

Frequently Asked Questions?

Q1: I have decided that I want to request a Personal Budget and a Direct Payment. Must the local authority agree to this?

A: No, the Local Authority can only agree to this if they are sure that:

- You plan to use the Direct Payment in an appropriate way
- You will act in the best interests of the child
- Making the Direct Payment will not adversely impact upon other services provided to other children who an EHC Plan
- It is an efficient use of the Local Authorities resources.

Where the support or service is to be used in a school the Head Teacher of the school must agree. If they do not the Local Authority cannot make the payment.

If the Local Authority refuses a Direct Payment they must explain their decision in writing and also explain to you how you can challenge this decision.

If the refusal concerns the personal health part of the plan, then the explanation concerning the refusal must be sent out by the Clinical Commissioning Group who are the health organisation responsible for the decision.

Q2: I have decided that I want to request a Personal Budget and a Direct Payment - but my Child's Statement was completed recently and may not be updated to an Education Health and Care Plan for two years. Must the local authority agree to my request now?

A: No - your request will usually be considered when your child receives an Education Health and Care Plan. However, it may be possible to consider some parts of your request, or to bring forward the date for the Education Health and Care Plan. Talk to the professionals working with you and they will try to help find to find a way forward.

Q3: How much money will I get?

A: This will depend on the plan, and will vary from child to child. The Local Authority must make sure that the amount they pay you is enough to meet the need identified and to purchase the support and services agreed in the plan.

Q4: We both work - does this mean we will not be able to have a Personal Budget?

A: No. Personal Budgets are not means tested. However if your child/young person is over 18, and part of the budget comes from Social Care then the family may have to make a financial contribution - you should talk to your social worker about this.

Q5: I do not really want a social worker to be involved - I feel uncomfortable about my family being discussed with a social worker. My child has an Education Statement now - why do I have to have social service involved to get an EHC Plan?

A: When the Education Statement was written Social Services would have been informed and asked to provide any relevant information they had - you would have been asked to consent to this when you agreed to an assessment taking place. This always happens and is not something to worry about - consulting with other services helps to ensure that the best service is provided for your child. If you are worried about this talk to the person who is working with you on your plan.

Q6: I do not really understand the difference between a Personal Budget and a Direct Payment. Can you explain?

A: A Personal Budget is the agreed amount you can use to meet the needs of your child. The budget can be used to purchase a range of services including council services. You do not have to handle the money, the budget can be held for you and you can control how it is spent.

Some families do not want to manage the money themselves and are happy for the budget to be held for them.

However some families do want all or some of the money to be given to them so they can purchase services themselves. This is a Direct Payment. The money is paid to you and you open a separate bank account for it to be paid into. Any money not used is returned to the Council.

Q7: If I choose to include a one-off item such as annual membership of a gym or a piece of equipment in the plan how will this be paid for?

A: If you choose to buy a 'one off item' as part of the plan then this can be purchased directly by the Council on your behalf or you can choose to receive a Direct Payment to buy this yourself. The money would be available soon after the plan was agreed.

Q8: Once the budget plan is written can it be changed during the year?

A: Yes, as long as there is money left in the budget to make the changes and the changes meet the needs of your child and the outcomes identified in the assessment. Any small changes will be looked at by the worker who completed the plan with you to make sure that the change is in the best interests of your child.

Q9: My child has a statement of Educational Need, does this mean I will have a EHC Plan and a Personal Budget by September 2014?

A: Implementation of the new guidance starts in September 2014, however it is not possible for all children to have a new EHC plan by that date. EHC Plans need to meet the individual needs of the child and take time to put in place. They will be introduced from September 2014 but it may be up to three years before everyone has one in place.

Q10: My child does not have a Statement of Educational Need and is unlikely to have an EHC Plan. Does this mean that I cannot have a Personal Budget?

A: No, you might still be entitled to a budget from social care or from Health.

Q11: My child is on "School Action Plus" does this mean I cannot have a Personal Budget?

A: "School Action" and "School Action Plus" are being replaced by "SEN Support" so your child may not have one of the new EHC plans and may not have a Personal Budget provided through this. However if your child has social care needs you still might be able to access a Personal Budget to meet those needs.

If you are receiving support because your child has a complex health need or a life limiting condition then you should talk to the health professional who organises your support and ask them about a health budget.

Q12: My child is to have one of the new EHC Plans but I do not want the stress of a Personal Budget, do I have to have one?

A: No, you can continue to have support and services provided in the same way as previously, however if you ever want to think about this again remember that there is a lot of support available, and it is not as difficult as it might first seem.

Q13: When can I request a Personal Budget?

A: You can talk to those working with you about this at any time, but usually a budget is put in place when the EHC Plan is being drawn up or at the review.

Q14: My child has a Personal Budget from social care and I think may get a Personal Budget from Health and Education, do I need three separate bank accounts?

A: No, just one! The money will be put together into one budget and paid to you by the Local Authority who will also audit the account. Health will give their share of the money to the Local Authority.

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