

KNOW YOUR RIGHTS, OWN YOUR LIFE

Rights exist to protect and guide people. When we know how and when to use them, we gain the clarity to make decisions with confidence and the strength to act when it matters.

Knowing our rights can change our lives. It gives us the tools to make decisions that define our future.

PERSONAL AND HEALTH BUDGETS

What You Need to Know and How It Can Help You

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Overview

A personal budget is the amount of money identified by a local authority or the NHS to meet a person's assessed health or social care needs. It gives people choice and control over how their care and support are arranged.

A **personal budget** (for social care) and a **personal health budget (PHB)** (for NHS-funded care) both give people control over how money is spent to meet their assessed needs.

Together, they represent a more coordinated and person-centred system under the Health and Care Act 2022, connecting health and social care through **Integrated Care Boards (ICBs)**.

Legal foundations:

- Care Act 2014 – for social care.
- NHS Act 2006 (sections 12B & 223B) – for PHBs.
- Children and Families Act 2014, Section 49 – for children and young people with EHC plans.
- Health and Care Act 2022 – for system-wide integration.

Key objectives:

- Put people and families at the centre of planning.
- Combine health and social care funding for smoother support.
- Reduce duplication and barriers between services.
- Increase accountability, equality, and transparency in public spending.

Guidance for Families, Young People, and Adults

Families, young people, and carers are entitled to be fully involved in decisions about how their care is planned and funded.

Both **personal budgets** and **personal health budgets** must be co-produced with the person and their support network.

How the Process Works

1. Assessment

Local authorities and ICBs assess needs through a joint conversation with the person and family.

2. Eligibility:

Local authorities and ICBs assess needs through a joint conversation with the person and family.

- For social care, eligibility is set out under the Care Act 2014.
- For health, eligibility applies to those receiving **NHS Continuing Healthcare, Continuing Care** for children, or **section 117 after-care** under the Mental Health Act 1983.

3. Budget Calculation:

The total amount must be clearly stated, with a breakdown of what each body (NHS or local authority) contributes.

4. Care Planning:

The plan must explain how the money will be used to meet agreed outcomes — such as independence, recovery, or participation.

5. Choice and Flexibility:

People can choose:

- **Direct payment** – funds paid to them to arrange care.
- **Notional budget** – the NHS or council arranges services.
- **Third-party management** – an organisation manages the funds.

6. Review and Change:

Plans must be reviewed regularly. Families can request a reassessment at any time.

Practical Benefit

People and families can design support that fits real life — from therapies and assistive technology to community learning or respite care. It builds independence, trust, and stronger family connections.

Safeguards and Support

- Local authorities and ICBs must check that spending is appropriate and outcomes are met.
- Advocacy and clear communication must be available throughout.
- Decisions to decline a direct payment must be explained in writing, with alternative options offered.

Obligations and Duties for Commissioners, Public Bodies, and Local Authorities

ICBs and local authorities share responsibility for ensuring people can access and manage personal budgets safely and fairly.

They must:

- Inform people of their **right** to request a personal or health budget.
- Provide **transparent calculations** and clear written explanations.
- **Work jointly** where both health and social needs exist.
- Involve people, families, and carers in **care planning, reviews, and decisions**.
- Monitor **outcomes and equity** in access and results.
- Publish **annual reports** on mental health expenditure and uptake of personal health budgets.

Commissioners must ensure providers are trained in person-centred, flexible delivery that reflects individual preferences.

Information and Accountability

- ICBs and councils must make information about personal budgets public - including eligibility, management options, and complaints processes.
- Performance reviews must include data on use and outcomes of PHBs and integrated budgets.
- People may request a copy of their budget calculation and the reasoning behind it.

Public transparency strengthens confidence and prevents inequality.

How People Can Take Part and Benefit

People and families can:

- Ask their local authority or ICB for a **personal or integrated budget**.
- Choose how it's managed - directly, jointly, or by a third party.
- Be actively involved in all planning and reviews.
- Appeal decisions that restrict or remove their budget.

Understanding these rights ensures people can live with autonomy, continuity, and dignity, supported by care that reflects their real-life goals.

Sources:

Care Act 2014, Section 26 – [legislation.gov.uk](https://www.legislation.gov.uk)

NHS Act 2006 (sections 12B & 223B) – [legislation.gov.uk](https://www.legislation.gov.uk)

Children and Families Act 2014, Section 49 – [legislation.gov.uk](https://www.legislation.gov.uk)

Guidance on Legal Rights to Personal Health Budgets – [england.nhs.uk](https://www.england.nhs.uk)

Care and Support Statutory Guidance (Chapter 11) – [gov.uk](https://www.gov.uk)