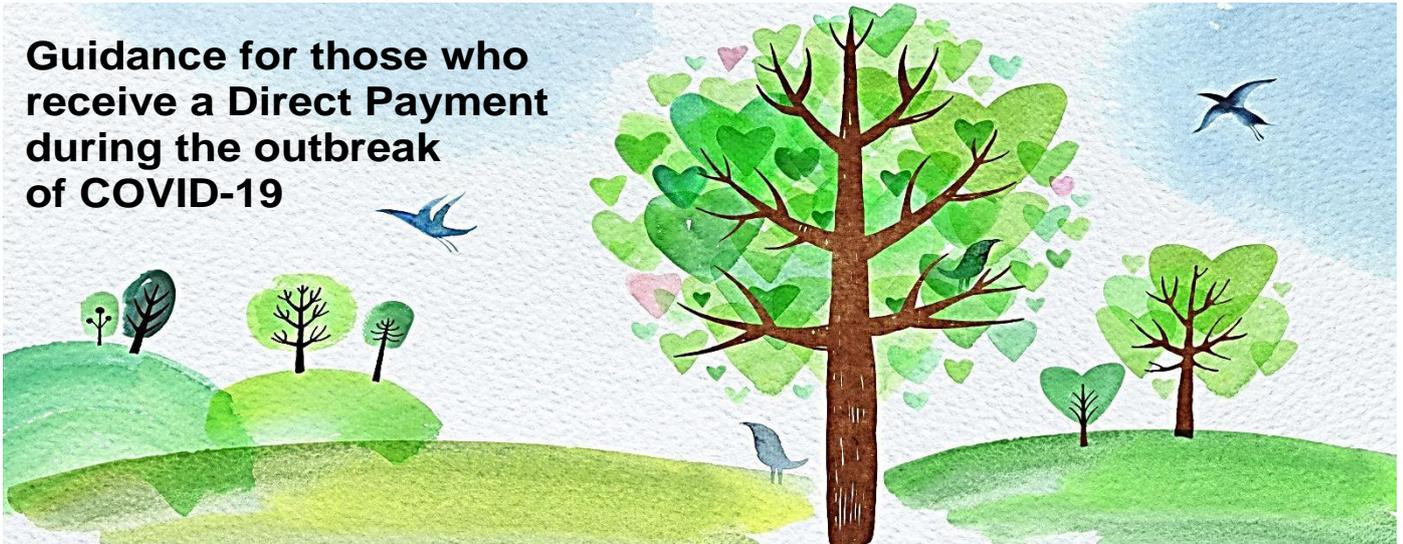


Guidance for those who receive a Direct Payment during the outbreak of COVID-19



The purpose of this factsheet is to give you advice and information relating to employing Personal Assistant(s) and using your Direct Payment during the outbreak of COVID-19 (also known as Coronavirus). This is a current public health issue and as such certain precautions need to be taken with both your own health and also your employees.

Please note that this fact sheet is intended to provide you with guidance and information only and whilst the Council has made every effort to ensure it is accurate you should seek independent advice if you are at all unsure about your own position.

Please note that Government guidance may change on COVID-19, for the latest information please visit <https://www.nhs.uk/conditions/coronavirus-covid-19/> or <https://www.gov.uk/guidance/coronavirus-covid-19-information-for-the-public>

PeoplePlus

PeoplePlus are commissioned by Cheshire East Council to provide a Direct Payment Support Service and can help you with information, advice and support you with your Direct Payments. During the current time PeoplePlus are continuing to deliver this service and can be contacted by telephone or email for further support, as follows.

Telephone: 0330 123 2815

Email address: ilscheshire@peopleplus.co.uk

Other sources of information regarding COVID-19 are available from PeoplePlus via their website:

<https://peopleplus.co.uk/communities/direct-payment-support-services/>

Employment of Personal Assistant(s)

Employer's Liability Insurance

When employing Personal Assistant(s), it's a legal requirement for you, the employer, to have suitable insurance cover in place. This should include cover for Employers' Liability and Public Liability and will provide guidance if you have any queries in relation to employment of people to support you. If you have an Employer's Liability insurance policy please contact your provider for further information regarding COVID-19.

Employees who are self isolating

Self-isolating employees who are isolating in accordance with government guidelines are legally defined as being unfit to attend work. They should therefore notify you of their intention to self-isolate in accordance with the sickness and absence procedures you have put in place.

They have the right to remain away from work for a period of 14 days from when the symptoms became known. You can find detailed Government guidance on staying at home due to a possible Coronavirus infection here:

<https://www.gov.uk/government/publications/covid-19-stay-at-home-guidance>

Pay entitlements

If an employee is considered to be unfit for work, they are entitled to statutory sick pay (where eligible) from day one of their absence.

Statutory sick pay (SSP) is payable to employees who:

- Make Tax and National Insurance contributions via their employer through the PAYE scheme
- Have earned on average at least £118 per week over the last 8 weeks, and
- Have given you the correct notice

If the employee is not eligible you must provide them with the SSP1 form to explain why. This will allow them to present a claim for possible benefits.

Statutory sick pay is paid at a rate of £94.25 per week, rising to £95.85 from 6th April 2020.

The Government have announced that they will repay payments of SSP, in respect of the first 14 days of COVID-19 related sickness absence. This will have retrospective effect from 14 March 2020.

If your employee is not fit to return to work after 14 days and the sickness absence persists your normal sickness reporting procedures would apply.

This would mean a continuous payment of SSP. Online isolation notes from NHS 111 can be used by employees to provide evidence to their employers that they have had to self-isolate. After this stage you may feel it is appropriate to obtain medical evidence to support the claim for ongoing SSP but it may not be reasonable to insist on this in light of the current situation and difficulties obtaining GP appointments.

Self Isolation

It is recognised that you may not be able to manage without your Personal Assistant(s) and you are not under an obligation to remove your employees from the household.

Where you continue to receive employee support at home, you remain under an obligation to ensure that there is a safe system of work in place and that the employees are provided with Personal Protective Equipment and clothing (PPE) where necessary.

Personal Protection Equipment (PPE)

General PPE includes:

- Disposable Gloves
- Surgical Mask/Fluid Resistant Surgical Masks
- Hand Sanitiser
- Disposable Aprons
- Eye Protection if appropriate

Assuming your employees are themselves fit and willing to attend work, they should carry on fulfilling their duties. Your Personal Assistant(s) must strictly follow the usual Infection Prevention and Control measures, and wear the usual PPE in line with best practice at all times. It is not just for the protection of your Personal Assistant(s) but also to prevent the spread of infection to other people.

You only need your Personal Assistant(s) to use PPE when you have symptoms or if you are in an extremely vulnerable group requiring Shielding, information on the symptoms and Personal Protective Equipment can be found on the following websites:

<https://www.nhs.uk/conditions/coronavirus-covid-19/symptoms-and-what-to-do/>

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

<https://www.gov.uk/government/publications/wuhan-novel-coronavirus-infection-prevention-and-control>

<https://www.gov.uk/government/publications/guidance-on-shielding-and-protecting-extremely-vulnerable-persons-from-covid-19/>

Personal Assistant(s) should use Personal Protective Equipment (PPE) for activities that bring them into close personal contact, such as washing and bathing, personal hygiene and contact with bodily fluids.

Further guidance on when to and how to use PPE has been published by Public Health and World Health Organisation. The Council will support you to get the help that you need, and where possible the Personal Protective Equipment (PPE) as required. You should make sure that any health and safety rules and procedures are always fully explained to your Personal Assistant(s) and ensure to enforce them. Ideally, a record should be made of the measures you have implemented and you should keep records of PPE obtained and used in your home.

Cheshire East Council is sourcing a range of limited Personal Protective Equipment stock. If you require this equipment, please contact PeoplePlus or your Care Manager, who will liaise directly with the Council on your behalf.

PeoplePlus

Telephone: 0330 123 2815

Email address: ilscheshire@peopleplus.co.uk

I am in the extremely vulnerable category and do not want to take the risk of having workers coming into my home, I'd prefer to have unpaid support from family for a 12 weeks period, what can I do?

The Council recognises the importance of maintaining your Personal Assistant(s)' employment during these uncertain times and will continue to support you to maintain your Direct Payment for the agreed care and support that you receive, as detailed in your care and support plan. Therefore it is expected that full payment should be maintained to support the contractual hours for your Personal Assistant(s).

The Government have advised that I or someone in my household are in the extremely vulnerable category and should be Shielding, but I still need care, what can I do?

You can follow Government guidelines around Shielding and avoid going out in public as recommended, but still have Personal Assistants come into your home to provide care. If no one in the household has any symptoms of COVID-19 and this is also the case for your Personal Assistants, you should still be advising workers to follow Government guidance and maintain high standards of safety and hygiene.

See the Government guidance:

<https://www.gov.uk/government/publications/guidance-on-shielding-and-protecting-extremely-vulnerable-persons-from-covid-19/>

I am in the extremely vulnerable category and do not want to take the risk of having workers coming into my home, I'd prefer to have unpaid support from family for a 12 weeks period, what can I do?

The Council supports you to pay your Personal Assistant(s) for the agreed care and support you would usually receive, as per your care and support plan. Should you prefer to receive unpaid support in this period then you must notify the Council and make a record of this.

It is important that you have sufficient contingency plans and you review such plans to ensure that during this period you have appropriate support. PeoplePlus are available to support with contingency planning and can be contacted on the following:

Telephone: 0330 123 2815

Email address: ilscheshire@peopleplus.co.uk

If your Personal Assistant(s) is not providing support to you during this 12 week period, then the Council should be notified. It is expected that your Personal Assistant(s) contacts PeoplePlus who will alert the Council. See above for PeoplePlus's contact details.

My worker is in the high-risk and/or extremely vulnerable category but wants to continue to attend work, can I allow them to?

In the case of extremely vulnerable employees who are being strongly advised to follow shielding precautions, attending work isn't advisable. You should talk to your employee about why it is they want to come to work and explore with them any options that may be available to help them avoid the risks that coming to work would bring.

Should this issue affect you, you should look to implement plans detailed in your contingency plan. For further help and support with regards to contingency planning you may wish to make contact with PeoplePlus on the following:

Telephone: 0330 123 2815

Email address: ilscheshire@peopleplus.co.uk

What happens if I do not have any care and support as a result of my Personal Assistant(s) becoming unwell or shielding due to being in the extremely vulnerable category?

You may have to call upon other resources if your Personal Assistant(s) is on sick leave or shielding.

If you have other available Personal Assistants or other employees, you may be able to request them to attend work to cover absences. Check your contract of employment with them to see how clear your rights are. If you have no other employees, temporary agency or casual workers may be used to fill in hours, but please do check that these are supplied by a reputable organisation and that the relevant safeguarding checks have been carried out.

If you incur additional expenditure in sourcing this temporary support you may utilise contingency funds within your existing budget, if you do not have funds available within your existing budget please contact the Council on 0300 123 5010. You must ensure that you keep a record and all evidence of any additional expenditure for the purpose of your audit. If you are left with no support, you should make contact with the Council social work teams on 0300 123 5010.

As I want to self-isolate for a period, can I use the direct payment to employ and pay a family member who lives with me?

Family members may only provide paid care in exceptional circumstances and this would only be a temporary measure whilst the Government restrictions are in place. Please inform the Council on 0300 123 5010 if you wish to make such changes. A record of any changes must be kept to present at a later date for any Direct Payment account audit.

My Personal Assistant(s) is employed to help me socialise in the community. As I can't go out anyway, what should I do?

It is important to follow Government guidance in relation to social distancing. Should this limit your community activities then you should look to liaise with your Personal Assistant(s) to explore alternative ways of supporting you, this may include the use of technology, for example; video calling.

What happens now schools are closing and my PA can't get childcare?

The Government have allowed placements for some children of key workers to continue. Key workers will include those caring for vulnerable people.

Some employees may be able to rely on family members or friends to help with childcare, but the picture may change as more people self-isolate or social distance. The risk of spreading infections may increase to the high-risk category of persons, such as grandparents over 70 or those with health conditions.

You are encouraged to have good communication with your employee to ensure you are satisfied they have a genuine need to be away from work. Under the circumstances it is expected that a high number of parents will not be able to attend work for some time and will rely on unpaid parental leave rights. If they are eligible for such leave they cannot be penalised because of it.

If your Personal Assistant(s) requires evidence of their key worker status, the Council can provide a letter to support this. If you require a letter, then you must make contact with PeoplePlus or your care manager.

Paying for other services

If you receive a Direct Payment from the Council and use this to pay for support from other organisations then the Council will support you to continue paying for this service where the service is continuing. The Council recognises the importance of retaining such services and will work collaboratively and flexibly to enable services to adapt and endeavour to meet the needs of Cheshire East residents.

Personal Protective Equipment (PPE)

General PPE includes:

- Disposable Gloves
- Surgical Mask/Fluid Resistant Surgical Masks
- Hand Sanitiser
- Disposable Aprons
- Eye Protection if appropriate

Individuals who support you should ensure that they are using the appropriate PPE as and when required following the latest Government guidelines. Support will be provided by the Council to organisations to help access PPE.

I want to cancel my services/support

Due to COVID-19 if you feel that you have sufficient contingency plans and support in place, you may wish to temporarily cancel services from your provider. You are encouraged by the Council to continue making payment for these services, to ensure that your support can be retained for the future.

My service provider has informed me that my support/activity will be cancelled

Due to the current circumstances some organisations may not be able to provide their usual services. It is important to follow Government guidance in relation to social distancing and this may limit your community activities. Your provider should liaise with you to explore alternative ways of supporting you; this may include the use of technology, for example; video calling.

You must keep a record of the services that have been cancelled due to COVID-19. If your provider does not offer a suitable alternative service then the Council does not support payment from your Direct Payment to the provider.