

Personal Education Budgets in Herefordshire

What is a Personal Education Budget?

A Personal Education Budget is an amount of money identified by the Local Authority to deliver provision set out in an Education, Health and Care Plan (EHCP) where the parent or young person is involved in arranging that provision.

Personal Education Budgets should reflect the holistic nature of an EHCP and can include funding for Special Education, Health and Social Care provision agreed in section F of the EHCP.

Who can apply for a Personal Budget?

Parents and young people up to the age of 25 years old, who have an EHCP can request a personal budget. If a child/young person has educational needs but does not have an EHCP then a request for an EHC Needs assessment will need to be made before a personal budget can be considered.

Requests can also be made for a Personal Budget at any time during which:

- a) The draft EHCP is being prepared; or
- b) The EHCP is being reviewed or re-assessed.

Legal background

The Children and Families Act 2014 and the Statutory Guidance in the SEND Code of Practice 2014 states the Local Authority must consider providing a personal budget in order for families (or directly with young people over the age of 16) to make educational provision in accordance with their Education, Health and Care Plan. This applies to those attending an educational setting (Early Years provider/nursery, schools, colleges or training providers) or to those electively home educating.

A Personal Education Budget is calculated to cover the additional and individual educational needs of a child / young person described in their EHCP.

At present, any provision that is block funded (e.g. Speech and Language Therapy) or resources already committed will not be included in the Personal Budget but will still be included in the child/young person's educational plan as required.

There are several ways to manage a personal budget:

- The family (or young person over 16) can choose to take the personal budget as a direct payment and manage it themselves.
- The family can ask a third party service or organisation to manage it on their behalf
- 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 above.

How Personal Education Budgets Work in Herefordshire

When the Local Authority agrees that an EHC Plan is needed, we will allocate the funding required to meet the child or young person's special educational needs. Ordinarily, when a child or young person attends a setting, the funding of individual support is delivered directly to the setting. However, with agreement of the setting and the Local Authority, some or all of this funding can be provided through a personal budget to parents via a direct payment.

A Personal Education Budget can be used only on the support set out in an EHC Plan. Personal budgets for educational provision will be considered on merit. A request for a Personal Budget cannot be for additional therapy that the parent would like to be made but is not mentioned in the EHCP. Where the Local Authority does not agree to a request for a Personal Education Budget, the Local Authority will provide the reasons for its decision.

The personal education budget:

- Must be used to make provision to meet the assessed special educational need as defined in the child or young person's EHC Plan – Items or services that are not directly related to the identified needs cannot be supported.
- Must be by agreement with the Local Authority and the school or other education provider (if there is one) as it might have an implication on the rest of the pupil's curriculum and/or the funding of other provision being made by the school.
- Is subject to parents, carers or the young person themselves (and the setting where relevant) completing the personal budget agreement.
- Recipient must agree to the reasonable requests for the monitoring of expenditure as set out in the agreement and must keep the appropriate receipts to evidence all expenditure.
- Only applies to the funding available through the top-up tariff as is allocated in Section I of the EHC Plan (sometimes known as element 3); the full top-up tariff may not be agreed.
- Can be combined with other budgets for health and social care (children's or adults up to the age of 25) but there needs to be clarity that the combined budget will meet the full range of assessed needs.
- Will be reviewed at least once a year at the Annual Review of the EHC Plan.

Social care

Children and young people with disabilities who are supported by the Local Authority's Social Care, Children's Disability Team, may be offered a personal budget where a child or young person requires additional and individual support at home, break from caring or the opportunity to have the same experiences as other families.

Health

A personal health budget may be available for those with complex, long-term and /or life limiting condition.

Exclusions - What the personal education budget cannot be used to pay for?

- Unlawful activities or activities that bring the local authority into disrepute
- Anything that would put a child or young person at risk of harm or would not clearly benefit the child or young person
- Additional assessments of the child's needs. These will be considered at the next Annual Review
- Medical or clinical provision other than those described in Part F (educational provision) of the EHC Plan
- Purchase of buildings and refurbishment of buildings
- School placements (wholly or partly). These would be commissioned directly by the local authority.
- Household bills including rent, utility bills, council tax, subsistence
- Employment of close relatives
- Transport or travel to an educational setting (although the Council transport policy makes provision for a transport allowance that acts as a personal transport budget).

Other Information

- Timescales – The Council SEN Team will respond to a request in writing within 15 working days of the request with a decision or request additional information.
- Reasons will be provided in writing if the decision is to turn down the request. Details of the appeal process will be sent out with the written decision.
- The personal education budget cannot be backdated before the date of the request.
- Safeguarding/DBS checks for people employed to deliver provision or services are the responsibility of the personal budget holder.
- Contracts for the employment of staff are the responsibility of the personal budget holder.
- Payments to education providers, e.g. alternative provision, are the responsibility of the personal budget holder.
- If the personal budget holder has chosen to access an alternative provision provider, they should be aware that the provider costs may be greater than the funding level allocated through the personal budget. The personal budget holder will be expected to cover any shortfall in funding; the Council will not accept liability for such costs. It is therefore advised that the personal budget holder obtains details of costs in advance of agreeing placement and understands their liability for any charges.
- The use of funding already delegated to schools or other education provider through their general budget is entirely at the discretion of the school/setting. Schools or other education providers do not have to consider alternative proposals or arrangements made by the personal budget holder.
- Payments to the personal budget holder will be made using one of the Council's standard payment methods and will be clarified in the decision letter.
- The Herefordshire Local Offer website will seek to publish information regarding services that can be purchased with personal budgets although this will not necessarily be exhaustive.

Elective Home Education

Parents can choose to home educate their child. If the child has an EHC plan, choosing to electively home educate means that the LA no longer has a legal duty to secure any special educational provision which was specified in the child's EHC plan, because the parents are deemed to be making their own suitable alternative arrangements. Parents can ask for a personal education budget to deliver some elements of the EHC Plan. Parents should discuss this with their EHCP Officer

Education Otherwise than At School (EOTAS)

If it is agreed that school or college is not appropriate for the child or young person, parents can request the local authority brokers a package of support to meet their child's special educational needs. This is often known as 'education otherwise than at school' (EOTAS). The local authority will use the Personal Education Budget funding to provide this support. [EOTAS policy](#).