

## **Appendix 4**

### **Personal Budgets and Direct Payments: Frequently asked questions**

#### **What is a personal budget?**

A Personal Budget is defined as an amount of funding that can come from education, health and/or social care which families can spend on services and support which will be based on the assessed needs of a child/young person. It is not the sum total of all the resources available to support a child.

#### **How can I receive a personal budget?**

There are 4 possibilities:

- The amount of money agreed as the personal budget can be held by the local authority/NHS (sometimes called a notional budget) and can be spent for you.
- A third party can manage the personal budget for you and spend it on your behalf.
- A direct payment can go into a bank account set up solely for this purpose and you can arrange and buy your own support.
- A combination of the above.

#### **What is a direct payment?**

A direct payment is one way of delivering some or all of a personal budget, in which children, young people and their families can direct their own support. The direct payment is made to the young person or their parent/carer/representative to be spent on services that meet the needs and outcomes in a health, social care support plan or Education, Health and Care Plan (EHCP).

#### **What are the advantages of having a personal budget?**

For children and young people who require very individualised support, a personal budget can give a family the freedom to plan how support is delivered to meet agreed outcomes. This gives a more personalised service for disabled children and young people and increases choice, flexibility and control.

#### **How do I apply for a personal budget or direct payment?**

Each agency has their own process for this:

Health: speak with the health professional in charge of your child's continuing health care who will help you with asking for a personal health budget or a budget for a wheelchair.

Social care: once an assessment of need has been completed and a support plan drawn up, you can request for services to be delivered by a personal budget and take some, or all, of that as a direct payment.

Education: if the LA has concluded an EHC needs assessment and agreed to make an EHCP or your child's EHCP is being reviewed, you can ask for an education personal budget as part of that process. There is an application process.

AMAZE can offer advice and support with all these processes.

### **Can a personal budget/direct payment be refused?**

Yes, it can be. If a service can be provided without the need for a personal budget and this is more cost effective for the local authority/NHS then it can be refused. There are also specific circumstances when it can be refused which are set out in the policy. In any event the local authority/NHS will give full reasons for refusing a request and there is a review/appeal system for each agency that you can follow.

### **If I am offered a direct payment, do I have to accept it?**

No. You cannot be forced to accept a direct payment. The local authority will need to arrange support to meet your needs if you do not want a direct payment.

### **Can a parent/carer receive a personal budget for any service?**

Not always. If the council provides a service already as part of a block contract (for example for speech and language therapy) then it will be more cost effective for that service to provide for that child and a personal budget will not be agreed as this would not be an efficient use of resources. If providing a personal budget would have an adverse effect on a commissioned service, the local authority can refuse. However, if the particular service required to meet need is above and beyond what is commissioned due to the particular speciality, then it may be possible.

### **What can I spend my personal budget or direct payment on?**

Any agreement to provide a personal budget/direct payment will be related to a specific need and outcome to be met in a personal health plan, care plan or EHC Plan. The funds must be spent on that and nothing else.

Typically, funds can be used for:

Short breaks

A personal assistant to help with care.

A home sitting service.

Additional equipment

Additional education staff/service to meet needs and outcomes

### **Are there limitations on what a personal budget can be used for?**

Yes. There are limitations on how personal budgets may be used. Please check the full policy for what they cannot be used for. They can also not be used for services which have already been commissioned for the SEND population and form part of a block contract.

**If a direct payment is agreed, how much funding will I receive?**

The amount of funding must be sufficient to secure the provision required to meet the needs and outcomes in a personal health plan, care support plan or EHC Plan.

**What is involved in receiving a direct payment?**

A separate bank account, called a 'supported bank account' will be required. The LA will monitor this account for expenditure and will be looking at when, how and on what funds are spent.

**If I want to buy a service to go into my child's school, will this be allowed?**

This would require the written consent of the headteacher/principal or person occupying an equivalent position.

**Can my family support the child and be paid for this?**

Generally, you cannot use personal budget/direct payment funds to pay your close relatives to meet your child or young person's support needs. This applies to partners, parents, parents-in-law, stepchildren, grandparents, siblings, aunts and uncles. However, exceptions can be made in some circumstances.

**What happens if I do not spend direct payment funds put into my account?**

Sometimes funds can accumulate if you have struggled to find/put in place the services the money was intended for. Sometimes, with agreement for the local authority, you can spend the accumulated funds on an alternative service as long as it meets the support plan/EHC Plan outcomes. The local authority will monitor your account and if the surplus builds up beyond 8 weeks, they can suspend payments to the account and/or request funds are recouped from you as per the policy. The local authority will always inform you about this in advance and try to support you in the first instance.

**Will a personal budget affect any entitlement to welfare benefits?**

No. It is not classed as income and will not affect any benefits that the child or young person is entitled to. There is no link between personal budgets and welfare benefits.

**Is there any support in managing direct payments/personal budgets?**

Yes, general advice and support is provided by AMAZE ([amazesussex.org.uk](http://amazesussex.org.uk)).

For those in receipt of direct payments from social care there are 2 agencies that can support with the recruitment of PAS – add details.

### **What happens when my child reaches 16 years of age?**

At 16 years, if the young person is able to manage the direct payment themselves, they can become the recipient, or the parent can continue to be their nominated person.

### **How are direct payments monitored?**

Local authorities are required to ensure that direct payment funds are spent appropriately. All recipients of direct payments are required to sign an agreement with the council and set up a 'supported bank account' for the funds that is solely used for this purpose. These will be monitored, and families contacted if any misuse of funds is suspected or if a large surplus of funds builds up in an account (in excess of 8 weeks).

### **What can I do if things go wrong?**

If you disagree with the NHS or local authority decisions in relation to a personal budget or direct payment, all the information on how to ask for a review, complain or appeal is in the Council's policy.