



Personal Education Budgets and Direct Payments Policy

January 2025

For children and young people with
Education, Health and Care Plans (EHCPs)

Document control information

Title: Wokingham Borough Council Personal Education Budgets and Direct Payments Policy

Date: September 2024 (approved by SEND Assurance Board 03.09.2024)

Review date: August 2025

Version: 2

Classification: Unclassified

Owner: Jamie Conran, Head of SEND

Version	Date	Description
Version 1	September 2024	Wokingham Borough Council Personal Education Budgets and Direct Payments Policy For children and young people with Education, Health and Care Plans (EHCPs)
Version 2	January 2025	Amendments made to health and social care section of the policy (page 8).

Contents

What a personal education budget is.....	4
How to request.....	4
How it is managed.....	5
How decisions are made.....	5
What it can be used for.....	6
Personal social care budgets and personal health budgets.....	8
Reviewing personal budgets.....	9
Direct payments.....	9
Monitoring direct payments.....	11
Further support.....	13

What a personal education budget is

When a child or young person has an Education, Health and Care Plan (EHCP), a personal education budget is available.

You don't have to have one, but it can give you more control and choice over how to meet your child's special educational needs.

A personal education budget is not an extra source of funding. It is a way of drawing on funding that has already been allocated, to pay for special educational provision in section F of an EHCP. It allows you as a parent, carer or young person, to be involved in organising this provision.

Personal budgets are also available to fund social care and health provision. More information about this can be found in the [Personal social care budgets and personal health budgets](#) section of this policy.

Legal context

[The Children and Families Act 2014 section 49](#) introduced personal budgets for children and young people with EHCPs.

The [SEND code of practice: 0 to 25 years](#) in paragraphs 9.95 to 9.124, explains a local authority's duties and best practice for personal budget requests.

How to request a personal education budget

You as a parent, carer or young person, have the right to request a personal education budget when:

- We (Wokingham Borough Council) have completed an EHC needs assessment and have confirmed that we will prepare an EHCP
- During a statutory review of an existing EHCP (usually annually)

To request a personal education budget, contact your SEND Casework Practitioner. We must consider the individual circumstances of each request for a personal budget.

Asking about a personal education budget does not commit you to having one, once you have received further information and advice from us.

How a personal education budget is managed

There are three ways a personal education budget can be managed:

Direct payments: payments are transferred directly to you, to organise and pay for provision yourself

A notional budget: Wokingham Borough Council, a school or college holds and manages the payments, but you decide how they are spent

Third party arrangements: payments are transferred to and managed by an individual or organisation, who organises and pays for the provision on your behalf

You can also have a combination of the above.

How decisions about personal education budgets are made

When you request a personal education budget, our SEND Service will follow the guidance in the [SEND Code of Practice](#) to support you.

We will:

- Check that the request is for special educational provision written in section F of the EHCP
- Help you decide whether you want to take up a personal budget and if you want to receive direct payments
- Explain the conditions that must be met for direct payments to be made
- Signpost you to the [Special Educational Needs and Disability Information Advice and Support Service \(SENDIASS\)](#) who can provide independent support and guidance

If any of the funding for a personal budget will come from a school or college, or where personal budget funds are to be spent on a school or college's premises, we must get the agreement of the head of the education setting.

Multi-agency decision making panel

We consider personal education budget requests at a multi-agency decision making panel. Before agreeing to a request, the panel must be satisfied that:

- The personal budget would be an efficient use of resources, and would not cost significantly more than it would do to provide the special educational provision in a different way
- Agreeing to the personal budget would not have a negative impact on services for other children and young people with an EHCP, for example, if the funding is already tied into existing contracting arrangements

Following a decision to issue or not issue a personal education budget

Once we have agreed to a request, details of the personal education budget will be written in section J of the EHCP. This includes how it will support specific outcomes, the provision it will be used for, and any flexibility in its usage.

Where direct payments have been agreed, arrangements for these direct payments should also be set out in section J. This must include the special educational needs and outcomes that are to be met by direct payments.

If a child or young person has a personal health budget or personal social care budget, details of these should also be included in section J.

If we cannot agree to a request for a personal education budget, we will write to you to explain why, and will work with you to ensure that services are personalised through other means.

A personal budget request (section J of an EHCP) cannot be appealed through the [First-tier Tribunal \(Special Educational Needs and Disability\)](#), however they can hear appeals about special education provision in section F, to which a personal budget may apply.

What a personal education budget can be used for

Personal education budgets must be used to fund special educational provision written in section F of an EHCP. The focus should be on achieving specific learning outcomes, as specified in the EHCP.

A personal budget cannot be used to pay for a school place or post-16 institution.

Examples of how funding might be used, include:

- An activity or staffing to be delivered in an education setting
- To deliver an educational activity outside of an education setting
- Equipment related to the delivery of education
- Something bought specifically for an individual child or young person to support with their education e.g. play therapy (individually commissioned services)
- Advice and assistance from an organisation to help with managing personal budget direct payments (if there is a reasonable charge by the organisation)

Examples of what cannot be bought using a personal education budget include:

- Anything that is not identified as special educational provision in the child or young person's EHCP
- Health or social care provision that will not achieve identified learning outcomes for the child or young person (however these may be bought with a personal health or social care budget)

- Any provision that is already available in the setting
- Paying for a school place or post-16 institution

Special school provision

A special school or college makes some specialist provision available that is not normally available at mainstream schools or colleges, and this will reduce the scope for a personal education budget.

Elective home education

Parents can choose to educate their child at home. This is known as elective home education. The right to educate at home applies equally to children with an EHCP. If a parent chooses to home educate their child, and the home education is suitable, we are not under a duty to arrange the special educational provision set out in the EHCP. In this situation, a personal education budget is unlikely to be available.

Further information about elective home education can be found on Wokingham Borough Council's [Home education webpage](#).

Education other than at school (EOTAS)

For some children and young people with an EHCP, education in any school setting would be inappropriate due to their special educational needs. This is often referred to as education other than at school (EOTAS) and includes early years and post-16 settings as well. EOTAS is different from elective home education.

If we agree to EOTAS, we must arrange and pay for the special educational provision set out in section F of the EHCP, working with the family.

Where EOTAS is agreed, a personal budget delivered via direct payments may be available, allowing families to arrange and pay for agreed provision themselves. This policy contains further information about [direct payments on page 9](#).

Our SEND Local Offer webpages have more information about [education other than at school \(EOTAS\)](#).

Travel assistance and personal transport budgets

Personal transport budgets are available for children and young people who meet the eligibility criteria for travel assistance.

A personal transport budget is funded separately to a personal education budget and is managed by Wokingham Borough Council's Community Transport Unit.

Our SEND Local Offer webpages have more information about [SEND travel assistance to school and college](#).

Personal social care budgets and personal health budgets

Personal budgets are also available to fund social care and health provision.

The funding may come from Wokingham Borough Council (to meet assessed social care needs) or from NHS budgets (to meet assessed health needs).

Health

A personal health budget is an amount of NHS money that is allocated to support a child or young person's health and wellbeing needs.

They are available for:

- Children and adults receiving NHS continuing healthcare
- People with mental health problems who are eligible for after care services under Section 117 of the Mental Health Act
- People who meet the eligibility criteria for a personal wheelchair budget

The NHS website has more information about [personal health budgets](#).

How to request a personal health budget

Speak to a member of your health and care team about personal health budgets.

Decisions relating to the health care element of personal budgets are the responsibility of the [NHS Buckinghamshire, Oxfordshire and Berkshire West Integrated Care Board](#).

Social care

Children and young people with disabilities under 18

Support is available to children who meet the eligibility criteria for a service from Wokingham Borough Council's Children with Disabilities Service. Following the completion of a social care assessment, this may be offered where needs are identified that cannot be met without additional resources being made available.

A personal budget can be used to meet the outcomes identified in your child or young person's support plan. This is delivered via a direct payment, the process of which is outlined in our [Short Breaks Direct Payment Guide](#).

Our SEND Local Offer webpages have more information about [social care for children with a disability](#).

Adults 18 years and above

A personal budget is available to adults who have been assessed by Wokingham Borough Council's Adult Social Care Service. It is the amount of money that has been

agreed by the council to meet an adult's care or support needs, following a needs assessment.

Wokingham Borough Council's website has more information about:

- [Adult social care needs assessments](#)
- [Personal budgets for adults](#)

Reviewing personal education budgets

Personal education budgets are reviewed as part of the EHCP annual review process. This includes:

- Reviewing the learning outcomes and special educational provision written in the EHCP
- Reviewing personal budget arrangements in section J which are linked to this provision

Where direct payments have been agreed, we must also monitor and review these. Further information can be found in the [monitoring direct payments](#) section of this policy.

Direct payments

Direct payments are one way of managing a personal education budget. If you choose this option, funds are transferred directly to you, so you can organise and pay for provision, as set out in section F of the EHCP.

Direct payments are not classed as income and will not affect any welfare benefits that your child or young person is entitled to.

They cannot be used to fund a place at a school or post-16 institution.

You do not have to receive direct payments or manage a personal education budget yourself. The other options are:

A notional budget, where we (Wokingham Borough Council), a school or college hold and manage the payments, but you decide how they are spent.

A third party arrangement, where payments are transferred to and managed by an individual or organisation who organises and pays for the provision on your behalf.

You can also have a combination of the above.

When you request a personal education budget, we will support you in choosing the option that is right for you.

In order for direct payments to be used to deliver a personal education budget, certain regulations must be met, as set out in [The Special Educational Needs \(Personal Budget\) Regulations 2014](#).

You can also use direct payments to pay for health and social care provision. The regulations for these are:

- [The National Health Service \(Direct Payments\) Regulations 2013](#)
- [The Community Care, services for Carers and Children's Services \(Direct Payments\) Regulations 2009](#) and [The Care and Support \(Direct Payments\) Regulations 2014](#)

Who can receive a direct payment for a personal education budget

We may make direct payments to:

- A child's parent or carer
- A young person over the age of 16
- A person nominated in writing by the child's parent or young person to receive direct payments on their behalf

Where direct payments are for someone under the age of 16, the parent or carer has control of the direct payments. This changes when the young person turns 16, when they can manage the direct payments themselves, if they would like to and have the capacity to do so. They may also nominate their parent, carer or someone else to manage these on their behalf.

Decision to make direct payments

To set up direct payments, we must be satisfied that:

- They will be used to pay for special educational provision, as agreed in section F of the EHCP
- The person receiving direct payments can manage them without assistance, or with such assistance as may be available to them
- The person receiving direct payments will act in the best interests of the child or young person
- The direct payment is an efficient use of resources, and would not cost significantly more than it would do to provide the special educational provision in a different way
- The direct payment will not have a negative impact on other services which we provide for other children and young people with an EHCP
- The person or organisation who will deliver the provision has been subject to appropriate checks (including Disclosure and Barring Service checks) and is properly qualified to carry out the designated tasks

Decision not to make direct payments

If we decide not to make direct payments, we must tell you in writing the reasons for our decision.

You have a right to request a review of our decision.

If you ask us to review our decision, we must do so, and we must tell you about the outcome of the review in writing, giving reasons.

Conditions for direct payments

Direct payments are made into an online bank account which must only be used for direct payments as agreed.

Before making direct payments, we must write to you to explain the conditions that must be met, and you must agree in writing to these.

You must also agree to:

- Keep a record of money paid in and withdrawn from the bank account
- On request, or at intervals specified by us, provide us with information or evidence relating to the account and the agreed provision

Where the person receiving the direct payments is a nominee, both you and the nominee must give us written consent to direct payments being used for the agreed provision.

The arrangements for direct payments should be set out in section J of the EHCP. This must include the special educational needs and outcomes that are to be met by direct payments.

Permission of school

Before making direct payments for things which are to be used or provided in an early years setting, school, or post-16 institution, we must we get the agreement of the head of the education setting.

The amount of direct payments

We must make sure that the amount of direct payments is sufficient to pay for the agreed provision. We will agree the frequency of the direct payments with you.

Monitoring direct payments

Where a personal education budget is delivered through direct payments, we must monitor their use by the person who receives them, as specified in section 11 of [The Special Educational Needs \(Personal Budgets\) Regulations 2014](#).

We must carry out monitoring:

- At least once within the first three months of direct payments being made
- When conducting an annual review or re-assessment of an EHCP

We may also carry out monitoring at other times, if we believe that circumstances may have changed.

The monitoring must consider whether:

- The person receiving the direct payments has complied with the conditions they agreed to, and has used the direct payments effectively
- The amount of direct payments continues to be sufficient to pay for the agreed provision
- We should continue to fund the agreed provision by direct payments

A person receiving direct payments may also request for us to review the use of direct payments. In this case, we:

- Must consider whether to carry out a review
- If we decide to carry out a review, we must consider the matters set out above

Reducing the amount of direct payments

We may reduce the amount of direct payments where payments remain unused.

Before doing so, we must provide reasonable notice to the person receiving the payments, and explain our reasons for the decision.

Stopping direct payments

Section 14 of [The Special Educational Needs \(Personal Budgets\) Regulations 2014](#) explains the circumstances where we must stop making direct payments.

Where we decide to stop making direct payments, we must first give notice in writing to the person receiving them, setting out the reasons for our decision.

Repaying direct payments

We may ask you to repay part or all of the direct payments where:

- Part or all of the direct payments have not been used to pay for the agreed provision
- The circumstances of the child or young person have changed, meaning the provision is no longer appropriate

Where we decide that all or part of the direct payments must be repaid, we must give notice in writing, setting out the reasons, the amount to be repaid and a reasonable timescale.

Reconsidering a decision about direct payments

You have the right to ask us to reconsider a decision about reducing, stopping or repaying direct payments.

If you ask us to reconsider our decision, we must do so, but we are not required to undertake more than one reconsideration of a decision.

When we are asked to reconsider a decision, we must take into account your views, and then provide written reasons of our decision, following the reconsideration.

Further support

If you have questions or need to discuss your personal education budget or direct payments, contact your SEND Casework Practitioner.

You can also seek free, confidential and impartial advice from [Special Educational Needs and Disability Information Advice and Support Service \(SENDIASS\)](#).

Contact details for the SENDIASS Team:

Telephone: 0118 908 8233

Email sendiass@wokingham.gov.uk