

COVID-19

Direct payments for children and young people Frequently Asked Questions

In response to the Coronavirus/COVID-19 situation, we have provided information on some frequently asked questions for families who are receiving direct payments for their child or young person. This information is for guidance only and legal advice should be taken.

The Government have suggested that people over 70, those who are pregnant and those with serious health conditions are high-risk and should consider social distancing for 12 weeks.

For those families who employ a personal assistant, you will have employer's liability insurance cover. We have been made aware that the insurance companies are providing detailed information to their clients. Please contact your insurance company if you need more detailed advice, they are happy to support you.

The Personalisation Support Advisors are available and can be contacted, their details are at the end of this document.

Your Personalisation Support Advisor will be in contact with you in the near future to support you in terms of direct payments. They will undertake telephone direct payment reviews. Face-to-face meetings and home visits have stopped during the current situation.

General advice is to follow the guidance:

Stay at home

- only go outside for food, health reasons or work (where this absolutely cannot be done from home)
- If you have one of the recently listed high risk conditions (<https://www.gov.uk/government/publications/covid-19-guidance-on-social-distancing-and-for-vulnerable-people/guidance-on-social-distancing-for-everyone-in-the-uk-and-protecting-older-people-and-vulnerable-adults>) you will have been written to by the NHS and you

should not leave your house/garden even for exercise or provisions for 12 weeks.

- stay 2 metres (6 feet) away from other people
- wash your hands as soon as you get home
- 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
- 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:
 - a new continuous cough
 - a temperature of 37.8°C (feeling someone's back will be hot to the touch)
- make sure there are clean places to wash hands with hot water and soap, and encourage everyone to wash their hands regularly and more frequently than usual for 20 seconds (sing happy birthday twice or develop your own song list)
- 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 on GOV.UK

Where can I get medical advice if I am concerned about the Coronavirus?

The Government are urging you to follow the NHS guidance which is being kept up to date on their website:

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

At present the public are being asked not to go to the GP or even to call NHS 111 unless you cannot cope with your symptoms at home, your condition gets worse or your symptoms do not get better after 7 days. You can contact NHS 111 on line for advice and support if you are concerned about your health or the health of other family members <https://111.nhs.uk/>

Care workers have been designated key workers in the Covid-19 response and can therefore continue to go to work, no matter what the Government guidance is for social distancing.

Will my direct payments continue to be paid?

Yes. The usual four weekly payments will continue to be made to the designated DP bank account. The next payment will be made on 9 April 2020. The payment dates for funds to be paid into DP accounts for 2020 is on our website: <https://www.cornwall.gov.uk/directpaymentsforms>

If you are not using your direct payment funds because your personal assistant is not providing support we will not stop the regular payments, unless you have asked us to do this.

Do make sure that you are using the contingency amount (eight weeks of DP funds) for support if this is needed.

If you use casual or zero hours workers and work has not already been agreed in advance, you do not have to offer them work during this time.

If you wish to return unused or surplus direct payment funds, please contact your Personalisation Support Adviser for details on how to do this. In the future we will discuss with you the balance of funds you have in the DP account, and if necessary use our usual process to recover funds in excess of your DP contingency amount.

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

In the present circumstances we want to support you to use the direct payments flexibly and creatively, trying to ensure that your family is receiving the most appropriate support that is available to you at this time.

If your personal assistant is not able to provide support, please contact your Social Worker or Disabled Children's Family Worker to discuss with them how best the funds can be used to provide support. Each case will be looked at individually.

If you are considering using direct payments to pay a relative or friend, you should contact your Social Worker or Disabled Children's Family Worker if your

relative lives in your own household. A decision will be made by Team Managers on an individual basis if this is appropriate.

Can I buy items to keep my child entertained during this period of isolation?

Please contact your Social Worker or Disabled Children's Family Worker to discuss with them. Decisions are made on a case by case basis, and they need to give agreement if you are using the direct payments differently.

Please also keep receipts or invoices relating to any such purchases so they can be checked when usual direct payments reviews are able to be carried out.

I use an agency or childminder to provide support. What happens if we cannot access these services?

You should first discuss with your agency or your childminder and then contact your Social Worker or Disabled Children's Family Worker to discuss alternative ways of arranging services that would continue to meet the needs of your child.

We would advise you to keep in regular touch with your agency or childminder even if they have had to stop delivering support, as the position may change, and new ideas will emerge.

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 PA's 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

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.

Statutory sick pay is paid at a rate of £94.25 per week, rising to £95.85 from 6th April 2020.

Agency, casual and zero-hours workers can get SSP if they meet the eligibility conditions.

If the employee is not eligible you must provide them with the SSP1 form to explain why, which will allow them to present a claim for possible benefits. You can find the full eligibility for SSP at: <https://www.gov.uk/statutory-sick-pay/eligibility>

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, your payroll provider will calculate their average hours over the past 12 weeks to calculate payments.

Consideration should be given to alternative tasks that the PA may be able to undertake, for example, shopping, posting mail, etc and they should keep in regular contact by phone, text or email.

A practical alternative may be for PAs to take some annual leave from their allowance. Employers have the right to tell PA's when to take annual leave if they need to, providing reasonable notice is given. You should explain clearly why you need the PA to take some of their annual leave, this should be clear if the employer needs to self-isolate or there is a case of coronavirus in the household.

If my family is self-isolating does that mean we have no support?

No. The Government are urging everyone to stay at home and where possible to allow employees to work from home. However, it is recognised that you may not be able to manage without your PA.

Where you continue to receive PA support at home you remain under an obligation to ensure that there is a safe system of work in place and that they are provided with Personal Protective Equipment and clothing where

necessary. You can choose to insist on greater standards and hygiene and care from your PA's.

If my Personal Assistant is not sick, should I continue to pay them?

Personal Assistants who work regular hours should continue to receive their usual pay during their absence. It may be possible for your PA to continue to stay in regular contact by communicating with your child via telephone, social media, video calls, etc. If they are still able to, consider asking your PA to support in other ways, for example shopping for essential items.

A genuine zero-hours or casual worker would not be expected to work unless they had been asked to come in and agreed to work a shift. If a shift was agreed and then cancelled at the last minute, the PA should be paid. You would not be obligated to continue paying for any shifts that haven't yet been agreed beyond that moving forward.

Can I use direct payments to employ and pay an adult family member who lives with me?

Considering the Government guidance and emergency steps to keep those who are vulnerable away from social interaction, this may be a sensible option, and may be agreed during the current situation. A decision will be made by Team Managers on an individual basis.

Please contact your Social Worker or Disabled Children's Family Worker to discuss whether this is a suitable use of direct payments funds under the current circumstances, they will refer to a Team Manager for a decision and they will let you know.

Employment of a family member is likely to be temporary, so a casual contract would need to be issued so that there is no ongoing obligation. Examples of contracts can be found on our website:

<https://www.cornwall.gov.uk/directpaymentsforms>

DBS checks for Personal Assistants paid from DP funds

Safeguarding of our children and young people is paramount, and you will know that we undertake enhanced DBS checks for all those PA's who you wish to recruit to support your child.

In the present circumstances we want to make sure that the DBS process is not a barrier to PA's supporting children.

If you are without your usual PA, and if you need to maintain support, we have set out the following parameters:

1. If a relative or friend (living outside of the child's home) is going to be paid as PA to provide support for the short term, (defined as up to one month), the PA does not need to undertake a DBS check.
2. If a relative or friend is living in the same household as the DP child, and will support for the short term, (defined as up to one month). Families should contact their Social Worker or Disabled Children's Family Worker to discuss arrangements, the allocated worker will then refer to the Team Manager who will make a decision whether this is suitable. The PA does not need to undertake a DBS check.
3. If a relative or a friend will support longer term, they will be asked to complete the DBS online application, and will provide evidence of their identity via video calling facilities, WhatsApp, etc. They can be paid from DP funds once their identity has been supplied and checked by us, and we will not wait for the DBS Bureau to issue us with their DBS notification.

It may be that your relative or friend has already signed up to the DBS status update service, if so, we will ask them to provide us with evidence of their original DBS certificate and proof of identity, via video calling facilities. They can then be paid from DP funds.

During these current circumstances, it is your responsibility to decide whether an adult is suitable to support your child.

Once the DBS Bureau has processed the application and if we are notified from the Bureau that an applicant has a positive DBS, i.e. a criminal conviction, caution, reprimand or a final warning has been issued to them, a Team Manager will discuss this with the Personal Assistant, and they may have to stop supporting the child.

National Minimum Wage & National Living Wage increases from 1st April 2020

This is the minimum amount of pay that employed workers must be paid. There are different rates, based on age. From 1st April 2020 the hourly rates are:

£8.72 for workers aged 25 and above (National Living Wage rate)

£8.20 for workers aged 21 to 24 year olds

£6.45 for workers aged 18 to 20 year olds

£4.55 for workers aged 16 and 17 year olds

The Real Living Wage set by the Living Wage Foundation has increased to £9.30 per hour.

Contact details of the Personalisation Support Advisors

We are available via our email address or mobile phone. We are currently not working from our office bases.

Carey Thomas (West)

07973 813531

carey.thomas@cornwall.gov.uk

David Briggs (Mid)

07791 124282

david.briggs@cornwall.gov.uk

Alan Anderson (East)

07891 840261

alan.anderson@cornwall.gov.uk

Emma Stiles (East)

07483 382323

emma.stiles@cornwall.gov.uk

Team Manager:

Alison Bancroft

07973 497387

alison.bancroft@cornwall.gov.uk