



Advice to local authority commissioners on the use of personal budgets for special educational support for children and young people with sensory impairments

Summary

Purpose

To highlight some of the issues to consider around the provision of SEN personal budgets for children with sensory impairment.

Intended audience

Commissioners of special educational services for children with sensory impairments.

Content

The SEND Code of Practice sets out a number of requirements for commissioners in relation to personal budgets. This advice outlines some specific implications for children with sensory impairments.

Page 11 of this resource also highlights a number of case studies looking at how services have used personal budgets with children with sensory impairments.

Recommended action

NatSIP encourages services to use this note to consider how they can effectively provide SEN personal budgets for children with sensory impairments - so that families can benefit from these reforms.

Acknowledgements

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Introduction

A key element of SEND reform is giving parents and young people greater control over the services that they and their family use. Personal budgets are seen as a key vehicle for this and it is important that services for sensory impaired children are able to support families effectively in this area.

Given that most teaching requires the use of seeing and listening, sensory impairment poses significant challenges to learning, requiring specialist support from services for children with sensory impairment. In addition, as most families have no prior experience of sensory impairment before their child is born; there is also a need for specialist information and support to enable those families to make informed choices for their child. Both these and other considerations will have implications for how personal budgets are rolled out to this group of children and young people. It is therefore important for commissioners to have specific regard for the needs of children and young people with sensory impairment.

As set out in the SEND Code of Practice, personal budgets are closely linked with Education, Health and Care Plans. There are four ways in which a personal budget can be delivered:

- through direct payments;
- notional budgets;
- third party arrangements (including through a school or college); or
- some combination of these mechanisms.

A child's parents or a young person has the right to request a personal budget when the local authority has confirmed that it will prepare an EHC Plan or when an existing EHC Plan is subjected to a statutory review.

Paragraph 3.39 of the SEND Code of Practice (2015)¹ makes the following requirements of commissioners:

1. Identify and agree the funding streams and services for inclusion and develop the necessary infrastructure to support their inclusion
2. Identify the links to be made locally between the SEN offer and personal health budgets for children and adults
3. Identify and establish the information, advice and support necessary at an area and individual level to help families consider options for, and to take up and manage, personal budgets
4. Develop a pathway for personal budgets within the process of EHC needs assessment and EHC plan development and the workforce and cultural changes necessary for a person-centred approach
5. Identify how the new joint commissioning strategies will support greater choice and control year-on-year, as the market is developed and funding streams are freed from existing contractual arrangements
6. As an integral part of this, partners should ensure children and young people and families are involved in the decision-making processes at both an individual and strategic level.

In the following sections, we briefly set out some of the implications for children with sensory impairment to consider in taking forward the above requirements. We focus largely on the implications of personal budgets delivered as direct payments.

¹ More specific guidance on personal budgets can also be found in the draft SEN Code of Practice from paragraph 9.95.
www.gov.uk/government/publications/send-code-of-practice-0-to-25

Useful guidance on personal budgets has already been produced by other organisations including In Control² and Mott McDonald³. This advice does not intend to duplicate this existing guidance but draws on some of the issues raised in the context of services for children with sensory impairment.

1) Identify and agree the funding streams and services for inclusion and develop the necessary infrastructure to support their inclusion

The Code states that the scope of personal budgets will vary according to a range of different factors. This might include the availability and flexibility of funding streams in each area. Local authorities are required to set out a description of the services across education, health and social care that currently lend themselves to the use of personal budgets for children and young people with special educational needs.

The following table summarises some of the special educational support and provision that parents or young people may require as part of an Education, Health and Care Plan. It should not be taken to be an exhaustive summary. Local authorities will also be alive to the legal precedents against 'blanket' policies and the fact that the needs of individual children with sensory impairment will vary. In addition, any provision that may lend itself to a personal budget must first be specified in an Education, Health and Care Plan and be provision that is needed to achieve specific given outcomes.

Instead, this table is intended to prompt thinking on what services may lend themselves, either now or in the future, to the use of personal budgets for use with children and young people with sensory impairment.

² See *Support and aspiration: introducing personal budgets (October 2013)* by In Control and SQW: www.in-control.org.uk/what-we-do/children-and-young-people/publications/children's-programme-publications/support-and-aspiration-introducing-personal-budgets.aspx

³ See www.sendpathfinder.co.uk/personal-budget-information

Support for parents in the care, development and learning of their child	<p>Families require information and support to enable them to understand the nature and impact of their child's sensory impairment and what they can do to support their child reach important developmental milestones. In particular parents/carers are likely to need help in:</p> <ul style="list-style-type: none"> • Promoting their child's language and communication skills. This is especially important in the early years where a failure to provide this support can have long-lasting negative repercussions. • Knowing how to get the best out of access technology. • Knowing how to help their child move around independently and undertake everyday tasks for themselves including personal care. • Knowing about multi-sensory books and stories. • Knowing how to help their child develop emotionally and socially and developing relationships to ensure a close bond with their child. <p>Families are likely to require support from birth from specialist teachers in sensory impairment and/or other education professionals such as communication support workers, habilitation workers, intervenors, speech and language therapist or language instructors.</p> <p>Some families may therefore seek personal budgets to fund this support in a way that enables the family to access it within the home. For example, this might include funding to enable them to learn how to communicate with their deaf baby and develop their language or to support family members to learn braille. It might also include funding for a play specialist for young children with sensory impairment.</p>
Specialist equipment and access technology	<p>This might include:</p> <ul style="list-style-type: none"> • FM systems / radio aids to support deaf children's listening in the home or within the classroom. • I-Pads to support learning. • Speech synthesisers. • Portable braille computers and Braille input and output devices for standard computers. • Computer screen software and early learning software using speech and sound alongside bright pictures.
Other adult support	<p>This could include experienced and trained learning support assistants to support access to teaching and learning:</p> <ul style="list-style-type: none"> • Intervenors for children with Multi Sensory Impairment. • Mobility instructors and habilitation support workers for children and young people with vision impairment. • Communication support workers, interpreters and notetakers for children and young people who are deaf.

Developing independence	<p>Transport costs (subject to sections 9.214 to 9.217 of the SEND Code of Practice).</p> <p>A mobility officer or habilitation worker to support children and young people with vision impairment to develop mobility and living skills to enable independent travel and the ability to undertake everyday tasks.</p>
Support for social and emotional development	<p>There may be a requirement for intervenors or communication support to enable children and young people to attend play groups or youth groups.</p> <p>There are also a number of programmes that support emotional well-being of children with sensory impairment and help increase their confidence.</p> <p>Some children with sensory impairment and their families may have a need to access blind or deaf role models and/or access to peers through special play or youth groups.</p>

Children with sensory impairments with additional needs may also be able to use their personal budget for support relating to those additional needs.

Specific issues to consider

Impact on services

As sensory impairment is a low incidence need, there is a perception that the use of personal budgets and, specifically direct payments, will have an adverse impact on the viability of what is often a small service and thus that some services for children with sensory impairment may not lend themselves to the use of personal budgets. As set out earlier, it is important to remember that it would be unlawful to apply a blanket policy of deciding not to offer personal budgets at all.

It is also important to consider whether the risk of an adverse impact on the service can be alleviated before making any decision not to allow a personal budget. For example, as recognised by the SEND Code of Practice, commissioning of services across local authority boundaries might address any concerns over viability for services for children with low incidence needs.

Auxiliary aids and specialist equipment

As part of their Accessibility Strategy, local authorities are required to set out what equipment or auxiliary aids schools and early years settings can be reasonably expected to provide from their own budget, and what is provided by the local authority, in line with the updated Equality Act 2010 advice for schools, published by the Department for Education in June 2014⁴. The local offer will make reference to this along with expectations on post 16 providers. In developing these arrangements, local authorities normally take account of cost in relation to the overall size of budgets in settings.

For early years settings and schools, most of the equipment listed in the table above is funded by the local authority along with ongoing specialist support from sensory support services because of the cost. Central funding by the local authority also has the advantage of making this provision more readily available for use with personal budgets.

⁴ <https://www.gov.uk/government/publications/equality-act-2010-advice-for-schools>

It is also important to note that specialist equipment and access technology for children and young people with sensory impairment requires ongoing support from a specialist teacher to ensure it is set up to meet the child's or young person's needs and is fully functional. Consideration will need to be given to how families who use personal budgets to purchase specialist equipment and access technology will be supported.

Resource allocation systems

Some services have resource allocation systems (RAS) in place as a way of promoting transparency over funding. Case law has established that resource allocation systems can only be used as a guide to decision-making and should be treated as indicative only. This point is highlighted within the SEND Code of Practice.

VAT

Local authorities will want to be aware of the VAT implications when offering direct payments. Guidance from NHS England⁵ states that:

“When budgets are transferred to people as direct payments to procure goods and services previously purchased or provided by the NHS or the local authority, this can have implications for the recovery of VAT and for the personal budget holder. Concern has been raised that tax rules disadvantage direct payment holders because local authorities can reclaim VAT on care services, whereas budget holders cannot. This can reduce their purchasing power by 20 percent as compared with the local authority, and may act as a disincentive to taking up direct payments.

HMRC has stated that this should not happen in most cases as the majority of goods and services purchased through direct payments would be categorised as welfare services and therefore exempt from VAT. This can include personal care, support to live independently, and help with domestic tasks. Education and vocational training may also be exempt. Personal assistants do not incur VAT as they are employees.

VAT would still apply to those who take their personal budget as a direct payment for use on services that are not exempt from VAT, such as some day centres. Experience from social care shows that in these situations, the person can choose to continue to have that part of their package purchased directly by the council, who can then reclaim the VAT.”

More detailed advice on the VAT status of welfare and education services is also available from HMRC⁶.

2. Identify the links to be made locally between the SEN offer and personal health budgets for children and adults

The Code states that personal budgets should reflect the ‘holistic’ nature of an Education, Health and Care Plan, including any necessary health provision, which may also be available to parents or young people as a personal budget.

Children with sensory impairment may access personal health budgets in a range of different ways. For example, many children with vision impairment require low vision aids which would normally be funded by health rather than education. It will therefore be important for local authorities to consider the possible links in this area for all children with sensory impairment, both

⁵ www.personalhealthbudgets.england.nhs.uk/Topics/Toolkit/MakingPHBshappen/Integrating/

⁶ See www.gov.uk/government/publications/vat-notice-70130-education-and-vocational-training/vat-notice-70130-education-and-vocational-training and www.gov.uk/government/publications/vat-notice-7012-welfare/vat-notice-7012-welfare

in terms of the personal budget and joint commissioning arrangements in a way that meets families' needs and works smoothly.

Hearing aids

Under current legislation, the NHS is not able to sell hearing aids. Adults are able to purchase hearing aids from a registered hearing aid dispenser (RHAD) but guidance states that dispensers should not sell hearing aids intended for use with children. This is because most dispensers are not trained or expected to work with children, do not hold the same qualifications as audiologists and generally do not have the facilities to ensure a child is assessed or fitted well. Hearing aids purchased privately are unlikely to be better than any provided by the NHS and come with additional costs of ongoing maintenance and hearing aid batteries.

3. Identify and establish the information, advice and support necessary, at an area and individual level, to help families consider options for, and to take up and manage, Personal Budgets

Local authorities are required to make arrangements for provision of information to parents and young people. Parents and young people will need information and support:

- 1) To be able to make informed choices over whether to take on a personal budget.
- 2) On the options available to them with a personal budget.
- 3) What they themselves need to do to take up and manage a personal budget, the risks involved and what support they may need and is available.

The SEND Code of Practice requires that this information be included within the local offer. This information will need to be provided in alternative ways to any families that are seeking personal budgets if the local offer is still being developed in the transitional period following September 2014.

In ensuring that families have the information they need, you will want to consider:

How will information be made accessible to children and young people with sensory impairment, as well as their families (if they also have a disability)? For example, will information be provided in sign language or braille? For families from a BME background, will information be provided in alternative languages?	
How will information be made accessible, relevant and interesting to young people?	

Are you able to signpost parents and young people to organisations in the voluntary and community sector, including, for example, Blind Children UK ⁷ , the National Deaf Children's Society ⁸ , RNIB ⁹ and Sense ¹⁰ .	
Separately, there is also information available from the national charity KIDS ¹¹ and SENDirect ¹² .	
Are there any opportunities for parents or young people to find out more, such as workshops or coffee mornings? Have these opportunities been promoted to parents and young people with sensory impairment? And are the venues accessible to children and young people with sensory impairment (e.g. does the meeting room have good acoustics and lighting, as well as clear signage)?	
Is there a named contact for parents or young people to contact for more information with any questions? Does that person have appropriate expertise in sensory impairment?	
What peer support or informal networks are available to parents to help them make a decision in this area? For example, are there any local groups for families with children with sensory impairment. Local authorities should be aware that not all Parent Carer Forums have strong representation from families of children with low incidence needs like sensory impairment.	

Legislation allows local authorities to decide not to issue a personal budget if it feels that the parent or young person or any nominee is not able to manage a personal budget, even without support, or has the capacity to consent. Young people and some families may require communication or other support in order to manage a personal budget. Local authorities will need to take steps to ensure this support is provided – this support is likely to be considered as a reasonable adjustment under the Equality Act and not, in itself, a reason to decide not to issue a personal budget.

⁷ See www.blindchildrenuk.org/how-we-can-help-you/education-support/

⁸ See www.ndcs.org.uk/sen to download a factsheet for parents of deaf children on personal budgets.

⁹ See www.rnib.org.uk/information-everyday-living/education-and-learning

¹⁰ See www.sense.org.uk/content/direct-payments-and-personal-budgets

¹¹ See www.kids.org.uk/mip

¹² See <https://sendirect.org.uk/>

4. Develop a pathway for Personal Budgets within the process of EHC assessment and EHC plan development and the workforce and cultural changes necessary for a person-centred approach

The below table sets out the elements that a pathway is likely to include:

Assessment	<p>A thorough and comprehensive assessment of the child's needs is an essential start to any pathway for personal budgets. Hence, the Code requires an Education, Health and Care needs assessment to be undertaken</p> <p>NatSIP has provided Better Assessments, Better Outcomes, Better Plans¹³ to support local authorities in this task. The resource sets out a range of questions that local authorities should consider when carrying out assessments for the purpose of writing an Education, Health and Care Plan.</p> <p>In addition, the NDCS / NatSIP resource Assessing and monitoring the progress of deaf children and young people¹⁴, outlining the range of assessments available, may be a useful resource for the above purpose.</p>
Outcomes	<p>Sensory impairment in itself is not a learning difficulty so, with the right support, children and young people can make good progress and attain the same key educational qualifications as other children. Outcomes that are particularly important for children with a sensory impairment if they are to achieve their full potential will relate to:</p> <ul style="list-style-type: none"> • Developing age appropriate language and communication skills. • Developing independence skills (e.g. mobility and personal care). • Developing good emotional and social well-being. • Making good progress in all subjects – particularly literacy and maths. <p>NatSIP has developed model Education Health and Care Plans which give examples of outcomes in relation to children with sensory impairment¹⁵.</p> <p>In Control is also currently developing a Personal Outcomes Evaluation Tool (POET)¹⁶ which services may find useful.</p>
Provision	<p>Types of provision and support that can be particularly helpful for children and young people with a sensory impairment are listed in the table on page 3.</p>
Monitoring and review	<p>In monitoring an Education, Health and Care Plan, the SEND Code of Practice requires a clear focus on outcomes. This extends to how effectively personal budgets have been used to achieve the desired outcomes.</p>

¹³ Available to download from: www.natsip.org.uk/index.php/workstreams-and-groups/2-supporting-the-implementation-of-the-send-reforms/2a-ehc-plans

¹⁴ Available to download from www.ndcs.org.uk/assessments.

¹⁵ Example Education, Health and Care Plans can be downloaded from: www.natsip.org.uk/index.php/workstreams-and-groups/2-supporting-the-implementation-of-the-send-reforms/2a-ehc-plans

¹⁶ More information is available at: www.in-control.org.uk/what-we-do/children-and-young-people/our-work/poet-personal-outcomes-evaluation-tool.aspx

All front-line staff who work with children with sensory impairment should have an awareness of personal budgets and local processes and be able to communicate these key messages in a positive way to the families and young people they work with so that families and young people are well informed of these changes. This will require a training programme to be put into place.

Separately, some authorities may develop a key working role to support families. In some areas the key working role has been subsumed into an existing role, such as Teacher of the Deaf or specialist VI teacher. If so, steps will need to be taken to ensure that there is still existing capacity for specialist teachers.

5. Identify how the new joint commissioning strategies will support greater choice and control year-on-year, as the market is developed and funding streams are freed from existing contractual arrangements

NatSIP encourages local authorities to specifically consider the needs of children with sensory impairment in their joint commissioning arrangements. Given that sensory impairment is a low incidence need, in order to support the availability of personal budgets, there is a need to consider how commissioning will produce suitable economies of scale that will make this possible. This may include commissioning services across local authority boundaries.

NatSIP also encourages services to carry out 'gap analyses' of existing provision to inform decisions on where steps need to be taken to develop the market and secure new provision. NatSIP has developed a quality improvement tool¹⁷ for sensory impaired services. In assessing their quality, services may be able to identify where provision can be improved and so enable them to make an improved offer to families with children with sensory impairment.

Commissioners may also find it helpful to refer to NatSIP's guidance¹⁸ on joint commissioning for services for children with sensory impairment for wider advice in this area.

6. Partners should ensure children and young people and families are involved in the decision-making processes at both an individual and strategic level

As set out earlier, it will be important to take steps to ensure that children and young people with sensory impairment and their families can meaningfully participate, such as ensuring that language is accessible (see box on page 6 for more suggestions).

Local authorities should be aware that not all Parent Carer Forums have strong representation from families of children with low incidence needs like sensory impairment. Instead, in relation to deaf children, Children's Hearing Services Working Group (CHSWG) or a Local Deaf Children's Society may be a better means of engaging with families with deaf children. Local societies of blind people and Actionnaires' clubs may be a suitable way of accessing families of children with vision impairment.

¹⁷ Available to download from www.natsip.org.uk/index.php/workstreams-and-groups/workforce-development/526-quality-assurance-and-service-self-review

¹⁸ Available to download from: www.natsip.org.uk/index.php/doc-library-login/cat_view/54-natsip-documents/182-send-reforms-implementation-support

Case studies

Gloucestershire

Gloucestershire already offers personal budgets in social care. This is used mostly for short breaks but has also been used to purchase equipment and other one off expenditures where this has been identified in the care plan. The funding usually comes from the short breaks budget. Around three quarters of personal budgets are for small packages of support of around £2,000 per year, with a smaller number of larger packages of support of over £15,000 per year.

It is felt that the most common motivation for a personal budget is to give families a sense of control and a voice in shaping their own service. Some families have come up with creative solutions to their own personal situations.

The level of funding is determined using a RAS (resource allocation system) and this gives the family and practitioner an indicative budget with which to build a care plan.

Parents have the option to use direct payments and approximately one third of families have opted for this on its own. Around a third of families have taken the option of notional / organised (managed by local authority) budgets and a third opted for a mixture of direct payment and local authority management. A very small number of families use third party arrangements and the allocation includes an amount to fund this external support.

The local authority has identified five payroll support organisations that families can work with to manage their personal budget if they employ a worker to support their child.

The local authority suggests that others consider the following in developing their own plans for personal budgets:

- Need to have a clear lead to drive the process forward.
- Develop a RAS to inform families how much money they can reasonably expect to be made available through their personal budget. The RAS must be robust and transparent – it has to reflect the level of need of each child and the amount of support they require to achieve their outcomes.
- What support is available to families to encourage them to be creative? There may be a cost implication as training, equipment, resources may be required.
- Consider what is available currently to achieve outcomes and calculate a cost for this (it may be a notional cost).
- Consider what alternative provision may be available and calculate a cost for this (this list may grow as families and practitioners become more confident in trying new provision, etc.).
- A clear process should be in place for agreeing the Plan and any spends. In relation to social care, an exceptional needs group meets regularly to consider plans over budget or where specialist overnight provision has been requested.
- Flexibility over when / how payments can be made is desirable – but requires a good IT system in place to do this.

The local authority is starting to make plans for the extension of personal budgets to education, particularly for families with preschool children with sensory impairments.

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Merton

Merton local authority currently offers two families with deaf children direct payments to allow them to purchase sign language tuition. As this was an area needing bespoke support around communication and language, this was seen as an ideal option for a personal budget.

The tuition is provide by a teaching assistant with a level 3 qualification in sign language who travels to the family's home to teach family-friendly signs for use with a young child. Merton local authority was conscious that adult evening classes did not always provide families with appropriate signs for use within the family.

A family with a vision impaired child is also using direct payments to fund support for a Brailist at home.

The local authority is currently funding this from "short breaks" but is starting to get ready for the launch of education personal budgets in September 2014.

The Head of Service has the advantage of being in a relatively small local authority where she is able to work creatively with colleagues to come up with flexible solutions that best meet the needs of families.

A key challenge was resolving essentially basic administrative issues which required the Head of the Service spending time sorting and working through on behalf of the families.

Another challenge identified was how to ensure families receive appropriate and 'independent' support. It was considered important that families would benefit from having access to someone who is not on the payroll of the local authority to support them.

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Oldham

Oldham currently provides one family with a deaf child with a personal budget to access Sign Supported English (SSE) tuition as part of a social care personal budget. Oldham is currently working to develop a resource allocation system (RAS) for personal budgets for education provision, based on their experiences as a SEN pathfinder and with social care personal budgets.

Oldham service has taken the following approach around safeguards to ensure that personal budgets are used appropriately.

1. It is made clear to families that they must adhere to their child's support plan created with them. The plan has a clear focus on the support needed to enable them to reach identified outcomes based on the individual need.
2. Monitoring and review processes are in place to keep a check on how families are using the budget. This may be light touch but will depend on each individual family.
3. The service has introduced pre-payment cards. These have certain limits on use such as they cannot be used to buy alcohol. There is also a limit on cash withdrawals. By using the pre-payment cards (which can be monitored on line), the service can reduce any risk that funding for personal budgets may have to be clawed back from families if not used appropriately.

In terms of advice or tips for other local authorities in setting up personal budgets, it is recognised that this could be potentially endless, especially when working across agencies to deliver personal budgets. However, the service had the following suggestions:

- “1. If starting from scratch then I would suggest that they first need to start work on their Resource Allocation System (RAS) and involve their families in developing it to meet the needs of their authority and families.*
- 2. They also need to thoroughly work on a financial model to ensure sustainability and also an allocation table.*
- 3. They need to work with providers to get them ready for the impact of personal budgets and work to develop the market - otherwise families will not have anything to purchase. We have created a preferred providers and brokers list that gives parents more security in the knowledge that they have been checked for quality, although they still have the option to use others.*
- 4. If they can try to take it slow and pilot a small group before scale up, this learning is invaluable.*
- 5. Start work on a clear policy stating the term and condition for use, what is in scope, what isn't or could be in with negotiation.*
- 6. Create clear guidance for parents and for young people.*
- 7. Above all, involve families in developments.”*

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About the National Sensory Impairment Partnership

The National Sensory Impairment Partnership (NatSIP) is a partnership of organisations working together to improve outcomes for children and young people with sensory impairment (SI). The agreed purpose of NatSIP is:

- to improve educational outcomes for children and young people with sensory impairment, closing the gap with their peers, through joint working with all who have an interest in the success of these young people.
- to help children achieve more and fulfil the potential of children and young people who have SI.
- to promote a national model for the benchmarking of clear progress and impact criteria for children and young people who have SI.
- to support a well-trained SI workforce responsive to the Government agenda for education.
- to inform and advise the Department for Education in England and other national agencies on the education of children and young people with SI.
- to promote collaboration between services, schools, professional bodies and voluntary bodies working with children and young people who have SI.
- to promote collaborative working between education, health and social care professionals in the interest of children and young people who have SI.

NatSIP has produced a range of resources for professionals including:

- *Better assessments, better plans, better outcomes*
- *Eligibility criteria for scoring support levels*
- *Effective working with Teaching Assistants (HI, MSI and VI) in schools*
- *Equality Act (2010) duties: NatSIP guidance with reference to SI*
- *Quality Standards for Support Services*
- *Think Right Feel Good (a programme to develop emotional resilience with young people with SI)*

For more information about NatSIP and to access resources, visit www.natsip.org.uk - a major gateway for SI professional practice.

Disclaimer

In this note, we provide a summary of our understanding of what is required. It is not a substitute for legal guidance or advice. Local authorities should act independently to satisfy themselves that they are acting in accordance with their legal duties under SEN legislation.