



**REPORT OF THE CABINET MEMBER FOR CHILDREN AND FAMILIES AND  
THE CABINET MEMBER FOR EDUCATION AND SPECIAL EDUCATIONAL  
NEEDS & DISABILITIES**

**CHILDREN'S PERSONAL BUDGET POLICY**

**Purpose of the Report**

1. The report seeks approval of the Children's Personal Budget Policy, attached as **Annex A**, and its associated appendices for Education Direct Payments (**Appendix 1**) and Children's Social Care Direct Payments (**Appendix 2**).

**Information**

2. The County Council approach to Children's Personal Budgets has been reviewed, and the Children's Personal Budget Policy brought for approval to this meeting sets out the approach formally, to provide practitioners and parents with clear guidance and greater transparency.
3. A personal budget can empower individuals by providing the opportunity to arrange and manage the services they have been assessed as eligible to receive.
4. The Children's Personal Budget Policy applies to all children and young people in Nottinghamshire who have an identified assessed need for one or more of the following:
  - Education
  - Children's Social Care
  - Health.
5. The Policy meets the statutory requirements set out in the SEND (Special Educational Needs & Disabilities) Code of Conduct to have a Children's Personal Budget policy in place. It offers clarity around the purpose and use of a personal budget and sets out the aims of a personal budget, how a personal budget can be managed and describes the differences between a personal budget and a direct payment.
6. Three appendices sit alongside the overarching Children's Personal Budget Policy and provide in-depth guidance for how the direct payment element for Education, Children's Social Care and Health will be applied. The Children's Social Care Direct Payment guidance was last reviewed in September 2020 and subsequently required review and updating. The Education Direct Payment guidance is a new document describing the approach of the Council to how decisions relating to education direct payments are

reached. This provides children, young people and parents with transparency about the approach.

7. The Health Direct Payment Policy was agreed by the NHS Nottingham and Nottinghamshire Integrated Care Board's (ICB) Strategic Planning and Integration Committee in March 2024, and has been included within this Policy with permission from the ICB and is attached as **Appendix 3**.
8. The Children's Personal Budgets Policy will be reviewed annually, and the review and future changes will be coproduced with parents and carers.

### **Other Options Considered**

9. It is a requirement for the County Council to have a Children's Personal Budget Policy.

### **Reason for Recommendation**

10. To ensure that the County Council meets its statutory duties regarding personal budgets. The SEND Code of Practice (Personal Budgets 3.38) states:

*Young people and parents of children who have EHC plans have the right to request a Personal Budget, which may contain elements of education, social care and health funding. Partners must set out in their joint commissioning arrangements their arrangements for agreeing Personal Budgets. They should develop and agree a formal approach to making fair and equitable allocations of funding and should set out a local policy for Personal Budgets that includes:*

- *a description of the services across education, health and social care that currently lend themselves to the use of Personal Budgets*
- *the mechanisms of control for funding available to parents and young people including:*
  - *Direct payments – where individuals receive the cash to contract, purchase and manage services themselves*
  - *an arrangement – whereby the local authority, school or college holds the funds and commissions the support specified in the EHC plan (these are sometimes called notional budgets)*
  - *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, a combination of the above*
- *clear and simple statements of eligibility criteria and the decision-making processes that underpin them.*

### **Statutory and Policy Implications**

11. This report has been compiled after consideration of implications in respect of crime and disorder, data protection and information governance finance, human resources, human rights, the NHS Constitution (public health services), the public sector equality duty, safeguarding of children and adults at risk, service users, smarter working, sustainability, and the environment and where such implications are material they are described below.

## Financial Implications

12. Nottinghamshire County Council currently spends c£250,000 on Education Direct Payments and £1.7m on Children's Social Care Direct Payments. Formalising arrangements through this policy should not increase demand.

## RECOMMENDATION

- 1) That approval be given to the Children's Personal Budget Policy, attached as **Annex A**, which incorporates:
  - Amended guidance for Children's Social Care Direct Payments (**Appendix 1**)
  - New guidance for Education Direct Payments (**Appendix 2**)
  - Existing policy for Health Direct Payments previously agreed by the NHS Nottingham and Nottinghamshire Integrated Care Board (**Appendix 3**).

**Cabinet Member**  
**Children and Families**

**Cabinet Member**  
**Education and Special Educational Needs  
& Disabilities**

**For any enquiries about this report please contact:**

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## Constitutional Comments (SSR 28/11/2024)

13. The recommendation falls within the scope of matters that may be determined by Cabinet.

## Financial Comments (CS 26/11/24)

14. As mentioned in **paragraph 12**, the proposals in the report will not increase annual expenditure on direct payments.
15. Nottinghamshire County Council currently spends c£250,000 on Education Direct Payments and is funded from the High Needs Block of the Dedicated Schools Grant. Expenditure on Children's Social Care Direct Payments is currently around £1.7million against a budget allocation of £1.4million. Children & Families department will transfer budget internally to ensure that there is sufficient budget to meet future expenditure.
16. Health Direct Payments are transacted via the NHS Nottingham and Nottinghamshire Integrated Care Board.

## **Background Papers and Published Documents**

Except for previously published documents, which will be available elsewhere, the documents listed here will be available for inspection in accordance with Section 100D of the Local Government Act 1972.

None.

## **Electoral Division(s) and Member(s) Affected**

All.

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