



Learning Disability and Autism Programme

Friday 29<sup>th</sup> May 2020 – Updated 2<sup>nd</sup> June

### Frequently Asked Questions

Thank you for your questions and comments. We have focussed on questions which summarise a key theme from stakeholders. If you do not think we have answered your question, or if we have missed anything, please do come back to us at: [england.learning.disability@nhs.net](mailto:england.learning.disability@nhs.net)

We will continue to update and re-issue FAQs however this will now be fortnightly and will upload a copy to the Future Collaboration platform.

To support collaborative working across the voluntary and independent sector, health and social care there is a weekly webinar to raise and discuss key issues for people with a learning disability and autistic people with representatives from NHS England and Improvement, the Department for Health and Social Care, Public Health England and voluntary and independent sector organisations taking part.

To receive details about the webinar or to suggest agenda items please contact: [england.learning.disability@nhs.net](mailto:england.learning.disability@nhs.net)

We have set up a [Future NHS Collaboration workspace](#) to support the work of NHS England and Improvement Mental Health, Learning Disability and Autism Covid-19 Response Cell. We use this platform to share guidance and information, and encourage mental health, learning disability and autism leads and providers to share advice and feedback on how best to look after patients and staff during these difficult times. The resources on this workspace are open to those working in mental health, learning disability and autism services and will include the voluntary and independent sector.

If you currently have a FutureNHS account, you can access the workspace directly through the homepage (<https://future.nhs.uk/MHLDAcovid19/grouphome>). Those without a FutureNHS account can either self-register to the platform if they have an nhs.net or nhs.uk email account, or directly request access by emailing our generic mailbox if they are from other organisations at: [MHLDAcovid19-manager@future.nhs.uk](mailto:MHLDAcovid19-manager@future.nhs.uk)

### Key topics this week

- **Restrictive practice**
- **Care (Education) and Treatments reviews**
- **Children and Young people**
- **Funding**

## **Restrictive practice**

- Assuring quality of practice

We recognise that the reporting of restrictive practices relies on the accurate reporting by staff within the inpatient units and by providers to the national data collection systems and that the system is open to under or non-reporting. We are working to ensure that all providers submit full and accurate records to the required timescales (see below) and we don't just rely on data reporting for our quality assurance.

In addition to the metrics submitted, quality oversight and assurance also requires additional intelligence. We gather this through quality monitoring and contract monitoring at site level, individual visits, complaints, safeguarding alerts and broader feedback. In addition, reviews such as CTRs, mental health tribunals, advocacy visits and Care Programme Approach meetings enable scrutiny of individual care. Clearly this cannot completely assure us. We are continuing to review our oversight and assurance mechanisms to develop more robust methods to enquire and interrogate units with respect to their care provision.

- Data on restrictive practices

We have recently agreed a new timeline to give us more timely access to data. This is still in refinement but is an important next step in giving more contemporaneous line of sight nationally, regionally and locally, in relation to restrictive practices. Information about restrictive practices are currently collected through the Mental Health Services Data Set (MHSDS) data collection which is published monthly by NHS Digital. It is a mandated reporting requirement for all NHS funded providers of mental health, learning disability and autism inpatient care. It is a monthly publication of data relating to restrictive practices which is two months before publication i.e. the most recently published data are for February 2020 published in April 2020.

- Oversight of Restrictive Practices for specialised services

For specialised inpatient services (CAMHS, eating disorders and Secure care) case managers and provider clinical teams are required to have regular oversight and scrutiny of restrictive practices for specific individuals. Case managers have continued to maintain oversight of all individuals on their caseloads during this pandemic, this includes regular conversations with providers and patients by virtual means as much as possible. Any use of seclusion and segregation is notified to case managers and the region responsible.

For the period of COVID we have developed a twice weekly situation report for the use of seclusion and segregation for Children and Young People. Should concerns arise during analysis of this national overview, further intelligence from the regions and case managers will be followed up with additional actions where necessary.

## **Care and Treatment reviews**

The use of virtual C(E)TRs was coproduced for use during the pandemic. A number of stakeholders have emphasised the importance of returning to an approach that includes seeing the physical environment in which the person is cared for and an opportunity for experts by experience to meet with them or talk to them. We

will co produce any future changes at the appropriate time (previously published in FAQs on 24<sup>th</sup> April 2020).

We are keen to encourage a return, where appropriate, to face to face arrangements as an important element of CeTR's, We will also want to ensure that some of the benefits of doing these digitally, (such as increased participation by a range of agencies) can also be built upon.

## **Children and Young People**

### *Response from the Department for Education*

- Supporting children with SEND to attend school

We have been clear since the partial closure of schools that we expect all vulnerable children and young people of all year groups to attend educational or childcare provision, where it is safe and appropriate for them to do so. As settings prepare for wider opening, they should continue to offer places for vulnerable children and young people, and should look to bring back more children and young people with Education health and care plans in target year groups. Their return should be informed by risk assessments to help educational settings and local authorities ensure the right support is in place for them (the children) to come back.

These assessments need to balance a number of different risks, set out in the [Supporting children and young people with SEND as schools and colleges prepare for wider opening](#) guidance. For example, one consideration is whether the child or young person is extremely vulnerable or shielding or lives in a household where this applies. Where this is the case, they will not be *expected* to return to educational settings at this stage. None of our guidance recommends that schools or other educational settings seek evidence from families or ask families to seek evidence from doctors to establish that a child is not clinically vulnerable. We do not recommend this.

Where vulnerable children do not attend school or other educational settings, the setting should continue to ensure that these children and young people continue to engage in learning as far as possible – e.g. through remote education, and that an increasing focus is put on preparing the way for their return.

- Support to return to school

All vulnerable children and young people with Education health and care plans will need personalised support to return to school. The principle means for identifying the suitable level of support for these children and young people is set out in the [Supporting children and young people with SEND as schools and colleges prepare for wider opening](#) guidance.

We recognise that some children and young people with EHC plans will need careful preparation for their return, for example, social stories to help with the transition, or routes marked in Braille or with other meaningful symbols to support children and young people to follow protective measures that have been put in place. This could mean that, informed by risk assessments, the increase in attendance for some

children and young people takes place over a longer period of time. Using risk assessments to inform the return to school and college of children and young people with EHC plans will help educational settings and local authorities ensure that the right support is in place for them to come back.

However, this guidance should be read alongside other guidance that has been published (the links can be found in the published resources section of this document).

- Completing risk assessments

Our approach to vulnerable children and young people with EHC plans during the period of partial school closure has been to trust professionals to know each child or young person to make appropriate risk assessments based on individual needs – taking into consideration the various risks set out in the [Supporting children and young people with SEND as schools and colleges prepare for wider opening](#) guidance.

We are clear that the key risk assessors are local authorities and educational settings, but it is essential that they take into account the needs and views of the child or young person, their parents or carers, social workers and virtual school heads, where appropriate. Where an educational setting makes a decision without being able to involve the local authority, for instance where circumstances are changing too rapidly, they should inform the local authority of that decision immediately. We are taking a similar approach in the first steps of transition back to normal educational provision. Particular care will be needed in planning for and supporting children and young people with EHC plans to return to their schools and colleges. In the spirit of coproduction, educational settings should contact parents and involve them in decisions about their child who has an EHC plan.

### **Monitoring and support available for families whose children's schools are still "working towards" opening**

Our first priority remains the safety and wellbeing of vulnerable children, including those with special educational needs and disabilities (SEND). We recognise that by using risk assessments to inform decisions on attendance, the return to educational settings for some children and young people with EHC plans may take place over a longer period of time beyond 1 June.

When updating risk assessments and using them to inform decisions on attendance, it is important that local authorities and educational settings take into account that some parents and carers may be unable to sustain the levels of care and support that their children need for a long period of time. We have asked local authorities and educational settings to be mindful of, for example, access to respite and short breaks services, the loss of care from extended family, and the risks to health of caring week round for children and young people with complex needs.

If a risk assessment determines that a child or young person's needs continue to be more safely met at home, local authorities, educational settings and parents to consider whether moving either equipment or services into a child or young person's home would enable them to be better supported there, and so would support parents

in managing the additional pressures of caring for and educating a child or young person with SEND at home. Educational settings and local areas should also keep this activity actively under review after 1 June, particularly for children and young people who do not return to their setting in the first phase of return.

To further support families, we have published a list of high quality [online educational resources](#) to support home learning, including materials for children and young people with SEND of all ages. We have already published an update to this list and will do so once more in the coming weeks. To support the hard work of schools in delivering remote education, the Oak National Academy (ONA) was launched on 20 April. This brand-new enterprise has been created by 40 teachers from some of the leading schools across England. It will provide 180 video lessons each week, across a broad range of subjects from maths to art to languages, for every year group from Reception through to Year 10. The ONA also launched its [Specialist Curriculum](#) for children and young people with SEND on 4 May, which is providing remote educational support to children and young people with profound needs who would normally receive their education in specialist settings.

In addition, we have published detailed guidance for parents, teachers and schools on how to best provide educational support at home. This includes specific [guidance for parents and carers of children and young people with SEND](#), which provides links to further specialist home learning resources for a range of ages and needs, from those in early years to further and higher education settings.

## **Funding**

### *Information from DHSC*

As part of the Government's work to enable charities and third sector organisations to continue the vital support that they provide to people during this pandemic, we would like to make you aware that the Government recently announced £200 million for small and medium sized charities and social enterprises in England. This is to help maintain and enhance services for vulnerable people affected by the current crisis and to support organisations experiencing income disruption and/or increased demand.

You can apply for this fund now which is being distributed by the National Lottery Community Fund. Please see the website for full details of how to apply: <https://www.tnlcommunityfund.org.uk/funding/covid-19/learn-about-applying-for-emergency-funding-in-england>

We would be grateful if you could cascade this information through your networks so that as many organisations who need financial support during this time are aware of the scheme and can now submit a bid for funding.

### **DHSC RECENTLY ADDED FAQs:**

- ***Antibody testing and eligibility for carers and the people they care for***

Link to details here: <https://www.gov.uk/government/publications/coronavirus-covid-19-antibody-tests/coronavirus-covid-19-antibody-tests>

- **Visiting guidance for care homes**

*The Department, Public Health England, the Care Quality Commission and the National Health Service have published guidance on the care of residents in care homes. It asks care homes to consider alternatives to in-person visiting, including use of telephones or video, or the use of plastic or glass barriers between residents and visitors. Care homes are responding with innovative solutions which are allowing residents to stay in touch with their family and friends.*

*The guidance aims to protect those who live and work in care homes from covid-19. Care homes include a wide variety of settings and therefore present different challenges to hospitals and therefore the same visiting policies cannot necessarily apply.*

*While we have recommended that family and friends should be advised not to visit care homes at the present time, we are clear that there may be exceptional situations where this is appropriate. This includes visits at the end of life.*

*We are currently reviewing our care homes guidance including policies around visiting and will be publishing new guidance shortly. Updated guidance for the supported living sector is also being developed.*

*We continue to review the need for further guidance and to review policies around visiting in adult social care settings.*

- **When is social distancing guidance being published?**

*The Staying Alert and Staying Safe (Social Distancing) Guidance was published on 11th May <https://www.gov.uk/government/publications/staying-alert-and-safe-social-distancing/staying-alert-and-safe-social-distancing#public-gatherings>. It was updated on Friday 29th May with details of the changes being introduced today on Monday 1st June.*

- **What can we do to ensure that people understand how to keep themselves safe as the restrictions lift?**

*The social distancing guidance contains information about how to stay safe as restrictions are eased. The guidance published [on 29th May] is supported by questions and answers with further details on what you can and can't do, e.g. have a barbeque but not share utensils such as cups, knives, forks, spoons, as discussed by CMO during the press conference on 28th May. This guidance is intended for the general public. To help make sure that information and advice is as relevant to as many people as possible, we have produced tailored guidance for specific groups such as young people and people who are shielding. This guidance is kept up to date to reflect any changes in measures.*

Also, work is underway with other Government departments to help those covered by their areas of responsibility use the existing guidance on social distancing and other public health measures. Where appropriate, additional sector specific guidance and/or questions and answers are being developed for use by, for example, employers, schools and other education settings, transport providers, faith leaders.

- **Accessible information on the Stay alert new plan**

We recognise the need for accessible information and will update on this in due course.

- **Does the issue of contact with someone in outdoor private space as a reasonable adjustment fall into the care home visitors guidance or the wider social distancing guidance update - or is that an overlap between the two that is being fed into both?**

We are currently reviewing our care homes guidance and will be publishing new guidance shortly. The link to the existing guidance is here:

<https://www.gov.uk/government/publications/coronavirus-covid-19-admission-and-care-of-people-in-care-homes>

- **How much easy read/different accessibility information on testing is there? (question from FAQs last week)**

A video from Public Health England on how to take a combined nose and throat swab can be found here: <https://www.youtube.com/watch?v=5qHTBlxfNes>. An easy read resource for swab testing is available from Bristol North Somerset and South Gloucestershire CCG: [https://bnssgccg-media.ams3.cdn.digitaloceanspaces.com/attachments/Easy\\_Read\\_swab.pdf](https://bnssgccg-media.ams3.cdn.digitaloceanspaces.com/attachments/Easy_Read_swab.pdf). We are following up on further easy read guidance.

- **SEND law change update**

On Friday 29<sup>th</sup> May, the Secretary of State has issued a notice to extend the temporary changes to the law on what provision has to be made currently for those with Education, Health and Care (EHC) plans. The temporary changes to the law have been in force since 1 May and are now extended to 30 June. Once the notice expires, the Secretary of State can issue a further notice for a period of up to a month if it would be appropriate and proportionate to do so in the context of coronavirus. We will keep this under close review. We have also taken the opportunity to publish an updated version of [Changes to the law on education, health and care needs assessments and plans due to coronavirus](#).

- **Volunteer request to stakeholders to work with the testing team to improve the accessibility of testing guidance**

The DHSC testing team would like to hear from stakeholders on how address the accessibility issues raised regarding testing.

Please e-mail [DDU@dhsc.gov.uk](mailto:DDU@dhsc.gov.uk) with your contact details and a few lines of background as to your particular area of interest/expertise, with the subject line 'Learning Disability & Autism testing accessibility' by COP Wednesday 3<sup>rd</sup> June. We will pass details on to the testing team. (To note we cannot guarantee that the testing team will contact everybody if significant numbers of people get in touch.)

## Published resources

[Government to offer antibody tests to health and social care staff and patients in England](#)

[The differences between Coronavirus Covid-19 tests accessible version of infographic](#)

[Public Health England Video: How to take a combined throat and nose swab](#)

### Children and Young People

- [Advice for parents guardians and carers on how to help and support a child or young person with mental ill health](#)
- [What to do if you're a young person and its all getting too much](#)
- [Actions for education and childcare settings to prepare for wider opening from 1 June 2020](#) and [actions for FE colleges and providers during the coronavirus outbreak](#), which sets out the overarching aims and principles of wider opening and the next steps for education and childcare providers.
- Guidance on [implementing protective measures in education and childcare settings](#).
- [Safe working in education, childcare and children's social care](#) – guidance about preventing and controlling infection, including the use of PPE in education, childcare and children's social care settings during the coronavirus outbreak.
- Guidance on [isolation in residential educational settings](#).
- Guidance on [supporting vulnerable children and young people during the coronavirus outbreak](#)
- [Supporting children and young people with SEND as schools and colleges prepare for wider opening](#)
- [Online- science PE wellbeing and send resources for home education](#)
- Guidance on the [changes to the law on education, health and care needs assessments and plans due to coronavirus](#)
- [guidance for parents and carers of children and young people with SEND](#)
- [Oak National Academy Specialist Curriculum](#)

## Future webinars

The regular coronavirus webinar for learning disability and autism partners will now take place fortnightly, rather than weekly. We will delete the current series from your calendar and set up a new one.

The next two dates will be **Wednesday 10 June** and **Wednesday 24 June**.

We are considering themes to focus on, including autism, children and young people, and health inequalities. If there is a specific theme you would like to discuss or present please let us know.

We will continue to update and re-issue FAQs however this will now be fortnightly, and will upload a copy to the Future Collaboration platform.

### **Additional information**

Public Health England weekly update [sign up here](#)