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Frequently asked questions to support Direct Payment Recipients and Personal Assistants

1. Are Personal Assistants (PA's) key workers?

Personal assistants (PAs) are included in the definition of a health and social care key worker. If the PA is challenged, they might need to carry a copy of their contract of employment and job description, or a letter from their employer. If you would like to see an example letter, please refer to Appendix 1

2. Will my Direct Payment continue to be paid?

Direct Payments will not be stopped. You may need to use your Direct Payment differently in order to meet your needs or in an alternative environment i.e. services provided within your own home rather than in the community. If you do need to do this, you must make sure that the alternative support meets your needs as identified in your care and support plan.

3. Can I change the arrangements for the care and support I pay for with my direct payment?

If the services and support you normally receive are not available you may want to use your direct payment flexibly to meet your care and support needs. Your direct payment must be used to meet the needs identified in your care and support plan and in line with the requirements set out in the direct payment agreement that you signed.

Any changes should be discussed with your social worker first to ensure they meet your needs. If the changes you want to make will impact on PA's that are employed to support you, this will need to be managed within the legislative framework and other relevant government guidance.

4. Should I still pay for care / activities I am not attending, and that are not available?

Yes, you should continue to pay for services which you are receiving. If you are unable to access services, there has been agreement locally that we will continue to support local providers through this difficult time by continuing to pay their commissioned rates. If your direct payment is managed by a broker, they will contact the council to ensure there are sufficient funds in your account. If you manage the account yourself, you should contact us directly so that we can review what steps might need to be taken.

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5. What happens if I have unused funds in my direct payment account?

The money you receive for your direct payment should continue to pay for services which you are receiving. If you are unable to access your services, there has been agreement that we will continue to support local providers through this difficult time by continuing to pay their commissioned rates. You should therefore continue paying your provider. If your direct payment account does not have sufficient funds and is managed by a broker, they will contact the council for you. If you manage the account yourself, you should contact us directly if your account does not have sufficient funds, any amendments to your direct payment will only take effect and be agreed following a social work review.

You will still need to keep a record of all the payments, in and out of your bank account, as well as:

- Bank Statements
- Receipts
- Payslips
- Cheque Book
- Invoices
- Time sheets for personal assistants

You will need to provide this evidence to the council's Audit Team, as part of the usual process of managing your direct payment. Any build-up of funds in your direct payment account will be considered on a case-by-case basis through discussion with your social worker.

6. What happens if I, as an employer, am self-isolating?

If you are self-isolating, then you need to carry out a new risk assessment for your PA, you can ask your broker / social worker for support and advice if you are unsure how to do this. If the assessment comes back that the risk to that person is minimal, such as they don't have an underlying health condition or a high-risk person within their household, then they can continue to support you but must use enhanced hygiene practice and follow the government guidelines in relation to Personal Protective Equipment (PPE). If the person is unable to continue supporting you, you should contact your social worker who will review which other alternative types of support are available.

7. Employment of Individuals (PA's)

If you employ personal assistants or anyone else to meet your care needs, you should keep a temporary record of the shift patterns they have worked over the last 21 days. This will assist NHS Test and Trace if they ask you for this data. Keeping records of shift patterns can be helpful for NHS Test and Trace in containing any clusters or outbreaks.

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8. What if my Personal Assistant calls to inform me they need to self-isolate? Do I pay them?

If your PA reports having symptoms of the virus, they should be paid sick pay (Statutory Sick Pay - SSP) if they are eligible to receive it.

If they are self-isolating as someone in their household has symptoms as per government guidance they will be entitled to the same.

For more information on SSP please visit <https://www.gov.uk/guidance/rates-and-thresholds-for-employers-2020-to-2021#statutory-sick-pay-ssp>

9. What happens if my Personal Assistant needs time off work to look after a family member who is self-isolating or has coronavirus?

PAs are entitled to time off work to help someone who depends on them (a dependant) in an unexpected event or emergency. This would apply to situations to do with coronavirus. For example:

1. If they have children they need to look after or arrange childcare for because their school has closed;
2. To help their child or another dependant if they're sick, or need to go into isolation or hospital

There's no statutory requirement to pay for this time off, but there is provision to pay for special leave. The limit for this is normally 5 days but this has been relaxed for COVID-19 cases.

If you already have a contingency plan for when your PA is unavailable within your care and support plan, you should put those arrangements in place. If your PA is your only form of support and you are concerned about meeting your needs, you should contact us so that we can review what interim support can be put in place until your PA can return.

10. I am a Personal Assistant, what happens if I have to self-isolate?

If you are staying at home because of COVID-19 you can now claim Statutory Sick Pay (SSP). This includes individuals who are caring for people in the same household and therefore have been advised to do a household quarantine.

If you have COVID-19 or are advised to stay at home, you can get an 'isolation note' by visiting NHS 111 online, rather than visiting a doctor. For COVID-19 cases this replaces the usual need to provide a 'fit note' (sometimes called a 'sick note') after 7 days of sickness absence.

If you are absent from work due to sickness or if you are self-isolating because of coronavirus (COVID-19), SSP will be paid from day 1, rather than day 4, of your absence

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from work for every day of sickness or every day you are in isolation. This applies from 13 March 2020.

You must tell your employer you're self-isolating because of coronavirus (COVID-19) or sick for another reason within 7 days. You could lose some of your SSP if you do not. To be eligible for SSP you must earn an average of at least £118 per week.

If you are not eligible for SSP – for example if you earning below the Lower Earnings Limit of £118 per week – and you have COVID-19 or are advised to stay at home, you can now more easily make a claim for Universal Credit or new style Employment and Support Allowance. If you are eligible for new style Employment and Support Allowance, it will now be payable from day 1 of sickness, rather than day 8, if you have COVID-19 or are advised to stay at home.

For more information on SSP please visit <https://www.gov.uk/guidance/rates-and-thresholds-for-employers-2020-to-2021#statutory-sick-pay-ssp>

11. I don't want my Personal Assistant to come to work, what do I do?

The current advice is that if you ask your PA not to come into work, they are entitled to their full contractual pay for the length of time they are asked not to work.

If they are on a zero hours contract and have not been receiving regular work, the PA will be advised there are no hours of work to offer them and payment is not required.

You can find out more on the latest government guidance at <https://www.gov.uk/coronavirus>

12. My Personal Assistant isn't ill, but they don't want to work, what should I do?

If your PA self-isolates through choice, when current guidance does not require it and they are not high risk to you or themselves, you are within your right not to pay them. Essentially there is no grounds for why they have not turned up for work and should be managed as any other employment issue and in line with the terms and conditions of their contract.

Please bear in mind this is an exceptional time which people are going through, so you may decide they can take annual leave or unpaid leave. This type of scenario does not fall into the Coronavirus Job Retention Scheme, also referred to as furloughing, as there is no risk to the position and hours available.

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13. What if all my Personal Assistant's go off sick and I have no cover for care?

Call your Social Worker through our duty team on 0161 770 7777, option 3. They will discuss with you different ways in which your needs could be met. It could be that an agreement is made for a family member to support you, even if they live in the same household.

14. Can my Personal Assistant be furloughed?

The scheme is designed to encourage employers to furlough (temporarily lay-off) workers rather than look at alternatives, such as redundancy, when work is no longer needed and/or business income is affected by the lockdown. With this scheme, employees can be put under 'Furloughed Worker Status' and reclaim 80% of their wages from the Government (including zero hours using an average of pay).

Care services, including the role of PAs and carers, remain a vital part of the response to COVID-19. We therefore expect employers, including direct payment holders, to keep the vast majority of their staff working to maintain these services. Below are some examples of where furlough could be used:

When a PA or carer needs to shield

We know that some PAs and care workers will have been contacted by the NHS to say that they should be 'shielding' for a period of 12 weeks. These individuals are not able to continue working in the usual way.

It would be appropriate for direct payment holders to use the furlough scheme here, particularly if they need to seek temporary paid care from elsewhere and it is not possible to seek temporary support at no additional cost.

When a PA lives with somebody who needs to shield

There may also be PAs and care workers who have not received a letter directing them to shield, but are living with somebody who has, and is categorised as 'clinically extremely vulnerable'. In these circumstances, direct payment holders should take a pragmatic approach in discussion with employees.

Guidance on shielding means that household members of a person needing to shield do not have to shield themselves, so furloughing would not necessarily be needed for a household member in this case. However, employers should recognise the different circumstances of employees, and in some circumstances, use of the furlough scheme may be appropriate here. Please visit for the following website, where examples of such cases can be demonstrated: <https://www.gov.uk/government/publications/coronavirus-job-retention-scheme-people-receiving-direct-payments/coronavirus-job-retention-scheme-people-receiving-direct-payments>

When a PA or carer has caring responsibilities

There may also be PAs and care workers who have not received a letter directing them to shield, and whose roles are still needed during the COVID-19 response, but who need to stop working because they have caring responsibilities for somebody who is dependent on them. It would be appropriate for the direct payment holder to use the furlough scheme in this scenario.

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Using the Furlough Scheme if the direct payment holder does not want their PA entering their home at this time

As above, where possible and safe, individuals should continue with their normal care arrangements, putting in place additional precautions in relation to hygiene and infection control.

However, it is recognised that some direct payment holders, particularly those who are being shielded, will not want their PA or paid care worker to continue to provide care and support during this time.

Eligibility for using the Furlough Scheme will depend on the particular circumstances. If individuals are unsure about whether they would be eligible or not, they should contact the support helpline (0300 456 3565) for free advice and also visit the following website, where examples of specific cases can be demonstrated:

<https://www.gov.uk/government/publications/coronavirus-job-retention-scheme-people-receiving-direct-payments/coronavirus-job-retention-scheme-people-receiving-direct-payments>

As an employer and if the PA is on PAYE and has been on the payroll before 19 March 2020, they are entitled to Furlough. It is the employer's responsibility to apply for furlough, however before an application is made, please refer to the above guidance and also visit the website above for further examples and guidance on when furloughing PA's would be most appropriate. More details around furlough can be found at:

<https://www.gov.uk/guidance/claim-for-wage-costs-through-the-coronavirus-job-retention-scheme>.

If you do not have sufficient funds in your account to cover such costs, once it has been decided that furloughing a PA is required, the council will provide a one-off payment to cover the amount required, until the furlough application has been approved and is in place. Please contact your social worker if this is required, they will request to purchase the additional one-off payment with the Income & Payments team.

All Direct Payment holders furloughing staff must inform their allocated social worker who will work with them to ensure they have sufficient funds and that their care needs can continue to be met.

15. Does my Personal Assistant require PPE?

If neither yourself nor any members of your household are symptomatic, and do not have a confirmed case of COVID-19, your PA is not required to use any further PPE than they would normally.

If you or any members of your household are symptomatic or have a confirmed case of COVID-19, and your PA will be within close proximity providing direct care (e.g. washing and bathing), the PA requires gloves, a Fluid-resistant (Type IIR) surgical mask and an apron for each episode of direct care.

If you or any members of your household are in the 'extremely vulnerable' category undergoing shielding, any visit or care from a PA requires PPE (though surgical face masks rather than IIR facemasks are recommended). More details on who this category includes can be found at: [Guidance on shielding and protecting extremely vulnerable persons from Covid-19](#)

Where there is a risk of secretions (e.g. splashing or exposure to respiratory droplets) workers also require eye protection. New PPE must be used for each episode of care. It is

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essential PPE is stored securely within disposable rubbish bags. These bags should be placed into another bag, tied securely and kept separate from other waste within the room. This should be put aside for at least 72 hours before being put in the usual household waste bin.

16. Is my Personal Assistant eligible to receive Personal Protective Equipment (PPE)?

Yes. If you or any member of your household is symptomatic or has a confirmed case of COVID-19, and your PA will be providing direct care, PPE is required, and the PA, as an essential worker, will be eligible to receive that. Prior to Covid-19, if your PA normally wore PPE to support you, this should continue. More detail on who should provide this PPE is set out below.

17. Can I use my direct payment to buy PPE for the PA's I employ?

If your existing direct payment contains funding to purchase PPE for your PA, you should continue to use that funding. If you, or your PA, cannot obtain PPE in this way, or your direct payment is not set up to fund PPE, you should ask for assistance from us.

18. How do I access PPE?

Where possible, you should continue to order from your usual provider. If stock is not available from your usual provider, you can place urgent PPE orders via National Supply Disruption Response (NSDR) team by calling their hotline number: 0800 915 9964

- Before calling the NSDR hotline, please ensure you are able to provide the following details:
- Name, email and telephone number of the requestor;
- Name, email and telephone number of a contact for the next 24 hours (e.g. out of hours cover if the original requestor will be unavailable);
- Delivery address, including postcode and named contact for receiving deliveries;
- Confirmation that your organisation is able to receive the delivery outside of normal business hours;
- Number of COVID-19 patients being treated (confirmed and suspected);
- Number of beds in your organisation (if appropriate);
- How long your current PPE stock provides cover for (e.g. <24 hours; 1-2 days, or more than 2 days);
- Which products you are requesting and in what quantity

If you have issues accepting delivering outside normal delivering hours then you can use the following address where deliveries could be made: Oldham Council, Civic Centre

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(Chadderton Suite), West Street, Oldham, OL1 1UT. If you use this address please inform Strategic.sourcing@oldham.gov.uk and QEH@oldham.gov.uk who will notify you on receipt of the delivery.

Process for ordering urgent stock

If you urgently require stock and are unable to source via your usual provider or NSDR, you can request this from a central emergency stock which has been set-up by Oldham Cares. Please note that there is an email and telephone number available for all PPE requests to the central PPE repository for Oldham Cares:

Email – pperequest@oldham.gov.uk

Telephone – 07970 654512

Landline – 0161 770 4874

Both the email and mobile services are available 24/7 to leave emails or messages. Staff are on site for PPE collection and distribution from 10.30am – 5.30pm Monday to Friday

When collecting PPE, you can park outside of the Rochdale Road reception, access via the barrier on West Street, noting that you are collecting PPE when you request access at the barrier. Please note that time in this part of the car park is limited to a maximum of 20 minutes. Staff on reception will then show you up to the PPE Hub where you can collect your equipment.

Providers are encouraged to continue sourcing PPE through their usual procurement routes initially, followed by the NHS Emergency Supply route. If either of these options are not successful, then we have the following stock available

- Fluid resistant face masks
- Goggles
- Visors
- Aprons
- Hand sanitiser (Small)
- Gloves
- Clinical waste bags
- Overshoes
- Gowns and coveralls

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Disclaimer

Oldham Cares brings together Oldham Council, NHS Oldham CCG and other health and social care providers in an alliance to share skills, experience, talent and resources to deliver a better care experience for all.

These organisations are not able to provide legal advice. Independent advice should be sought from a legal professional or the Citizens' Advice Bureau (CAB).

Oldham Cares accepts no responsibility for any loss that may arise from reliance on the information in this briefing.

This briefing is based on Government Guidance issued in response to the Covid-19 emergency response and was correct as of April 2020.

Appendix 1 Key Worker Example letter

To whom it may concern

CONFIRMATION OF KEY WORKER STATUS – CORONAVIRUS

This letter provides evidence that the holder of this document is designated a keyworker as defined by the government in the guidance published on 19 March 2020 and available by following this link:

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

The employee also has a photo identity card, which should be shown in conjunction with this letter, which evidences that they are an employee of an organisation, or working in a self-employed capacity, providing essential health and social care services to Oldham residents, commissioned by the Community Health and Adult Social Care Service and/or NHS Oldham CCG.

The service provides critical health and social care support to our vulnerable residents.

Yours Sincerely

ADD Employer details