



# Personal Budget Policy for Education Provision for Children with an Education, Health and Care Plan January 2026

## **Contents**

1. LA Duties under the Children and Families Act 2014
2. Conditions for receiving or paying direct payments
3. Mechanisms for receiving and paying personal budgets
4. What can be paid for with a personal budget
5. Monitoring Arrangements
6. Decision making process

*(Reference – LGSCO Guidance on Personal Budgets)*

### **1. Local Authority Duties under the Children and Families Act 2014**

1. Parents are entitled to request a personal budget for all or any part of the provision set out in Section F of the Education, Health and Care Plan (EHCP) for their child from the High Needs Block (SEND Funding). There is separate and different legislation covering personal budgets from social care and health funding to cover care arrangements. These are not covered by this policy. This policy only covers the arrangements for receiving a personal budget for Special Educational Provision set out in Section F of a child or young person's EHCP.
2. The different mechanisms for receiving and paying personal budgets are direct payments, a commissioning arrangement or a third party arrangement. These mechanisms and the reasons why the council would choose each one are set out later in this policy. It is important to note that there is no entitlement to a direct payment under the legislation or within this policy and direct payments are purely at the discretion of the council.
3. Detailed personal budget arrangements must be recorded and specified in Section J of the child or young person's EHCP if a personal budget is awarded.
4. A personal budget request can only be considered at the point where the initial draft EHCP is issued or during the course of an annual review process.
5. Personal budgets are not available to cover the costs of placement at an early years setting, a school or a post-16 setting. However, if a personal budget is requested for any of the specified special educational provision that the school are unable to provide the local authority will secure the agreement of the early years setting, school or post-16 setting in the course of considering the request.
6. In considering requests for personal budgets the local authority must satisfy

itself that the direct payments will be:-

- Used to purchase the provision specified in Section J of the EHC Plan.
- Used by the recipient in the best interests of the child or young person.
- Will not have an adverse impact on other services provided or arranged by the local authority for children and young people with education health and care plans.
- Will be an efficient use of public resources.

Any requests for a personal budget will be considered against all of the above criteria alongside other criteria set out in this policy.

## **2. Conditions for Receiving or Awarding Direct Payments for Special Educational Provision**

1. The local authority must also specify the conditions for receiving direct payments and in Brent these are:-
  - Any person or organisation commissioned by the parent to make special educational provision must be suitably qualified to do so and must provide proof of their professional qualifications to the local authority to hold on the personal budget file.
  - Similarly, any person who is going to be working directly with any child or vulnerable young person must provide proof of enhanced DBS clearance to the local authority to be held on the personal budget file.
  - There is no entitlement to SEN Travel Assistance for provision made under a personal budget so parents must undertake to make these arrangements and fund them personally.
2. A direct payment will only be granted in the following circumstances:
  - The local authority is unable to deliver the special educational provision in any other way (for example if the provision is so bespoke to the child that it cannot be delivered by the usual arrangements).
  - The local authority cannot make an arrangement with a provider to commission the special educational provision.
  - The cost of the provision will be less expensive if the parent purchases it and has a direct payment rather than the local authority purchasing it directly. (Please note that the 20% VAT on special educational provision will mitigate against this in the majority of circumstances as the LA can reclaim this VAT).

- The special educational provision being purchased by the direct payment has been recommended by a recognised professional and is specified in Section F of the Education Health and Care Plan for the child or young person.

### **3. Mechanisms for Receiving and Paying Personal Budgets**

1. Direct Payments – This is a mechanism whereby the parent is provided with the funds to directly commission the special educational provision. The local authority will need to be reassured regarding the quality of support and safeguarding arrangements, which is why the conditions for the agreement of direct payments are stringent. The legal position is that, even if a parent is in receipt of a direct payment, the local authority remains responsible for the quality of that provision.
2. A commissioning arrangement – This is a mechanism whereby the local authority or the school commissions the special educational provision directly from the providers and carries out the quality assurance and safeguarding checks before commissioning the provision being made by a personal budget.
3. A third-party arrangement – This is a mechanism whereby a lead organisation takes responsibility for arranging a range of special educational provision some of which could be from different providers and the local authority pays the lead organisation to manage the package of provision.

### **4. What can be paid for by using a personal budget.**

1. A personal budget for special educational provision can only be used to provide special education that is specified in Section F of the child or young person's Education Health and Care Plan.
2. This special educational provision must be recommended by a recognised education professional or educational psychologist who is working or has worked directly with the child to identify the special educational provision required. It is important to distinguish between health, social care provision and educational provision because there is separate and different legislation relating to personal budgets for social care and health.
3. Where a child or young person is on the roll of an early years setting, school or post-16 setting and the setting is unable to deliver all of the specified special educational provision set out in Section F of the child or young person's EHC Plan, a personal budget can be used to ensure that all of the special educational

provision is delivered. In any such case the local authority would most likely use the personal budget to fund the provision directly from providers to deliver in the early years setting, school or post-16 setting.

4. Children who are Electively Home Educated do not qualify for any funding. Parents who choose to educate their children at home do so at their own expense and are required to put suitable arrangements in place to deliver the provision specified in Section F of the EHC Plan.
5. Where the local authority is unable to provide education in a school or other educational setting this is called Education Otherwise than in School (EOTiS) and this is the circumstance where a personal budget can be used to provide all of the special educational provision specified in Section F of the EHC Plan.
6. Educational provision is defined as provision that 'teaches or trains' the child or young person so it can cover some aspects of therapy support. In the main this would be speech and language or occupational therapy or therapy recommended by an educational psychologist, such as Lego or play therapy to teach social skills of turn taking or support with dysregulation. Any therapy that is aimed at supporting mental health wellbeing must be provided by local mental health services – this provision would not be part of a personal budget for education but would have to be agreed and funded by the relevant health authority.
7. A personal budget cannot be used to pay for School Fees or placement costs at a post-16 educational setting.

## **5. Monitoring Arrangements**

1. Where the local authority has allocated a personal budget through a direct payment to parents there will be termly audit meetings with the case officer to determine how much of the personal budget has been used. Parents will be required to provide invoices in advance of the payment of all elements of the personal budget, the personal budget and receipts during the termly monitoring to evidence that the personal budget has been paid to the providers agreed for the services agreed. Payment for the new term of the personal budget will not be released until the audit meeting has taken place and all the required paperwork has been provided to the case officer who will take this evidence to the SEND Advisory Panel for permission to release the next payment.
2. All provision made by personal budget whether directly commissioned with providers by the authority, direct payment to parents or third-party arrangements

will be monitored in the usual way through the annual review process to determine the impact of the provision on the child or young person's outcomes.

3. All personal budgets that are in place for children who are not in a school setting will be monitored termly to ensure that:
  - The child, young person and parents remain satisfied with the provision being made through the personal budget.
  - All of the special educational provision set out in Section F of the EHC Plan is being delivered and is focused on the right areas of need to deliver the outcomes.

## **6. Decision Making Process**

All decisions to award or decline requests for personal budgets will be overseen and considered by the SEND Advisory Panel which meets every week. To consider a request for a personal budget the following information/evidence will be required to be presented to the SEND Advisory Panel:

- The rationale for requesting a personal budget. (i.e. why the provision cannot be delivered in the current educational setting).
- Cost of providing the special educational provision and a timetable if appropriate.
- Evidence of the link between the personal budget requested and the provision set out in Section F of the child or young person's EHC Plan.
- Evidence of the qualifications of all the practitioners providing the special educational provision.
- Evidence of safeguarding checks, safer recruitment policies and DBS Certificates for all practitioners who will work with the child.
- A personal budget agreement signed by parents where the request is for a direct payment with parents.
- A costs rationale to include any other means of delivering the special educational provision including, but not limited to, placement at a special school.

Please note that unless a decision has been made at SEND Advisory Panel to agree to a personal budget, the LA will not pay invoices for special educational provision presented by parents. This includes any agreements made to settle a Tribunal referral by consenting to a personal budget agreement.

3. When the local authority is proposing to reduce a personal budget or bring the agreement to an end, parents will be notified in writing of this proposal. Parents will have 15 calendar days to respond to the proposal either in writing or to arrange a meeting to discuss any concerns they may have.

4. The local authority will give parents at least one term's notice of bringing an agreement to an end.
5. The local authority will provide a rationale in all circumstances where they propose to bring a personal budget to an end or to make a reduction in a personal budget. This will refer to relevant conditions of receiving a personal budget as set out in this policy, such as the qualifications of staff being used, provision being available otherwise than by means of a personal budget or the LA being able to commission services which are more cost effective.
6. Should parental representations demonstrate that there are no other means whereby the special educational needs set out in their child's EHCP can be provided, the local authority reserves the right to continue or modify the personal budget in a way that meets the local authority's need to observe due diligence to the public purse as well as meet the educational needs of the child or young person.
7. Parents should be aware that whilst they have a right to request a personal budget, there is no legal entitlement to a personal budget. Personal budgets are awarded at the discretion of the local authority to meet needs identified by professionals working with the child or young person and specified in Section F of the EHC Plan.