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# Making it Personal:

A Guide to Personalisation, Personal Budgets and Education,  
Health and Care Plans

*For Educational Establishments and Local Authorities*



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A Guide to Personalisation, Personal Budgets and Education,  
Health and Care Plans

*For Educational Establishments and Local Authorities*

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Funded by the Department for Education  
KIDS 'Making it Personal' programme

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*Disclaimer:  
This guide is intended to provide general information and should not be relied on as a substitute to advice  
about any individual case*

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# 1: Introduction and background

This Guide builds on previous work by KIDS and Consortium Members In Control, OPM and NAFIS, particularly the suite of documents known as Making It Personal 2 (MIP 2). These are:

*How to commission for personalisation.*

*Making it Personal 2: A Family Guide to Personalisation, Personal Budgets and Education, Health and Care Plans.*

*Making it Personal 2: A Provider Guide to Personalisation, Personal Budgets and Education, Health and Care Plans.*

*Making it Personal 2: The Family Service SEND Framework.*

These can be accessed via the KIDS' website at [www.kids.org.uk/mip2](http://www.kids.org.uk/mip2)

**Making It Personal 3 (MIP 3)** updates some of the information in the previous Guides. It also focuses on providing information on how personal budgets are being used in the context of Education, Health and Care Plans (EHC plans). Therefore, it is directed at local authorities (LAs) and educational establishments.

In addition to this Guidance, the Young People's Engagement Group (YPEG) has produced a video **Personal Budgets explained**. In it, they explain what personal budgets in the context of Educational, Health and Care plans (EHC plans) mean for young people and how having one could help them receive the support they need. The link to the video and to this Guide can be found at [www.kids.org.uk/mip3](http://www.kids.org.uk/mip3)

## 1.1: Who this Guide is for

This guidance has been written to assist local authorities (LAs), schools and other educational settings, in becoming more familiar with how personal budgets are being used, and how they might be used, as part of the change from statements to Education, Health and Care plans. The context for this development is explained, both in terms of a general move towards services taking a more personalised approach to the people they work with and to how this ties in with the changes to the system for children and young people who have special educational needs and/or disabilities, known as the SEND Reforms.

Although there is an understanding of how personal budgets can be used in the context of health and of social care, personal budgets as part of EHC Plans are a newer concept. As they have only been in existence since the SEND Reforms began to be implemented in September 2014, there is often a lack of awareness of what they are and their potential for giving children, young people and their families, a greater degree of control over their lives.

At the heart of the SEND Reforms lies a change of culture that takes on board the wishes, feelings and aspirations of families, so it is important that all those involved have a clear understanding of the benefits personal budgets can bring and how they can be used as part of a more personalised approach to the delivery of services. This cultural change is illustrated by how different a well written EHC plan is to a statement. For instance, when the statementing process was in place, statementing officers might be writing the content in isolation from the families involved and without meeting the child or young person they were writing about. With person-centred planning the approach and the outcomes are very different.

There are comparatively few examples of personal budgets in this context, but it is important at this stage, to explain some of the ways that are emerging in which they are being used and the innovative thinking that lies behind them. A number of case studies are used to illustrate what can be learned from those who:

- Do not yet have an EHC plan
- Have an EHC plan but no personal budget
- Have personal budgets
- Have personal budgets in the form of a direct payment.

It is hoped that these examples will help to encourage further innovative ideas and the drive to have personal budgets, in the context of education, will gather momentum.

## 1.2: The SEND Reforms

### The Children and Families Act 2014

In 2014, the **Children and Families Act** was passed. Part Three of the Act is entitled Children and Young People with Special Educational Needs and/ or Disabilities, which enshrined in law the biggest shake up of the SEN system for more than thirty years. But, more than that, it heralded a change in culture whereby the feelings, wishes and aspirations of children, young people and their families took centre stage.

### The 2014 Regulations

Alongside the Act are two sets of Regulations, ***The Special Educational Needs and Disability Regulations 2014*** and ***The Special Educational Needs (Personal Budgets) Regulations 2014***, which came into force in September 2014 and provide much of the detail as to how the new framework operates. In addition to the separate Regulations on Personal Budgets, the other ones include the following items that are pertinent to this guide, namely:

- EHC needs assessments
- EHC Plans
- Local Offer

In the same way that an assessment might or might not have led to a statement, under the new system, an EHC needs assessment may or may not result in an EHC Plan depending on the outcome of the assessment that is undertaken. There is further information on EHC needs assessments and plans in chapter 3.

The Local Offer that every local authority must put on its website, as well as a great deal of other information, should give the LA's policy on personal budgets. There is further information on the relationship between the Local Offer and personal budgets in chapter 8.

### The SEND Code of Practice 2015

As well as the SEND Regulations, a key document is the ***Special educational needs and disability code of practice: 0 to 25 years***. Published jointly by the Department for Education (DfE) and the Department of Health (DoH) in January 2015, it came into force on 1st April 2015, replacing one that was briefly in place from July 2014 until 31st March 2015. The Code of Practice is statutory guidance to which individuals and bodies involved in the system must have regard. It covers much ground, including:

- Working together across education, health and care for joint outcomes
- The Local Offer
- Early years providers
- Schools
- Further education
- Preparing for adulthood from the earliest years
- Education, Health and Care needs assessments and plans
- Personal budgets

As well as this main Code, there are separate guidance documents as follows:

DfE (September 2014) ***Early years: guide to the 0-25 SEND code of practice.***

DfE (September 2014) ***Schools: guide to the 0-25 SEND code of practice.***

DfE (September 2014) ***Further education: guide to the 0-25 SEND code of practice.***

DfE and DoH (February 2016) ***0-25 SEND Code of Practice: a guide for health professionals.***

DfE (September 2014) ***Social care: guide to the 0-25 SEND Code of Practice.***

DfE (August 2014) ***Special educational needs and disabilities: a guide for parents and carers.***

DfE and Mencap (December 2014): ***Changes to special educational needs and disability support – Easy read guide for parents.***

DfE and Mencap (December 2014): ***Changes to special educational needs and disability support – Easy read guide for children and young people.***

From the time the Green Paper heralding the SEND Reforms was published in March 2011 under the title, ***Support and aspiration: a new approach to SEND***, some of the main elements of the changes to the SEN Framework were piloted by the SEND Pathfinders.

These consisted of a number of LAs and their partners in the health service working together. Their evolution was as follows:

- September 2011 to March 2014 – 21 pathfinders worked on elements of the changes, including the introduction of EHC plans and personal budgets
- April 2014 to March 2015 – Some became pathfinder champions, supporting other LAs in implementing the SEND Reforms
- April 2015 to the present – the pathfinder programme ended, but in its place, a SEND Regional Network was established in each region, supported by a consortium called: ***'Delivering Better Outcomes Together.'***

This consortium is a partnership between Mott MacDonald, the Council for Disabled Children (CDC) and the National Development Team for Inclusion (NDTi), with Mott MacDonald as the lead contractor. It has been set up to provide a range of services aimed at supporting children, young people and parent carers, front-line practitioners and local authorities. Their work includes

- Developing key working training for practitioners
- Supporting local Information, Advice and Support services (IASS)
- Preparing for adulthood
- Managing the network of SEND advisers
- Delivering a pilot training and development programme for senior SEN and disability managers in local authorities.

The 9 Regional Leads are:

- 1) London Borough of Bromley working in partnership with the London Borough of Enfield
- 2) Calderdale Metropolitan Borough Council working in partnership with North Yorkshire and City of York Councils
- 3) Coventry City Council working in partnership with Birmingham City, Dudley, Herefordshire, Sandwell, Shropshire, Staffordshire, Stoke-on-Trent, Telford and Wrekin, Walsall, Warwickshire, Wolverhampton and Worcestershire Councils
- 4) Dorset County Council working in partnership with Plymouth City Council, Bournemouth Borough Council, Poole Borough Council and NHS Dorset Clinical Commissioning Group.
- 5) Durham County Council
- 6) Hertfordshire County Council working in partnership with Herts Valley Clinical Commissioning Group, East and North Hertfordshire Clinical Commissioning Group, Bedford Borough Council, Peterborough Council, Essex County Council and Cambridgeshire County Council
- 7) Leicester City Council working in partnership with Nottinghamshire County Council
- 8) Oldham Metropolitan Borough Council
- 9) Portsmouth City Council

CDC is responsible for the key working training programme and for supporting the Information, Advice and Support Services Network (see chapter 7).

NDTi is developing and leading a Senior Management Leadership Programme.

CDC and NDTi together are delivering support to LAs and their partners in each region, which includes post-16 providers, health, social care, employment and housing.

Mott MacDonald are managing the SEND adviser service, who provide specialist advice and support to LAs and their partners.

## 1.3: Personal budgets in the context of the SEND Reforms

As with statements, an EHC Plan is a legal document that sets out a child or young person's needs and the support required to achieve the outcomes the family wants. However, unlike a statement, an EHC Plan, as the title suggests, specifies a young learner's health and social care needs as well as what is required in terms of their education. However, if the young person does not have educational needs, they will not be given an EHC Plan.

Once an EHC Plan is being drafted, parents may ask the LA to draw up a draft personal budget. This cannot be used for the cost of the placement in a school, college or early years setting, but for some or all of the support that the child or young person requires, over and above that which is provided by the setting they are in. There is more information about EHC Plans and personal budgets in chapter 3.

## 1.4: Financial aspects

Although there are no additional funds specifically for personal budgets in the context of EHC Plans, the expectation is that the funding streams which already exist, will be able to be used in a more holistic way. The money for this may come from various sources and there are examples throughout this guide of budgets from a single source as well as pooled budgets from more than one source. This applies both to the different funding streams that exist within educational establishments and local authorities (LAs), as well as budgets produced by pooling the resources of different services. The latter should increasingly be the case as commissioning arrangements become well established and there is a clearer understanding of the possibilities and advantages created by a more joined up way of working.

In the context of funding from education, a personal budget may be available where the support provided by the school or other educational setting is insufficient to meet the student's support needs. The setting itself might decide to use additional resources, such as the money from 'pupil premium', if the young learner is eligible to receive it. Alternatively, the LA might provide it from its 'high needs block'. Some young people may also have a personal budget that includes funding from social care and/or from health. In such cases, it is possible to bring the funding together to ensure the support is in place to meet the person's needs across the board and achieve the outcomes they and their family want.

As well as the case studies, there is further information about funding in chapter 6.



# 2: Personalisation and person-centred planning

*“The main changes from the SEN Code of Practice (2001) reflect the changes introduced by the Children and Families Act 2014. These are:*

- *The Code of Practice (2014) covers the 0-25 age range and includes guidance relating to disabled children and young people as well as those with SEN*
- *There is a clearer focus on the participation of children and young people and parents in decision-making at individual and strategic levels....”*

Introduction, pages 13 and 14

This chapter explains how personalisation represents a change in the way professionals work with children, young people and their families. It is part of a wider approach, whereby a fresh look has been taken at how services work with families. This has seen a shift where services are designed round the people who use them, rather than for the convenience of the professionals involved.

From this has come a focus on person-centred planning, so that those who are most affected by the plans that are being made, are very much involved in their development, instead of the professionals making the decisions for them.

## 2.1. Personalisation

Although personalisation, which is a way of shifting the balance of power away from professionals and towards service users, has its roots in the 1970s, it has gathered momentum in recent years. It is an approach that sees children, young people and adults as individuals whose opinions matter and who need to be fully involved in the decisions that affect their lives. Whereas previously, there might have been a tendency for both sides to think that the professionals know best and therefore they are the ones to suggest what needs to be done to support the person concerned, personalisation is all about working together to arrive at solutions or a plan of action.

The structural changes to the SEN system that resulted in the SEND Reforms might have made little impact without the change in culture that they represent. This places what families want at the heart of what happens to them and so is driven by the personalisation agenda and epitomises the move to placing children, young people and their families at the centre of the decision-making process.

In Part 3 of the **Children and Families Act 2014**, which is headed: Children and Young People with Special Educational Needs or Disabilities, the opening section (section 19) begins by setting out a local authority's functions in supporting and involving children, young people and parents. As such, in all relevant decisions the LA must have regard to:

- a) the views, wishes and feelings of the child and his or her parent, or the young person;
- b) the importance of the child and his or her parent, or the young person, participating as fully as possible in decisions relating to the exercise of the function concerned;
- c) the importance of the child and his or her parent, or the young person, being provided with the information and support necessary to enable participation in those decisions;
- d) the need to support the child and his or her parent, or the young person, in order to facilitate the development of the child or young person and to help him or her achieve the best possible educational and other outcomes.

This emphasis on a personalised approach is further embedded in the **Special educational needs and disability code of practice: 0-25 years** (2015). After reminding readers of the opening paragraph of Part 3 of the Children and Families Act, the first chapter of the Code sets out the principles underpinning it. The first four principles are given as follows:

- the participation of children, their parents and young people in decision-making
- the early identification of children and young people's needs and early intervention to support them
- greater choice and control for young people and parents over support
- collaboration between education, health and social care services to provide support.

At the level of schools and other educational settings, for some time now, there has been a move to talk about teaching and learning being more personalised. Paragraph 1.24 of the Code says: *"High quality teaching that is differentiated and personalised will meet the individual needs of the majority of children and young people."*

This covers the majority of pupils in the classroom, who, if they have SEND, will be described as being on SEN Support, (the phrase that incorporates the previous categories of School Action and School Action Plus). For children and young people with significant SEN, an EHC plan sets out the additional support that is needed to meet their needs in full. Phasing out statements, which must be done by 31st March 2018, and replacing them with Education, Health and Care plans (EHC plans) means that the professionals involved are required to work with each other, and, of course, with children, young people and their families, in making sure that the EHC plan reflects the outcomes they want.

In addition to the change of approach in services working with families and having a personalised approach to the support they need, personalisation and the SEND Reforms move the focus from outputs, such as the number of hours support that will be provided, to look instead at outcomes. Once the outcomes a young person or their family wants have been specified, it is then a question of what is needed to achieve those outcomes.

## 2.2. Person-centred planning

Following on from the concept of personalisation is the need for planning to be a joint exercise. So, instead of a professional, or group of professionals, deciding what should be done, Person-centred Planning (PCP) means the individuals concerned contribute fully to the process and what they want informs the decisions that are made. In the case of EHC plans and personal budgets, this may involve children, young people and their families.

There used to be a 'medical model' of disability, whereby any difficulty was seen as residing solely within the person who has the disability. This is also referred to as the 'deficit model'. The individuals concerned were expected to be passive recipients of the services the medical profession decided they should have. When this was replaced by a 'social model' of disability, any difficulty was seen instead as a result of the society in which the disabled person lives and its unwillingness to adapt to the needs of people who are disabled. More recently, there have been attempts to marry these two approaches by designing an 'interactionist model' which recognises both the factors within the person who is disabled and the context in which he or she lives.

The switch to person-centred planning reflects this move away from the medical model's idea of a passive recipient, to an approach that recognises that the key person in discussions about what support should be offered and how it should be given, should be the individual who is on the receiving end of those services, rather than the professionals around them. In practical terms, PCP involves careful planning for an individual that takes into account their strengths, preferences, areas of difficulty and the support that is needed at all stages of their lives. This includes making sure that points of transition are carefully handled, such as:

- Starting school
- Changing schools
- Leaving school
- Preparing for adulthood

The SEND Code of Practice 2015 has a whole chapter on Preparing for adulthood from the earliest years, which recognises the need for children and young people with SEND and their families, to have aspirations for the future from the start. In some cases, this will be to get to university, to take up an apprenticeship or supported internship, or to follow a college course. For others it will mean learning to live as independently as possible and being able to be part of their local community. In addition to the annual review of an EHC Plan, from the time a pupil reaches Year 9, the annual review focuses particularly on the outcomes he or she wants as they move into adulthood.

### **Using personal budgets in a setting for young adults with complex needs**

The importance of having aspirations for the future, regardless of the complexity of a young person's needs, is epitomised by the approach of St Andrew's School, which is a special school in Derby. Being concerned about the lack of provision post-19 for their students, and for others in the area with similar needs, they have developed an adult provision, Transition2 (T2), for 18-25 year olds in collaboration with Derby College and Derby City Council.

The provision supports young adults who have learning disabilities, severe learning difficulties (SLD) and/or autism, helping them to realise their potential and move on to meaningful opportunities within their local communities. This is achieved through offering bespoke learning pathways, which are based on person-centred, long term targets and encourage learners to 'start with the end in sight.'

From the time this provision was being set up, the school could see the potential of using personal budgets to fund some of the support individual young adults might need. Some of the case studies in this guide come from this source.

It is worth noting that part of the success of this venture has been the collaboration with the local authority, (Derby City Council), and Derby College, which is a mainstream further education (FE) college, with many opportunities and courses for students who have EHC plans.

The following chapter looks in more detail at how a personalised approach combined with person-centred planning, is applied to the creation of EHC plans, which makes them much more personalised than the statementing process they replaced. Personal budgets, which are part of EHC Plans, are one of the ways in which families can have more control over the support their child or young person receives. If the young learner is over 16 years of age, they can ask for a personal budget on their own behalf.

The SEND reforms represent this shift towards personalisation and person-centred planning, in which personal budgets play a key role. It is an approach that sees children, young people and their families as active participants in planning the services and support they need.

### **Personalisation → person-centred planning → personal budgets**

The following case studies are of young children whose parents would like them to have EHC plans, but so far they have not received them, despite the complexity of the children's needs.

**Mohammed** is 19 months old. He has been diagnosed as having a visual impairment (VI), epilepsy and global developmental delay. He is unable to sit up unaided and has limited control over moving his body. Communication is limited to eye contact.

He has an Early Years Support Teacher who visits him at home. She is leading on his Early Support Plan and ultimately hopes to be instrumental in getting him an EHC plan.

He is also visited by a teacher from the Visual Impairments Team, who has been trying to establish the extent of his visual impairment, as well as suggesting appropriate activities and resources to help him enjoy, and learn through, play.

**Mohammed** attends KIDS Early Years Short Breaks for one morning a week, so that he can benefit from being with other children, enjoy a wider range of activities and give the rest of the family a break from caring for him. Here, he relies on early years' practitioners to meet his educational, medical and care needs.

At KIDS, he has access to a quiet, sensory environment, where he can have one-to-one support in a safe space where he is calmer. Here, practitioners work with him on his communication and interaction skills. He responds well to the different sights, sounds and textures that the sensory space provides, including fibre-optic lights, light trays, sound tubes and a bubble tube.

The support **Mohammed** receives from his two specialist teachers and from the Early Years Short Breaks provision is funded by Birmingham City Council.

**Mohammed** was born at a time when it was rare for children under two to be given statements. Had he be born since the changes to the SEN Framework were in place, he is the kind of very young child who might have had an EHC plan by now, as he is likely to continue to need a high level of support when he reaches statutory school age.

**Rob** and **Rick** are brothers who are in a mainstream Infant School. Both have cerebral palsy (CP) and Rick uses a wheelchair. Rob also has a hearing impairment (HI), global developmental delay and severe speech delay. Rick has a visual impairment (VI) and a degree of developmental delay and delayed speech.

When they were pre-school age, Rob attended a mainstream nursery with support, as well as having some time at a pre-school for deaf children. Rick went to a specialist nursery, with parental support. During transition, he spent 3 days at the Infant School and 2 days at the nursery.

The boys have the support of a variety of specialist teachers and therapists. Funding for the adult support they need in class and the training the staff needed, has come from the LA, from the school and from a trust fund that was set up for one of the boys.

As well as the other types of support the boys needed, a main difficulty was giving Rick access to the school, which was not initially built to take wheelchairs.

However, Hampshire County Council agreed to adapt the building, which has not only benefited Rick, but another child who will be joining the school shortly.

EHC plans for the boys are due to be completed shortly. The irony is that part of the delay in getting them finalised has been that so many professionals are involved, that this has delayed the process. Yet, it is because they need so much specialist support that the plans are needed.

As with the previous case study of Mohammed, had EHC plans been around at the time the brothers were born, they might have had them well before they reached school age. In addition, it might have helped to co-ordinate all the services and support they need.

Although this did not happen, it is clear that a huge amount of help has been given to them and funding made available to meet their very significant needs.



# 3: EHC plans and personal budgets

*“The purpose of an EHC plan is to make special educational provision to meet the special educational needs of the child or young person, to secure the best possible outcomes for them across education, health and social care and, as they get older, prepare them for adulthood.”*

**SEN and disability Code of Practice (2015), paragraph 9.2.**

*“A Personal Budget is an amount of money identified by the local authority to deliver provision set out in an Education, Health and Care (EHC) plan where the parent or young person is involved in securing that provision.”*

**Children and Families Act (2014), section 49.**

Under the Children and Families Act (2014), Education, Health and Care plans have replaced statements for those at school and Learning Difficulty Assessments (LDAs) for those in further education (FE).

For children and young people who have an EHC plan, there is the possibility of having a personal budget for some or all of the additional support they need.

## 3.1 EHC Plans

Education, Health and Care plans (EHC plans) are for children and young people who have significant special educational needs (SEN). With the SEND Reforms, the age range of those eligible has widened from 0 to 25 years of age. Since September 2014, no more statements or LDAs have been issued. Instead, everyone who has been assessed as needing an EHC plan has received one instead of a statement or LDA.

EHC plans are available from 0-25, although entitlement to a plan post 18 will depend in essence on whether the agreed outcomes have been achieved. As well as LDAs being phased out, the description for those in FE of having Learning Difficulties and Disabilities (LDD) rather than SEN, has gone and the term 'SEND' is used throughout the 0 to 25 age range.

The number of those covered by EHC plans varies between different local authorities (LAs), but, overall, statements have remained fairly constant at 2.8% of the school population since 2007, although the numbers identified as having SEN without statements has declined. It is too early to say what difference the move to EHC plans will make, although the government has been very clear that the criteria for getting an EHC plan is the same as it was for receiving a statement.

### Transfer reviews

It has been hard work for LAs to transfer those already on statements or LDAs to having EHC plans, and, at the same time, keep up with the usual volume of work created by those coming into the system for the first time and also needing EHC plans. The DfE has given them a timescale of completing the process by 1st April 2018. It has already been mentioned that the amount of work involved has been further increased by the time it takes to undertake person-centred planning, which is how EHC plans should be created.

### Content of EHC Plans

In the SEN Regulations 2014 and the SEND Code of Practice: 0-25 years, the contents of EHC plans are laid out in sections. The following information gives a brief synopsis of what each section should contain:

**Section A** covers the views, interests and aspirations of the child and his or her parents or the young person.

**Section B** explains the child or young person's special educational needs.

**Section C** sets out the child or young person's health needs which are related to their SEN or disability.

**Section D** sets out the child or young person's social care needs which are related to their SEN or disability.

**Section E** specifies the outcomes sought for the child or young person, including outcomes for adult life, in addition to shorter term targets for the educational setting.

**Section F** details the special educational provision required by the child or young person.

**Section G** explains any health provision required and if there is an Individual Health Care Plan, this should be included.

**Section H1** explains any social care provision which must be made for a child or young person in line with section 2 of the Chronically Sick and Disabled Person Act 1970.

**Section H2** explains any other social care provision that is required, including any adult social care provision (through a statutory care and support plan) under the Care Act 2014.

**Section I** provides the name and type of school, maintained nursery school or post-16 provision to be attended by the child or young person.

**Section J is the section that refers to personal budgets. It gives details of how a personal budget should support any of the outcomes that have been identified, the provision to be made and any arrangements for a direct payment.**

**Section K** lists all the advice and information gathered during the EHC needs assessment, which are then attached as appendices to the rest of the plan.

In addition, when young people are in Year 9 or above, sections F, G, H1 and H2 must include, as appropriate, the provision required to assist in preparing them for adulthood and living as independently as possible.

Section J does not need to list all the costs involved, but it should provide a detailed explanation of how the PB is designed to deliver the provision and outcomes that have been agreed.

### Outcomes and aspirations

The Delivering Better Outcomes Together consortium, (which was described in section 2.1), has produced ***Developing Outcomes in EHC plans***. This talks about 'a golden thread' linking aspirations, needs, outcomes and provision:



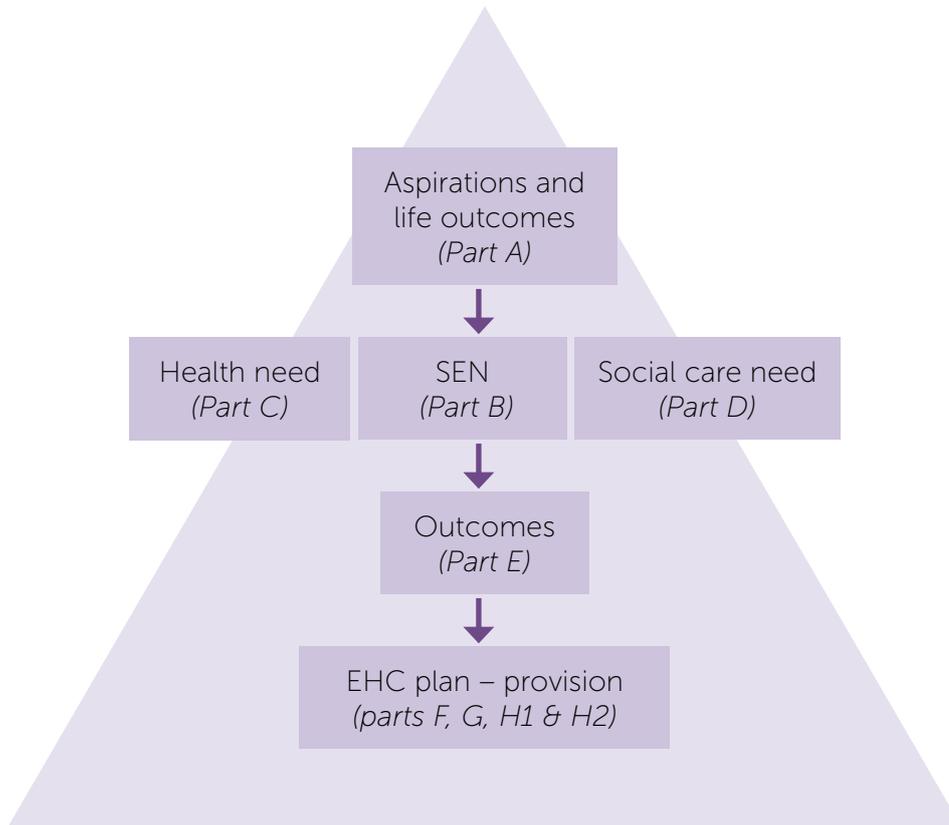
This means that:

Section A of the plan gives details about the child or young person's aspirations and goals for the future (but not details of outcomes to be achieved). This section should also include details about play, health, schooling, independence, friendships, FE and future plans including employment (where practical), a summary of how to communicate with the child or young person and engage them in decision-making, and the child's or young person's history.

Sections B, C, and D explain the young person's SEN, health needs and social care needs respectively. As far as SEN is concerned, it will include any diagnosis, or diagnoses, they have been given and what this means in terms of the difficulties they have with learning.

Section E should include both longer term and shorter term outcomes. The outcomes or targets are written in a way that makes them easy to measure. These are often described as SMART targets, (which stands for: specific, measurable, attainable, relevant and timely).

Sections F, G, H1 and H2 describe the provision that is required to meet identified needs and achieve the stated outcomes. This means that for every need that has been listed, there will be a corresponding outcome that is desired, and for every outcome, there will be a description of the provision that is required to achieve those outcomes.



(Adapted from **0-25 coordinated Assessment and EHC Plan**, Version 6 – March 2015, Appendix. SE7 'Thinking about Outcomes').

The following case study is about George, who has an EHC plan but no personal budget for education. He does, however, have a personal budget from social care.

**George** is 17 years old. He has a diagnosis of autism and visual impairment (VI), with a slight hearing impairment (HI). He is also a quadriplegic. He uses an eye-gaze computer to communicate, as well as for evidence of his academic work. His EHC plan shows that he needs support in every aspect of his life. Despite this, George is a well adjusted, happy young man.

Before attending college, George chose to attend a mainstream school which had a support unit. When he had completed the sixth form, he decided to attend a local college, as it offered an FA coaching qualification and he wants to coach football as a career.

Despite the relative newness of EHC plans, George's plan has helped to ensure that the college staff, the LA, his parents and his personal assistant (PA) work very well together.

As George was used to having a personal social care budget, which funds his one-to-one PA, he was pleased to find that he was able to be included in all aspects of the development of his EHC plan.

The college has been very keen to make adjustments to the course requirements in order to enable him to follow his chosen path. Physical adjustments take rather longer to achieve and, although there will be better accommodation for him in time, at present the arrangements for a disabled toilet, hoists, grab handles and a bed for daily physiotherapy are not ideal.

Two remaining issues are that hydrotherapy was omitted from the EHC plan and better transport arrangements could be made, so that George does not have to rely on his mother to drive him to and from college. It is possible that when his EHC plan is next reviewed, there might be a personal budget to cover these items.



This is another example of how everyone concerned is working together to provide George with what he wants out of college life. He is determined to make a success of his chosen career path and with his attitude and determination he may well win through against the odds.

The final two case studies in this chapter are also about two FE students who have EHC plans, but not personal budgets.

**Tom** is 19 years old and in his first year at a mainstream college, having had a variety of placements in his school years in a non-maintained special school, and a mainstream primary school, where he spent an extra year before moving on to a mainstream secondary school. He went to another special school for one year while waiting for a college place to become available.

Tom has autism combined with significant learning difficulties. He requires on-to- one support with his learning and for many of his personal care tasks. He receives a package of support from autism specialists who are external to the college, and who enable him to access a Foundation Learning course.

**Amy** has Down's syndrome and is now in her final year at college, having previously attended specialist provision. Like Tom, she is following a Foundation Learning course. She is supported by a local service called 'Restart', which works specifically with young people who need to develop life and work skills.

The FE college funds the organisation to provide Amy with 20 weeks of supported work experience. In addition, an independent Travel Trainer and a Job Coach help her to travel to her work placement and to increase her independence skills.

Amy waited for a year to get a suitable placement, but once Restart were involved, everything moved forward and Amy is feeling a lot more confident.

Both these case studies and the previous one about Mohammed show the value of involving specialists in the field who can support children and young people to benefit from environments as different as an early years provision and an FE college. Charities and other organisations have a definite role to play in broadening the opportunities for children and young people of all ages who have SEND, to extend their horizons and lead more fulfilled lives.

## 3.2 Personal budgets within EHC Plans

Personal budgets are designed to give families more choice and control over the services and support they need. They are not a mechanism for acquiring additional sources of funding, but for using the funding that is available more effectively and in a way that suits the family or individual involved. Personal budgets have existed since 2007, first of all for aspects of social care and more recently for health. However, they are a new concept in education, where they have been developed as part of the SEND Reforms 2014.

Personal budgets should be seen as an integral part of the co-ordinated needs assessment which may or may not lead to an EHC Plan. Once it becomes clear that an EHC Plan will be required, a personal budget can become part of the planning process. They are a logical part of making services more personalised and planning more person-centred. The work of the pathfinders leading up to the SEND Reforms, showed that a personal budget is one of a number of ways of achieving the increased personalisation of services for children and young people. They refer to the amount of money that is available to provide the support a child or young person needs.

## Personal budgets in social care, health and education

There are three different types of personal budgets:

1. **A personal social care budget** refers to the budget that is made available, if a child or young person is assessed as needing additional and individual support at home and when out and about in the community. It might, for instance, be used for short breaks, activities in the home or for personal care. The legislation about social care personal budgets means that they are in the form of direct payments, (which are explained later in the context of PBs as part of EHC plans).
2. **A personal health budget** refers to the budget that will be made available should a child or young person have a complex, long-term and/or life limiting condition. It may also be available, for example, to help with equipment or other health services, or for training family members to know how to give medication and health support. They are the responsibility of clinical commissioning groups (CCGs) or other health commissioning bodies. Since 2014, everyone receiving NHS Continuing Healthcare (including children's continuing care) has had the right to ask for a Personal Health Budget, which can be in the form of a direct payment.
3. **A personal SEN budget** refers to a sum of money made available to meet the child or young person's additional learning support needs. It cannot be used to fund a school or college place. Personal budgets for education only exist in the context of children and young people who have an Education, Health and Care plan. Although it may not be entirely clear from the title, an EHC Plan is not given unless the young person has educational needs. If this is the case, then health and social care needs are also considered. However, if young learners do not need additional support for education, then their route to a personal budget would be either through social care or through health and would not be part of an EHC plan. It might be used, for example, for specialist input or equipment that the school cannot provide, or a work based learning opportunity.

In some circumstances the head teacher and school may choose to offer some funding towards a personal SEN budget, but this is their decision. The personalisation approach provides the opportunity for the school to choose to do this if it is clear it is the best way to improve outcomes for the child or young person and they have the funding available.

In all cases the option of a personal budget is based on the support a child or young person needs to meet their individual outcomes.

**Larry** is in key stage 4. He has ADHD, a specific language impairment (SLI). and learning difficulties (LD). He is in a mainstream secondary school, where he has made considerable progress with the help of a speech and language therapist (SaLT).

Larry did not receive an EHC plan until he was completing Year 10. So far, he has not had a personal budget, but the school has been trying to get him one, so that the same SaLT could work with him when he transfers to the local FE college. She is willing to do this and it would provide Larry with some much needed confidence as well as continuity.

Larry's SENCO, and the Learning Support Manager in his school have set up good links with the staff at the college and the SaLT has also been involved in the communication between the two educational establishments. Everyone is keen to make it work, but it is a matter of whether or not the funding will come through in time.

It is not clear why it took so long for Larry to be given an EHC plan or whether a PB was discussed at the same time. However, what the school is trying to achieve shows the kind of situation where a PB could ease the transition from one environment to the next for Larry, as well as helping to ensure that his progress continues.

### **Findings of the SEND pathfinders re PBs**

While the SEND Reforms were being developed, as explained earlier, a number of LAs acted as pathfinders. They piloted some of the new ways of working that the SEND Reforms required. This included a strand of the work being devoted to personal budgets.

In November 2014, there was an evaluation of this work by SQW, the organisation charged with evaluating the Pathfinder Programme. This showed that, although personal budgets were already used for social care, and for some elements of health care, there had not been much use made of personal budgets for SEN. Some of the main headlines from the SQW Report are as follows:

- The DfE Pathfinder Evaluations to date have identified room for improvement with the engagement and understanding of young people in relation to personal budgets
- SQW identified that few areas have a work plan in place for the adoption of educational personal budgets

The SEND Reforms are still in the process of becoming embedded and many LAs are feeling overwhelmed by having to transfer all those already on statements, (or, in the case of those in FE, Learning Difficulty Assessments – LDAs), to EHC Plans, at the same time as dealing with the usual volume of new requests for assessments. This has meant that personal budgets have not received as much attention as they deserve. This became very evident when trying to find enough examples of personal budgets to use as case studies and backs up the findings of the research by SQW resulting in the key outcomes for the MIP3 project being defined as:

- With the help of partners, KIDS is aspiring to break down the barriers identified preventing the creative use of education funding for personal budgets
- Explore innovative solutions to unlock the potential of using base and high needs block funding to develop Educational Personal Budgets
- Improve engagement and understanding of young people with personal budgets
- Produce guidance on Personal Budgets for educational establishments and young people

It is in the light of these findings and recommendations that the present guidance is being produced. The work with young people was mentioned in the introduction to this guide and a link given to the video they have produced to help young people understand PBs and how they might be used to help them get the support they want. Nearly a year ago, and before the young people's video on PBs was produced, KIDS sent out a questionnaire to young people involved with the Young People's Engagement Group (YPEG) and other young people they were in contact with, to ask them to fill in an online questionnaire to find out what they knew about PBs. They were asked to say what they would like as part of the personal education budget.



Although it was clear from the replies that some of them were confused between a PB and pocket money, and that parents had had a hand in some of the responses, they came up with some interesting thoughts. Here are some of their replies in no particular order:

I would like to access the following things through the education part of a personal budget:

- Speech and language therapy
- Music therapy and a sensory treasure box
- Alternative provision
- Active (sporty) wheel chair based on my needs
- Private tutoring to help with learning
- Sensory integration
- Home to school transport.
- British sign language course (BSL)
- College but nothing available locally for level P1-P3. Want son to keep learning while he can.
- Physio, CAMHS, OT,
- Support to access sports which are suitable and interesting to me and not the standard curriculum
- Residential college
- Supported Internship - job coaching etc
- Cooking
- I would like to train as a sport coach
- I would like to get a coaching qualification
- I would like to do confidence training
- I would like to go to the Autistic College in Newcastle to learn better social skills
- I would like to do catering
- I would like to learn to be a car Mechanic
- I'd like to go on a course about railway maintenance
- Learning about animals
- I would like to do a course on animal handling
- Learn about other Countries
- How much things cost, i.e. food/ clothes/ shopping
- £5000
- Yes

The young people were aged 8 to 25. One of the young people was keen to explain how he felt a personal budget could have helped him had he had an EHC Plan. These were his thoughts:

*My name is Mike. I am 24. I went to a special school in Gosport and went to school each day on the school transport service. I would have liked to have a bus pass and a supporter to start working on travel skills earlier. Even at college Mum had to walk with me and collect me from college. If I could have walked with my friends or used public transport, I would be more independent now.*

*I've had short breaks since I was 19 and this has helped me. I can use routes I know on my own. I did some independence work at school – practising making lunches, and at college I did gardening. It was ok but gardening is not really my thing. I wished they had a radio station or something so I could get some experience and do something I think I would love.*

*After school, I didn't have many opportunities and would have liked a drama club or maybe a homework club. It would have helped me to be more social, support my work and give me something fun to do.*

*I had some short work experience placements which were 'ok'. I could have done with more work experience and with some support, to get more out of the placements, that would be more helpful. More real life experiences would have helped me to be more independent and closer to my goals. Practising being out in the community, using transport, dealing with money, being around different people would have been really helpful.*

*I do want to live independently one day, maybe get a girlfriend, go on holidays and get a job. Perhaps residential opportunities where you get to practise skills like changing beds, getting washed and dressed, making meals, going shopping, doing the house chores would help me and improve my life. It would help mum out too!"*



A few months after the Evaluation Report appeared, in March 2015, **Version 6 of the SEND Pathfinder Information Pack on personal budgets** was published by Mott MacDonald.

### **Different ways of delivering personal budgets**

There are four ways in which a personal budget can be delivered:

1. Direct payments – where individuals receive the cash to contract, purchase and manage services themselves.
2. An arrangement – whereby the local authority, school or college holds the funds and commissions the support specified in the plan. (These are sometimes called notional budgets).
3. Third party arrangements – where funds (direct payments) are paid to and managed by an individual or organisation on behalf of the child's parent or the young person.
4. A combination of the above (SEND Code of Practice para 4.191).

### **Direct payments**

Direct payments can be made to the parent, the young person over 16, or a nominated person, if it is clear that the person handling the money is capable of managing the direct payment with or without assistance.

However direct payments can only be made when requested and the LA is satisfied that various conditions are met, including that the provision of a direct payment would be used in a way that is an efficient use of the authority's resources.

The LA may only make direct payments in respect of the special educational provision specified in an EHC plan. It cannot be used to fund a place at a school or post-16 institution.

If the direct payment is used for support or services that would take place in a school or post-16 establishment, the head teacher or principal must give their consent in writing.

The amount of any direct payment must be sufficient to secure the provision that has been agreed. The LA must monitor the use of direct payments and carry out regular reviews.

Decisions not to make direct payments must be provided to the parent or the young person in writing and the parent or young person must be given a right to request a review.

If a young person or family decide they want to use a personal budget and/or direct payment, Section J of the EHC plan must show how the PB will contribute to the agreed outcomes and how any risk is to be managed.

Personal budgets will not be agreed where there are arrangements between the LA and a third party to deliver the provision, and the provision for the child or young person cannot be disaggregated from the overall sum.

In summary, LAs may only deliver a personal budget by way of a direct payment if all of the following apply:

- the recipient will use them to secure the agreed provision in an appropriate way
- where the recipient is the child's parent or a nominee, that person will act in the best interests of the child or the young person when securing the agreed provision
- the direct payments will not have an adverse impact on other services which the LA provides or arranges for children and young people with an EHC plan which the authority maintains
- securing the proposed agreed provision by direct payments is an efficient use of the authority's resources.

The effect of the last two requirements is that where delivering the provision by way of direct payment costs significantly more than it would cost the authority to deliver the provision in another way, no direct payment can be made.

If a young person or family decide they want to use a personal budget and/or direct payment, Section J of the EHC Plan must show how the PB will contribute to the agreed outcomes and how any risk is to be managed.

Further information on direct payments is given in the ***Personal Budgets Regulations 2014***.

In the following case studies, the two young people concerned have personal budgets, the first of which is handled by the school and the second is in the form of a direct payment.

**Philip** is in key stage 2 at his mainstream primary school. He has a diagnosis of attachment disorder. As part of his EHC plan, he has a personal budget which the family has agreed should be held by the school.

To help him overcome his difficulties, the school is employing a play therapist, who visits him at school every week.

The play therapist sees Philip on his own and he is responding well to this form of therapy, which gives him a special time to work one to one with a therapist. This approach uses a child's natural desire to play and to do so creatively, without having to talk about his feelings, unless he wishes to do so.

It is hoped that the outcome for Philip will be that he is able to develop emotionally and to change his behaviour, so that therapy will not be necessary. In the meantime, it is helping him to cope with being in school and in an emotional state where he is able to focus more on his learning.

**Mollie** is a looked after child (LAC) who is in key stage 4 at her mainstream secondary school. She has dyslexia and had been receiving support from a teaching assistant at the school.

Her parents were not satisfied with the lack of specialist help she was receiving and as Mollie already had an EHC plan, at her review they asked for a personal budget in the form of a direct payment.

This has enabled them to employ a specialist dyslexia teacher on a Saturday, since when Mollie has been making significant progress.

Although transport is not provision which will be specified in an EHC plan, it is sometimes possible to draw on funding from school transport, where this will be of benefit to all concerned. The case study below is an example of the benefit to the student of being able to travel to college in different ways, rather than always having a taxi booked to arrive at a set time.

**Jack** is 19 years old. He attended a special school until moving on to a mainstream college. He has autism and a visual impairment (VI).

Although Jack is on a full-time course, the college times are not always the same. Sometimes lessons are cancelled or timetables are changed, so a taxi is not very practicable. However, Jack has had an EHC plan for many years and more recently it was agreed that he should have a personal budget to use on transport.

This has made a huge difference to Jack's life, as he is able to order taxis when he needs them and he has also begun to use buses, albeit with a degree of support. (His family do not have a car). This has increased his confidence and independence and, as a result, his attendance has increased to 98%.

The next steps are gradually to reduce the support Jack needs on buses and to move to a pre-paid card method of payment to make the paperwork more straightforward for him.

Jack's mother is delighted that he is now attending college regularly as well as becoming more independent.

Being able to make his own travel arrangements has had a significant impact on Jack's life. As a bonus, it has actually saved money as taxis are no longer used when they are not needed.

The last case study in this chapter is about a young person who is slightly older than Jack and whose personal budget is used in a number of ways, all of which enable him to lead a more fulfilling life.

**Oliver** is 23 years of age and previously attended a specialist college for those with learning difficulties. He has now returned to live at home and uses his personal budget to provide a package of support which enables him to pursue the two outcomes he wants:

- To learn to travel independently and
- To gain more work experience in horticulture.

His PB pays for:

- 2 days a week at a specialist provision for young adults, where he works alongside a professional gardener who is his tutor
- Travel training, which has included being accompanied to the pub to extend his social skills.

After plenty of practice, Oliver is now able to travel independently on the bus, order and pay for drinks and walk home on his own. In addition, he has been getting voluntary employment at a garden centre, some stables and an old people's home.

This is another example of a comparatively small sum of money having a permanent impact on the life of this young adult, placing him in a better position for the future.

### **When to request a PB**

Parents and young people over the age of 16 are able to request a personal budget at any time during the preparation of the draft EHC plan, or during reviews or re-assessments. This includes the transfer review when a child who has been statemented is moved on to an EHC Plan.

Every LA should have a Personal Budget Policy, which can be found on its Local Offer website. This will include information about the availability of PBs. These will vary between LAs, depending on the services, organisations, specialist teams and charities in each area. Further information about the link between PBs and the Local Offer is given in chapter 8.

## **EHC needs assessment → EHC Plans → Personal budgets**

Detailed information about direct payments and personal budgets is contained in the **SEN and Disability Code of Practice 2015** (Chapter 9) and in a set of regulations which specifically apply to direct payments and personal budgets, **The Special Educational Needs (Personal Budgets) Regulations 2014**.

# 4: Myths and facts about personal budgets

As personal budgets are a new concept in terms of education, a number of myths have grown up around what they are and how they can be used. The next section tries to disentangle truth from fiction.



# Myths and facts about personal budgets

## 1. A personal budget is to help pay for the cost of a school place.

- **FALSE;** a personal budget is to pay for the additional support a child or young person needs and not for an early years, school or college place.

## 2. There is no extra money for personal budgets.

- **TRUE;** but by pooling budgets or using a combination of different funding streams, better use can be made of existing funds.

## 3. Parents can decide who they want to support their child in school.

- **FALSE;** it is not possible for parents to make this decision without the written consent of the head teacher or principal, even if their PB is in the form of a direct payment.

## 4. LAs do not have to mention about PBs when working on the draft EHC Plan.

- **FALSE;** it is up to the parents or young person to ask for a PB, but LAs must provide information, advice and support to the parent or the young person about PBs including the provision for which a PB may be available. In addition, the Code of Practice states that LAs should have a personal budget policy, which should be part of the Local Offer.

## 5. It is up to parents to ask for a personal budget if they want one.

- **TRUE;** the onus is on parents to request a personal budget.

## 6. LAs can refuse parents' request for a personal budget

- **TRUE;** but only under certain circumstances. These are, in short, when it is not possible to disaggregate the provision for the child or young person from provision being made for other children or young people.

## 7. Local authorities can have a blanket approach which means they do not have to agree to any personal budgets.

- **FALSE;** this has to be done on an individual basis.

## 8. A personal budget means the family can spend the money as they like.

- **FALSE;** this has to be agreed at the time the budget is allocated and it can only be spent on the agreed elements of support that it is designed to cover.

## 9. The only time parents can request a personal budget is when an EHC Plan is being prepared.

- **FALSE;** as well as requesting one at the time the draft EHC Plan is being drawn up, parents can also ask for one at a subsequent review, including the transfer review.

### 10. If parents do not get a personal budget, they can apply to the SEND Tribunal.

- **FALSE;** the SEND Tribunal does not have jurisdiction to resolve disputes in relation to personal budgets. The only legal remedy available to parents or young people here is judicial review.

### 11. Personal budgets have nothing to do with a LA's Local Offer

- **FALSE;** the LA should have a policy on Personal Budgets and this should be on their Local Offer.

### 12. The school my child goes to stopped me getting an EHC plan and a PB

- **FALSE;** it is not up to the school, but the LA.

## DfE's Factsheet for schools on the SEND Reforms: Myths and Facts

In February 2015, the DfE produced a Factsheet for schools, which included some general myths on the SEND Reforms. Some of the ones most relevant to this guide are given below:

### Transition from statements to Education, Health and Care plans

#### 1. Myth: Transfer to EHC plans should happen immediately

**Fact:** The Department has made arrangements for the transition from statements to EHC plans to happen in a phased way while maintaining the quality of assessment and support to children and young people. Local authorities must transfer all children and young people to EHC plans by 1 April 2018 at the latest.

Local authorities should aim to transfer children with statements of SEN to the new SEN system at points in their education at which a significant review of the statement of SEN would have otherwise taken place. This will help to ensure momentum through the transition period; and will help local authorities and schools manage their workloads and reduce burdens on families.

In order not to overwhelm the new system, this academic year, local authorities will only be required to transfer children and young people with statements of SEN to the new arrangements prior to them transferring from school (including school sixth forms) to a post-16 institution or an apprenticeship. This must be done by 31 May 2015.

#### 2. Myth: There is no need for a review for those transferring from statements to EHC plans.

**Fact:** This is absolutely not the case. The EHC plan is not a rebranding of the statement. To ensure that EHC plans are person-centred and focused on outcomes, an EHC plan must only be issued following a 'transfer review' – an EHC needs assessment.

A statement is only formally transferred to an EHC plan once the transfer review process is fully complete and the parent or young person has received the new EHC plan. Until that point, schools need to record on the census that the child has a statement.

### **3. Myth: Schools are responsible for the transfer of statements to EHC plans.**

**Fact:** The local authority holds sole responsibility for the transfer process. Schools play a key role in collecting key advice and information and in facilitating transition review meetings with parents. The review will be undertaken collaboratively with the local authority. EHC plans must specify the outcomes sought for the child or young person in their education, so it is essential that those who work closely with the child or young person are involved

#### **Workload**

### **4. Myth: The new arrangement will lead to additional workload for schools**

**Fact:** As previously, schools are legally required to use their best endeavours to meet the needs of children with SEN. We expect additional workload to be minimal. For example, schools had until September 2015 to transfer all pupils on School Action and School Action Plus to SEN support. We expect the transfer to happen following the pupil's planned review (which for most will be at least termly), so that the transfer process is part of the existing process.

Likewise the Department has set out arrangements for the transition from statements to EHC plans to happen in a phased way. To help local authorities and schools manage their workloads, we are clear that local authorities should aim to transfer children with statements to the new SEN system at points in their education at which a significant review of the statement of SEN would otherwise have taken place.

For some schools, the reforms will involve significant cultural change. This will take time and energy. We are not expecting overnight transformation. Local authorities and school leaders should work in partnership to ensure that the implementation is managed in a way that does not lead to increased burdens on the school workforce and ensures that staff are supported with the training they need.

It is important that schools consider carefully the workload implications associated with their SEN arrangements and ensure that these are manageable and sustainable. Those responsible for pupils with SEN, including the SENCO, should have sufficient time to undertake their roles effectively.

#### **Workforce Training**

### **5. Myth: Only SENCOs require SEN training**

**Fact:** This is not true. It is for schools to determine the training needs of their workforces to meet the needs of children with SEND. The Code is clear that all those working with children and young people with SEN should have access to training. This must be included in the SEN Information Report. (There is more about the SEN Information Report in chapter 8 of this guide).

# 5: Barriers, challenges and solutions

Now that personal budgets are coming into use in the context of EHC plans, some of the reasons why they are not proving more popular so far, are beginning to emerge.

As a result, challenges can be identified as to how to increase their uptake, so that personal budgets are part of the move to providing a more personalised service and one where person-centred planning becomes the expected practice for professionals when working with children, young people and families.



## 5.1: Barriers, challenges and solutions

It is becoming clear that the enthusiasm to embrace the idea of personal budgets (PBs) in the context of education, is taking time to emerge. At the same time, it is also becoming apparent why this may be the case. As it is young people over 16 and their parents or carers who are the key to the process, it is worth looking first at why they have not embraced this opportunity. The personalisation agenda has been welcomed by parents; the person-centred planning has met with their approval, so why is there not the same enthusiasm to embrace the opportunity of having a personal budget as part of an EHC plan?

At first glance, this reluctance seems even more unexpected when considering the fact that many of these families will already be familiar with personal budgets in the context of health and/or social care. Short breaks, in particular, have been a great success and made a real difference to the lives of many young people with SEND and their families. PBs will be familiar to LAs, too, in the form of health and social care budgets, but personal budgets for education are a new dimension for LAs, while PBs in any form may not be familiar to many in schools and other educational establishments

### 1. The onus is on parents and young people to ask

The first and major stumbling block is that parents and carers have to know that they have a right to ask for a PB to be prepared, when the Education, Health and Care needs assessment has been completed and the draft EHC plan is being drawn up. The problem with this is that none of us knows what we do not know. It is therefore very important that LAs comply with their duty to provide information, advice and support to parents and young people on personal budgets, including the provision for which a PB may be available. Some LAs have been very helpful in this respect and pointed this out to families when it becomes obvious that an EHC needs assessment is going to lead to an EHC plan, or when the transfer review takes place. Others, however, due to pressure of work, may not have done so.

The same applies to a young person over the age of sixteen, when responsibility transfers from the parents to the young person, provided they have the capacity to make the relevant decisions. So the young person will also need to know that they can ask for a personal budget to be prepared as part of the drawing up of the EHC plan. Finding ways of involving young people in the whole process of the EHC plans and the PB agenda, so that they feel that their voices are heard, their ideas listened to and that the support they get is no longer something that others decide for them, is important. So far, the evidence is that they feel far less involved with the changes than their parents or carers. Of course, much will depend on their age and the nature of their learning difficulties, but parents and educational staff who work with them, are adroit at finding ways in which their voices can be heard.

Although every LA must have information about personal budgets as part of their Local Offer, including a PB policy, not every parent is in a position to spend hours trawling the website to find the information they want. Sometimes it is very easy to find the information about PBs and how you can ask for one, but every Local Offer is presented differently and some are much more user-friendly than others. There is further discussion about Local Offers in chapter 8.

The challenge here is clear: how to ensure that families know they have this right. It needs a concerted drive by all concerned to raise the awareness of this situation. This could involve all the various organisations working with and for parents, all the different kinds of educational establishments and, of course, LAs themselves. Some LAs make sure a discussion around PBs

is always part of filling in section J of the EHC plan, which is consistent with their information provision duties. In fact, a few go even further and prepare a draft PB for every family as part of their work on developing the EHC plan. It is up to everyone involved to make sure young people and their families know that they can request a PB.

An offshoot of this is that there are exceptions when a local authority does not have to agree to a parent's request for a personal budget to be considered. It is possible that one of the myths floating around, (which was mentioned in the previous chapter), that some LAs do not have PBs for education, may have put off some parents. The truth is that this has to be done on an individual basis, with every request being considered on its merit. Furthermore, the LA must explain the grounds for refusing a request for a PB as part of an EHC plan. These might be because it is seen as an inefficient use of the LA's resources, or because a specific type of support is available at a lower cost

## **2. Schools and settings may be unaware or cautious**

The staff in early years settings, schools and colleges may not be aware of all the details in an EHC plan, including section J on PBs. So, although they may have good contact with the families concerned, they may not be in a position to inform parents about their role in requesting a PB if they want one. The majority of staff are not involved with the process of getting EHC plans.

A further difficulty may be that there has been some misunderstanding about how PBs operate and a fear on the part of schools and other settings that a PB will mean i) that money will be taken away from them to help fund the PB and ii) that it might mean people being imposed on the school to work with a pupil who has SEND, who is not part of the school's staffing.

The challenge here is to find ways of ensuring that educational professionals themselves are better informed about PBs, both in terms of knowing that funding under their control cannot be used without their agreement, and in being reassured that families with a direct payment are not in a position to impose other adults on schools.

The Department for Education (DfE) is in a strong position to bring home this message, as it is in constant correspondence with schools through emails and updates, including Newsletters about the SEND Reforms. Reassurance about funding not being removed without their consent and additional adults not being brought into schools unless it is with their agreement would help to ensure that schools feel free to encourage parents to explore PBs rather than being wary of promoting them.

If this information were to be combined with positive messages about how PBs can be another means of acquiring the additional support the child or young person needs, educational establishments might be encouraged to see PBs in a positive, rather than a negative light. This is already the case for some schools and other settings, who have played an active role in the development of PBs and have been in a position to see their value at first hand.

## **3. A lack of staffing and systems at LA level**

Putting in place something different usually means more work initially. Separating out the strands of support a child or young person needs and their costs is proving time consuming for LAs, because that information may not already exist in an easily accessible form. Some of the pathfinder LAs had a chance to get ahead of the game and to develop systems for capturing this data at an early stage. Others who were not pathfinders also saw what was coming and began to make the changes that would enable them to be ready for PBs.

Before this addition to PBs, LAs and their partners in health, were already at different stages in developing PBs. Most have personal budgets for social care well embedded, but personal health budgets may or may not be as well developed. Colleagues in health have had their own difficulties to wrestle with, as they are used to a service which is free at the point of access.

Joint commissioning arrangements, which are discussed further in the next chapter, are at various stages of development, too, which will have an impact. All this means that the amount of what is offered under PBs of any kind will vary between LAs, but the expectation is that this will increase over time, as more services develop to meet demand.

So, there are many challenges for LAs who are at the heart of these structural changes. The money that the government has provided to assist with embedding the SEND Reforms has helped to create some more staff posts and to give training to those who need to become familiar with new ways of working, whether this involves working face to face with families for person-centred planning or having designated people to set up new systems. However, considerable pressures remain which should, at least to some extent, reduce over time.

This leads into a final barrier: the financial climate in the country as a whole.

#### **4. A difficult financial climate for change**

A very obvious barrier is trying to introduce PBs into education at a time of considerable financial constraint. The lack of resources to take on new ways of working, needs to be seen both in terms of having the funding to support new ideas and in terms of having enough staff to get to grips with the possibilities they present. Many LAs and educational settings are struggling to adjust to the current financial climate, which has seen cutbacks to services and staffing, leaving them with little time and energy to investigate PBs as part of EHC plans.

As it is unlikely that any additional funding will be entering the system to support personal education budgets, the alternative is to convince all those concerned that exploring PBs as part of EHC plans, will not only make for better relationships with families as part of the personalisation agenda, but will be more productive in maximising the use of the funding that exists. Some of the case studies in this guide illustrate this approach.

Some seed funding for personal education budgets for children and young people with SEND could go a long way in establishing this approach, in the same way that it helped to establish short breaks. At present, there is a situation where the provider market needs to grow, but it is hard for it to do so until and unless the demand is there. It needs a real push from all concerned, from government down to grass roots level, to get behind this new form of PBs and to create the demand that will enable PBs in this new context to grow and become an established part of the landscape. The fact that the climate is not conducive means that everyone involved has to work that much harder to give them the prominence that will make them a success story and become one element of proving that the SEND Reforms really have made a difference to children, young people and their families.

# 6: Funding, commissioning and income generation

*Local authority commissioners and their partners should seek to align funding streams for inclusion in Personal Budgets and are encouraged to establish arrangements that will allow the development of a single integrated fund from which a single Personal Budget, covering all three areas of additional and individual support, can be made available. EHC plans can then set out how this budget is to be used including the provision to be secured, the outcomes it will deliver and how health, education and social care needs will be met.”*

## **SEN and Disability Code of Practice (2015)**

Personal budgets (PBs) are a key part of the work being done by health, social care and education to move towards joint commissioning. At present, it is early days in terms of the use of personal SEN budgets, but, over time, this should lead to shaping the number of services and types of support that can be made available to young people and families through using a PB.



## 6.1: Funding

This is a difficult time to write about funding in relation to local authorities (LAs) and educational settings. Although alterations to funding are made on a regular basis, at present, two very significant changes are being planned.

The first of these are the two consultation documents released in March 2016, that together form the first of a two part consultation on funding. These are:

- Schools national funding formula: Government consultation – stage one
- High needs funding formula and other reforms: Government consultation- stage one

The second is the announcement in the latest budget statement by the Chancellor of the Exchequer, George Osborne (16th March 2016), that the funding of schools may be removed from LAs.

At present, LAs receive two streams of funding from the government:

- The Education Support Grant (ESG)
- The Dedicated Schools Grant (DSG)

The DSG is divided into:

- The schools block
- The high needs block
- The early years block

For LAs, high needs expenditure includes:

- Funding for places in specialist and post-16 institutions (e.g. special schools, special post-16 institutions and pupil referral units);
- Top-up funding for individual pupils and students with high needs, including those in mainstream schools and young children in their early years; and
- Services that local authorities provide directly, or through contracts or service level agreements with others – for example, specialist support for pupils with sensory impairments, or tuition for pupils not able to attend school for medical or other reasons.

Part of the high needs block is retained by the Education Funding Agency (EFA), which is an executive agency of the DfE. This is for the place funding paid to colleges and other post-16 institutions.

Academies are funded through EFA rather than through the LA in which they are situated, but receive the same level of funding as other schools in the same LA. They can also ask the LA for top-up funding.

Pupils and students who may receive support from the LA's high needs budget include:

- Children aged 0 to 5 with SEND, whom the LA decides to support from its high needs budget.

Some of these children may have EHC plans;

- Pupils aged 5 to 18 with high levels of SEN in schools and academies, FE colleges, special post-16 institutions or other settings which receive top-up funding from the high needs budget. Most, but not all, of these pupils have either statements of SEN or EHC plans;
- Those aged 19 to 25 in FE and special post-16 institutions, who have an EHC plan and require additional support costing over £6,000;
- Pupils aged 5 to 16 placed in Alternative Provision (AP) by local authorities or schools.

Although APs, including Pupil Referral Units (PRUs), are not specifically for SEND pupils, as they cater largely for pupils who are excluded or at risk of exclusion, and pupils with SEND form a large percentage of those who are likely to be excluded, there has always been a considerable overlap.

As far as maintained schools are concerned, the schools block the LA receives from government is passed on to them as 3 separate elements:

Element 1 Funding is the amount of money schools receive for the number of pupils they have. As well as the number of pupils, there is a weighting for their age, which is known as the AWPU (age weighted pupil unit), with primary schools receiving less than secondary schools. It also varies between LAs. This is a school's core budget to enable it to provide for all its pupils, including those who have special educational needs and disabilities (SEND).

Special schools and APs, including PRUs are funded differently, as they are not resourced for the number of pupils they have at any one time, but for the number of places they are designated to provide.

Personal SEN budgets cannot be used to buy a place, so this element is not part of a PB.

Element 2 Funding is additional money to fund the 'special educational provision' for pupils who need something 'additional to or different from' that which is provided for all pupils. This is also known as a school's 'notional SEN budget,' as it is not ring fenced, but it is up to individual schools to decide how to spend it. From this funding, schools are expected to pay the first £6,000 of the additional support these pupils may require. Typically, this might be used for some extra help in a small group to improve their literacy or maths skills, to build their confidence and resilience, or to work on regulating their behaviour through an anger management programme.

Part of this could be used for a PB, if the school agreed that the money should be used in this way.

Element 3 Funding, also known as top-up funding, can be requested by schools from the LA's high needs block, if the school can show that a pupil requires more than £6,000 to be spent on meeting their needs in order to achieve their outcomes. Head teachers are not always aware that it is the LA rather than the school, that has the legal responsibility of making sure that the resources to pay for the support outlined in a pupil's statement or EHC plan, are made available.

This funding can be put towards a Personal SEN Budget, provided the educational setting and the LA agree to use it in this way.

So, in summary, as far as PBs are concerned, Element 2 could be drawn on if the school or college is happy about this, with most funding likely to come from Element 3 via the high needs block held by the LA.

In addition, health and social care may use part of their budgets, or the LA may use other resources such as the transport budget for schools and other educational settings, to make sure all of a child or young person's support needs can be met.

### **Future direction for funding**

For many years, there has been talk of creating a National Funding Formula (NFF), to iron out considerable differences in the amount of money LAs receive and, therefore, are able to pass on to schools. The publication, ***Schools national funding formula: Government consultation – stage one*** indicates that the government is planning to make substantial changes to the way schools are funded, not least by having a National Funding Formula (NFF). Although this may well prove to be a fairer system, unless more cash is put into the system, which seems unlikely, it will inevitably mean that there are losers as well as winners.

The focus of this consultation paper is the Dedicated Schools Grant (DSG). To the current 3 blocks of: schools, high needs and early years, a fourth would be added called the 'central service block.' Currently, as well as the DSG, LAs receive the ESG and the proposal is to bring these 2 streams together in a single Central Services Block.

However, other LA responsibilities, such as school transport, the assessment of pupils who have, or might have, SEN, and planning and supplying school places, are functions not covered by this consultation.

Appearing alongside the consultation on the move to having a NFF, is ***High needs funding formula and other reforms: Government consultation – stage one***. In the foreword by Edward Timpson, the Minister whose responsibilities include SEN, and Sam Gyimah, whose ministerial responsibilities include Early Years and School Funding, they write:

*"... we want to make sure that mainstream schools, academies and colleges are better equipped to meet the needs of their pupils with special educational needs, disabilities, behavioural problems and medical needs."*

The consultation is concerned with improving the way high needs funding is distributed, and how the administration of funding for pupils with SEND and those in AP is handled.

The consultation paper refers to the SEND Reforms brought about by the Children and Families Act 2014 and states:

*"Funding changes have played a part in supporting this progress. For example, one of the important reforms under the Act is the creation of a system that covers children from their birth to when they reach the age of 25. The coalition government's funding reforms introduced the concept of a high needs block of funding within the overall dedicated schools grant (DSG), and adjusted the scope of the high needs funding block to reflect that expanded age range."*

*The previous high needs funding reforms from 2013 also included changes to the way that schools, colleges and other institutions received their core funding to meet the needs of all their pupils and students, including those with SEN and disabilities, and the funding changes included the concept of top-up funding for those pupils and students with high-cost SEN and disabilities, and those in AP who are not in school for various reasons."*

### **Paragraphs 1.3 and 1.4**

Both consultations run from 7th March 2106 to 17th April 2016.

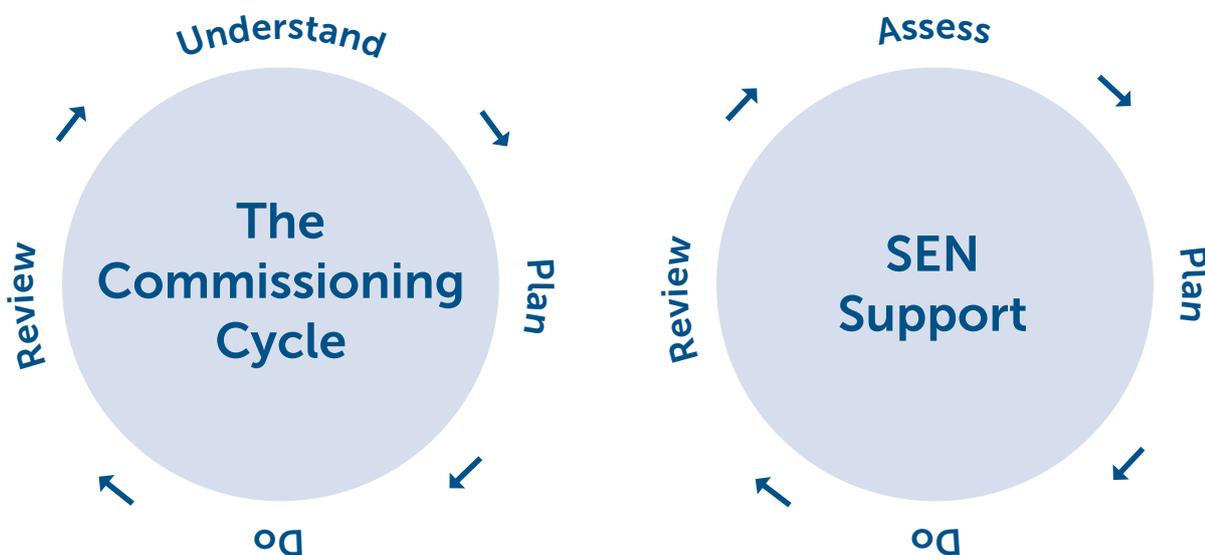
In addition, the other very significant change mentioned at the beginning of this section is the announcement in the latest budget statement by the Chancellor of the Exchequer (16th March 2016), that all schools are to become academies by 2022. This is likely to mean that, if it goes through, all schools will join established academies in not receiving their money via the LA, but directly from government. This will lessen significantly an LA's involvement with schools, although they may be responsible for other elements of education, including the assessment of children and young people with SEND.

## 6.2: Commissioning

In the context of the SEND Reforms, commissioning takes many forms, including:

- Individual services commissioning support for a child or young person
- Services working together to commission the services that are needed
- Early years settings, schools or colleges commissioning support from outside their own resources
- Young people and their families commissioning the services they want by having a personal budget in the form of a direct payment.

Between 2008 and the end of 2013, there was a Commissioning Support Programme which was set up to help LAs and their partner organisation to think about working more flexibly. The Commissioning Cycle they suggested, (and which featured ***in How to commission for personalisation – Guidance for commissioners and others in children and young people's services***), is almost identical to the one in the ***SEND Code of Practice*** (2015), for how teachers should approach supporting pupils who have SEN:



## Commissioning in the health service

The idea of commissioning has also become familiar through the Clinical Commissioning Groups (CCGs) that replaced Primary Care Trusts (PCTs) in the wake of the **Health and Social Care Act 2012**. There are over 200 CCGs and they are responsible between them for spending around 60% of the NHS budget, in order to plan and commission health care services in their area. They ensure that personal health budgets are available to people who would benefit, including those who have continuing healthcare funding and those who have long term conditions.

A new post in health that has come about as the result of the SEND Reforms is that of the Designated Medical Officer (DMO) such as a paediatrician, or Designated Clinical Officer (DCO), if carried out by a qualified and experienced nurse or other health professional.

This is a non-statutory role, although the SEND Code of Practice states that:

*'Partners should ensure there is a Designated Medical Officer (DMO) to support the CCG in meeting its statutory responsibilities for children and young people with SEN and disabilities.'*  
**(paragraph 3.45)**

There is a DMO or DCO in most areas, where they support the CCG in meeting its statutory responsibilities for children and young people with SEND between the ages of 0 and 25 and form a useful link with children's services.

## Joint commissioning

Joint commissioning has been referred to as 'The process for deciding how to use the total resources available in order to improve outcomes and to do so in the most efficient, effective, equitable and sustainable way.' There has been talk of the need for education, health and social care services to work more closely together, ever since the Children Act of 2004.

This led to separate Directors for Education and Directors for Social Services in LAs being largely replaced by Directors of Children's Services, whereby education and social care come under the same director. Health has often stood outside this. Their boundaries may not be coterminous and the health service, in particular, seems to undergo frequent reorganisations. In addition, in a time of financial restraint, it may be the elderly rather than the young who are the focus of much of their attention.

**The Children and Families Act 2014** has been able to build on the foundations laid by the **Children Act 2004** and the Every Child Matters (ECM) agenda that went with it, to take another step towards encouraging all 3 services to work together. This is particularly important for children and young people at the complex end of the SEND continuum, who may need the attention of all 3 services and if there is not close working between them, the young person is likely to be viewed, rather like a jigsaw, as a series of individual pieces rather than a whole picture of their needs being put together. In particular, section 26 of the Children and Families Act 2014 requires local authorities and CCGs to put in place joint commissioning arrangements to secure education, health and care provision.

This highlights the importance of the move from statements to EHC plans. Although the focus here is on educational needs, and only those who have SEN will have an EHC plan, social care and health provide the other elements that will contribute to a more comprehensive consideration of the young person, their needs and those of their family.

In the context of the SEND Reforms, commissioning is the process by which decisions are made about the best way of using available resources, in order to improve outcomes for children, young people and their families, following the cycle illustrated earlier of working together to:

1. Understand the outcomes to be achieved and what resources are available.
2. Plan how to meet a young person's needs and the different ways they might be addressed.
3. Implement any decisions after agreeing a way forward.
4. Review how well the outcomes are being met and what needs to happen as a result.

Joint Commissioning starts with the child, young person and their family. It involves consulting them and listening to what they want. This is very much in tune with the move to involving families in the decisions that affect them and listening to their views about the provision that is available and what else is needed.

Commissioning is seen as important in securing better outcomes at a time of increased pressure on budgets. Those working across the services have been gradually adopting the commissioning process as a way of improving children's lives. It is hoped that this will become the means by which there is increasing parental choice and control through an increasing use of personal budgets, which, in turn, should lead to a wider range of budget areas becoming available.

As part of SENDirect, there is a Commissioners Dashboard which allows LAs and CCGs to view key data about the services available to young people in their area. There are reviews from service users, as well as ideas on what else users are looking for. It can be accessed at [www.sendirect.org.uk](http://www.sendirect.org.uk). More information about what SENDirect can offer is given in the next chapter.

In terms of LAs and commissioning groups working together over funding, there will be variation in how many CCGs there are in a local area, from LAs that work with a single commissioning group, to those that work across several CCGs.

All involved are expected to set out in their joint commissioning arrangements for agreeing Personal Budgets. Health professionals need to work with LAs to describe the services they offer which might be able to be included in a PB. As there may be an overlap between PBs for young people with SEND and those who have Personal Health Budgets, it is recommended that consideration should be given as to how these can be aligned to make the process more manageable for families.

In the SEND Code of Practice 2015, paragraph 3.9 lists what joint commissioning arrangements should cover, both for those with EHC plans and those without. This includes:

- Specialist support and therapies such as clinical treatments, medications, speech and language therapy, assistive technology
- Personal care
- CAMHS support
- Occupational therapy
- Habilitation training
- Physiotherapy

- Nursing support
- Specialist equipment such as wheelchairs and continence supplies.

Joint commissioning arrangements are stressed in the context of securing EHC needs assessment; securing EHC plans; and agreeing personal budgets.

Further information is available in *How to commission for personalisation*, which can be downloaded from [www.kids.org.uk/mip2](http://www.kids.org.uk/mip2)

## 6.3: Income generation

Looking at PBs as part of EHC plans, money may come from social services, NHS CCGs or from education. First, there will have been an assessment of what support is needed, which will be related to the outcomes the family wants. As stressed previously, PBs are not a mechanism for providing extra funding, but a way of making sure that it is spent effectively and in the way the young person and their family desire.

A synopsis of the main funding streams is given in the table below:

Service			
Age range	SEN	Social care	Health
0–25	High Needs Block	Funding for children in need under Section 17 of the Children Act 1989	Continuing Care funding – children and adults

This is not the whole picture, as LAs may use money from their transport budget, schools may be able to contribute from their Element 2 funding or from other funding streams such as the pupil premium, which is given for disadvantaged pupils.

### Pooled and combined budgets

If the child or young person already has a personal budget from social care or for health services, the funding can be brought together to provide a single budget which covers all the support the child and family need. Some LAs have been particularly forward looking in seeing the possibilities of this way of working. The case studies below are from the same LA. Although health is not included, these show what can be achieved when budgets from education and from social care are combined.

**Lewis** attends a special school because of the complexity of his needs. As part of his EHC plan, he has a personal budget which is funded by both education and social care, enabling his additional needs to be met.

**Jerry** is in key stage 3 at a mainstream secondary school. His needs are very complex and he is unable to attend school full-time. When his EHC plan was being drawn up, it was agreed that he would have a personal budget, which would be mainly funded by education, but with some of the money coming from social care. Everyone was in agreement that the school would manage the PB on behalf of Jerry and his family. His PB enables Jerry to have a package of support and education. This includes:

- Music therapy, funded by social care, which supports his emotional wellbeing through building a relationship with the therapist and giving him a means of communicating through live music making
- Horse riding to help with his social, emotional and mental health needs
- Country Classroom, (an educational programme to bring the countryside into schools), which enables Jerry to have a curriculum that includes animal care

The last two are funded by education. In this way, a holistic approach is being taken to Jerry's very complex needs. Through offering him a bespoke programme, it is hoped that he will be able to move into full-time education.

**Christopher** is another pupil whose complex needs means that he can only access part-time education in school. He is in key stage 4 at his mainstream secondary school. His pooled personal budget between education and social care enables him to have some of his education at home and also to gain some work experience with support.

For a variety of reasons, it is the case that more children and young people with very complex needs are emerging and this highlights the need for services to work together and with families, to get the very best provision for these children and young people. It is heartening to see the innovative thinking behind some of the personalised packages of support that are appearing and which enable them to access education.

The last case study in this chapter is of another boy whose complex needs require different elements of support. In this case, it is not a pooled budget in the sense of different services involved, but it demonstrates a school's ingenuity in tapping into different funding streams in order to meet his needs.

**Douglas** is in key stage 3 at a mainstream secondary school. He has a significant attachment disorder. On his EHC plan, his needs are listed as having difficulty with managing his behaviour and his emotions.

During his primary schooling, Douglas was excluded several times from his first primary school and he was then moved to a different one. His difficulties have continued despite having had support from the Educational Psychology Service (EPS), the LA's Behaviour Support Service and being seen by CAMHS.

When he moved to his secondary school, he had a very difficult first year, including leaving the school site without permission and verbal and physical abuse of his peers and of staff. At the same time, he was causing damage at home.

When Douglas's statement came up for review, he was moved onto an EHC Plan and a personal budget was agreed, which is managed by the school. This has enabled him to have:

- A full-time key worker paid through top-up funding
- Drama therapy sessions twice a week
- A Forest School programme with four of his peers
- Additional bespoke educational visits as part of a more personalised curriculum.

The school is funding the last 3 items until his personal budget comes through, so that Douglas's needs can be met. In this way, he is being maintained in full-time education and increasingly accessing more lessons with his peers.

While it is too early to evaluate the full effectiveness of the way in which PBs are being implemented, it is clear already that they are supporting children and young people in accessing education both at schools and at colleges.

# 7: Supporting children, young people and families

*Local authorities must ensure that children, young people and parents are provided with the information, advice and support necessary to enable them to participate in discussions and decisions about their support. This should include information on their rights and entitlements in accessible formats and time to prepare for discussions and meetings.*

## **SEND Code of Practice paragraph 1.9**

The need to support families in understanding the SEND Reforms is key to making sure they can benefit from a more personalised approach, participate in person-centred planning and be aware of their rights, including knowing they can ask for a personal budget if their child or young person has an EHC plan.



## 7.1: Independent advice and support services

Local authorities (LAs) now provide Information, Advice and Support Services (IAS Services), to give an impartial and confidential service for children, young people, parents and carers in relation to SEN. These have replaced the previous Parent Partnership Services (PPS) with an expanded remit also to meet the needs of children and young people.

IAS Services have a duty to provide information, advice and support to children and young people with SEND and their families. They are statutory services, so there should be one in every local authority (LA). The Information, Advice and Support Services Network (IASS Network) supports and promotes the work of the IAS Services across England. They are based at the Council for Disabled Children (CDC) in London, which is also the home for the National Children's Bureau (NCB).

The IASS Network is leading on the legal training for local IAS Services. Its website provides details of where to find every local IAS Service in England, [www.iassnetwork.org.uk](http://www.iassnetwork.org.uk)

In addition, a new user-friendly website aims to help children and young people understand what rights they have for accessing information, advice and support. The website also explains how young people can get help and contains full contact details for all IAS Services across England, [www.cyp.iassnetwork.org.uk](http://www.cyp.iassnetwork.org.uk)

## 7.2: Independent supporters and key workers

In addition to IAS Services, as part of helping families to understand the SEND Reforms, the DfE spent £30m on the recruitment and training of 1,800 people to provide advice and support to parents of children and young people with SEND. At first, they were only going to be in post for a very short time, but their role has since been extended twice and they are now being funded to continue for the rest of the financial year 2016/17. They work alongside IAS Services in LAs.

Independent supporters are recruited, trained and managed by the private, voluntary and community sector. They help families to understand the process of getting an EHC needs assessment and an EHC plan. They help with liaising across services and they explain about personal budgets (PB). Their support to each family is time limited so that they can cover more families who would like their support. The exact nature of their support will be tailored to the families they work with and their particular needs. There is further information about the work of Independent Supporters and how they can be contacted through:

[www.councilfordisabledchildren.org.uk/what-we-do/independent-support](http://www.councilfordisabledchildren.org.uk/what-we-do/independent-support)

The SEND Code of Practice also recommends the use of key workers, so that there is one person to support the family throughout the process of getting an EHC plan. Where this has been tried, including during the SEND Pathfinders, the feedback from parents has been that this type of

support has been of great value. The Code lists the key worker's functions as being some or all of the following:

- Emotional and practical support, as well as being a single point of contact
- Helping decision-making including the use of personal budgets
- Co-ordinating the services involved and facilitating multi-agency meetings
- Providing and signposting information
- Being an advocate for the child, young person or their family.

Many families do benefit from such an approach in an environment that may be very strange to them, but it does mean finding someone who has the time and the links to make it work.

## 7.3: National and local organisations to support families

### Parent Carer Forums (PCFs)

Parent Carer Forums are local groups of parents and carers of children and young people with SEN and/or disabilities. They work alongside local authorities (LAs) to make sure that services are planned, commissioned, monitored and delivered in a way that will meet the needs of children, young people and families. There are 150 Parent Carer Forums and 152 local authorities (LAs), so there is almost one for every LA.

Parent Carer Forums exist in almost all areas of England and every local one is listed on the National Network of Parent Carer Forums (NNPCF). Their website is: [www.nnpcf.org.uk](http://www.nnpcf.org.uk). This organisation exists to promote the participation of families. The Forums are gathered into 9 regions, which mirrors the regional structure of the DfE. The regional representatives – one from each region - form a national steering group.

The NNPCF was launched in 2011 with government funding. Both the national and the local organisations were very active during the development of the SEND Reforms and now in their implementation. They have helped to run surveys for the government showing how the reforms are being embedded.

### Youth Forums

Less well known, and in many areas, less well established, are Youth Forums, which, like PCFs, should be involved in the development and planning of services to meet their needs.

Although many charities and other organisations are good at recruiting young people with SEND to inform their work, at LA level they are often less well developed. This could be one reason why young people have said they feel less involved in the changes brought about by the SEND Reforms, such as being part of creating their EHC plans than their families.

## SENDirect

SENDirect was launched in January 2015 after 9 well known charities in the disability sector had formed a consortium to develop new products and services to meet the changing needs of children and young people with SEND. This is a national online service to support families and practitioners to:

- Know the choices that are available, what they might cost, and how other users have found them
- Access information to tell them about their legal rights
- Access guidance on how to tell which particular support or activities could be effective in achieving the desired outcomes for their child
- Be able to speak directly to activity providers about how they could adapt their service to suit their needs
- Be in a position to influence the development of new and different services that might meet their child's needs more effectively
- Help to shape and be able to purchase activities, support and equipment online.

The charities involved in running SENDirect are:

- Ambitious about Autism
- Contact a family
- Dyslexia Action
- Family Fund
- I can
- KIDS
- Mencap
- The National Autistic Society
- Scope

They are funded by both the DfE and the Department of Health (DoH). Further information and links to the websites of the charities involved from [www.sendirect.org.uk](http://www.sendirect.org.uk)

Finally, some information about 2 organisations who, between them provide a wide range of up to the minute information, advice and resources.

## IPSEA

IPSEA stands for 'Independent Parental Special Education Advice'. It is a charity covering the whole of England. It has a helpline and many resources. It is particularly useful for families who want to know about their rights and the legal side of everything to do with SEND and the Reforms: [www.ipsea.org.uk](http://www.ipsea.org.uk)

## Special Needs Jungle

The Special Needs Jungle is a not-for-profit organisation whose website contains parent-led information and resources. It is full of informed opinion and impartial advice about children and young people with SEND: [www.specialneedsjungle.com](http://www.specialneedsjungle.com)

To complete this chapter, a case study is given of a child who is in the care system. Many Looked After Children (LAC) have SEND as well and it is particularly important that those who care for them are able to tap into every possible source of support.

**Millie** is 19. She has been in and out of care since early childhood. This resulted in her being placed in a secondary residential school away from her home area.

Millie has severe learning difficulties (SLD) as well as some mental health issues, which cause her behaviour to be challenging. She is also obsessional.

Having returned to a specialist setting for young adults in her home area, she is being supported in developing her self-management skills and exploring options for learning and for leisure that she might be able to access in the area.

Millie has a personal budget which is managed by the local authority through a financial appointeeship. This has enabled her to have:

- One-to-one sessions with a wellbeing manager
- Time with a teacher and a learning assistant

Between them, they are helping Millie to discover the opportunities and choices in the locality. Currently, she is exploring the possibilities offered by: the Adult Learning Service; attending a local exercise class; and working in a community café, where she might make a meaningful contribution to her community.



# 8: The Local Offer and personal budget plans

*Local authorities must publish a Local Offer, setting out in one place information about provision they expect to be available across education, health and social care for children and young people in their area who have SEN or are disabled, including those who do not have Education, Health and Care (EHC) plans. In setting out what they 'expect to be available', local authorities should include provision which they believe will actually be available.*

## **SEND Code of Practice 2015, paragraph 4.1**

As part of the SEND reforms, from 1st September 2014, every Local Authority (LA) has had to publish a Local Offer. This is to help families and others to find all the information about the services and support that is available in their area, for children and young people from birth to 25 years of age, who have special educational needs and/or disabilities. The Local Offer must include information on the availability of personal budgets.



## 8.1. The Local Offer

The Local Offer is a key part of the SEND Reforms. It was created as a response to criticisms from parents and carers about the difficulty of finding the information they needed. These views were expressed to Sarah Teather, who was Minister for SEN at the time of the **Call for Views** and the Green Paper, **Support and aspiration for pupils with SEND** which followed it.

This has been a huge piece of work for local authorities (LAs) and for all those who support them in providing the information that needs to be included. The Local Offer has two key purposes:

- To provide clear, comprehensive and accessible information about the provision expected to be available
- To make provision more responsive to local needs and aspirations, by involving children, young people with SEND, parents and carers, as well as service providers in its development and review.

The information that has to be included in the Local Offer that every LA has had to produce since the SEND Reforms became operational, are set out in the SEND Code of Practice 2015 and in the SEND Regulations 2014.

This includes:

- How children and young people's needs are assessed, including assessments for education, health and social care
- The special education provision that is available in the area
- The social care provision that is available to children and young people with SEND
- The health provision that is available to children and young people with SEND
- Post-16 provision, including apprenticeships, traineeships and supported internships
- Leisure, sports and arts provision
- What is available to help young people at points of transition, (eg starting school, changing schools, moving on to college)
- How young people are helped to prepare for adulthood
- Arrangements for travel to and from early years settings, schools and post-16 providers
- Sources of information, advice and support in the LA area relating to SEND
- The LA's accessibility strategy.

Importantly, the Local Offer must specifically include information on the availability of personal budgets.

Although the same information must be included, LAs have demonstrated a variety of different approaches in the way their Local Offers are presented. Despite the huge amount of information that has to be included, some have very clear signposting and a range of ways in which the information can be accessed, such as:

- large print versions
- signed video clips to explain the information in British Sign Language

- making use of signs and symbols and easy read versions
- having printed versions available for those who do not have ready access to the internet.

Some Local Offers are very attractive, adding plenty of colour, pictures and even a touch of humour to enliven the information that is given, while others are less eye catching.

The Local Offer has to be reviewed at least annually and the LA must publish any comments it has received, as well as the information about what it has done to address any concerns that have been raised. This is an opportunity to improve on what has gone before and some of the comments are likely to be about aspects of presentation.

This is also one of the ways in which the DfE hopes that young people, parents and carers, as well as everyone else who is involved in offering services and support, will help to move the SEND Reforms forward at a strategic level.

To begin with, there was some confusion about the Local Offer, which is a new duty for LAs and the SEN Information Report, which is a new duty placed on schools. While schools must contribute to the Local Offer by saying what their school provides to support pupils with SEND, it is the LA's responsibility to produce it.

The next case is a young adult with a personal budget, which has enabled him to continue to develop the skills he will need to take his place in society.

**Omar** is 22 years of age. He has autism and severe learning difficulties (SLD). He is in his first year at a specialist adult provision. Previously, he attended a residential specialist college away from home.

Omar has a personal budget in the form of a direct payment. This is being used to give him the educational support he needs to develop his practical skills and maximise his potential employability.

He is keen on hairdressing and one of his sessional tutors, who is a professional hairdresser, makes sure Omar understands what is required of him in the hairdressing industry and helps him to develop his customer service qualities, alongside his practical skills in hairdressing.

Omar is currently working with other staff team members to develop his understanding of local employment opportunities. He will soon be putting his skills into practice during a work placement at a local elderly people's residential home.

### **The Local Offer and Personal Budgets**

In the SEND Code of Practice 2015, as well as the list given previously, after explaining about the detail of what must be included about EHC needs assessment and EHC plans, paragraph 4.58 goes on to say that the information must include information about the option of having a Personal Budget and a Personal Budget Policy, which is produced with parents and young people. This should provide:

- General information about personal budgets and who might be eligible for one
- Information about the process for arriving at a personal budget, including its funding
- Help with managing a personal budget
- Information about managing any changes

In the same way that Local Offers vary considerably in how they are presented, Personal Budget Policies show a similar variation. Some are quite daunting, with several pages of closely typed information, while others are enlivened by colour, illustrations and only a few pages of text.

**Specialist Providers** play an important part in helping those who are seeking services, to choose the best provision possible. For example, they may include:

- Therapeutic practitioners, such as art, drama, music or play therapists
- Therapeutic riding centres, such as Riding for the Disabled
- Coaches
- Counsellors
- Dyslexia specialists,
- Sensory impairment services
- Visual impairment practitioners
- British Sign Language interpreters (BSL)
- Behaviour management teams
- Travel trainers
- Wraparound care services
- Social, sporting and leisure services, including sport for the disabled
- SEND consultants and consultancy services
- Holistic therapy and mindfulness practitioners
- Charities offering sporting, leisure and social activities.

The expectation is that, as more parents take on the opportunity to manage a Personal Budget, so the market place for providers will open up and increase the provision within each area.

While it is apparent that most, if not all, LAs display their Personal Budget Policy, it is less clear how many have made a point of involving families in the production. This is something that all LAs should do as a way of helping to spread the information about PBs, quite apart from this being another example of how co-production should work.

The final 2 case studies in this guide show two very different ways in which personal budgets are being used.



**Shaun** is in year 3 at his mainstream primary school. He has an EHC plan because of his speech, language and communication needs (SLCN). He has an hour's support each week from a speech and language therapist (SaLT).

This extra help from a specialist has made a considerable difference to Shaun and his parents are delighted with his progress. However, they have a concern that, as the SaLT is not on the staff of the school, she might not be there in the longer term.

Shaun now has a PB, which is not in the form of a direct payment, as his parents were worried about the responsibility. Instead, the LA handles the PB and employs the therapist, using the same top-up funding that was used previously, but instead of passing it on to the school, the LA retains it to pay the therapist directly. This has satisfied the parents, who feel they have secured greater continuity for their son and his good progress will continue.

**Scott** is 18 years of age. He has autism and complex needs. He is about to leave his special school and move on to a mainstream FE college, rather than attend a specialist residential college away from his home area.

Scott has a PB which has enabled the family to work with education and with social care to create a flexible package of support, so that Shaun does not have to move away. The package included a personal assistant (PA) from the National Autistic Society (NAS), commissioned by the LA on behalf of the parents, who accompanies him to college and in the community.

When the college place did not work out, Shaun was able to move to a social care provider for tutoring in Art and horticulture, keeping the same PA.

The family is very pleased about having a Personal SEN Budget and the LA and social care personnel have worked with them and with Shaun so that, collaboratively, his needs have been met.

## Final thoughts

It will take time for young people and their families to understand the potential of personal SEN budgets to enhance their lives, whether used on their own or as a way of bringing together funding from across the services.

It is up to those working in the field of education, whether at local authority level or in early years settings, schools or post-16 provision, to point parents in the right direction, so that they can maximise this opportunity. Parent organisations, and parents and carers who do know about PBs, are another way of making sure the message gets wider publicity. In fact, some parents and carers who have experienced the support that a PB can bring, have said how keen they are to let other families know about them. They say that it has given their children and young people opportunities they did not have before, as well as handing them greater control over their lives.

Local authorities and schools may be about to undergo a radical change, with LAs losing some of their responsibilities as schools head towards universal academisation. Yet it will remain just as important for LAs and educational establishments to work together, to ensure that young people who are most in need of support, are made aware of how they and their families can be at the heart of the decision-making process.

For children and young people whose needs are significant and complex enough to require an EHC plan, personal budgets can give them an independence they might otherwise lack, open doors for them into a wider world and give a sense of purpose to their young lives.

## 9: Glossary

<b>Academies</b>	Academies are rather confusingly described as ‘publicly funded independent schools’. They were introduced on a small scale by the last Labour government, who used them as a way of turning round schools that were seen as failing.
<b>Academisation</b>	The move to turn schools into academies, rather than being under local authority control, is sometimes described as the academisation of the school system. In March 2016, the government announced that it wanted all schools to become academies by 2022.
<b>Children and Families Act</b>	Part Three of this Act is the legislative framework for the SEND Reforms.
<b>Delivering Better Outcomes Together</b>	After the SEND Pathfinders completed their work in piloting the SEND Reforms, an SEND Regional Network was established in each region, supported by a consortium called: Delivering Better Outcomes Together.
<b>Direct payment</b>	This is one of the ways in which a personal budget can be delivered. It means that the young person over 16 or their parents receive the money in cash and become responsible for commissioning services and employing staff.
<b>EHC needs assessment</b>	An assessment by education, health and social care is carried out if it is likely that a child or young person up to the age of 25 requires an EHC plan.
<b>EHC Plan</b>	An Education, Health and Care plan is for children and young people up to the age of 25 who have the most significant special educational needs (SEN). It replaces the statementing process which was the focus of the 1981 Education Act.
<b>High needs funding</b>	This is a block of funding that LAs receive from government as part of their Dedicated Schools Grant (DSG). Some of it is passed on to schools to fund the additional provision a pupil needs, where the school’s own resources are insufficient to cover the cost. (See under ‘Top up funding’).
<b>Independent Supporters</b>	Independent Supporters provide a range of time limited support to families of children with SEND, including liaison across different agencies and advice on EHC Plans and personal budgets. These posts are being funded by the DfE to help families understand the SEND Reforms and how they are affected.
<b>Key Workers</b>	Key Workers are attached to an individual child and their family and may act as the single point of contact with services, rather than families having to make all the arrangements themselves. This role is often delivered by voluntary sector organisations.

<b>Local Offer</b>	As part of the SEND Reforms, LAs are required to produce a Local Offer, which is a web-based resource setting out in one place information about provision available in the area across education, health and social care for children who have SEND and their families. It also includes information on childcare provision, training provision, travel arrangements for children and young people to access education, as well as housing, employment and leisure opportunities.
<b>Notional budget</b>	This refers to a personal budget and all concerned know the amount that is available for it, but no money changes hands.
<b>Parent Portal</b>	This is a new online resource enabling parents to have access to easily understood information on the school system.
<b>Pathfinder Programme</b>	Local authorities and their partners in health were invited to pilot some of the main changes brought about by the SEND Reforms. There were 21 Pathfinders made up of individual LAs and some who chose to work together, but, in either case, in tandem with their partners in health.
<b>Personal Budgets</b>	There are 3 types of Personal Budgets. There are personal budgets for health, for social care and for education. Personal budgets for education are only available to children and young people who have an EHC plan.
<b>Personalisation</b>	In the context of the SEND Reforms and a general change in the way professionals across the services work with people, personalisation embodies the idea that services should work with those they are supporting rather than making decisions for them.
<b>Person-centred planning</b>	This explains how the person affected by the decisions that are made should be at the heart of the decision-making process. It is their views and aspirations which should drive the planning process.
<b>Pupil Premium</b>	This is additional money given to schools to raise the attainment of disadvantaged pupils. These are the pupils who are on free school meals (FSM), are in the care system, or whose parents serve in the armed forces.
<b>Pupil Premium Plus</b>	This is a higher rate of funding which has been available since April 2014, to reflect more accurately the needs of Looked After Children (LAC) and those who have been adopted from care.
<b>SEN and SEND</b>	Since the <u>SEN and disability Act of 2001</u> , the terms 'SEN' (special educational needs) and 'disability' have often been put together. This has been even more the case since the 2014 <u>Children and Families Act</u> . The definitions of the two terms are not the same, so sometimes they are used separately, or SEN is used rather than SEND. However, the overlap between the terms is considerable.

<b>SEND Reforms</b>	The SEND Reforms are being brought about through Part Three of the <u>Children and Families Act 2014</u> . They are being implemented between September 2014 and April 2018. They represent the biggest change to the SEN system for more than 30 years and represent a change in culture that places children, young people and their families at the centre of the decisions that are made about them.
<b>SEND Regional Network</b>	Once the SEND Pathfinders had completed their work in piloting elements of the SEND Reforms, they were replaced by the SEND Regional Network, which continues to support LAs, as well as being a source of information and services for children, young people, parents and carers, and front-line practitioners.
<b>SEND Regulations</b>	The <u>Regulations</u> go alongside the <u>Children and Families Act</u> and provide the detail for some of the legislative changes needed to implement the SEND Reforms.
<b>SEN Support</b>	This refers to the support given to pupils who have special needs but do not have an EHC plan. SEN Support replaced the two previous categories used in schools of School Action and School Action Plus.
<b>SEN system</b>	This term is often use to describe the system that existed before being replaced by the SEND Reforms.
<b>Specialist Providers</b>	This term covers the range of services that are available for children and young people who have SEND and their families. What exactly is covered will vary from area to area, but will include therapies/ therapists, specialist teachers and services for different types of need and specialist centres such as Riding for the Disabled. Some of these may be offered by the voluntary or private sectors.
<b>Top up funding</b>	This is also known as Element 3 funding. It is the money that schools can request from their local authority when a pupil with special needs requires more to be spent on his or her additional provision than the £6,000 the school has to fund from its own budget. (See also under 'High needs funding').
<b>Transfer Reviews</b>	This is the term used when the review of a statement is being used to transfer a child or young person from a statement to an EHC plan. This process has to be completed by 1st April 2018.

## 10: Acronyms and abbreviations

<b>ADHD</b>	Attention deficit hyperactivity disorder
<b>AP</b>	Alternative provision
<b>CAMHS</b>	Child and Adolescent Mental Health Services
<b>CC</b>	Continuing Care
<b>CCG</b>	Clinical Commissioning Group
<b>CDC</b>	Council for Disabled Children
<b>CP</b>	Cerebral palsy
<b>CYP</b>	Children and Young People
<b>DCO</b>	Designated clinical officer
<b>DfE</b>	Department for Education
<b>DMO</b>	Dedicated medical officer
<b>DoH</b>	Department of Health
<b>DSG</b>	Dedicated schools grant
<b>ECM</b>	Every Child Matters
<b>EFA</b>	Education Funding Agency
<b>EHC</b>	Education, Health and Social Care
<b>ESG</b>	Education Support Grant
<b>EY</b>	Early years
<b>FE</b>	Further Education
<b>HI</b>	Hearing impairment
<b>IAS</b>	Independent Advice and Support
<b>IPSEA</b>	Independent Parental Special Education Advice
<b>LA</b>	Local authority
<b>LAC</b>	Looked after child
<b>LD</b>	Learning difficulties

<b>LDA</b>	Learning Difficulty Assessment
<b>LDD</b>	Learning difficulties and disabilities
<b>LO</b>	Local Offer
<b>NAS</b>	National Autistic Society
<b>NCB</b>	National Children's Bureau
<b>NDTi</b>	National Development Team for Inclusion
<b>NFF</b>	National funding formula
<b>NHS</b>	National Health Service
<b>NNPCF</b>	National Network of Parent Carer Forums
<b>PA</b>	Personal assistant
<b>PB</b>	Personal Budget
<b>PCF</b>	Parent Carer Forums
<b>PCP</b>	Person-centred planning
<b>PCT</b>	Primary Care Trusts
<b>PMLD</b>	Profound and multiple learning difficulties
<b>PPS</b>	Parent partnership services
<b>PRU</b>	Pupil referral unit
<b>RDA</b>	Riding for the disabled
<b>SaLT</b>	Speech and language therapy or speech and language therapist
<b>SEN</b>	Special Educational Needs
<b>SENCO</b>	Special educational needs co-ordinator
<b>SEND</b>	Special educational needs and disabilities
<b>SLCN</b>	Speech, language and communication needs
<b>SLD</b>	Severe learning difficulties
<b>SLI</b>	Specific language impairment
<b>VI</b>	Visual impairment
<b>YPEG</b>	Young People's Engagement Group

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