

## Spending your Personal Budget including Direct Payments

The process to work out your budget will always be needs and outcomes led using the Child's Support Plan. A Personal Budget including Direct Payments (Option 1) identified in the Child's Support Plan can be used to meet assessed and agreed outcomes. All care and support can be completely individual and bespoke, so it is important to remember that every support plan is unique. What may be appropriate, approved and acceptable for one person, may not apply to the next person. Additionally, which outcomes are most important for individuals, often change over time as some outcomes are achieved and no longer relevant, some remain on-going, and some evolve and develop to become new outcomes. Rurality should also be taken into account where there may be lack of services and transport. It is difficult to have hard and fast rules in relation to spending a personal budget, but it is important to remember that all spend must be in order to meet identified outcomes and the following general rules are intended to be of assistance.

A personal budget can only be spent on outcomes identified and agreed with your worker within the Child's Support Plan and authorised by the Highland Council. If unsure, speak to your Lead professional/Worker. This document is a guide to help identify some types of spending and includes examples of what is allowable, what may be negotiable and what is not likely to be agreed or authorised.

**As illustrated below there are 3 areas to consider when deciding how to spend your personal budget including Direct Payments:**

**GREEN:** You can spend a budget on these areas.

**AMBER:** You may be able to spend a budget on these areas after conversation and negotiation with your Practitioner and there may be a cap on the amount you can spend on these areas.

**RED:** Spending of a personal budget on these areas is not likely to be agreed or authorised.

**GREEN:**

<p><b>YOU CAN SPEND A PERSONAL BUDGET ON:</b></p>	<p>Meeting assessed outcomes as outlined in Child's Plan and as authorised by the Highland Council.</p>	<p>Employing Personal Assistants.</p>	<p>Purchasing disability aimed support from an agency other than the Highland Council.</p>	<p>Contracting Self-Employed Carers or Self-Employed Support Workers.</p>	<p>Employing someone who is over 16.</p>	<p>Purchasing respite care from a third sector provider.</p>	<p>Paying for a Personal Assistant to support a young person going on a holiday/short break or requiring support to attend a club or activity.</p>	<p>SDS Brokerage Services or management of child's SDS package will be included within a capped amount.</p>
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## AMBER:

<p><b>NEGOTIABLE WITH PRACTITIONER TO MEET A SPECIFIC OUTCOME - THERE MAY BE A CAP ON THE AMOUNT AVAILABLE TO SPEND. MUST BE APPROVED AS PART OF CHILD'S PLAN:</b></p>	<p>Employing someone who is a family member. This requires to be agreed and agreement will only be made if the factors set out in the regulations apply (see appendix 1 on page 6).</p>	<p>Cost of transport to enable access to activities as identified in the outcome plan. This is unlikely to be agreed if the child is eligible for the mobility element of DLA. However, there will be a discussion with those in remote areas.</p>	<p>Short breaks or holidays as an alternative to respite. This will be capped. See examples below on page 5.</p>	<p>One-off purchases dependant on meeting outcome, considered as an appropriate spend and not a parental responsibility.</p>	<p>Paying for activities that require the support of a Personal Assistant. These activities need to fall outside the parameters of accepted parental responsibility.</p>	<p>Purchasing equipment (assessed as appropriate) to meet specific outcomes - this does not include equipment that can be provided or received to meet health needs or by another service e.g. an Occupational Therapist, Dietician, Speech and Language Therapy.</p>
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**RED:**

<b>NOT LIKELY TO BE AGREED OR AUTHORISED</b>	Anything that has not been identified and agreed with your worker and authorised by the Highland Council.	For the purchase or maintaining any of any item that would be considered as coming under a benefit such as Mobility allowance or DLA.	Part of or all of family holiday cost. This is a family responsibility.	Employing someone who is a Welfare or Financial Guardian or Power of Attorney or who holds parental rights and responsibilities in respect of who the budget is for.	Gambling including scratch cards, bingo, cards, casinos and slot machines including online gambling	Any service or equipment that can be provided directly by NHSH or the Local Authority i.e. housing, education, occupational therapy, physiotherapy	Tobacco products, e-cigarettes or alcohol or anything that is illegal	Rewards/gifts/pocket money or purchases considered the responsibility of a parent (i.e toys)
	Permanent residential care and support	Paying off debts.	Insurance, car purchase or car maintenance or general household items.	Ongoing running/maintenance costs; where the personal budget has been used to purchase a piece of equipment or remodel a garden for example.	Food including restaurant and carry out meals.	Fees for clubs which would be considered as a parental responsibility. i.e –scouts, brownies, karate.	Household expenditure; ie - rent or mortgage payments, utility bills, non-specialist furniture, broadband, anti-virus packages, TV packages.	High Life Highland Budget Membership – 50p per activity.

### **Capped Spend Examples:**

There is a limit to how much can be spent in certain cases (example list, not exhaustive):

- Family holidays/short breaks: If a Personal Assistant or specialist equipment is required, the cost for these supports can be included. If the young person is going on a holiday/short break without family as part of the agreed Child's Support Plan then the full cost for the young person can be included although exploration of any charity contribution should also be explored.
- Activities can be agreed as part of a plan but to be funded need to fall outside what would be considered a parental responsibility to pay for.
- One off purchases can be agreed as part of a plan but should ideally not be fully funded from a budget. However, if agreed as exceptional to meet a need and an outcome, consideration should be given to agree an appropriate parental contribution if it is not a specialist item specific to disability. Charity options should also be explored before considering funding via an agreed budget.

### **Support Plans and Transition to Adult Services.**

To achieve a smooth transition from a Highland Council Child's Plan to an NHS Adult Plan, transition planning should begin at least 12 months before responsibility is due to be transferred to take account for any adjustment necessary between both plans. Highland Council will only agree support plans and budget spends for young people up to the day before his/her 18<sup>th</sup> birthday or if the child has left school, then it will be up to the day before his/her 16<sup>th</sup> birthday. The responsibility from then will be transferred from Highland Council to Adult Services in the NHS.

### **What to do if the supports agreed in the Child's Plan are either unavailable or not working?**

Do not simply choose to spend on something else. Speak to your worker or his/her manager as soon as possible, he/she will help you identify likely to be agreed alternatives suitable to meet outcomes which can then be quickly resubmitted in an updated Child's Support Plan for approval.

### **What if I do not agree with the Child's Plan?**

Speak to your worker and or his/her manager as soon as possible. They need to know exactly why and what you do not agree with in the Child's Support Plan so they can explore with you if an agreement can be reached. However, if agreement cannot be reached at this point your worker will ensure you know how to appeal the decision.

**Appendix 1:** A direct payment to a family member can be considered where:

- The family member, the Direct Payment user and local authority agree to the family member providing the support.
- The family member is capable of meeting the Direct Payment user's needs.
- Any of the factors below apply.

**The factors are:**

- There is a limited choice of service providers who could meet the needs of the Direct Payment user.
- The Direct Payment user has specific communication needs which mean it will be difficult for another provider to meet the needs.
- The family member will be available to provide support which is required at times where other providers would not reasonably be available.
- The intimate nature of the support required by the Direct Payment user makes it preferable to the Direct Payment user that support is provided by a family member.
- The Direct Payment user has religious or cultural beliefs which make the provision of support by a family member preferable to the Direct Payment user.
- The Direct Payment user requires palliative care.
- The Direct Payment user has an emergency or short-term necessity for care.
- There are any other factors in place which make it appropriate, in the opinion of the local authority, for that family member to provide the support.