



# A guide to safeguarding, managing risk and personal budgets

---

Supporting the work to implement personal budgets as part of  
the special educational needs and disability (SEND) reforms

Nic Crosby, Shirley Wilson and David Miller

**October 2015**



# Contents

---

<b>Acknowledgements</b>	<b>4</b>
<b>Summary</b>	<b>5</b>
<b>1 Introduction</b>	<b>6</b>
<b>2 SEND, wider risks and safeguarding</b>	<b>7</b>
<b>3 Maximising the potential of personal budgets, managing risk and promoting wellbeing</b>	<b>8</b>
I Developing the plan: mitigating risk and using personal budgets	9
1. Participation: ensuring that the child's views are sought and given due regard during the assessment and planning process	9
2. Decision making: children should be enabled to participate in decision making processes and when planning the use of personal budgets and direct payments	10
3. Accessible information and clear expectations	11
4. Getting the right support	12
5. Training and support for personal assistants	13
II Using a personal budget and direct payment – once the plan has been agreed	15
1. The review process	15
2. Minimise opportunities for financial abuse	15
3. Planning ahead and change	16
<b>4 Conclusion</b>	<b>17</b>
<b>References</b>	<b>18</b>

# Acknowledgements

---

We would like to thank all those who have helped and supported the development of this guide, with particular thanks to the young people for their advice and to the parents, carers and professionals who completed the on-line survey.

Thanks also to the advisory group for their contributions and support:

Clare Gent, Action for Children

Nicola Gitsham, National Development Team for Inclusion (NDTi)

Bridget Bevis, KIDS

Trudy Reynolds and Chris Easton, NHS England

Michael Henning-Pugh, Portsmouth Children's Services

Anita Hewson, Cambridgeshire Children's Services

Meera Craston, SQW

Sue North, Contact-a-Family

Nic Crosby, In Control, Shirley Wilson, NSPCC,  
David Miller, NSPCC

Further information

In Control – [www.in-control.org.uk](http://www.in-control.org.uk) or  
[info@in-control.org.uk](mailto:info@in-control.org.uk)

NSPCC – [www.nspcc.org.uk](http://www.nspcc.org.uk) or [help@nspcc.org.uk](mailto:help@nspcc.org.uk)

# Summary

---

Personal budgets are relatively new, but their use and uptake are likely to increase as the SEND Reforms are rolled out. There is huge variation in people's understanding of personal budgets; the use of direct payments; the approach to recruitment; information about personal budgets, and the skills of professionals and families. Local agencies and safeguarding children's boards should take responsibility for leading a programme of work that maximises the potential of personal budgets while minimising risk and promoting wellbeing. They should also put in place consistent and easy-to-understand guidance that supports all parties.

## Key recommendations for safeguarding, managing risk and personal budgets

### Children, young people and families

- Have access to information that explains personal budgets; their use; what direct payments are; how they work, and the expectations and responsibilities that come with taking up this opportunity.
- Are involved in writing and reviewing the plan and have access to communication support to enable them to participate.
- Have access to advocacy, independent support and mediation services.

### Planning coordinators (those writing the plan)

- Have a good working knowledge of the local approach to personal budgets, resources they can share with young people and their families, and a good knowledge of how direct payments work and the other options available to families.
- Recognise and understand the need to have in place all comprehensive information in Section J of the child or young person's education, health and care (EHC) plan, as this will enable informed decision making with regard to the plan and the provision set out.
- Have access to support to help families and young people navigate their way through recruitment of support and/or personal

assistants (PAs) and be aware of local policies in their area concerned with safer recruitment.

### Operational/team/those with responsibility for agreeing the EHC plan

- Are clear about their responsibility to safeguard children while maximising the opportunities that personal budgets offer to tailor support to individual children and young people.
- Ensure that the local offer has information about personal budgets (including for health-funded support), and that this information is transparent about decision making and allocation systems.
- Ensure that safeguarding training and/or support is available to all those who support children and young people with EHC plans, ensuring they know who to talk to and contact in case of concern.
- Maintain a positive approach to risk enablement.

### Strategic/local safeguarding children board (LSCB)

- Ensure that knowledge and expertise relating to personal budgets are represented and available to the LSCB.
- Have in place a strategy for addressing the actions set out in this guide, which focuses on positive enablement, creativity, flexibility and tailoring support to individual children and young people.
- Play a strong role in supporting information sharing and strong multi-agency working between and across health, education, social care, and other services for people of different ages and communities.
- Ensure that easy-to-understand information is developed and made available to all key audiences, but in particular young people and families.<sup>1</sup>
- Ensure that those who have responsibility for planning directly with children and families have a sound working knowledge of personal budgets and are able to maintain a focus on safeguarding when maximising opportunities and promoting wellbeing.

1 This links with the personal budget strand of the local offer and the implementation of the SEND reforms.

# 1 Introduction

---

Personal budgets are increasingly being used as a way of offering support to and promoting the independence of children, young people and their families, including those with education health and care plans (EHC plans). This is already the default approach to supporting adults with eligible social care needs and those in receipt of NHS continuing care/continuing healthcare funding. EHC plans give greater control and flexibility to disabled children, their families and young adults, and provide more opportunity to deliver agreed outcomes in ways that support them to lead more fulfilling lives.

Given what is known about the increased risk of abuse to disabled children and the barriers that exist to their protection from harm, it is essential to pay close attention to specific safeguarding risks that may arise when young people and families are given more choice, control and responsibility in managing and delivering support to a child or young person with an EHC plan using a personal budget.

Many potential risks are common across all support and services and require mitigating action such as Disclosure and Barring Service (DBS) checks on the wider workforce and quality assurance.

This guide focuses on issues that are specific to the use of personal budgets and direct payments. It draws on practice from across the country and sets out to provide key guidance relating to the challenge of maximising the potential of personal budgets while managing risk and minimising any safeguarding issues.

This guide has been written to headline the key issues that need to be addressed by the LSCB, service managers, individual workers, and more specifically by those charged with rolling out personal budgets as part of the SEND reforms. It has been developed with the support of professionals who work with personal budgets and with families who are in receipt of personal budgets. This guide is based on the assumption that the reader has a good working knowledge of personal budgets across health, social care and education, and of how personal budgets fit within the new EHC plans and the wider SEND reforms.

The guidance focuses on children, young people and young adults up to age 25 who have special educational needs and disability (including sensory). It highlights some good practice examples from real-life situations, draws out recommendations for promoting safeguarding and provides checklists for professionals, parents, children and young people that support these.

Note: For ease of reading, the report uses the term 'children' to refer to children, young people and young adults, unless specific reference is made to any particular group.

## 2 SEND, wider risks and safeguarding

Maximising the potential of personal budgets and promoting safeguarding need to be considered in the context of wider risks to disabled children and the measures that can be taken to promote their wellbeing.

### Risk of abuse to children with SEND

Research shows that disabled children are three times more likely to be abused compared to non-disabled children (Jones et al, 2012). Risk factors include: a reluctance to believe disabled children are abused; minimisation of harm done, and communication barriers between the child and those around them. A child may not have developed awareness about abuse and their right to protection, and they may be isolated or unable to seek help. Furthermore, indicators of possible abuse may be prematurely assumed to be due to the child's special educational needs and/or impairments, without further investigation. Finally, poor multi-agency liaising, especially where many different professionals, services and support networks are involved in the lives of children with SEND, can impair the identification of potential concerns and the wellbeing of the child.

For more information please see *We have the Right to be Safe* (Miller and Brown, 2014).

Other key concerns, again not specifically linked to personal budgets, include 'hate crime', 'mate crime'<sup>2</sup> and bullying, which many disabled children have experienced. Child sexual exploitation is also an area of growing concern.

### Safeguarding

Safeguarding children is everyone's responsibility. Effective safeguarding requires a child-centred approach, with a focus on the individual child's needs; professionals who listen to children and are alert to potential risks, and good information sharing (*Working Together*, HM Government, 2015). A key principle is the provision of timely support. This requires the clear identification of need followed by an 'outcomes-focused' support plan that is regularly reviewed and updated.

Another principle is to ensure that services and settings are safe. There should be a shared positive approach to risk assessment and enablement.

Inclusive services can both promote wellbeing and empower children and adults.

Good communication with children and their families is also key to safeguarding and promoting wellbeing.

As services under the SEND reforms can be provided up to the age of 25, the Care Act 2014 is also relevant to safeguarding in this area.

The *Care Act 2014 Statutory Guidance* identifies the following six key principles that should underpin all adult safeguarding work:

- Empowerment – people should be supported and encouraged to make their own decisions and provide informed consent.
- Prevention – it is better to take action before harm occurs.
- Proportionality – the least intrusive response that is appropriate to the risk presented.
- Protection – support and representation should be given to those in greatest need.
- Partnership – local solutions should be provided through services that work with their communities. Communities have a part to play in preventing, detecting and reporting neglect and abuse.
- Accountability – accountability and transparency in delivering safeguarding.

LSCBs and adult safeguarding boards have an important role to play in ensuring that safeguarding measures are put in place to address the particular risks that disabled children and adults face, and the barriers to their protection.

With more children being supported to participate in their local community, many are now exposed to different risks. These risks should not be a barrier to supporting inclusion but rather a priority issue to be tackled by communities and the local safeguarding boards.

If any concerns arise, they should always be acted upon in accordance with local agency protocols. If in doubt about safeguarding concerns, professionals, parents or adults can always contact their local authority's children's social care department or the NSPCC helpline. Children can contact ChildLine for free confidential advice.

2 An NAS (2014) survey reveals that half of autistic adults were 'abused by someone they regarded as a friend'.



### 3 Maximising the potential of personal budgets, managing risk and promoting wellbeing

---

Personal budgets encourage a child-centred approach to meeting the support needs of children. By giving children and their parents greater control over how this funding is used, the importance of their contribution is both valued and realised. Children and their parents are often best placed to identify and shape the most effective support arrangements; to focus on and promote the child's wellbeing; to identify and pursue the child's interests, and to maximise opportunities in the local community.

While personal budgets bring significant opportunities for promoting the wellbeing of children, these opportunities can be accompanied by risks. As stated above, many of these risks would exist even in the absence of personal budgets, but there are specific issues that need to be addressed to both manage the risk and ensure a focus on maximising the potential of personal budgets.

This section consists of two parts:

- I. Developing the plan
- II. Using personal budgets

The development and writing of the child's plan is the key opportunity to put in place a shared awareness of issues of risk; to set out strategies where needed to manage identified risk, and to ensure both practitioner and family are clear and agree on how to manage the personal budget. This includes agreement on how the money is to be managed; the responsibilities associated with taking any direct payment; the employment of staff; contracting service providers, as well as maintaining a positive approach to supporting the child or young person to participate in their local community,

school, college and any work opportunities. Part 2, which focuses on how to use a personal budget, should flow from the writing and development of the plan. The use of a personal budget will often require ongoing support to the family, providing advice relating to employment law, money management and any other issues as and when needed.

Some issues, such as minimising the risks of financial abuse, cut across both section 1 and 2: while the plan itself can mitigate risk by setting out explicitly how the personal budget will be managed (including any direct payments), ongoing monitoring and management of the personal budget and the provision of support to families and children will further help to reduce the risks.

Local Authorities (LAs) and CCGs should be mindful that when agreeing/signing off an EHC plan, whether or not it includes a personal budget, they are agreeing with the provision outlined in the plan and that this provision will meet the outcomes agreed by all and fulfil their responsibility to promote the child's safeguarding and wellbeing. Hence, the LA and CCG is agreeing to how any personal budget is used, how it is managed and the way it will be spent.

To make this guide as clear as possible we have divided each area of action into three parts:

- actions that apply to professionals and families at an individual level in the planning and ongoing use of personal budgets (individual)
- actions that apply to team managers/operational managers (operational/community)
- actions that apply to strategic management and the LSCB (strategic)



## I Developing the plan: mitigating risk and using personal budgets

---

### 1. Participation: ensuring that the child's views are sought and given due regard during the assessment and planning process

All efforts should be made to facilitate meaningful participation of children, including time and investment in advocacy support and/or time for them to discuss things that are important to them.

#### Action

##### Individual level (planner and child/young person and family)

- Children must feel empowered to raise concerns at any point during the course of receiving any support, including support delivered through a personal budget arrangement, and should know about the information, advice and support available to enable them to do this.
- Active efforts should be made to communicate with the child, involving them in setting the outcomes to be achieved, providing relevant information, seeking their views, and as appropriate seeking their consent or assent.
- There should be clear evidence within completed plans of the child's views, concerns and aspirations.
- The outcomes of assessments, reviews and completed plans should be shared with children in an appropriate and timely manner. Any further suggestions they have at this stage should be added.
- Children should be involved in review processes.

#### Example

*The Signs of Safety* (Turnell and Edwards 1999) has several useful activities that can be used to help children contribute their own protective factors to assessments.

<http://www.signsofsafety.net/signs-of-safety/>

### Operational/community level

- Children should be enabled to access the support available through young people's independent support/independent advice and support services.
- Assessments must be multi-disciplinary, child-focused and promote the child's wellbeing.

### Strategic/LSCB level

- There should be transparency when limitations on resources impact on personal budgets. This should be explained in the local offer.

#### Example: Young people accessing independent support services

Information hosted by the CDC about the Independent Support programme includes a case study that explains work to involve young people and to discuss independent support for young people.

[www.councilfordisabledchildren.org.uk/what-we-do/our-networks/independent-support/what-is-independent-support](http://www.councilfordisabledchildren.org.uk/what-we-do/our-networks/independent-support/what-is-independent-support)

## 2. Decision making: children should be enabled to participate in decision making processes and when planning the use of personal budgets and direct payments

It is not simply about facilitating participation but actually involving, explaining and enabling children to be part of decisions that will impact on their lives, the support they receive and how and who they spend time with.

### Action

#### Individual level (planner and child and family)

- All children must be supported to engage in the decision-making process. Accessible materials and approaches should be used that facilitate co-production between children and decision-making bodies

#### Resource

*Disability matters e-learning* Disability matters (2015) Royal College of Paediatrics and Child Health is a free training resource that covers a wide range of areas relating to disability, including communicating and enabling participation. This resource has been developed by the Royal College of Paediatrics and Child Health in partnership with a wide range of organisations.

<https://www.disabilitymatters.org.uk/>

#### Operational/community level

- When working with young people over 16, agencies must comply with the Mental Capacity Act (2005), which states that a person must be assumed to have capacity until it is proved otherwise. A person must also be supported to make their own decisions, as far as it is practicable to do so, and “all practicable steps” (Part 1: 1.3) should be taken to help the person. Everything that is done, or decisions that are made under the Act for a person who lacks capacity must be done in that person’s best interests.
- Information can be given to children about advocacy agencies.

#### Strategic/LSCB level

- LA processes should be in place to resolve differences of view between a parent and a child/young person, taking into account the user’s age; their capacity to consent, and the responsibility to support a person in making their own decisions and to act in their interests.

#### Example: Young people’s advocacy – mediation in Hertfordshire

This is an example of mediation services open to young people provided by the SEND Information Advice and Support Service. It is part of the local offer in Hertfordshire.

<http://directory.hertsdirect.org/kb5/hertfordshire/directory/localoffer.page>

### 3. Accessible information and clear expectations

Children and families will need access to clear and simple information about personal budgets and direct payments. This should include information about their use; how they work; the expectations and responsibilities involved in taking up this opportunity; responsibilities around contracts and employment, review and audit processes, and an offer of longer-term ongoing support.

#### Action

##### Individual level (planner and child/young person and family)

- Parents and children must have easy access to relevant information on personal budgets and clearly understand their responsibilities and expectations.
- Expectations that PAs are appropriately vetted, including DBS checks and references, must be understood and acted on.
- PAs should be fully prepared and supported in their role.

##### Operational/community level

- Relevant information should be made easily accessible, including information on identifying agencies or recruiting PAs direct.
- Support should be available to families in carrying out DBS checks.
- Information and advice must be available on managing risk.
- Parents and children should have a named person they can go to for support in managing the personal budget and in responding to any safeguarding concerns.
- LAs should be satisfied that personal budgets will be used to meet the needs identified in the EHC plan, and with the quality of care that will be provided.

#### Strategic/LSCB level

- Local agencies should ensure that written information and advice on personal budgets is provided within the local offer.
- An easily accessible offer of support to children and families to help them manage a personal budget and/or direct payment, and to report safeguarding concerns should be available.

##### Example: Public information about personal budgets published as part of the local offer

*A Guide to Individual Budgets in Newcastle Children's Services*

[www.newcastle.gov.uk/health-and-social-care/disabilities/children-with-disabilities/individual-budgets](http://www.newcastle.gov.uk/health-and-social-care/disabilities/children-with-disabilities/individual-budgets)

##### Example: Information about planning and personal budgets as part of the local offer

*Child Centred Support Planning in Newcastle: A handbook for support planners and families planning for themselves*

[www.newcastle.gov.uk/sites/drupalncc.newcastle.gov.uk/files/wwwfileroot/education-and-learning/special\\_educational\\_needs/child-centred\\_support\\_planning\\_handbook.pdf](http://www.newcastle.gov.uk/sites/drupalncc.newcastle.gov.uk/files/wwwfileroot/education-and-learning/special_educational_needs/child-centred_support_planning_handbook.pdf)

##### Example: Support to families to plan, recruit, and use personal budgets and/or manage direct payments

EMBRACE Wigan and Leigh, which works across children and adults services has been commissioned by Wigan Council to deliver support to families with an EHC plan for their child, and this includes expertise and support to manage personal budgets (sometimes on behalf of a family) and direct payments.

[www.embracewiganandleigh.org.uk](http://www.embracewiganandleigh.org.uk)

## 4. Getting the right support

In choosing to use a personal budget, children and families will face the challenge of finding the right support: they can choose to set up an arrangement with a support provider or agency, or they may decide to recruit their own PAs. In both situations, children and families will need clear information and support in making decisions about support and in recruiting providers or PAs.

### Action: Choosing a support provider or agency

#### Individual level (planner and child and family)

- Children and families should be supported to explore the different options available locally.

#### Operational/community level/provider services

- Support agencies should ensure that the required skill levels are met and an agreement that this is the case should form part of the final sign-off and agreement of the EHC plan.
- The provider/agency must have a child protection policy in place; check all staff meet with DBS requirements, and be able to demonstrate their commitment to safeguarding.
- LAs can draw up a list of key considerations/questions for families when considering suitability of agencies in delivering services, including agency policies and procedures; safe recruitment, skills and training of PAs; monitoring processes; quality assurance and review processes, and support offered to the family.

#### Strategic/LSCB level

- LAs should ensure provision of support to families in locating potential supplier agencies; in determining selection criteria; in selecting agencies, and in drawing up contracts.
- CCGs should provide support in locating and commissioning potential agencies and in drawing up contracts for the provision of health services.

- LAs should draw up a list of approved local agency suppliers of services to be delivered under direct payments.

If looking for PAs from a regulated agency, it would be prudent to check any Care Quality Council (CQC) reports or contact other service users or voluntary groups as to the quality of particular providers when planning for child centred support: [www.cqc.org.uk](http://www.cqc.org.uk).

### Action: Choosing to recruit PAs using a direct payment

#### Individual level (planner and child/young person and family)

- EHC plans and/or associated plans that set out the detail of how a personal budget/direct payment is to be used need to include contingency arrangements such as arrangements for sickness cover.
- A named LA worker should be available to provide advice and support as required in relation to above processes and in relation to any performance or safeguarding concerns.

#### Operational/community level

- In agreeing any EHC plan the LA and their health partner should be mindful of their responsibility for ensuring that families have the necessary information, guidance and support for carrying out their recruitment role and that, for example, PAs have the skills and abilities needed to provide the level of support required. LAs and health partners should be satisfied that families are able to undertake this role appropriately.

#### Strategic/LSCB level

- Local agencies should ensure that processes are in place either through the LA/health service or through a local voluntary sector service for providing support to families in the safe recruitment of PAs with the right skills to meet the individual child's needs. This includes advice (or knowing where to go to get advice), on where and how to advertise; identifying key skills and other essential and desired characteristics; identifying selection criteria; shortlisting and interviewing; undertaking DBS checks and references.

- Local agencies should ensure that good, clear information about the responsibilities attached to managing a personal budget is available to families, including employment law and employer responsibilities (this may be provided by a local direct payment service).

#### Example: Safer recruitment guidance

A good start and explanation is offered by Disability Rights UK:

[www.disabilityrightsuk.org/how-we-can-help/independent-living/frequently-asked-questions-independent-living](http://www.disabilityrightsuk.org/how-we-can-help/independent-living/frequently-asked-questions-independent-living)

Further guidance comes from *Skills for Care: Employing personal assistants*:

[www.skillsforcare.org.uk/Document-library/Employing-your-own-care-and-support/Employing-personal-assistants-toolkit.pdf](http://www.skillsforcare.org.uk/Document-library/Employing-your-own-care-and-support/Employing-personal-assistants-toolkit.pdf)

#### Carers providing care for a child in their own home

There may be occasions when care provided by a carer at their own home is being considered. LAs should provide guidance that identifies the circumstances in which this may be supported, and the checks and other factors that need to be considered, such as: the nature of the relationship between the carer and the child; the potential benefits for the child; guidance on undertaking DBS checks on other adults in the household; other children in the home; any pets in the home; how the child is supported; and any potential health and safety issues eg smoking. Specific attention may need to be paid to other children at the PA's home; how this impacts on the care being received; how the child being supported feels about it, and whether all parties are in agreement that this is the best way to support the child. It is vitally important that all these issues are addressed appropriately when the plan is being drawn up and that when it comes to agreement, everyone is comfortable with the final plan and can agree to sign it off.

## 5. Training and support for personal assistants

PAs will be employed directly by the young person or family using a direct payment. They will deliver the support as set out in the plan, which may include personal care; manual handling; working closely with parents and the child; supporting them to participate in school or college and in their local community; attend events; join clubs; transport the child, and go on holiday with the family. As such, there is a need to ensure the PA has the required training, is fully DBS checked and that any concerns identified in the assessment process are addressed and the PA made aware. LAs and clinical commissioning groups (CCGs) have a key role in ensuring that positive standards are in place. Such skilled and often 'lone working' means that there are particular actions that must be taken. This is one of the areas that is most specifically linked to the use of personal budgets, direct payments and safeguarding/managing risk.

### Action

#### Individual level (planner and child/young person and family)

- There need to be open and honest discussions with parents and children (speaking to the child alone, where necessary) about safeguarding and particular issues that may have been identified, to ensure they feel supported in expressing any concerns they may have (to a named person).
- Children should be involved as much as possible in preparing PAs for meeting their needs, ie ensuring the PA understands the individual support needs of the child.
- Child and family 'All about me' plans can be developed and/or existing ones shared.

#### Operational/community level

- PAs should be supported in participating in any LA/health service-funded safeguarding training (where possible) and should have a good general awareness of the particular issues around bullying and discrimination, which many children encounter.

- Local agencies must ensure that PAs are aware of their responsibilities to report concerns they may have (to the child's social worker or other); that they understand local child and adult protection guidance and what to do, and that they are aware that they can contact their local authority's children's social care department or the NSPCC helpline to seek confidential advice and find out what they should be doing if they are not sure.
- Agencies should ensure that arrangements are in place for preparing PAs to work with the individual child, eg communication method, individual support needs, behaviour support plan, manual handling. For example, practitioner and family/child with expert support, where needed, develop 'working plans', covering key issues such as manual handling, which will be included in 'agreement of plan'.
- Review processes should include opportunities to discuss how PAs are doing and to cover any concerns any party may have.
- Training and support must be available when the PA and/or family are caring for a child with complex health needs (potentially using a personal health budget and direct payment).
- Where the child/young person has complex health needs and support is being delivered using a direct payment, clinical governance arrangements must be clearly covered within the plan, eg individual training and competence assessments.

- Where a PA is supporting a child in different settings, eg school and home, the EHC plan and accompanying discussions need to be clear about boundaries and working practices and how they differ, and include reference to accountability.

### Strategic/LSCB level

- A strategic approach is needed across settings and services to the recruitment of PAs and offer of accessible and useful information. This should focus on a consistent and easy-to-understand process of recruiting support whether from a provider or using direct payments to employ PAs.
- Guidance must be developed by local partners on the delegation of responsibility where care and health-related support is being delegated to PAs and/or family members (see the guide being produced by NHS England and In Control – in development)

Many children and families talk of how good it has been to start employing their own support workers, how it has increased their confidence in the quality of support they get, how they have tailored the recruitment process to build a team around themselves and many more positive reflections. However, as indicated, there are a number of key issues and actions that need to be addressed by LAs and health services, which support people in choosing to employ PAs while working to manage and mitigate risk.

## II Using a personal budget and direct payment – once the plan has been agreed

---

### 1. The review process

The review process as agreed with all parties includes particular opportunities for children to express their views on the support they receive, including any support funded through a personal budget and direct payment.

#### Action

##### Individual level (planner and child/young person and family)

- Active efforts should be made to communicate with the child and routinely seek their views on the support they receive, how it is being used and the service being delivered.
- Children need to be empowered to raise concerns at any point during the course of receiving any support, including that delivered through a direct payment, and during reviews. Information, advice and support should be in place to enable the person to do this.
- The active involvement of children in review processes should be facilitated.

##### Operational/community level

- There should be clear evidence within reviews of the child's views, concerns and aspirations.

### 2. Minimise opportunities for financial abuse

The risk of misuse of direct payments or wider financial abuse needs to be minimised. Local agencies can learn from the experience and approach towards direct payments used in adult services.

#### Action

##### Individual level (planner and child/young person and family)

- Opportunities must be available for all those involved in supporting a child and family to report concerns throughout the planning, review and long-term arrangements.

##### Operational/Community level

- A process should be in place for managing money safely and for ensuring that finances are being used for the purposes set out. Any divergence should be picked up at an early stage and addressed.
- Support should be available to families who use direct payments, enabling them to seek help if they have concerns.
- Review (carried out by the LA and/or CCG representative) and audit processes (part of the review, as agreed prior to the plan being agreed and funded) should be rigorously carried out appropriate to each individual child, ensuring children and family members have the opportunity to comment and share their feelings about the support they are receiving and any concerns they may have. LAs need to be alert to the possibility of financial abuse, eg a child being financially abused by a member of the family or PA.

##### Strategic/LSCB level

- As with all safeguarding and good practice within services, good information sharing across teams and services, between linked professionals, and with children and their families, needs to be ensured.



### 3. Planning ahead and change

Changes in a child's life, their support needs and possible funding changes due to re-assessment and changed eligibility criteria at times of transition should be anticipated and planned for: from nursery to primary school; on to secondary school; between health services; GP surgeries; moving house, and on into adulthood and support from adult social care. There is a need for portability of the plan.

#### Action

##### Individual level (planner and child/young person and family)

- Annual reviews need to look ahead over the coming year and further into the future, plan for change wherever possible.
- Information should be shared with all key people/agencies ahead of changes in education, or settings or funding.
- Assessments and plans must be updated to reflect the changing needs of the children as they enter adulthood. It is essential that this includes the views, opinions and aspirations of the child.
- A smooth handover between children and adult services should be ensured, including a

dedicated worker from a specialist transition team, if available.

##### Operational/community level

- If a service will soon be supporting a child, all key parties should participate in planning meetings prior to any transition.

##### Strategic/LSCB level

- Local agencies and the LSCB should ensure that the above and other key transition stages are acknowledged, and that processes are in place to ensure they are addressed.
- Particular attention should be paid to the transition into support from adult social care and health services. There should be effective collaboration on linking up services being developed as part of the delivery of the Care Act 2015.

## 4 Conclusion

---

Personal budgets have a huge potential to empower children and their families to take control over how they get the support they need. This guide is focused on making the best of this opportunity while maintaining a clear focus on the need for robust, explicit and consistent approaches to safeguarding children. In order to achieve this, we have focused on the steps that can be taken at individual, operational, community, strategic and LSCB-levels.

LSCBs have a key role in identifying personal budgets as an area of emerging and developing practice, and in facilitating a coordinated approach to addressing the actions set out in this guide, drawing upon the good practice that already exists across the country. This should be underpinned by strong and active partnerships across health, education, social care, services for people of different ages and across communities, focusing on positive enablement, creativity, flexibility and tailoring support to individual children and young people.

With so much coverage, especially in the past few years, of abuse of children and young people it would be very easy to move to an approach that stifles families' ability to control their own lives. This is not the intention of this guide. The aim of this guide is to support a positive approach to safeguarding, and to provide LAs, LSCBs, health and key personnel who are involved with children with support and guidance that encourages the involvement of children so that they are at the centre of the process with their families and enabled to experience the creativity and flexibility that personal budgets can provide in safely reaching their aspirations for a more personalised life style.

# References

---

Department for Education and Department of Health (2015) *Special educational needs and disability code of practice: 0 to 25 years. Statutory guidance for organisations which work with and support children and young people who have special educational needs or disabilities*. London: DfE  
[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/398815/SEND\\_Code\\_of\\_Practice\\_January\\_2015.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/398815/SEND_Code_of_Practice_January_2015.pdf)

Department of Health (2014) *Care and Support Statutory Guidance*. Issued under the Care Act 2014.  
<https://www.gov.uk/government/publications/care-act-2014-statutory-guidance-for-implementation>

Disability matters (2015) *Disability matters*: Royal College of Paediatrics and Child Health  
<https://www.disabilitymatters.org.uk/>

HM Government (2015) *Working together to safeguard children. A guide to inter-agency working to safeguard and promote the welfare of children*.  
[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/419595/Working\\_Together\\_to\\_Safeguard\\_Children.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/419595/Working_Together_to_Safeguard_Children.pdf)

Jones, L, Bellis, M A, Wood, S, Hughes, K et al (2012) Prevalence and risk of violence against children with disabilities: a systematic review and meta-analysis of observational studies. *The Lancet*, July 2012.  
<http://press.thelancet.com/childrendisabilities.pdf>

Miller, D and Brown, J (2014) *We have the right to be safe: protecting disabled children from abuse*. London: NSPCC

<http://www.nspcc.org.uk/preventing-abuse/research-and-resources/right-to-be-safe/>

NAS (2014) *Careless*. NAS

<http://www.autism.org.uk/careless>

Skills for Care (2012) *Employing personal assistants: A toolkit to help you employ your own personal assistants* Skills for Care

[www.skillsforcare.org.uk/Document-library/Employing-your-own-care-and-support/Employing-personal-assistants-toolkit.pdf](http://www.skillsforcare.org.uk/Document-library/Employing-your-own-care-and-support/Employing-personal-assistants-toolkit.pdf)

Turnell, A. and Edwards, S. (1999) *Signs of Safety: A Solution and Safety Oriented Approach to Child Protection Casework*, New York, Norton.

<http://www.signsofsafety.net/signs-of-safety/>



Find out more about our work at  
**[nspcc.org.uk](https://nspcc.org.uk)**