

## **Advice and Guidance for people using Direct Payments during the Coronavirus Crisis**

In response to the Coronavirus/COVID-19 situation, we have put together some guidance and answers to frequently asked questions for people using Direct Payments in Herefordshire.

Any advice below is based on the current guidance given by Government, but this is a fast-changing situation so for the very latest information you will need to visit the website <https://www.nhs.uk/conditions/coronavirus-covid-19>. This document is also available on the Herefordshire Council website with links to this information

Your direct payment support service will remain open and continue to provide employment support, payroll and managed account services. Although, face-to-face meetings and home visits have stopped and they may ask you to contact them or send information in a different way. Please contact your provider about this if they have not updated you on how their changes may affect you.

If your personal assistant or agency are unable to provide your care and support as normal and you have explored the options available to you, please contact the Direct Payment Team so that they can take details from you to pass to a social care professional, who will work with you to explore possible alternatives and options for replacement care, if required. Tel 01432 260060 or [directpaymentadvice@herefordshire.gov.uk](mailto:directpaymentadvice@herefordshire.gov.uk)

Please contact your payroll or employment support provider about any changes to your responsibilities due to the impact of Coronavirus such as queries about pay or sick pay.

Remember that you can contact your liability insurance provider or ACAS <https://www.acas.org.uk>, who will also be able to provide advice.

### **Everyone should do what they can to stop coronavirus spreading.**

**Our general advice is that it is good practice for everyone to:**

- keep everyone updated on actions being taken to reduce risks of exposure within the household.
- make sure everyone's contact numbers and emergency contact details are up to date
- consider extra precautions for PAs who might be more vulnerable, for example if someone is pregnant, aged 70 or over, or has a pre-existing health condition
- make sure everyone knows how to spot symptoms of coronavirus and are clear on any relevant processes, for example sickness reporting and sick pay, and procedures in case your PA shows symptoms of the virus

- make sure there are clean places to wash hands with hot water and soap, and encourage everyone to wash their hands regularly as this is one of the best ways we can prevent spread the infection
- if possible provide hand sanitiser and tissues for your PA and encourage them to use them
- keep up to date with the latest government coronavirus advice at <https://www.gov.uk/coronavirus>

### **Household isolation - Whole household isolation if someone in the household develops COVID-19 symptoms**

Detailed information and advice for the public about what they, and their family contacts, should do can be found on the NHS.uk website (and will be regularly updated). There is some very important detail in the Stay at Home guidance, including at what point people are able to come out of self-isolation, which can be found <https://www.nhs.uk/conditions/coronavirus-covid-19/self-isolation-advice>

People do not need to phone NHS111 if their symptoms are mild but should do if their symptoms worsen/if they need medical care, or if symptoms do not get better after 7 days. There is also an online service <https://111.nhs.uk/covid-19> that people are being asked to use in the first instance. Please call 999 in an emergency. If you or your loved one is critically ill and requires urgent medical attention or ambulance transfer to a hospital, inform the ambulance call-handler of the symptoms.

### **Social distancing advice**

Stopping all unnecessary social contact with others and unnecessary travel - this advice is particularly important for people with certain health conditions, people over the age of 70 and pregnant women

How long to stay at home

- if you have symptoms, stay at home for 7 days
- if you live with other people, they should stay at home for 14 days from the day the first person got symptoms
- if you live with someone who is 70 or over, has a long-term condition, is pregnant or has a weakened immune system, try to find somewhere else for them to stay for 14 days.
- If you have to stay at home together, try to keep away from each other as much as possible.

Those with the most serious health conditions will be contacted directly by the NHS on Monday 23rd March about further restrictions, likely to be put in place for around 12 weeks. You'll be given specific advice about what to do. Do not contact your GP or healthcare team at this stage – wait to be contacted.

## **Precautions and Prevention**

The following actions can help prevent the spread of coronavirus:

- Promoting regular handwashing with soap and water amongst staff and clients. Using alcohol sanitiser that contains at least 60% alcohol if handwashing facilities are not available can also be used
- Covering your cough or sneeze with a tissue, then throwing the tissue in a bin and washing your hands.
- People who feel unwell should stay at home and should not attend work
- Avoid touching your eyes, nose, and mouth with unwashed hands
- Clean and disinfect frequently touched objects and surfaces

## **Cleaning and waste disposal**

Personal waste (such as used tissues) and disposable cleaning cloths should be stored securely within disposable rubbish bags. These bags should be placed into another bag, tied securely and kept separate from other waste within your home.

Immobile clients who are self-isolating do need to have a supply of tissues and a bin or disposable bag to hand at all times for disposal of tissues.

## **Laundry for those self-isolating**

If you or family deal with laundry, then you should not shake dirty laundry. This minimises the possibility of dispersing virus through the air. Wash items as appropriate, in accordance with the manufacturer's instructions. Dirty laundry that has been in contact with an ill person can be washed with other people's items.

Items heavily soiled with body fluids, for example, vomit or diarrhoea, or items that cannot be washed, should be disposed of.

## **Accessing Personal Protection Equipment supplies**

If you are experiencing difficulty in obtaining supplies and have exhausted all options you can ring the National Supply Distribution Line on 0800 915 9964 or Email [supplydisruptionservice@nhsbsa.nhs.uk](mailto:supplydisruptionservice@nhsbsa.nhs.uk)

You should explain that all other options in obtaining a supply has been exhausted. You will need to discuss the size of pack you require as they vary from 50 -300 items.

## **FREQUENTLY ASKED QUESTIONS**

### **Q1 Will my Direct Payments continue to be paid?**

Yes there will be no change in the amount, frequency or payment date for direct payments.

**Q2 Can I change the arrangements for the care and support I pay for with my direct payments?**

Yes, you can change the type of support and/or services you receive as long as you pay attention to any legal issues that might arise, say from making PAs redundant or breaking an agreement with a provider. Remember, this is your personal budget and you can spend the money flexibly. You do not need permission to do something different to what was first agreed – as long as legal and meets your assessed needs.

**Q3 I use a care agency to provide services. What happens if the service is disrupted?**

You should discuss with your care agency and find alternative, different ways of arranging services that would continue to meet your needs. For example, reducing the number of home visits or changing the times of the visits. It's important to be as flexible as possible – as long as you stay safe.

**Q4 I use direct payments to access support in the community from a local organisation. What happens if the activities have to stop?**

You should discuss with the provider the possibility of finding different and creative ways for them to support you whilst adhering to government guidance for social distancing and staying safe at home.

Always keep in regular touch with your provider, even if they have had to stop delivering activities, as the position may change and new ideas will emerge.

**Q5 I normally buy a service with my Direct Payment from a provider which is shutting its doors to support social distancing or is not able to provide my care due to staff sickness. They have asked if they can invoice me even though I won't receive a service from them. What should I do?**

Your Direct Payment is for you to decide how to spend to meet your eligible needs. If your usual provider isn't able to provide a service to you, then you may need to buy a different service (we call this replacement care).

You may choose to continue to pay any bills from your usual provider, especially if they have supported you a long time and have said they will keep in touch with you. If you do this please let us know, so we can make sure you have enough in your Direct Payment budget to cover your costs.

**Q6 I have to make a contribution towards the cost of my direct payment. If I am not using my direct payment to buy some services will I still have to pay my contribution?**

The contribution you are asked to pay is based on how much you can afford to contribute towards all of your adult social care needs. So if you continue to receive

some services but not others, for example your personal care at home continues, but you stop attending community activities, you will still have to contribute, but if your direct payment is only for attending community activities and these have all stopped you do not need to pay your contribution. You should contact us if you plan to stop paying your contribution, but intend to continue paying the invoices for community activities as you may not have sufficient money in your direct payment to cover the cost.

**Q7 I use direct payments to employ a Personal Assistant (PA). What happens if my PA needs to self-isolate? Will they be paid and how much do I pay them?**

All PAs must receive any Statutory Sick Pay (SSP) they are entitled to from day one if they need to self-isolate, as a result of:

- having coronavirus
- having coronavirus symptoms, for example a high temperature or new continuous cough
- coming into close contact with anybody who has coronavirus symptoms
- having been told to self-isolate by a doctor or NHS 111

Remember that if someone has symptoms, everyone in their household must self-isolate for 14 days.

If a PA cannot work, for whatever reason, they must tell you as soon as possible giving a clear reason and how long they're likely to be off work.

You will need to be flexible if you require evidence from your PA. For example, someone might not be able to provide a sick note (fit note) if they've been told to self-isolate for more than 7 days. More information about statutory sick pay for those affected by coronavirus can be found at <https://www.gov.uk/government/news/sick-pay-from-day-one-for-those-affected-by-coronavirus>

**Q8 I employ a PA. What happens if I choose to go into self-isolation? Will my PA be paid?**

An employer may decide to go into self-isolation to protect themselves or a vulnerable family member. The PA will still be paid their contracted hours as they are remaining in employment. If the PA works variable hours, the payroll service will calculate their average hours over the past 12 weeks to calculate payments.

Consideration should be given to alternative tasks that the PA can undertake, for example, going shopping, posting mail and they should keep in regular contact by phone, text, or email. It is important to make sure that PAs can keep in touch with each other and communicate with the employer. A good idea is to set up a WhatsApp Group.

If it is possible for your PA to provide some of your support whilst working at home this should be agreed by you, if appropriate and the PA will get their usual pay.

A practical, alternative is for PAs to take some annual leave from their allowance. Employers have the right to tell PAs when to take annual leave if they need to, providing reasonable notice is given. This could affect holiday PA's have already booked or planned. So employers should:

- Explain clearly why they need the PA to take the annual leave. This will hopefully be clear if the employer needs to self-isolate or there is a case of coronavirus in the household.
- try and resolve anyone's worries about how it will affect their holiday entitlement or plans

### **Q9 What happens if my PA 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:

- if they have children they need to look after or arrange childcare for because their school has closed
- 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. Find out more about time off for dependants on the following website <https://www.acas.org.uk/absence-from-work#dependants>

### **Q10 What happens if my PA has school-age children and the schools have closed?**

Schools shut on Friday 20 March, they will remain closed until further notice except for children of key workers and vulnerable children, as part of the country's ongoing response to coronavirus. Vulnerable children include those who have a social worker and those with Education, Health and Care Plans – a legal document that describes a child's special educational needs and the support they require. Children who do not fall into these groups should remain at home with appropriate care.

The list of key workers in the guidance is: doctors; nurses; midwives; paramedics; social workers; care workers, and other frontline health and social care staff including volunteers; the support and specialist staff required to maintain the UK's health and social care sector; and those working as part of the health and social care supply chain, including producers and distributors of medicines and medical and personal protective equipment.

Schools should therefore recognise parents who are employed as PAs as key workers as they fall into the category of 'care workers and other frontline health and social care staff'. Read more about this in the guidance <https://www.gov.uk/government/news/schools-colleges-and-early-years-settings-to-close>

The Department of Health and Social Care have confirmed that PAs **are** included in the definition of key workers. If your PA is being challenged as to whether or not they are a key worker they should follow the steps below:

- contact their direct payment provider (for example their local authority or care commissioning group) to ask if they have a letter or something that validates the PA is a key worker and can share with their child(ren)'s school
- provide the school with a copy of their contract of employment

If schools are struggling with understanding what a PA is, please refer them to our resources <https://www.skillsforcare.org.uk/Employing-your-own-care-and-support/Information-hub.aspx>, where they can find a copy of being a PA guide.

If your PA has to take time off to look after children throughout the school closure period, you may be able to arrange for them to reduce or their hours or change their working pattern. You may also agree for them to take holiday or unpaid leave.

### **Q11 What happens if my PA does not want to go to work?**

Some people might feel they do not want to go to work if they're afraid of catching coronavirus. An employer should listen to any concerns the PA may have. If there are genuine concerns, the employer must try to resolve them to protect the health and safety of their staff, for example, if possible, the offer of flexible working.

If a PA still does not want to go in, they may be able to arrange with their employer to take the time off as holiday or unpaid leave. The employer does not have to agree to this. Find out more about absence from work from the ACAS website. <https://www.acas.org.uk/absence-from-work>

### **Q12 What happens if my PA becomes unwell at work?**

If someone becomes unwell in the workplace with coronavirus symptoms, they should:

- If possible, get at least 2 metres (7 feet) away from other people
- Go to a room or area behind a closed door.
- avoid touching anything
- cough or sneeze into a tissue and put it in a bin, or if they do not have tissues, cough and sneeze into the crook of their elbow
- use a separate bathroom from others, if possible

The unwell person should either:

- use the NHS 111 online coronavirus service  
<https://111.nhs.uk/service/COVID-19/> call 111, for NHS advice
- call 999, if they're seriously ill or injured or their life is at risk

It's best for the unwell person to use their own mobile phone to access these services if possible.

### **Q13 What happens if my PA has recently visited an affected area in Europe for example Spain, France, and Italy?**

Anyone returning from any affected area, for example China or Italy, should self-isolate and either:

- use the NHS 111 online coronavirus service  
<https://111.nhs.uk/service/COVID-19/> call 111, for NHS advice
- call 111, for NHS advice

Their employer must pay them Statutory Sick Pay (SSP) or contractual sick pay while they're in self-isolation and cannot work.

More about coronavirus

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

### **Contact details**

**Direct payment officers** (For general direct payment advice)

01432 260060 • [directpaymentadvice@herefordshire.gov.uk](mailto:directpaymentadvice@herefordshire.gov.uk)

**Transactional support team** (For payment queries)

01432 383733 • [DirectPaymentTeam@hoopleltd.co.uk](mailto:DirectPaymentTeam@hoopleltd.co.uk)

### **HM Revenues and Customs**

0845 143 143 • New employers helpline 0845 607 0143 • [www.hmrc.gov.uk](http://www.hmrc.gov.uk)

### **ACAS**

[0300 123 1100](http://03001231100) • [www.acas.org.uk](http://www.acas.org.uk)

**If you have a hearing or speech impairment you can contact ACAS using Relay UK: 180010300 1231100**

### **NHS**

Use the NHS 111 online coronavirus service <https://111.nhs.uk/service/COVID-19/> call 111