

Penderels Trust: Coronavirus COVID-19

Frequently Asked Questions for Individual Employers

We know people who employ their own personal assistant for their care and support are really worried about Coronavirus COVID-19. In this time of uncertainty, ensuring people who need care and support still receive it is a priority. There have been assurances from national government that local authorities and clinical commissioning groups (CCGs) will do everything in their power to keep care going.

We have put together this information to help answer some of the most common questions we are receiving.

This is based on the information as of the date at the bottom of this page and we may update this information several times in the coming days and weeks. For up-to-date Government information, please visit:

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

Clarity of Self-Isolation Periods

Some people are confused about how long they or their staff need to self-isolate if they are in a vulnerable group (such as being over 70 years old or having an underlying health condition or disability) or if they, or someone in their household, are showing symptoms. This is the Government advice:

- If you live alone and you have symptoms of coronavirus illness (COVID-19), however mild, stay at home for **7 days** from when your symptoms started.
- If you live with others and you are the first in the household to have symptoms of coronavirus, then you must stay at home for 7 days, but all other household members who remain well must stay at home and not leave the house for **14 days**. The 14-day period starts from the day when the first person in the house became ill.
- For anyone else in the household who starts displaying symptoms, they need to stay at home for 7 days from when the symptoms appeared, regardless of what day they are on in the original 14-day isolation period.
- The NHS 'Test and Trace' service is now live. This means that people with symptoms must apply for a test. If they test positive, they will be contacted by NHS contact tracers who will ask who else they were in contact with. Any of those contacts who are deemed at risk will be asked to self-isolate for 14 days even if they feel well.

- Anyone who has returned to the UK from a country that is not on the 'exempt' list (<https://www.gov.uk/guidance/coronavirus-covid-19-travel-corridors#stay-up-to-date>) must self-isolate for 14 days after they return.

The following are the most common questions we are receiving from people on a direct payment who employ staff.

Q: If my PA has to self-isolate, will they get paid Statutory Sick Pay (SSP)?

Yes, if they are eligible (earn over £120/week). They will be paid from day one rather than the fourth day of their illness. This will be applied retrospectively from 13th March 2020.

They can get a self-isolation note by visiting <https://111.nhs.uk/isolation-note/>

If your PA is self-isolating because they have returned from abroad and went to a country that is not on the 'exempt' list (<https://www.gov.uk/guidance/coronavirus-covid-19-travel-corridors#stay-up-to-date>), they will not be entitled to SSP. This means if your PA is returning from e.g. Spain (including the Balearic or Canary Islands), they must self-isolate for 14 days. They should take annual leave or unpaid leave.

Q: My PA says they are self-isolating. Do I need them to provide me with a fit note from the doctor or NHS 111?

If your PA says they are self-isolating, they will not be able to go to their doctor and are being asked not to call NHS111 unless they really need to. You do not need evidence from your PA to be able to claim SSP for them. If they are self-isolating and then become sick, they should let you know (by telephone not in person). They can get a sick note from NHS 111 by following the link here <https://111.nhs.uk/isolation-note/>

Q: My PA is self-isolating and I need to pay SSP, will I get it refunded?

You can get the first two weeks refunded. You can claim for periods of sickness starting on or after:

13th March 2020 – if your employee had coronavirus or the symptoms or is self-isolating because someone they live with has symptoms

16th April 2020 – if your employee was shielding because of coronavirus. People who are shielding can return to work from 1st August 2020 and will no longer be entitled to SSP.

The rebate scheme opens on 26th May 2020 and if you have a payroll provider, they will make the rebate claim for you as part of the Real Time Information (RTI) tax submission to HMRC. You will see the rebate in your next quarterly/monthly tax

return. If you manage your own payroll, you should submit the claim via the HMRC Government Gateway.

The SSP rate up until 5th April was £94.25 per week and on the 6th April it increased to £95.85 per week.

You can claim the first two weeks back but any further weeks must be paid by you from the direct payment. You must let your local authority know if you are not going to be able to cover the costs of both the SSP and any replacement care out of your direct payment.

Q: If my PA has to self-isolate or is off sick due to Coronavirus and is not eligible for SSP, what do they do?

Those affected by the Coronavirus will be able to apply for Universal Credit and can receive an advance without physically attending a job centre. Please visit <https://www.understandinguniversalcredit.gov.uk/coronavirus/> for more information.

Q: Is my PA eligible to be tested for the virus?

As a key worker, PAs are eligible. They can now self-refer and should apply by visiting <https://self-referral.test-for-coronavirus.service.gov.uk/>. The number of tests and testing sites is increasing daily. They are now walk-through sites as well as drive through sites so your PA could attend even if they don't have a car.

Q: My PA cannot work as I am self-isolating. Do I need to pay them?

It is a good idea to discuss the options available with the PA to secure the future working relationship.

If your PA cannot do their usual work because you are self-isolating, consider in the first instance other tasks they can do outside the home e.g. shopping, collecting medication, walking the dog. They would be paid their normal wages.

You could ask your PA to take annual leave but they don't have to agree as you will not have given them the sufficient amount of notice as stated in the contract (e.g. you would normally have to give them a week's notice before asking them to take annual leave which would not be possible in this situation). They would be paid their normal wages.

If the PA is willing and able to work but you, as the employer, are telling them not to come in, you still need to pay them. You should continue to pay them from your direct payment. This would be as a 'retainer' payment. You must check with your funding body (local authority or clinical commissioning group) what your retainer payment % should be (some local authorities are saying pay 100% and others are saying pay 80% of normal wages) and get approval from them.

Please note that the new 'furloughed worker' scheme (Job Retention Scheme) recently announced by the Government is not intended to cover job roles that are already funded by public money (this includes a direct payment).

Please speak to your insurance provider for case-by-case advice on this as it does vary from one local authority area to another.

Q: My PA is showing symptoms but does not want to self-isolate and says she/he is fit for work. What do I do?

They must go home in line with Government guidance.

Q: My PA(s) can't work. I still need care and support. What do I do?

You need to refer to your contingency plan. If that is not possible e.g. the care agency isn't able to provide care, you will need to ask friends and family for help. If you are unable to do this, please refer to your social worker for support. There are lots of community and volunteer groups who may be able to help.

Q: My PA has young children. She wants to bring them to work as their school/childcare has closed. Neither the PA nor the children are displaying symptoms. Is this ok?

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 they were to have an accident. In a genuine emergency, you, as the employer, would need to consider whether to exercise discretion and allow some flexibility if absolutely necessary to ensure your own essential care needs continued to be met.

It would be preferable to refer to your contingency arrangements to allow the PA to make alternative childcare arrangements.

If the PA needs time off for childcare, they can use annual leave (and be paid) or take 'time off for dependents' which is unpaid.

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.

Q: I am in the 'high risk' category and have received a letter from the NHS saying I need to stay at home for 12 weeks. Can my PA still work for me?

Yes, your PA can still work for you as your care and support needs will continue. It is really important that everyone you come into contact with (your PA and anyone else who lives in your house) follows strict NHS guidelines on hygiene to reduce risk. If you have personal protective equipment (PPE) such as gloves, aprons or masks, you should use them but we know they are in short supply.

Q: My PA is in the 'high risk' (shielded) category and has been told to self-isolate for 12 weeks. Should I still pay her?

If she is eligible, you should pay her Statutory Sick Pay (SSP) for the full period. You can claim the first two weeks back but you will need to cover the cost of the other 10 weeks. You must let your local authority know if you are not going to be able to cover the costs of both the SSP and any replacement care out of your direct payment. People who are shielding can return to work from 1st August 2020.

Q: My PA says he cannot work as his wife is in the ‘high risk’ (shielded) category and has received a letter from the NHS saying she needs to stay at home for 12 weeks. Should I still pay him?

If he is eligible, you should pay him Statutory Sick Pay (SSP) if he is self-isolating because a household member is ‘high risk’ and in the shielded category. You can claim the first two weeks back but you will need to cover the cost of the other 10 weeks. You must let your local authority know if you are not going to be able to cover the costs of both the SSP and any replacement care out of your direct payment. The shielding period is ending on 1st August 2020.

Q: I have a PA on a zero hours contract who takes my son with additional needs to leisure activities. These activities are now closed so I don’t need her. Should I still pay her or should she be ‘furloughed’?

There are a number of options here. You may be able to pay her a retainer based on her average earnings over the previous 12 months out of your direct payment. You should check with your local authority or employer’s liability insurance provider.

Q: I don’t want my PA to come to work as a family member can care for me as I feel that is less risky. Can I pay the family member instead of the PA?

You must still pay the PA out of your direct payment as they are still willing and able to work but you have told them not to. If you need to pay your PA and a family member (effectively paying twice for care), you will need to get this agreed with your local authority first.

Q: I am now going to pay a family member as my PA, what do I need to do?

Although it is now legal to employ a family member living with you due to temporary changes in the law, you must get approval from your local authority before doing so.

If the family member has been ‘furloughed’ by another employer, they may be able to work for you but only if their contract of employment allows it.

If the family member is currently unemployed and receiving benefits, they must If

If the family member is currently receiving Carers’ Allowance, they must declare that they are now a paid carer.

The family member should be set up as a new employee with your payroll provider and pay tax and national insurance as a PAYE employee.

The family member must receive Terms & Conditions of Employment from you, as their employer, on their first day of paid work.

Q: Does my PA need to wear Protective Personal Equipment (PPE)?

The type of PPE that is recommended for a home care worker, including PAs, has recently been updated by the government. This can be found at

<https://www.gov.uk/government/publications/covid-19-how-to-work-safely-in-domiciliary-care>

Advice on how to put on (donning) and taking off (doffing) PPE can also be found within this link or by looking at the one-page guides on our website.

Please refer to your local authority/CCG about obtaining supplies of PPE in your area as they are co-ordinating distribution.

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 local authority or CCG that provides your direct payment who should help you to get the PPE you require.

Please note that Statutory Maternity Pay, Statutory Paternity Pay, Statutory Shared Parental Pay and Statutory Adoption Pay are not affected.

