

Frequently Asked Questions for Providers – 8th January 2021

Day Opportunities

If a vulnerable adult who has a DP is self-isolating and day provision is open they still have to pay for provision?

We continue to encourage all Day Opportunities and other providers to ask them to work with DP recipients to see how they can still meet their needs but in alternative ways where needed, this could be outreach support etc. This could be the case if a DP user is self-isolating and the provision has remained open for those who are at highest risk or it could be when a provision has closed.

Some DP recipients may still be choosing to use their budgets differently at this time but if this impacts sustainability on providers we are asking they keep in touch with us via the provider channels we have in place and we can then see what impact there is and respond in due course.

The overall message remains that providers need to continue to communicate with their clients as the DP users are the ones who commission providers and agree in what form support could continue to still meet the clients needs.

Charging Direct Payments Client

What is the agreed procedure to charge Direct Payment clients? We have already spoken with our service users' families with regard to charging a percentage of our normal costs, all were in agreement that we should. This would be to preserve the facility for the service users once lockdown measures are eased again. However, if this was agreed at 100%, we could continue to pay our staff rather than leave them Furloughed.

The first principle that must continue to apply for those with DPs is that the funds are there to meet their assessed needs and outcomes in their support plans and they are the commissioners of their own care - and therefore the relationship sits between them and the provider.

DP funds are however public funds provided to meet eligible needs; this means the source of funding is different to that of a self-funder. This principle of who holds the relationship for commissioning care continues to be the case until such time as the DP is no longer deemed to be an appropriate way to meet need and an adult is moved on to a managed service.

For example, if during COVID- 19 someone's care breaks down and they are unable to make alternative arrangements following the advice we have provided they would be at risk. We have included guidance for DP users in our FAQs of where to seek support if this happens.

- The guidance already issued to providers still stands – they need to be in communication with their clients and agree whether at this time they can meet need in alternative ways i.e. outreach.
- In some cases, DP users will choose to use their DPs in a different way, and this may mean it is not with the provider, this is covered in the guidance we have provided in relation to using their DP flexibly to meet their needs at this time. An example of this may be that they choose to employ a PA for more hours than they did before and this is ok as long as it is in the spirit of what is in their support plan.
- If the client with the DP and the providers have considered meeting needs in different ways but this is not practicable at this time they can discuss the possibility of a retainer to cover the costs incurred by the provider whilst they are no longer operating fully, however the following considerations should be made:
 - In paying a retainer the amount agreed must ensure the DP user still has funds to meet their needs at this time and the amount they agree to pay a provider needs to take this in to account. It has to be a mutually agreed arrangement.
 - Any arrangement considering still charging 100% should not be agreed if it would leave DP users insufficient funds to meet their needs in other ways or reduce their flexibility to do so when their current arrangements change during this time.
 - DP users can seek an increase in funds to their DP accounts, this is on a case by case basis as is about their needs and the FAQs for DP users advise them how to do so.
 - If this means the provider, overall from all of their income from DP users, has a shortfall in meeting staff costs they may be considering whether to furlough staff.
 - The government advice is that if public sector funds used for staff costs continues to be paid then those staff should not be furloughed. Guidance on this can be found [here](#). For providers who have income from DPs this may mean some of the DP income continues and they continue to pay some staff from this to support with outreach but consider furlough for others.
 - Before providers consider furlough, they should signal to us whether they have available staff that can be redeployed across other provision. This would be

commissioned by ECC or Health for those staff that this could apply to e.g. workforce needed to fill gaps in other provision as a result of sickness or new services being commissioned to support the Covid 19 response

- If this has been considered and they still choose to furlough staff could those staff volunteer for the Essex Welfare Service or other needs in communities? The government guidance states furloughed staff cannot volunteer for their own organisation but can volunteer for another if they are furloughed, this could therefore support with mutual aid

Are DP users being moved to managed services?

If a DP user is able to work with their provider/s and also use their DP flexibly as per our advice to them then we will not be ending DP arrangements. If, however they have considered all the advice we have provided, including accessing the Essex Welfare Service and their care has broken down we have asked them to contact us for support. They will be able to talk through their options with us and one of these may be to move them on to a managed service.

This would be through the business as usual process that would be used to do this when a DP is no longer a suitable way of people being able to source their care and support. Unless we have been requested to suspend a DP account due to people's needs changing at this time DP funds will continue to be provided to DP users accounts in the usual way.

We are also making sure DP users have access to additional resources to meet their needs if they have already used their contingency arrangements etc, this is covered in the FAQs we have provided them and they have been advised as to how they can contact us to request this.