

# Derbyshire Direct payments Covid-19 Update

Information regarding Derbyshire Direct Payments, direct payment employers and Personal Assistants:

COVID-19: guidance on residential care, supported living and home care is also available online. <https://www.gov.uk/government/publications/covid-19-residential-care-supported-living-and-home-care-guidance>

Here are some answers to questions you might have about direct payments in this time of the coronavirus emergency.

**You may find this information useful, though ultimately we advise you follow the advice of your insurance provider when dealing with employment matters and obtain support from your payroll provider.**

## Direct payments

### Q. Will my direct payment continue to be paid?

A. Yes your direct payment will continue to be paid on the usual payment dates, unless you tell us otherwise.

### Will Penderels Trust provide direct payment support services?

Yes, Penderels Trust are still able to support you with your direct payment. Their preferred contact during this time is via email to [derbyshire@penderelstrust.org.uk](mailto:derbyshire@penderelstrust.org.uk) or you can telephone them on 01332 981046.

Penderels Trust will be unable to undertake home visits but can support over the telephone or by email.

Penderels have advice and information for employers available here:

<https://www.penderelstrust.org.uk/pdf/EmployerFAQ.pdf>

**Skills for care also have useful information for employers and personal assistants which can be found here:**

[www.skillsforcare.org.uk/Employing-your-own-care-and-support/Main-Menu-Items/COVID-19-IE-and-PA-updates.aspx](http://www.skillsforcare.org.uk/Employing-your-own-care-and-support/Main-Menu-Items/COVID-19-IE-and-PA-updates.aspx)

## PA's Working

### Q. My PA is able to continue to support me, what should I do?

A. Assuming your PA employees are themselves fit and willing to attend work, they should carry on fulfilling their duties. It is essential that you and they implement any new rules on health and safety procedures based on government guidance. It is not just for their own protection, but also to prevent the spread of infection to other people in the household, fellow colleagues and the public at large when leaving your home

If you need your personal assistant for your care, they would be considered a Key Worker. If you need proof for your personal assistant to travel, shop or carry out activities on your behalf you can contact your case co-ordinator at DCC, though proof isn't currently required.

**Q. As I am unable to access the community, can I use my direct payment funding in a more flexible way to prioritise essential tasks in my home like more personal care tasks, personal hygiene, hygienic cleaning, clothes washing, food preparation?**

A. Yes, you are able to use your direct payments for these purposes to support you in your home during the restrictions. Please contact your allocated worker to discuss beforehand.

**Q. I am trying to reduce contact, can my personal assistant support me in a different way?**

A. Yes, as long as you are safe and well and your needs are being met, you can use your personal assistant in different ways to help you during this time but please contact your allocated worker to discuss before making any changes.

**Q. What about providing my PA PPE (Personal protection equipment)?**

A. This can be:

- gloves
- masks
- sanitiser gel
- aprons

Normally the employer must ensure their employees are adequately protected and you can use your direct payment to purchase these items. PPE is in short supply, so if you are unable to provide your personal assistants with essential equipment, please contact your DCC worker. We can support with getting PPE if you are unable to yourself.

**You should follow the government guidance in relation to PPE:**

<https://www.gov.uk/government/publications/covid-19-residential-care-supported-living-and-home-care-guidance>

## **PA's Sick or Self Isolating**

**Q. If my personal assistant has to self-isolate as they have symptoms, what do they do? What are my PA's rights if they have to self-isolate?**

A. Self-isolating employees are defined as being unfit to attend work. They should therefore notify you of their intention to self-isolate in accordance with your sickness and absence procedures. You should contact your payroll provider if you need further advice about a PA self-isolating and their eligibility for Statutory Sick Pay. <https://111.nhs.uk/isolation-note/>

They have the right to remain away from work for a period of 14 days from the symptoms becoming known. You can find detailed Government guidance on staying at home due to a possible Covid 19 infection here: <https://www.gov.uk/government/publications/covid-19-stay-at-home-guidance>

As the employee is considered to be unfit for work, if they earn above the Lower Employment Limit (LEL) then statutory sick pay would apply from day one. <https://www.gov.uk/guidance/rates-and-thresholds-for-employers-2020-to-2021#statutory-sick-pay-ssp>

If they do not qualify please sign post them to this link for possible financial support i.e. Universal Credit or Employment Support Allowance:

<https://www.gov.uk/government/news/coronavirus-support-for-employees-benefit-claimants-and-businesses>

The statutory sick pay (SSP) (general) (coronavirus amendment) regulations 2020 came into force Friday 13th March. SSP and will now be payable to those self-isolating merely under Government guidance so there no need for formal written notice to be given by medical officer.

**Q. My PA has been advised to Self-Isolate?**

A. Your employee is considered unfit for work and can be paid SSP if they are eligible as above.

**Q. My PA has received a letter from NHS and has been told they must stay at home?**

A. Where staff are unable to work due to directive from the government they can be furloughed from their work. For Adult Care please contact Camille Pace at [Camille.pace@derbyshire.gov.uk](mailto:Camille.pace@derbyshire.gov.uk) or 07779544612 if your personal assistant cannot work because they are extremely vulnerable to discuss possible support. For Children's Services please contact your child's allocated Social Worker.

**Q. If my PA becomes sick with symptoms relating to coronavirus, can I send them home?**

A. Yes, if your Personal Assistant lets you know they have symptoms described by the government guidelines, you should ask them to go home or not to attend work. If they earn above the Lower Employment Limit (LEL) then statutory sick pay would apply from day one.

<https://www.gov.uk/guidance/rates-and-thresholds-for-employers-2020-to-2021#statutory-sick-pay-ssp>

**Q. Contingency arrangements**

A. Where your personal assistant is unable to work, you should have contingency arrangements. You, or somebody on your behalf, should try to organise alternative arrangements. For example, another PA you employ may be able to work extra hours. You may have family or friends who can support you on a temporary basis.

It is always important if you employ staff to have a contingency plan, but even more important in the current situation. See link [here](#) for an example Contingency Plan

If you are unable to arrange care for your critical needs, you can contact your DCC worker.

For Adult Care, you can also contract Brokerage on 01629 537763 or 01629 537758

**Care and Support not required**

**Q. I want to self-isolate and I don't want my personal assistant, what should I do?**

A. If due to coronavirus (also known as COVID-19), you wish to self-isolate and you feel you can manage with informal support on a temporary basis and don't want your Personal Assistants to support you, you may need to pay them if they are on contracted hours. You should contact your insurance provider for advice. Your direct payment will continue to be paid for you to pay your PA. They should still submit timesheets and have payroll processed.

We expect that personal assistants who cannot visit your home due to you self-isolating still support you where possible. This could be collecting your shopping or prescriptions or keeping telephone contact with you while you are isolated.

You may want to agree this only on a temporary basis as it may be more difficult to manage without support than you think. Think about agreeing this arrangement for 4 weeks initially and review later.

**Q. Do I have to pay co-funding for an adult service whilst my PA is not needed?**

A. If you continue to receive your direct payment, you will still be charged Co-funding.

You can choose to suspend your direct payment and contact your insurance provider for advice regarding your PA's terms and conditions, the possibility of 'furloughing' your staff or redundancy.

## **PA not working**

**Q. because of coronavirus, my personal assistant does not want to come to work and neither my PA nor I (as the employer) are showing any symptoms. Do I still have to pay my personal assistant?**

A. If the PA chooses not to work and there is no identified high risk then **Please contact your insurance provider for advice** as your personal assistant may not be entitled to be paid.

If your personal assistant does not attend work without pay, and you choose to not cover their support with another PA and do not require your direct payment you can contact us and suspend your direct payment.

**Q. What if my Personal Assistant's children need to stay at home and PA cannot support me?**

A. The government has published a list of key workers including health and social care workers. PAs are defined as care workers, therefore key workers. This means your PAs children can continue to attend school.

<https://www.gov.uk/government/publications/coronavirus-covid-19-maintaining-educational-provision/guidance-for-schools-colleges-and-local-authorities-on-maintaining-educational-provision>

The PA will need to contact their relevant school for further information and you can contact your case worker at DCC regarding key worker status.

If, even with Key Worker status proof, they are unable to work due to childcare arrangements, you should contact your insurance provider for advice.

## **Paying Family members**

### **Q. Can I pay family in the same household during this crisis?**

A. Not without prior agreement. Derbyshire County Council may agree you can pay a family member who lives in the same house if this is necessary, however you must contact Derbyshire County Council to request this, along with the reason for the request. We may consider this if your usual care is not available or there are specific reasons this is required. Payments to family members must also be done properly, with appropriate payroll and deductions. Routine employment and payroll processes will need to be followed.

## **Self Employed PA's**

### **Q. My PA is self-employed?**

If your PA is self-employed and they are unwell or showing symptoms of coronavirus you do not have to pay sick pay. You can use your direct payment to pay someone else to support you.

Self-employed personal assistants should be following government advice in relation to claiming benefits.

**Q. I am choosing to self-isolate, so no longer require my PA's services, can I give them notice I do not need them?** A. You can continue to receive non-contact support from your self-employed PA if this supports you during your isolation, such as shopping and errands.

If you do not want any support during this time and are sure you can manage with informal support, you can follow any contract agreement you have with the self-employed PA for notice period.

Self-employed workers may be able to claim a government grant where their income has been affected by Coronavirus. Direct your self-employed PA if they are not needed to: <https://www.gov.uk/guidance/claim-a-grant-through-the-coronavirus-covid-19-self-employment-income-support-scheme>

## **Adult Day Services**

### **Q. I use my direct payment to fund a day service only and it's closed?**

A. If your day service is closed, you can continue to pay to keep the place and support these services. You will need to let us know that you are not receiving any services but paying for the day service otherwise you will continue to be liable for co-funding contributions. If they provide an alternative service, co-funding will still need to be paid. If your direct payment is used for anything other than a closed day service you would be still liable for co-funding.

## **Home Care Providers/Agency Care**

### **Q. I have cancelled my agency care, what should I do?**

A. If you have agreed with your provider that you do not require their services as you are self-isolating, you must pay them any contractual notice period. If you don't need your direct payment whilst you self-isolate, you can contact us to suspend your payments.

### **Q. My provider is offering an alternative non-contact service, do I have to accept it?**

A. If you are happy with the suggested alternative service, you can continue to receive your direct payment and pay the provider for the alternative services. If you don't feel this meets your needs or it isn't useful to you, then you don't have to accept their alternative service and you can give notice to the service, based on the contract you have with them. You may choose to use your direct payment for alternative support if this is needed.

**If losing your service has an impact on your wellbeing, please contact your allocated worker, the local duty number or Call Derbyshire on 01629 533190.**

If you are concerned about a providers charges where you have cancelled the service, you can contact your allocated worker.

**Q. Will I be asked to make a Co-funding contribution?**

A. You will be asked to make a co-funding contribution for adult services where you are still receiving a service, even if this is not your usual full support.