

Guiding the nation's child carers through Covid-19 with expert legal advice

“ Arc Legal gave our members confidence to know they were doing the right thing legally at an incredibly challenging and uncertain time. This service has been so valuable to our members, adding expert legal advice to the support already offered by PACEY. ”

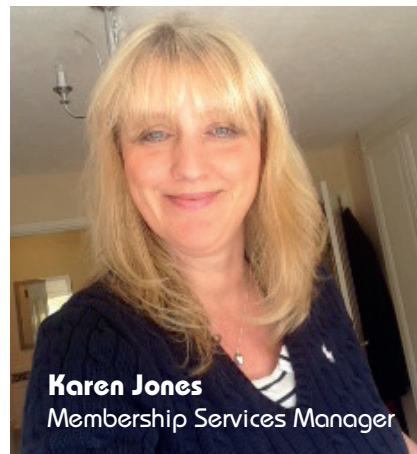
Formed in 1977, PACEY is the Professional Association for Childcare and Early Years. The association has a community of over 30,000 childcare practitioners, and is dedicated to supporting everyone working in childcare and early years to provide high quality care and early learning for children and families, as well as providing training, practical help and expert advice to practitioners working throughout England and Wales.

Karen Jones, Membership Services Manager at PACEY underlines the challenges their members face and why their legal expenses policy is so valuable particularly during the Covid-19 pandemic.

The challenge in obtaining clear legal advice

Some of the biggest challenges that childminders and early years carers face are non-payment of fees due from parents, staff employment issues and contract matters, such as resolving a dispute that has arisen or assistance drafting a contract.

To obtain legal support in these areas, these types of businesses typically have two options. The first is to pay a solicitor to provide advice, which can be extremely costly for some businesses that do not make a lot of profit. Secondly, they can try and contact the Citizens Advice Bureau, but this can be time consuming and may not give them all the information they need. Our members have often said that they find this process frustrating and difficult to navigate.



Karen Jones
Membership Services Manager



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“Expert legal advice at a time that suits us.”

PACEY has had a strong relationship with Composite Legal (now part of Arc Legal Assistance) for over ten years. Members benefit from access to a 24/7 legal helpline that can provide expert advice on any legal matter they face.

This legal helpline allows our members to get help at a time that suits their working hours, which is especially useful for our childminder members who can't always make calls during the day without compromising the care they are giving to the children in their charge.

PACEY members also have access to a bespoke legal expenses insurance (LEI) product, which is carefully and expertly tailored to meet the needs of childcarers and their specific legal needs. This bespoke policy covers a range of legal issues including pursuing contractual disputes with parents and appealing against a decision by regulators to suspend a member's registration, with a limit per claim of £100,000.



Child carers facing a confusing and uncertain time

The past few months have been a time of worry for all our members. Not only were they concerned about the safety of their children, but also the impact on the future of their businesses.

It also took some time for the government to be able to provide clear guidance on key workers, who could look after their children and what procedures child carers must put in place, and in the face of so much uncertainty, child carers needed reliable advice on what they should do regarding payments whilst children were not attending the childcare setting.

Once this guidance was made available, our members had to make some tough decisions on how they could proceed. The service provided by the Arc Legal helpline was instrumental in helping our members understand this new guidance and take appropriate action.

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A new challenge needing new solutions

For our members, several new legal issues emerged that they may not have encountered before. One of their main concerns was to understand what they could legally charge a parent when their setting was not open or was only able to be open for key workers' children. What could they do in the way of retainers or deposits?

There were also many queries on employment issues, as some of our members employ assistants who would not be able to work in the setting during lockdown.

Even now, there are ongoing queries on payments going through to Arc Legal, as many parents don't

want to send their children back yet despite the settings being open. On this issue our members need clarification on what rights they have to charge fees.

As businesses begin to go back to normal, we've received lots of requests from members for a new contract that covers pandemics and advice on how to implement this. Contracts are generally reviewed annually, but Arc Legal were quickly able to include an additional clause covering retainer fees that parents would be required to pay if we encounter another pandemic type event in the future. The legal helpline also supports our members in understanding the terms of the contracts with advice on how the measures can be implemented.

“Arc Legal are able to add expert legal advice to the other forms of support already offered by PACEY. The service we and our members received was professional and effective and contributed in a very practical way to supporting child carers and ultimately the parents of the children they care for.”

How did we help?

Tim Mullin, Corporate Relations Manager at Arc Legal, said: “When lockdown was announced in mid-March, our 24/7 legal helpline saw a **200% increase** in the volume of calls compared to 2019, yet despite this significant lift, we were able to uphold our service levels, with **86%** of all callers speaking to an advisor within one hour of calling.”

“Throughout the period we also helped PACEY to produce a number of FAQ guides for their website, which gave members simple advice on a range of legal issues. Looking to the future, and to prepare for any future pandemic-style event that may occur, we've been reviewing the standard contracts and assessing their suitability.”

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A PACEY member called the legal helpline in relation to an outstanding debt of approximately £8,000 owed by a parent for services provided. There appeared to be no dispute over the debt, but the parent was no longer responding to emails or letters. The advisor was able to assist the member in drafting a letter before action, ensuring the member complied with the pre-action procedure under the Civil Procedure Rules.

The member did not receive any response from the parent so a claim was registered under the legal expenses insurance policy.

Arc Legal appointed one of their panel solicitors to issue proceedings against the parent and was successful in obtaining a county court judgment for the full amount owed of £8,000.

If you require any further information in relation to this article, or details of our products and services, please contact your Corporate Relations Manager or email marketing@arclegal.co.uk.