



CHILDREN  
& FAMILY  
SUPPORT SERVICE



Adult  
Care &  
Support

## Guidance for Social Care staff and Customers who have a Direct Payment and are affected by COVID-19 (coronavirus)

### Direct Payment Support Service

Warwickshire County Council has a contract in place with Penderels Trust who provide employment related advice and guidance.

Please visit their website for information based on their frequently asked questions and guidance about how you can be prepared as a Direct Payment employer during this time.

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

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

We strongly advise you continue to contact Penderels to address your employer related queries.

Email: [warwickshire@penderelstrust.org.uk](mailto:warwickshire@penderelstrust.org.uk)

### Direct Payment Employer Liability Insurance

If you are a Direct Payment employer, you must have employer's liability insurance in place. It is still important at this time that you still follow the guidance given by them.

Please contact your chosen insurance company for their advice

### Pre-paid cards: Pre-Financial Services

Many of you now have a prepayment card in place - we will continue to make payments to the card.

### Government guidance

The government has published adult social care guidance to protect the most vulnerable against COVID-19.

COVID-19: There is guidance for the following situations:

- **residential care** <https://www.gov.uk/government/publications/coronavirus-covid-19-admission-and-care-of-people-in-care-homes/coronavirus-covid-19-admission-and-care-of-people-in-care-homes>
- **supported living** <https://www.gov.uk/government/publications/supported-living-services-during-coronavirus-covid-19/covid-19-guidance-for-supported-living>
- **home care** <https://www.gov.uk/government/publications/coronavirus-covid-19-providing-home-care/coronavirus-covid-19-provision-of-home-care>



Warwickshire  
County Council

## **Customers using Direct Payments to employ a Personal Assistant**

Where a customer has a Personal Assistant (PA) that they are directly employing, using a Direct Payment (DP) they may find it helpful to refer to the guidance on home care provision that has been issued to social care providers to support them in understanding their responsibilities and the responsibilities of their PAs:

<https://www.gov.uk/government/publications/coronavirus-covid-19-guidance-for-people-receiving-direct-payments/coronavirus-covid-19-qa-for-people-receiving-a-personal-budget-or-personal-health-budget>

DP employers should also refer to the Government guidance for employees, employers and businesses to support them to understand their responsibilities in relation to payment of PAs.

<https://www.gov.uk/government/publications/guidance-to-employers-and-businesses-about-covid-19>

Specifically, in relation to the employment of Personal Assistants:

If a PA is required to self-isolate, the NHS guidance states how long this should be for:

<https://www.nhs.uk/conditions/coronavirus-covid-19/>

## **Contingency arrangements**

Direct Payment recipients who employ their own staff should have plans in place to provide contingency arrangements if their PA is not available. DP customers should refer to these arrangements in the first instance. It is recognised that for many customers their contingency arrangements may include using informal carers, family or friends to support them in the short term.

If a customer is using their Direct Payment to employ a carer via an agency arrangement, the agency will have contingency arrangements in place to provide care. If the DP customer has any concerns regarding the contingency arrangements in place, they should contact the care agency.

Where contingency arrangements cannot be accessed (due to staff sickness or self-isolation), the DP customer should contact Adult Social Care to discuss how their care needs can be met (**please call 01926 410410**). If there are no other means of providing care, Warwickshire County Council Adult Social Care will provide a commissioned service; Adult Social Care will only commission care that is essential i.e. personal care, toileting, and meal provision. Support to access the local community/social inclusion will not be provided. The Direct Payment will continue to be paid to enable the DP employer to fulfil any employer responsibilities.

## **Statutory Sick Pay**

The DP recipient needs to consider whether the PA would be eligible for Statutory Sick Pay in the first instance.

If the PA earns above the Lower Earnings Limit (currently £9,500 per annum) 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>

The Statutory Sick Pay (General) (Coronavirus Amendment) Regulations 2020 came into force on Friday 13<sup>th</sup> March. Statutory Sick Pay will now be payable to those self-isolating under Government guidance – there is no need for formal written notice to be given by a medical officer. Definition of 'Persons deemed incapable of work' now includes:

- (i) isolating himself from other people in such a manner as to prevent infection or contamination with coronavirus disease, in accordance with guidance published by Public Health England, NHS National Services Scotland(d) or Public Health Wales(e) and effective on 12th March 2020; and
- (ii) by reason of that isolation is unable to work.

NOTE this amendment is set to automatically expire 8 months from the enforcement date unless it is removed by statute.

### **PA not eligible for Statutory Sick Pay**

If a PA would not be eligible for Statutory Sick Pay but cannot work due to Government guidelines, the following would apply:

- If a DP recipient needs to use contingency arrangements whilst a PA or themselves are self-isolating, there should be enough funds within the DP to cover pay for the PA and contingency. If the PA or DP recipient is required to self-isolate longer than initial Government guidance (i.e. those classed as vulnerable) this would need to be reviewed by WCC.
- If Adult Social Care provide a commissioned service due to contingency arrangements being unavailable, this would be paid for by WCC and not by the DP recipient. The DP would be used to pay employee for initial isolation period within Government Guidance – after this WCC would need to review.
- If the Personal Assistant self-isolates through choice, when current guidance does not require it, they will not be entitled to pay or sick pay; they can take annual leave if agreed or unpaid leave.

However, if a DP recipient requests that a PA self-isolates outside Government guidelines, they would be required to pay the PA and if a contingency is put in place, the DP recipient themselves would be liable for contingency costs.

### **Personal Assistants abroad**

If a Personal Assistant is abroad and cannot return because the borders are locked down as a result of Coronavirus restrictions, the Personal Assistant would not be paid as they have not attended for work. If a DP employer is happy to extend the Personal Assistant's annual leave, then this could be an option.

## **Personal Assistants bringing children to work**

The government has confirmed that PAs are classed as 'key workers' (someone who is employed to deliver an essential service and must be supported to continue to work). This means that if they are a single parent or the other parent is also a key worker, they can send their child to school or other childcare provision.

In normal times, for reasons of safety and welfare, children cannot be brought into the workplace. Your employer's liability insurance would be invalid if this happened and there was an accident. In a genuine emergency, the employer would need to consider whether to exercise discretion and allow some flexibility if absolutely necessary to ensure that their own essential care needs continued to be met. However, it would usually be preferable to call on their own contingency arrangements while the PA's domestic situation was being resolved. If this arises and you need further advice, please contact Penderels.

## **Personal Protective Equipment (PPE)**

The on-going treatment of the COVID-19 pandemic is leading to unprecedented levels of demand on the supply of Personal Protective Equipment across the whole world.

In order to ensure efficient management of the limited supplies, a single co-ordinated approach has been developed by Warwickshire County Council, ensuring those that most need PPE are prioritised.

This process will replace all existing processes previously used by the council departments and this approach will be implemented across the County Council operations, schools, providers, volunteers and Personal Assistants.

### **If you need PPE**

Please email [cv19PPE@warwickshire.gov.uk](mailto:cv19PPE@warwickshire.gov.uk), including the following information:

- What PPE is required
- How many customers will you need to use PPE for? Please see below instructions on what PPE should be worn in what situation. We will only be issuing PPE in line with this guidance.
- How often you will be interacting with that customer over the next seven days.

We will then arrange supply, based on the agreed prioritisation process.

For your information, the guidance on what PPE to wear when visiting self-isolating customers is linked below.

***Covid-19 Guidance for staff who provide personal care/therapy for individuals in their homes and visiting staff*** <http://apps.warwickshire.gov.uk/api/documents/WCCC-630-2027>

## **Direct Payment Monitoring Arrangements**

Alongside any arrangements made due to COVID-19, Warwickshire County Council will follow standard audit processes on DP monitoring.