

Temporary Changes to the Achieving for Children Short Breaks for Operational Area 2 RBWM

This guidance has been written for the Children and Young People's Disability Service, Achieving for Children (AfC), Royal Borough of Windsor and Maidenhead, and will be reviewed during the course of the pandemic in line with any further guidance from the government.

This document outlines adjustments that will be made to the AfC Short Breaks to ensure adequate flexibility for families whilst Coronavirus restrictions are in place. These adjustments to Short Breaks will be temporary and AfC will review the need for them periodically given the changing national picture. When it is assessed that the additional flexibilities are no longer appropriate AfC will notify you.

Short Breaks

Short Break/ Respite Providers - Standard Payments (agencies)

- Short Break providers contracted to the borough will be paid for care commissioned by AfC that is delivered.
- Care that has been commissioned and is not delivered will not be paid for.
- A parent/carer and/or agency will give no less than 24 hours notice to cancel.
- The agency will be paid the full fee if a parent/carer cancels less than 24 hours before the session. AfC will need to be informed.
- The agency will only be paid for the first session that is cancelled by the parent/carer if less than 24 hours notice. If a session for the following day/ week is cancelled, when informing the first session is cancelled, then these hours shall not be paid for.
- The agency will not be paid if they cancel a session.
- If the agency cancels a session, AfC are to be informed by the agency. The agency can rearrange an additional session.
- Allocated hours can not be 'stored up' and rolled over. For example, if the family chooses to self isolate and has not been told to, then those hours can not be accrued and used at a later date.
- Providers will be paid as per the usual process, invoices sent via email to cypdsfinance@achievingforchildren.org.uk to ensure timely payment.
- The council will process payments within 28 days of receipt of invoice

The following points capture helpful guidance and also temporary changes to existing guidance. We have added in some specific questions that relate to the impact of the Coronavirus.

When does my worker have to self isolate?

[Additional temporary guidance](#)

Workers should self isolate if they or someone they live with have coronavirus symptoms. They should also self isolate if they are in one of the groups of people that the NHS has assessed as being more vulnerable. The following guidance by NHS England should be followed:

<https://www.nhs.uk/conditions/coronavirus-covid-19/self-isolation-advice/>

Do I still need to pay a company that is unable to deliver a service?

[Additional temporary guidance](#)

We would encourage managers and families to explore alternative ways for organisations to continue to provide support. For example, some services may be able to be delivered virtually through video conferencing technology or via telephone. If this is not possible or the company /individual is not offering flexibility then in most instances (unless a specific contract says otherwise) payment is not legally due as the service is not being delivered.

This arrangement will apply to all care provided from week commencing 9th March 2020 through to the 30th April 2020. The end date will be reviewed and, if necessary, extended. Reviewed and extended to August 2020. Reviewed and extended to December 2020. Reviewed and extended to April 2021.

Residential, Short Break Units and Supported Living Standard Payments

- Residential, Short Break Units and Supported Living providers contracted to the borough will be paid for care commissioned by the council that is delivered.
- Care that has been commissioned and is not delivered will not be paid for.
- This arrangement will apply through to the 30th April 2020. The end date will be reviewed and if necessary extended. The end date will be reviewed and, if necessary, extended. Reviewed and extended to August 2020. Reviewed and extended to December 2020. Reviewed and extended to April 2021.
- Allocated hours can not be 'stored up' and rolled over. For example, if the family chooses to self isolate and has not been told to, then those hours can not be accrued and used at a later date.
- Providers will be paid as per the usual process, invoices and timesheets sent via email to cypdsfinance@achievingforchildren.org.uk to ensure timely payment.
- The council will process payments within 28 days of receipt of invoice unless stated otherwise in individual contracts.

Direct Payments

The following points capture helpful guidance and also temporary changes to existing guidance. We have added in some specific questions that relate to the impact of the Coronavirus.

When does my worker have to self isolate?

[Additional temporary guidance](#)

Workers should self isolate if they or someone they live with have coronavirus symptoms. They should also self isolate if they are in one of the groups of people that the NHS has assessed as being more vulnerable. The following guidance by NHS England should be followed:

<https://www.nhs.uk/conditions/coronavirus-covid-19/self-isolation-advice/>

Do I still need to pay a worker who is self isolating?

[Additional temporary guidance](#)

Workers who are self isolating or become unwell may be entitled to sick pay. How an individual receives sick pay depends on how they are employed.

- If you employ the person via an agency then the agency should arrange and pay for the sick pay,
- if you employ the person directly then you need to arrange and pay for the sick pay through your direct payment (these staff would be on a PAYE payroll system that you administer or pay someone to administer),
- if the individual is self-employed and you pay them via invoice then they will need to make their own arrangements to protect their income during self isolation / periods of sickness by accessing government benefits and income protections directly.

Do I still need to pay a company that is unable to deliver a service?

[Additional temporary guidance](#)

We would encourage managers and families to explore alternative ways for organisations and self employed individuals to continue to provide support. For example, some services may be able to be delivered virtually through video conferencing technology or via telephone. If this is not possible or the company /individual is not offering flexibility then in most instances (unless a specific contract says otherwise) payment is not legally due as the service is not being delivered.

We would suggest (to be reasonable) that you continue to pay self employed individuals and non profit making charities for sessions already booked in up until the 30th April 2020.

Families may wish to agree a retention payment with self employed individuals beyond this date if the service is very dependent on a relationship with a specific individual and you are concerned that they may not be available to deliver support once Coronavirus restrictions are lifted. It is strongly recommended that if a retention payment is agreed that you also explore what alternative support the worker could deliver whilst Coronavirus restrictions are in place. In agreeing to additional payments, where support is not being delivered, families should be mindful of their overall direct payment amount and prioritising money towards the support their child needs whilst Coronavirus restrictions are in place.

If you commission support from a specific individual via a non profit making charity then we would advise that you discuss options with the charity who employs them. As an employer the charity should have arrangements to ensure employees receive sick pay and will also be able to access Government financial support to ensure staff can be retained for the duration of the Coronavirus restrictions.

If my direct payment is paying my original worker can I have more funds?

[Additional temporary guidance](#)

We recognise that families may incur additional costs due to circumstances caused by the Coronavirus restrictions. If you feel that your direct payment is no longer sufficient to meet your child's needs please contact your social worker so that we can discuss this with you and agree what further support may be available. If you are worried that your direct payment value may not be sufficient and are considering agreeing a retention payment with a worker, it is advisable that you have this conversation with your social worker before committing to a retention payment, so that you understand what level of payment is affordable.

Do AfC review my Direct Payments?

[Existing guidance](#)

The level of support will be reviewed annually to assess if the care package continues to meet your child's needs. If your child's needs alter before the review takes place, please contact your social worker or family support worker.

[Additional temporary guidance](#)

We intend to continue with the annual review process on the same cycle as we recognise that it is important that the value of your direct payment remains aligned to your child's needs. If your child's needs change or the amount of money that you require to support your child's needs changes, as a result of the Coronavirus restrictions, please contact your social worker to discuss.

How do I find a PA for my child?

Existing guidance

Some people have a friend of the family in mind before they ask for DPs. You can contact your child's school as many teaching assistants are happy to work with the children out of school hours.

Does the person I want to employ as my child's PA need previous experience with working with children with disability?

Existing guidance

No, they don't. However, it is helpful for the PA to have had some experience.

I have known my PA for years. Why do I need a Disclosure and Barring Service (DBS) check?

Existing guidance

To safeguard yourself and your child we ask that anyone working with children have a DBS check carried out.

Additional temporary guidance

We recognise that the Coronavirus situation may lead to you needing to identify alternative support for your child if for example your existing PA needs to self isolate or becomes ill. You should still follow the normal DBS process even if the alternative PA is a family member. It is important that you continue to take precautions to ensure your child is safe.

You can submit a request for a DBS for an individual by emailing the following information to cypdsfinance@achievingforchildren.org.uk

- Full name
- Date of birth
- Email address

An AfC officer will then contact the individual to obtain relevant legal documents and to verify identity against those documents.

Who cannot be employed to care and support my child?

Existing guidance

The Care and Support Regulations 2014 states the direct payment cannot be used to employ any person living in the same household as the person, who is the person's:

- parent
- brother or sister

- stepbrother or stepsister
- aunt or uncle
- grandparent

[Additional temporary guidance](#)

We recognise that the Coronavirus situation may lead to you needing to identify alternative support for your child if for example your existing support needs to self isolate or becomes ill. During these times we will be relaxing the rules and will allow money to be paid to family members to support a child where appropriate. During these exceptional times, direct payments can not be used to pay parents to care for their child but can be used to pay other family members who do not live within the home.

The following criteria must apply to any individual who you employ to support your child:

- They must be below the age of 70 as all residents over the age of 70 should be self isolating in line with government guidelines
- They must not have an underlying health condition that could make them more vulnerable to the impact of Coronavirus.
- They must not be pregnant.
- They must not be required to self isolate because either they themselves or someone they live with has symptoms of Coronavirus. The symptoms and self isolation requirements are outlined in the following guidance:

<https://www.gov.uk/government/publications/covid-19-stay-at-home-guidance/stay-at-home-guidance-for-households-with-possible-coronavirus-covid-19-infection>

- They should be over the age of eighteen and be assessed by you as capable of caring for your child.
- They must be fully observing social distancing rules. For the purposes of caring for your child the family member could be deemed a critical worker and would therefore be able to leave their home to travel to your child. You may need to provide the individual with a letter that confirms they are employed by you for the purpose of caring for your child in case they are asked to evidence this when travelling to or from your home.

When will I receive the direct payment money?

[Existing guidance](#)

The payments are made every four weeks and will be in your bank account on a Monday. The money is paid in advance for the coming four weeks. Payments are calculated over a 12 month period. If additional funds are agreed for school holidays these will be averaged throughout the year.

[Additional temporary guidance](#)

Money will still be received into your nominated bank account to the same timetable.

How much is the direct payment?

[Existing guidance](#)

The value of the DP will be no more than it would cost AfC to deliver the same level of support. Parents or carers will be expected to cover all the costs of the support with the DP including the employer costs. AfC will pay for the public liability insurance and payroll fee too. This is on top of the hourly DP rate. Achieving for Children will also help by carrying out a DBS check for the proposed PA. Please note that if your PA leaves your employment within 12 months, you will be responsible for paying the DBS check for the new PA as AfC will only pay for one DBS check a year

[Additional temporary guidance](#)

We recognise that additional DBS checking may be needed if you need to employ a new personal assistant on an interim basis. The limit of one DBS check per year will therefore be removed. Please contact cypdsfinance@achievingforchildren.org.uk if you require a DBS check to be arranged.

We recognise that families may incur additional costs due to circumstances caused by the Coronavirus restrictions. If you feel that your direct payment is no longer sufficient to meet your child's needs please contact your social worker or family worker so that we can discuss this with you.

What if the hourly rate for the PA is more than the DP hourly rate?

[Existing guidance](#)

You can still employ the PA, but you will need to top up the hourly rate yourself.

What can I use the DP for?

[Existing guidance](#)

The DPs are for a short break for your child/ young person.

- They can be used to employ a PA to take your child into the community, or for support within the home as assessed by the social worker or family support worker
- In exceptional circumstances, the Short Break Request Panel may consider agreeing for DPs to be used for sessions at non AfC run after school clubs or holiday groups.

[Additional temporary guidance](#)

Families need to adhere to the most up to date government guidance including government restrictions regarding self isolation and social distancing. Where appropriate, families may

need to change arrangements to ensure compliance. If you are unsure whether arrangements comply or how you could continue to arrange adequate support for your child or young person and ensure compliance please contact your social worker or family worker for advice.

What can't DPs be used to pay for?

[Existing guidance](#)

- You cannot use the DPs to purchase services from Achieving for Children, such as the Flying High Playscheme.
- You cannot use DPs towards permanent residential care.
- You cannot use DPs for health care services such as speech and language therapy, occupational therapy, physiotherapy
- employ any partner (married, unmarried or in a civil partnership) or any close relative living in the same house as you
- pay for an activity or service that is for someone else
- pay for household expenses such as food or bills, rent or mortgage payments, cleaning services, food delivery
- pay for anything illegal
- gamble or buy lottery tickets, raffle tickets, bingo, alcohol or cigarettes

[Additional temporary guidance](#)

No changes to this guidance is proposed but if families do have specific requests due to the exceptional circumstances please contact your social worker or family worker who will be able to exercise some flexibility and agree where appropriate.

What happens if I don't use some or all of the DP money?

[Existing guidance](#)

When monitoring your account, AfC will note any excess money in the account. The SEN Commissioning and Short Break Manager will contact you to discuss this and a plan will be put in place which may include putting your payments on hold for a set amount of time or for the excess money to be returned.

[Additional temporary guidance](#)

This guidance still applies but additional time will be allowed to spend money once Coronavirus restrictions have been lifted if the family has been informed by health professionals to isolate, to enable families to access additional care if needed and if families have not been able to during the physical isolation process.

What happens if I forget to send the monitoring forms to AfC?

Existing guidance

Returns to be sent back monthly. AfC finance will inform the SEN Commissioning Manager if they have not received any completed forms from you at the end of the quarter (every three months). The SEN Commissioning Manager will contact you to find out the reason why and to offer support if needed. If the forms continue not to be completed and returned every month, AfC may put your payments on hold until the monitoring forms have been received.

Additional temporary guidance

We understand that whilst restrictions are in place it may be more difficult to submit paperwork. We would ask that where possible forms are submitted electronically. If you are unable to submit paperwork electronically please email cypdsfinance@achievingforchildren.org.uk to let us know.

This arrangement will apply to all care provided from week commencing 9th March 2020 through to the 30th April 2020. The end date will be reviewed and, if necessary, extended. Reviewed and extended to August 2020. Reviewed and extended to December 2020. Reviewed and extended to April 2021