

Individual Employer and PAs Frequently Asked Questions

Managing Coronavirus Issues

Last Updated 8th April 2020

This information sheet for individual employers and PAs contains guidance based on some of the questions we are being asked at Disability Sheffield.

The outbreak of Coronavirus is a public health issue and as such certain precautions need to be taken with both your own health and the health of your employees. You and your employee also need to be aware of your employment duties and rights.

We are not employment experts and are not offering any employment advice. If you have questions regarding your employment rights then you will need to contact ACAS, if you are a PA or, in the case of being an employer, **your insurance company**.

ACAS, the Advisory, Conciliation and Arbitration Service has developed advice for employers and employees regarding COVID-19. This advice is for all employers and employees, not just those in health and social care. It is reviewed daily in line with government announcements. You can find online advice [here](#) or phone ACAS on 0300 123 1100

Here are some common situations and questions that may occur when employing personal assistants followed by guidance on how to respond.

In this information sheet we have combined answers from Sheffield City Council's Social Care Team, under **Social Care Team Response**. The council's factsheet on managing your direct payment during the coronavirus pandemic can be downloaded [here](#)

We have also referred to answers to FAQs in a guide for individual employers produced by Mark Bates Ltd/Premier Care. The full guide can be downloaded [here](#)

We hope that by gathering this guidance in one place it will make it easier for you to find answers to your immediate concerns.

The Social Care team is considering issues as they arise and updating their guidance regularly. We will update this information sheet as we receive details. Please note that Government guidance and legal provisions are changing almost daily and again we aim to keep up to date with any changes.

Skills for Care have just published a COVID- 19 FAQ which can be downloaded [here](#)
The FAQ is a working document which will be updated regularly, alongside their
webpage information for Individual Employers and PAs.

Frequently Asked Questions

PA Support and Employment

1. I need to find support because my PA is ill or self-isolating or has had to stop working. How do I find another PA?
2. My PA has self-isolated as they or someone in their household have shown signs of a consistent cough or fever. Will my PA still be paid a normal wage if they need to self-isolate?
3. What if my PA can't get childcare now schools are closed?
4. Can my PA still come to my home if I am self-isolating? What health and safety procedure should be in place?
5. I prefer my PA not to come to my home for 14 days while I or someone in my home is self-isolating What are my PA's rights?
6. I prefer to have unpaid support from my family because I am in the high risk category and do not want my PA to come into my home for 12 weeks. What should I do?
7. Are PAs classed as key workers? If so, where can they get authorisation?
8. Can I have my PAs work longer shifts e.g. 30 hours in a run?
9. Can I ask my PA to work from home?
10. Can I have a live in PA if it comes to a lockdown situation?

Flexible use of my Direct Payment

11. I would like to use my Direct Payment to employ and pay a family member who lives with me while I am self-isolating. Is that allowed?
12. Can I pay for my PA to travel to work in a taxi instead of using public transport?
13. Can I buy resources and equipment e.g. books, jigsaws etc out of my DP now that day services are cancelled?
14. If day provision is cancelled can I use the funds that would have been used to pay for this, to increase my PA hours?

15. What if my contingency runs out and I need my staff to do additional hours if I am poorly?

16. Are rescue packages of support available?

17. Are Adult social Care notifying families who manage their own budgets to continue paying for the services even though they are closed or reduced?

Personal Protective Equipment (PPE)

18. Under what Circumstances should Personal Protective Equipment (PPE) be used? How do I get PPE and who pays for it?

PA Support and Employment

1. I need to find support because my PA is ill or self-isolating or has had to stop working. How do I find another PA?

You can call upon your usual resources when your PA is on sick leave. If you have other PAs they may be able to cover absences but check your contract of employment to see how clear your rights are. Casual workers may be called upon to fill in hours also. Disability Sheffield has set up a new Covid-19 PA register and can help you to arrange alternative support. It holds details of PAs and other support workers (e.g. from day services) who are available for work.

You can download and complete a [Referral for PA Support form](#) and email it to CV19@disabilitysheffield.org.uk .

PAs who would like to redeploy or work additional hours can contact Disability Sheffield and sign up to the Covid-19 PA register.

To register your availability PAs must complete an [on-line PA Support Form](#) . For more information email CV19@disabilitysheffield.org.uk or phone Disability Sheffield on 0114 2536750.

2. My PA has self-isolated as they or someone in their household have shown signs of a consistent cough or fever . Will my PA still be paid a normal wage if they need to self-isolate?

Self-isolating employees are legally defined as being unfit to attend work. They should therefore notify you of their intention to self-isolate in accordance with your sickness and absence procedures.

They have the right to remain away from work for a period of 14 days from the symptoms becoming known. You can find detailed Government guidance on staying at home due to a possible Coronavirus infection here: <https://www.gov.uk/government/publications/covid-19-stay-at-home-guidance>

The Government have announced that they will repay payments of SSP, up to 14 days, for each employee.

If your PA is not eligible for Statutory Sick Pay you must provide an SSP1 form to explain why, so they can present a claim for possible benefits.

If the sickness absence persists beyond 14 days your normal sickness reporting procedures will apply, as will any ongoing payment of SSP.

You can ask for but it is not advisable that you press for medical evidence as the current guideline to self-isolating employees is that they are not to go to the GP.

Social Care Team Response: This depends on the reason for self-isolation if your PA or a member of their household is symptomatic, isolating due to child care or isolating due to having a household member in a risk group we recommend that their wage is paid in line with the following statement: SCC are advising employers to pay PAs salaries based on the full amount they were paid last month, and there will be no reduction in payment due to any reduction in support delivered.

If your PA is unwell, Covid-19 sick pay guidance applies.

If your PA isolates due to any other reason please ask them to use their annual leave allowance or offer them unpaid leave.

If you need further advice please contact your payroll provider.

3. What if my PA can't get childcare now schools are closed?

Employees have the right to take emergency leave to care for a dependant. This right includes the unexpected need to care for a child who cannot attend school. The right exists for a reasonable time to allow the employee to make alternative arrangements and the leave is without pay. What is 'reasonable' will entirely depend upon the circumstances.

The Government have allowed placements for some children of key workers to continue. Key workers include those caring for vulnerable people.

Some employees may be able to rely on family members or friends to help with childcare, but the chances are reduced more than usual as more people self-isolate or social distance for some time.

4. Can my PA still come to my home if I am self-isolating? What health and safety procedure should be in place?

Yes. It is recognised that you may not be able to manage without your Personal Assistant(s) and so you are **not** under an obligation to remove your employees from the household.

However, you have a duty to ensure that there is a safe system of work in place and that the employees are provided with Personal Protective Equipment (PPE) where necessary.

You will find Government guidance on good practices in the following Government guides:

<https://www.gov.uk/government/publications/covid-19-stay-at-home-guidance>

<https://www.gov.uk/government/publications/covid-19-residential-care-supported-living-and-home-care-guidance/covid-19-guidance-for-supported-living-provision>

Make sure that you explain the new health and safety rules and procedures to your PA(s) and that you enforce them not only for your own and their protection but also to prevent the spread of infection to any other people in the household, any colleagues and the public at large when leaving your home.

Ideally, a record should be made of the measures you have implemented and the PPE you obtain and use in your home. Your PA should not remove any PPE from your home and should notify you in advance of stocks becoming low to allow you plenty of time to re-stock.

if no one in the household has any symptoms of the virus and neither do the workers, there isn't strictly a need to put in place stringent health and safety procedures above and beyond your current regime.

However, as you are a high-risk household you can choose to insist on greater standards and hygiene and care from your workers.

5. I prefer my PA not to come to my home for 14 days while I or someone in my home is self-isolating What are my PA's rights?

For permanent PAs who work regular hours you may find that there is a right in their contract of employment to put them on a period of lay off. This means a temporary suspension of their work and pay. Please note that this will only apply if your contract is very clear that you have a right to lay off the employee under these circumstances. An employee on lay off has a right to statutory guarantee pay which is up to £29 per day (rising to £30 from 6th April 2020) and is only payable for the first five days of absence. If you do not have a lay off clause you can ask your PA not to attend work and pay them in full during the absence.

If there is a lay off clause, but you want to pay your employee anyway, it would be sensible to check with your funding body (local authority or CCG) to make sure they are happy for you to pay it.

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.

Social Care Team Response: We can confirm that SCC are advising employers to pay PAs salaries based on the full amount they were paid last month, and there will be no reduction in payment due to any reduction in support delivered.

In the event of a lockdown for an extended period of time we can confirm that SCC are advising employers to pay PAs salaries based on the full amount they were paid last month, and there will be no reduction in payment due to any reduction in support delivered.

This will be kept under review as government guidelines change.

Sheffield City Council's adult social care team is still discussing how to address this issue and we will update this information once a decision has been made.

6. I prefer to have unpaid support from my family because I am in the high risk category and do not want my PA to come into my home for 12 weeks. What should I do?

If you have a direct payment as a result of a care and support plan, any changes you make will need to be agreed with your funding body. Speak to your Direct Payment support team for guidance on the options which can be summarised as follows:

- a. Terminate the employee's contract on grounds of redundancy. Your employee would be entitled to a statutory redundancy payment if they have completed two years service. You would also need to pay the employee in full for any notice period and annual leave which has been accrued and not taken.
- b. Pay the employee in full whilst they are not attending work. You should seek confirmation from your funding body before making this decision.
- c. If redundancy is likely a final option is to lay your PA off by mutual agreement I.e. encourage your PA to have a period of leave without pay until the 12 weeks has passed. In agreeing to a period of lay off, your PA will keep their continuity of service and know they can return to work at the end of the 12 weeks. Holidays will continue to accrue during this lay off. You could offer, in exchange for this agreement, to allow your PA to accept work elsewhere during the 12 weeks.

If your PA is employed to help you socialise in the community and you are staying at home for a long time you may want to consider making them redundant. Make sure you have carefully thought through any alternative options (as above) and sought advice, before you decide and discuss with your PA.

Please remember that the Government are changing legislation regularly during the crisis so please ensure you continuously seek advice.

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.

7. Are PAs classed as key workers? If so, where can they get authorisation?

The Department of Health has confirmed that PAs are included in the definition of key worker. If your PA is being challenged a template authorisation letter is available from Disability Sheffield on request contact CV19@disabilitysheffield.org.uk or phone Disability Sheffield on 0114 2536750

8. Can I have my PAs work longer shifts e.g. 30 hours in a run?

Social Care Team Response: All shifts would have to comply with employment law requirements.

9. Can I ask my PA to work from home?

This depends on the type of work that they carry out for you. Obviously, it wouldn't work for personal care workers who need to be with you. If your PA cooks they could cook in their own home and delivered a meal to you. If you employ a PA to socialise with you it may be that with the use of technology this could be adopted from a distance, playing

games online, or skype calling for example. Many contracts will already provide a mobility clause which allows you to insist they work from another location. In cases where you are asking the employee to use their own equipment (such as their oven, telephones, internet access) it would be sensible to agree a payment of additional expenses to cover their costs. Always check with your funding body before agreeing or paying any additional payments. Asking the employee to make changes to their work is fine so long as your request is a reasonable and lawful order. In such difficult times, it is likely that your request would be considered reasonable and most employees would be happy to know that their jobs are continuing in the meantime.

Social Care Team Response: Yes, you can pay PAs who are providing non-contact support or virtual support.

10. Can I have a live in PA if it comes to a lockdown situation?

Social Care Team Response: Please contact Sheffield City Council's social care team on 0114 2734908 for advice if this situation was to arise.

Flexible Use of my Direct Payment

11. I would like to use my Direct Payment to employ and pay a family member who lives with me while I am self-isolating. Is that allowed?

Most funding bodies have a restriction on your use of direct payments to employ a family member. However, considering Government guidance and drastic steps to keep vulnerable people from too much social interaction, you may find that the rules are relaxed temporarily.

It is generally not fair to dismiss your PA in preference for someone else. However, the restrictive measures in place for the movement of vulnerable people may be relevant. It is essential that you seek advice from your funding body before taking on a family member. If the position is temporary, you can employ the family member on a casual contract so there is no ongoing obligation beyond the work you offer.

Social Care Team Response: Please contact Sheffield City Council's social care team on 0114 2734908 to discuss this issue on a case by case basis.

12. Can I pay for my PA to travel to work in a taxi instead of using public transport?

Social Care Team Response: Yes but please record any additional spend and keep receipts for auditing purposes.

13. Can I buy resources and equipment e.g. books, jigsaws etc out of my DP now that day services are cancelled?

Social Care Team Response: If you are in a receipt of a Direct Payment this can be repurposed or surplus used to purchase some equipment. Please keep records of any additional costs incurred over the forthcoming weeks so that we can work with you to reconcile these.

14. If day provision is cancelled can I use the funds that would have been used to pay for this, to increase my PA hours?

Social Care Team Response: Sheffield City Council's adult social care team is still discussing how to address this issue and we will update this information once a decision has been made.

15. What if my contingency runs out and I need my staff to do additional hours if I am poorly?

Social Care Team Response: Sheffield City Council's adult social care team is still discussing how to address this issue and we will update this information once a decision has been made.

16. Are rescue packages of support available?

Social Care Team Response: Please contact Sheffield City Council's social care team on 0114 2734908 for any emergency packages that are needed.

17. Are Adult social Care notifying families who manage their own budgets to continue paying for the services even though they are closed or reduced?

Social Care Team Response: For individuals or relatives managing their own Direct Payment budget we unfortunately do not currently have the resource to undertake a bulk contact communication. We would suggest that the providers continue to invoice and if this is disputed they are redirected to Social Care Accounts for clarification around this.

Personal Protective Equipment (PPE)

18. Under what circumstances should Personal Protective Equipment (PPE) be used? How do I get PPE and who pays for it?

Government Guidance says PPE should be used when delivering care:

- If any member of a household is showing symptoms of our has Coronavirus
- If any individual in the household meets the [criteria for shielding \(vulnerable groups\)](#) . You should have received a letter confirming this.

PAs can access PPE by contacting Disability Sheffield. Please consider [government guidance](#) to when PPE is required. The cost of the PPE will be covered by your direct payment.

Disability Sheffield is taking requests for PPE from PAs on behalf of the council, logging and passing requests onto the council but **cannot guarantee that PPE will be available**. The council will be organising the distribution of supplies 'as necessary and subject to availability' following government guidance. They will be prioritising allocation

where people are working with someone in the vulnerable (shielding group) and where people are working with someone who has or suspects they have coronavirus.

To register your request for PPE contact CV19@disabilitysheffield.org.uk or phone Disability Sheffield on 0114 2536750

Please contact us if you would like to see a question answered on this information sheet that we have not included so far.

Tel 0114 253 6750 Email: CV19@disabilitysheffield.org.uk

You may wish to look at our Coronavirus Information and Support page at <https://www.disabilitysheffield.org.uk/coronavirus-information-and-support>

Disability Sheffield Disclaimer

We are not employment experts and as such are not offering any employment advice. If you have questions regarding your employment rights then you will need to contact ACAS, if you are a PA or, in the case of being an employer, your insurance company. No recommendation is given or implied by providing these details. Whilst every effort is made to ensure accuracy we cannot accept responsibility for any errors or omissions.