based**

(Note: references to charging apply to individuals aged 18 and over, receiving social care support)

#### **2.1. Legislative requirements**

- Be comprehensive, to reduce variation in the way people are assessed and charged
- Be clear and transparent, so people know what they will be charged/ allocated
- Apply the charging / allocating principles equally so those with similar needs or services are treated the same and discrepancies between different care settings are avoided;
- Be sustainable for local authorities and the CCG in the long-term

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<sup>1</sup> <https://www.gov.uk/government/publications/young-persons-guide-to-the-children-and-families-act-2014>

<sup>2</sup> <http://www.shropshire.gov.uk/adult-social-care/the-care-act/>

<sup>3</sup> [http://www.shropshire.gov.uk/special-education-needs-and-disability-\(send\)/education,-health-and-care-plans-\(ehcps\)/ehcp-guidance-and-criteria/](http://www.shropshire.gov.uk/special-education-needs-and-disability-(send)/education,-health-and-care-plans-(ehcps)/ehcp-guidance-and-criteria/)

<sup>4</sup> <https://new.shropshire.gov.uk/the-send-local-offer/about-our-local-offer/>

<sup>5</sup> <https://www.gov.uk/government/publications/care-act-statutory-guidance/care-and-support-statutory-guidance#using-the-care-act-guidance>

- Be in line with guidance on Direct Payments, relating to section 12 of the Care Act, 2014<sup>5</sup>

## 2.2. Other requirements

- Be as simple as possible
- Ensure a consistent and therefore fair approach
- Contains the education element of EHC plan, with scope to add health - and care personal budget information, for ages 0-25.
- Has the option to add up the individual elements of the EHC plan, giving a total budget figure.
- Generates the most cost-effective and sufficient personal budget amount, so that the commissioners can comply with their general duties of ensuring best value and sufficiency.

2.3 These principles apply equally to Personal Budgets, funded by Children's Social Care and agreed by the council's Disabled Children Team.

2.4 SEN Transport payments are not covered by this policy. Guidance on this can be found at [www.shropshire.gov.uk/the-send-local-offer/parentcarers/education/sen-transport/](http://www.shropshire.gov.uk/the-send-local-offer/parentcarers/education/sen-transport/).

## 3. Resource indication method & funding calculations

3.1. The resource indication method will be implemented by the professional, who is carrying out the needs assessment, and the case manager responsible for the EHC plan, in partnership with the young person and/or their parents or carers.

3.2. The method consists of a number of steps which will be applied consistently to all personal budget recipients to ensure that the most cost-effective and sufficient funds are made available to meet support needs identified through assessment and to achieve agreed outcomes.

3.3. The method records the identified need, the desired outcome, the required support and the frequency and duration of said support. The professional, who applies the method, then identifies the most cost effective provision. He/she then calculates the cost of establishing and maintaining said support, based on current market prices. This cost represents the indicative budget.

3.4. If the most cost-effective provision is not appropriate for the circumstances, then alternative provision may be considered and costed. This would lead to a revised indicative budget.

3.5. If a young person or the parent / carer of a child choose a more costly provision, they may commission their preferred provision by adding their own funds to the indicative budget.

- 3.6. Once the most suitable provision has been agreed, the EHC plan will record the details in the Personal Budget section.
- 3.7. The indicative budget cannot exceed the cost of equivalent council or CCG commissioned services.
- 3.8. A Personal Budget cannot be used to purchase services, which are already commissioned by the council or the CCG.
- 3.9. Where the Personal Budget holder purchases the provision from a self-employed person, the indicative budget cannot be used to pay for costs for which the self-employed person is responsible. For example, a self-employed person is responsible for costs associated with their National Insurance, pension, holidays, sick pay and professional development.
- 3.10. Arrangements for transition to adulthood are described in Shropshire's Transition Protocol and Transition Pathway.  
<https://new.shropshire.gov.uk/the-send-local-offer/practitioners/training-and-resources/transition-protocol-and-transition-pathway/>
- 3.11. The appendix lists a few examples to illustrate how the method work.

#### **4. When will this policy be reviewed?**

- 4.1. Shropshire Council and Shropshire CCG are seeking to learn and improve the resource indication and allocation method. This policy will be reviewed at least every year and more often if required.

*We welcome feedback from families about their experience of this approach. Families can email [local.offer@shropshire.gov.uk](mailto:local.offer@shropshire.gov.uk) to give feedback. Feedback will be taken into account when the policy is reviewed.*

#### **5. Appendix:**

The following examples aim to illustrate the application of this policy. They are not based on real cases or actual costs. Every child or young person is assessed for his/her individual needs and circumstances.

##### **Example 1 – An educational PB**

A child is not speaking in their school environment. An assessment of the child's needs has identified that the likely cause for this behaviour is related to high levels of anxiety. The child may benefit from having Cognitive Behaviour Therapy (CBT). The expected outcome of CBT is that anxiety levels are reduced. As a result, the child should be able to express themselves better in school and participate better in class activities.

Therefore, CBT is agreed for six initial sessions, with a follow up to assess progress and longer term impact. The school can have two additional advice sessions over the following two terms. Progress will be reviewed at the next annual review.

The EHC plan says that this will be delivered by a CBT trained teaching assistant for 15 minutes each day for an initial period of 12 weeks. The indicative budget would be based on the actual costs of the teaching assistant additional time. The cost would be met from the school's notional SEN budget, as the teaching assistant is employed directly by the school. This is the most cost effective provision.

If this is not sufficient, then the EHC plan may say that the support will be delivered by a CBT therapist in eight sessions. In this case, the indicative budget would be based on the actual cost of hiring the therapist, at the current market rate of £70 per session. This budget of £560 would be available to the family to purchase CBT from an approved therapist. If the family chose to their own provider at a higher cost, they would be able to top up the indicative budget themselves.

#### Example 2 – A health PB

A baby requires tube feeding every 2 hours. The parent needs time to take other children to activities. The baby needs to be supported while the parent is away. Support is agreed, based on 6 hours per week for 3 months. Day time visits from a community / agency nurse are identified as the most cost effective provision. In the current market this equates to £25 per hour, £150 per week. The indicative budget would come to £1,800.

#### Example 3 – A children social care PB

A child with a disability needs one to one care, 24 hours around the clock. The parents are struggling to look after the whole family because most of their energy and time is required for the one child. Parents need additional support to spend time with other siblings and to look after the household. Overnight care support is agreed. Parents are allocated two nights of respite per month for one year, so that their capacity to look after the family is restored. The most cost effective way of achieving this outcome is to hire a personal assistant who can look after the child in their own home. In the current market this equates to 16 hours for two nights at £15 per hour. The indicative personal budget would come to £2,880 per year.

If the child's needs cannot be met sufficiently by a personal assistant, then the child could have overnight stays a council commissioned residential Short Break Home.



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