

Adult Care and Integration

COVID-19 Pandemic Direct payments Guidance

The spread of COVID-19 (Coronavirus) is a serious concern across the country, and we are living in unprecedented times. We are following Government Guidance to try to reduce the risk of infection and to minimise the risk to people who may be especially vulnerable.

It is possible that COVID-19 may result in adults and carers who arrange their own care, support and/or short breaks through direct payments, having to temporarily make changes to the way that their care, support and/or short breaks are delivered. This might also mean that care, support and/or short breaks are stopped on a temporary basis.

What are the expectations around the flexible use of direct payments?

As far as possible, direct payments should continue to be used as agreed within the care and support plan. However, there may be circumstances during the pandemic where this is not possible, for example, through Personal Assistant (PA) absence or closure of services which would normally provide support. In these circumstances, individuals should raise and discuss this with their health or social care team. Where there is clear rationale that enables the individual to keep safe and prevent admission to hospital, the Council is able to allow more flexibility in how an individual chooses to use their direct payment, with the guiding principle being ensuring that they safely receive the care and support they require.

Where necessary, this flexibility could include suspension or reduced restrictions on the way in which existing direct payments can be used, for example the payment of household members on a temporary basis.

If a direct payment is being used in a different way because of the pandemic, direct payment recipients must retain any receipts or evidence of use as would do for purchases normally made, and a log of how the direct payment was used that can then be discussed with the Council at the next review / audit

Direct Payment Frequently Asked Questions (FAQs)

Due to the current COVID-19 pandemic, the Council has drafted the following list of Frequently Asked Questions in line with the latest government advice to support those who employ their own Personal Assistants (PAs) / carers via direct payments. This information is also useful for self-funders who pay for their own care and support.

This guidance is based on information published on or before 23rd April 2020. Please refer to the Gov.UK and NHS websites as government advice around issues relating to the COVID-19 pandemic changes regularly.

Q Will my direct payments continue to be paid?

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

Q 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 PA 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 it is legal and meets your assessed needs. Please remember that your employer liability insurer can also offer you employment law advice if you query relates to the employment of a PA and some insurers also include the provision of letter templates should you need so it is worth always contacting your insurer to seek advice also.

Q I use a care agency to provide my support - What happens if the service is disrupted?

You should discuss this with your care agency, and they should support you to 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.

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

You (or your nominated person) should discuss with the provider the possibility of finding different and creative ways for them to support you while 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.

Q 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 can not 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.

Q Can my direct payment be used to cover additional expenses incurred by my PA during the pandemic, for example, car park charges if they are unable to travel by public transport?

In some circumstances, this will be appropriate, and necessary in order for you to receive the care and support you require during the pandemic (if your PA could not reach your home without using their own car, as public transport is reduced). It's vital that you continue to receive the care and support you need to remain at home, avoiding admission to hospital – and we recognise that much of the support is delivered by essential workers like PAs.

You will need to judge the appropriateness and cost-effectiveness of incurring reasonable additional expenses and provide receipts, evidence and justification retrospectively. If in doubt, you should discuss this with your local authority or if your direct payment is

Personal Health Budget then you should contact your local Clinical Commissioning Group (CCG).

Q 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.

Q I use direct payments to employ a 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 COVID-19
- Having COVID-19 symptoms, for example a high temperature or new continuous cough
- Coming into close contact with anybody who has COVID-19 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 seven days.

[More information about statutory sick pay for those affected by coronavirus - GOV.UK](#)

NB as an employer you must ensure that the time sheets sent to your payroll provider for that week / month also include the information about any periods of time when the PA was unable to work so that the correct monies can be paid to them.

Q Can I re-employ previous PAs who already have the training to support me, in these emergency situations?

Yes, if required (for example through PA illness) then you could contact a previous PA, who may be able to provide temporary cover, and will be familiar with your needs. This should make up part of your emergency contingency plan. You should consider whether there's any additional training and assessment of competence or upskilling necessary (such as peer learning or e-learning) to get them up to speed as quickly as possible. You will also need to let your payroll provider know as soon as possible about this to allow for time set this other worker up on the payroll in good time.

Q 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 or other instant messaging group chat.

If it is possible for your PA to provide some of your support while 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 PAs 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 COVID-19 in the household
- Try and resolve anyone's worries about how it will affect their holiday entitlement or plans

Q 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 dependent) 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 dependent 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 five days but this has been relaxed for COVID-19 cases. [Find out more about time off for dependents](#). Your employment liability insurer will also be able to give you advice in what to do in such situations.

Q 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 COVID-19 (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. To find out more please click on Advisory, Conciliation and Arbitration Service link below:

[Find out more about absence from work from the Advisory, Conciliation and Arbitration Service \(ACAS\) website.](#)

Q What happens if my PA becomes unwell at work?

If someone becomes unwell in the workplace with COVID-19 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 111.nhs.uk/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.

Q Can family carers or close friends be paid out of the agreed direct payment if PAs are not available?

We recognise that during this pandemic, short-term emergency changes may be necessary. Families and close friends may need to be called on for support beyond any unpaid care and support they may already be providing. They may be able to provide this support on a voluntary basis for a short period of time, where there is a gap in care and support provision – for example, through staff sickness.

We also recognise that this may not be viable or sustainable in the longer term, if the situation is ongoing. In these circumstances therefore, consideration could be given to paying the family member or close friend from the direct payment. If you feel it's necessary for family members to become your care and support workers, this should be raised and agreed with the local authority or CCG who make these decisions on a case-by-case basis.

Q If I am admitted to hospital, will my direct payment continue?

In line with normal practice, this will be dependent on your condition and circumstances, length of stay, and any extenuating circumstances that mean your needs have changed and are no longer as set out in the care and support plan.

Your PA may be willing to take some annual leave during the time you are in hospital so it is worth always having this discussion with them. If you are in hospital for a longer period of time, please contact

your employment liability insurer for advice in relation to the payment of a retainer for your personal assistant.

However, a temporary stay in hospital should not necessarily mean that the direct payment should cease – and direct payments are often conducive to helping people to return home safely, as soon as possible.

If your Direct payment include service from Agency, then you need to contact your Agency (service provider) for further details.

Q Can my paid carer or PA support me in hospital, if I am admitted?

We understand that you may prefer some personal care tasks to be undertaken by your carer or PA rather than hospital staff, which the direct payment can usually allow.

While people's preferences will be taken into account, the measures taken to combat the current pandemic means that access to hospitals for anybody who is not a patient or member of staff, is limited. It therefore may not be possible for your carer or PA to support you in hospital, during this period. Rules and guidance issued by the hospital will provide further information on what is possible.

If your carer or PA is able to support you in hospital, they will be subject to infection control measures as is normal practice. In no circumstance should the personal care interfere with the medical treatment. Carers, PAs or anybody supporting you must adhere to the guidance set by government and the hospital around supporting people when in acute care.

Paid carers and PAs will have a vital role to play upon discharge. Separate guidance has been published on the [discharge process](#) in place during the pandemic.

Q Is my PA 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. Furthermore, if your PA normally receives PPE to support you, this should continue. Government advice about the level of PPE needed by your PA can be found at [COVID-19: infection prevention and control \(IPC\)](#).

Q Can I use my direct payment to buy PPE for PAs I employ?

If your existing direct payment contains funding to purchase PPE for your PA, you should continue to use that funding to purchase PPE.

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 the Council or the Clinical Commissioning Group that provides your direct payment who should help you to get the PPE you require.

Q What PPE should my PA / paid agency carer be using?

The following answers presume that care is taking place in a household setting. If you are receiving PA support in another setting please find the relevant guidance at [COVID-19: infection prevention and control \(IPC\)](#).

PAs should use the guidance from Public Health England (PHE) when determining what PPE is appropriate to wear.

Q What about family members, will they receive PPE if they are providing care and support to me also?

First, we would encourage all unpaid carers and family members looking after loved ones to continue to follow the general hygiene guidance provided by the government, including washing their hands and cleaning frequently used surfaces.

Where people are taking on care work in a voluntary capacity, and the person being cared for or anyone in their household is symptomatic or has confirmed COVID-19 (or indeed has any other condition that is potentially infectious), or is in the 'shielded' category, then they should also be able to access, and use, PPE

Q Will my budget continue to be reviewed?

Yes, although during the pandemic, reviewing may not occur as frequently as it has previously. Councils and CCGs will take a proportionate approach to reviewing how direct payments have been spent. Records should be kept as normal for when the next review / audit takes place.

Q Am I expected to continue to evidence my spend?

Yes. As is normal practice, you should keep hold of any receipts or evidence that show how the direct payment has been used. These will be necessary within the next discussion with your CCG or local authority.

Self-funders

Q What support do I have if I pay for my own care?

If you are using your own money to employ a PA you should follow the general guidance given here and in the [direct payment guidance](#) around contingency planning, and health and safety.

Should you find yourself in a position where these arrangements are unable to support you due to the wider impact of COVID-19 and you have no alternative arrangements available to you, you should contact Adult Care and Integration service to discuss alternative care and support arrangements.

**For further information and guidance please e-mail:–
SinglePointofAccess singlepointofaccess@rotherham.gov.uk**

Or phone First Contact Team on: 01709822330

Information is also available by clicking on the following links:

<https://www.skillsforcare.org.uk/Documents/PB-PHB-and-DP-QA-FINAL.pdf>

<https://www.gov.uk/government/publications/coronavirus-covid-19-guidance-for-people-receiving-direct-payments>.