

Adults' Care and Support
Barking Town Hall
Barking
Essex
IG11 7LU

26 March 2020

Dear Sir/Madam

During this unprecedented time we are being asked lots of questions about managing Personal Assistants in this current situation. We have put together some Frequently Asked Questions which we hope will help you.

If you require support in an emergency situation, please contact the Intake Team on the 020 8227 2915 or email them intaketeam@lbbd.gov.uk

We hope the questions help and Vibrance who are the Direct Payment Support Service can also offer Information, Advice and Guidance and they can be contacted on on bdsds@vibrance.org.uk or 01702 214 540.

For any queries relating to your Direct Payment please contact your payroll provider or the direct payments team at DirectPayments@lbbd.gov.uk.

Yours sincerely

Direct Payments Team

Direct Payments - Frequently Asked Questions

1. Do I still need to pay my PA if they cannot come to provide care if I am self-isolating?

The direct payment policy states:

If a Direct Payment is used to employ a Personal Assistant, the Direct Payment recipient must act as a responsible employer and decide in line with employment legislation. The Council (Social Worker) must ensure there is enough allocation of funds to cover requirements such as small contingency for sickness pay/holiday pay/maternity leave/replacement care, Debarring Service Check, Insurance, etc. As an employer, it is the responsibility of the Direct Payment recipient and not the Council to ensure all legislation is adhered to and all necessary insurance from insurers who cover home employment is taken out and necessary training completed. The Direct Payment recipient must ensure that they retain enough funding from the Direct Payment to cover their potential employer responsibilities.

You as the employer are responsible for paying your employee in line with their contract of employment, in the current circumstances the Council has recommended that in the event that your PA is unable to work because of COVID-19 you should pay at least 2 weeks of their commissioned hours. If you are contractually required to or you wish to pay your PA for longer than 2 weeks then you may be able to access Support for businesses through the Coronavirus Job Retention Scheme.

Under the Coronavirus Job Retention Scheme, all UK employers with a PAYE scheme will be able to access support to continue paying part of their employees' salary for those that would otherwise have been laid off during this crisis. This applies to employees who have been asked to stop working, but who are being kept on the pay roll, otherwise described as 'furloughed workers'. HMRC will reimburse 80% of their wages, up to £2,500 per month.

This is to safeguard workers from being made redundant. The Coronavirus Job Retention Scheme will cover the cost of wages backdated to 1 March and is initially open for 3 months, but will be extended if necessary. HMRC will set out more details shortly.

Guidance from HMRC stated you will need to:

- designate affected employees as 'furloughed workers' and notify your employees of this change - changing the status of employees remains subject to existing employment law and, depending on the employment contract, may be subject to negotiation*
- submit information to HMRC about the employees that have been furloughed and their earnings through a new online portal (HMRC will set out further details on the information required)*

HMRC are working urgently to set up a system for reimbursement. Existing systems are not set up to facilitate payments to employers.

The Council will continue to pay your direct payment during this time and you will be expected to pay your financial contribution if you make one. However please be aware that you may need to use your direct payment to fund alternative support.

2. Do I still need to pay my PA if they cannot come to provide care if they are self-isolating?

It is your contract of employment with your PA which will determine the actual level of sick pay you will need to pay, in the current circumstances the Council has recommended that in the event that your PA is unable to work because of COVID-19 you should pay at least 2 weeks of their commissioned hours. After the initial 2 weeks advised by the Council, if your PA is unwell and unable to return to work then they may be eligible to receive Statutory Sick Pay (SSP) at £94.25 per week and it is paid by you as the employer for up to 28 weeks. The government has provided the current advice about a new scheme for employers to reclaim Statutory Sick Pay (SSP) paid for sickness absence due to COVID-19.

The eligibility criteria for the scheme will be as follows:

- this refund will cover up to 2 weeks' SSP per eligible employee who has been off work because of COVID-19*
- employers with fewer than 250 employees will be eligible - the size of an employer will be determined by the number of people they employed as of 28 February 2020*
- employers will be able to reclaim expenditure for any employee who has claimed SSP (according to the new eligibility criteria) as a result of COVID-19*
- employers should maintain records of staff absences and payments of SSP, but employees will not need to provide a GP fit note. If evidence is required by an employer, those with symptoms of coronavirus can get an isolation note from [NHS 111 online](#) and those who live with someone that has symptoms can get a note from the [NHS website](#)*

- *eligible period for the scheme will commence the day after the regulations on the extension of SSP to those staying at home comes into force*
- *the government will work with employers over the coming months to set up the repayment mechanism for employers as soon as possible.*

3. Will the Council cover any additional costs I have during this time?

In the event that your PA is unable to work and you have had to commission alternative care, the Council will fund payment to your PA for 2 weeks to ensure that you have sufficient funds in your DP account to cover the cost of your on-going care during this 2 week period. We have made funds available to payroll agencies to cover this cost and therefore please contact them to request these funds if this situation arises. If you manage your own direct payment please contact the Direct Payments Team at DirectPayments@lbbd.gov.uk who will arrange to transfer money into your account. You will need to provide your PAs contract of employment including pay rate and number of hours worked.

As an employer after the initial 2 weeks if your PA is unable to work due to COVID-19, please see the responses to questions 1 and 2.

4. Will the Council continue to pay my direct payment even if my PA is unable to work due to COVID-19?

Yes the council will continue to pay its direct payment to you as well as providing additional funds to cover 2 weeks of duplicate care if it is required as outlined in question 3. We recommend that you do not cancel your direct payment during this time, the funds will remain in your account and can either be used at a later date or returned to the Council and yourself if you pay a contribution.

5. Do I still need to pay my client contribution during this time?

Yes, as an employer you will need to continue making your contribution to enable you to cover your employer responsibilities. If you receive an additional payment from the Council to cover 2 weeks payment to your carer as outlined in question 3, the Council will pay the full payment to your PA to negate you needing to make your contribution twice.

6. My PA is unable to provide care but I need assistance who do I contact to get help?

We want to ensure that you still receive the care you require during this time. We recommend that you commission this service either from a 'buddy' PA if this is a system you currently operate or that you commission a service direct from a homecare agency. If you would like to cease your direct payment during this time the Council can arrange for a managed service with a provider on your behalf and can end your direct payment during this period.

If you would like to arrange this care please contact the 020 8227 2915 or intaketeam@lbbd.gov.uk

7. I need some additional help and support during this time as family and friends who supported me no longer can?

In the event you require additional help during this time from your PA, please contact your payroll agency or if you managed your direct payment yourselves please contact the Direct Payments Team at DirectPayments@lbbd.gov.uk. The Council will liaise with your social worker to put in place a contingency fund to assist you in covering these costs.

8. I am concerned about my direct payment during this time who do I speak to?

For more general enquiries about direct payments please contact our direct payment support service Vibrance on bdsds@vibrance.org.uk or 01702 214 540.

9. I have run out of money in my direct payment account, who can help me?

If you have run out of funds in your direct payment account please contact either your payroll agency if you use one or the Direct Payments Team at DirectPayments@lbbd.gov.uk

10. My PA does shopping for me, can they be provided with ID to enable to do this whilst national isolation is in place?

Yes, the Council is in the process of arranging a letter for PAs to use to identify them as a keyworker so they are able to shop for you.