

Recipient's Name

Recipient's Address 1

Recipient's Address 2

Recipient's Address 3

Recipient's Address 4

Recipient's Postcode

16th April 2020

Our Ref: Direct Payment – COVID -19

Dear Recipient

Direct Payment – COVID-19 Contingency Arrangements

As a result of the current situation the Western Health & Social Care Trust has prepared a set of frequently asked questions with answers to provide you with guidance at this time. A copy of this document, called COVID-19 Contingency Arrangements for Individuals or the administrator who are employing their own Personal Assistants or Day Opportunity through Direct Payments, has been enclosed for your information.

If you have any further queries please contact your Keyworker.

Yours Sincerely

Keyworker Signature:

Printed : _____

Telephone Number: _____

Frequently Asked Questions

Some Answers in respect of Direct Payments

WH SCT 16/04/2020

Q1. Will payments into DP accounts continue? If so, for how long?

Yes, Trusts have cash flow back-up measures developed to continue to pay Direct Payments during a period of disruption as Direct Payments remain a key option for individuals to address their eligible social care need.

The back-up measures will pay the prior months payment. However, as *needs change* so will the Personal Budget to reflect the adjustments for an increase **or** the reduction/suspension in care/support as and when the Finance Team are advised and can process. Bearing in mind that *Personal Assistants and Day Opportunities should continue to be paid during this time*.

Q2. If there is enough surplus in budget, can DP be used for items such as Personal Protective Equipment (PPE) to control infection without getting permission from Trust?

Yes – given current COVID-19 Contingency Arrangements and the advice received from the Public Health Agency (PHA) indicates that individuals who are employing their own carers (PA) through Direct Payments are responsible for sourcing their own PPE – this would be deemed as an eligible expenditure from the surplus in their direct payment bank account. However, they need to ensure that the equipment they purchase reaches the standards described by PHA Website: <https://www.publichealth.hscni.net/news/pha-advice-new-coronavirus-guidance>

In the event that individuals who are employing their own carers (PA) through Direct Payments are unable to source the appropriate PPE items then the individual/family would make contact with the keyworker who will source and supply the appropriate PPE. PHA Website: <https://www.publichealth.hscni.net/news/pha-advice-new-coronavirus-guidance>

Q3. Can family members living in the same household become temporary PAs (without gaining consent from the Trust first which is the normal practice) as this situation must be seen as “exceptional circumstances”?

No – the Trust must be informed of any change in caring/support arrangements approved as part of an individual’s SDS Support Plan and the individual should have consent from the

Trust before proposed changes are implemented. Family members who permanently live in the same household **cannot** become PA even on a temporary basis.

Q4. If a PA (for whatever reason linked to the current situation) cannot do their job and the Trust are putting in emergency care staff, will the DPs be stopped (this is what normally happens)? If the response to this is “It depends on the circumstance”, can the Trust clarify under what circumstances will they suspend the DP payments?

Yes, the Direct Payment will be suspended as soon as the Trust puts in the emergency care staff under the Self Directed Support Trust Arranged (Option 3). This can be reinstated when the PA is fit to work again or COVID-19 subsides.

- The individual in receipt of DP and/or their administrator must ensure all payments due to each PA is paid and should seek advice from their Insurance Company and/or the Centre for Independent Living.
- If they have a PA who has a contract “as and when” as part of their contingency/back-up plan for the individual they could step in and provide the care/support. The DP could then continue but they can't have Trust Arranged and DP to meet the same identified need – this would be double funding.

Q5. Passes of some sort, so PAs can prove they are travelling to essential work.

Current guidelines provided by government would cover Personal Assistants as essential workers. The Western Health & Social Care Trust is now providing stickers for cars for Direct Payment Personal Assistants alongside independent provider as key workers to continue with their duties – these can be accessed via the individuals Keyworker or Duty Worker.

Q6. Can Personal Assistants be designated as a Furloughed Worker if their post is likely to be made redundant?

As your Direct Payment funding continues, your income is not affected, so Furlough would not apply. The rules also state that public funded money is not applicable for Furlough - which a Direct Payment is classed as. If any funding is received through the retained worker scheme this must be notified to the Trust who will amend future payments to reflect same.

Q7. If a Personal Assistant is off ill, and the employer cannot sustain Statutory Sick Pay (SSP) for the employee (which will be in most cases) can Trusts assure Personal Assistant employers that they will pay the additional costs associated?

Yes – sick pay can be paid to Personal Assistants directly relating to COVID-19 issues. The individual in receipt of Direct Payment or their administrator should ensure that a PA should be paid in line with the following principles:

If an employee has to self-isolate due to COVID-19 they should be paid Statutory Sick Pay (SSP) if applicable. If SSP is below 100% of their previous three months average earnings a top up to this 100% should be paid.

The link from Gov.uk site is:

<https://www.gov.uk/government/publications/support-for-those-affected-by-covid-19/support-for-those-affected-by-covid-19>

An extract from the guidance states:

If you think you are entitled to Statutory Sick Pay (SSP), please read the following information. You can get £94.25 per week SSP if you're too ill to work it's paid by your employer for up to 28 weeks.

If you are self-isolating because of COVID-19: From 13 March, you can now claim SSP. This includes individuals who are caring for people self-isolating in the same household and therefore have been advised to do a household quarantine. To check your sick pay entitlement, you should talk to your employer, and visit <https://www.gov.uk/statutory-sick-pay> for more information.

The Trust will ensure that funding continues to be provided where an employee does not meet the SSP Qualifying criteria. **Temporary arrangements during COVID -19.**

Q8. Can an individual or their administrator choose to stop the PA providing Care and support?

If the individual or the administrator chooses to stop care and support being provided due to:

- a. Isolation within the household the Personal Assistant should continue to be paid for 14 days, thereafter they should be paid at a rate equal to 100% of their previous three months average earnings. The keyworker should be made aware if this continues for more than 21 days.
- b. Not wanting a service at all during the outbreak – the individual in receipt of the administrator of the Direct Payment should immediately advise the Keyworker for consideration and the PA should be paid at a rate equal to 100% of the previous three months average earnings.

Q9. What can I do if my Personal Assistant is off due to COVID-19 and this causes serious difficulties?

In circumstances where the Personal Assistant is off due to COVID-19 and this causes serious difficulties in the individual in receipt of services not receiving care/support this matter should be discussed with their keyworker as a matter of priority.

Q10. How will Direct Payments be monitored during this time and do any additional records need to be kept?

The care and support delivered by the Personal Assistants will be validated by each Trust using their normal processes.

All those who receive Direct Payments and/or their administer must retain records of the staff paid as a direct result of COVID-19 issues and ensure these records are made available on request following the period of disruption. These records along with normal monitoring returns will be validated by the Trust. Balancing payments/retractions may then be necessary against the cash flow which has been provided to sustain the service during COVID-19 disruption. The Trust and the individual in receipt of Direct Payments and/or their administrator will ensure open communication on these matters.

Q11. Some individuals use cheques to pay staff and some branches are closing. Under such circumstances can individuals/administrators pay staff by cash and keep records?

This is not something the Trusts would be promoting. The Trust would recommend that account administrators liaise with the banks **now** and set up the facility to pay online or continue to pay via cheque with additional chequebooks issued and posted if needed.

Q12. As some individuals need to visit banks to access bank statements for quarterly returns (which are due over the next couple of weeks) can these be forwarded at a later date?

The obligation via the direct payment scheme agreement has not changed therefore individuals should continue to manage the Direct Payment account as before when it is safe and appropriate to do so. Generally Banks will either post statements to the individual's home or they can be downloaded from their statement online, which they can then forward as appropriate.

Q13. Waiving of requirement to have Access NI Checks where adults involved?

The Department of Health on the 27/03/2020 issued a ***COVID-19 Pre-employment vetting guidance health and social care providers***. This also applies to Direct Payment (DP) Personal Assistants (PA). 'If you are a health or social care employer engaging an individual (paid or unpaid) to a role where you would normally obtain an enhanced disclosure check with barred list information from AccessNI – for a role that falls within the definition or regulated activity for children or regulated activity for adults – you can now request an *Emergency Barred List Check*. The Emergency Barred List Check can be requested once you have obtained proof of identity in line with AccessNI ID checking requirements. The check will tell you if the individual is on the relevant barred list, that is, the adult or children's list of those barred from regulated activity by the Disclosure and Barring Service. AccessNI aims to process the Barred List Check within 24 hours.

If the Emergency Bared List Check indicates that the individual is NOT on the relevant list(s). you can engage that individual to a role in health and social care providing you also have:

1. Applied for the full enhanced disclosure check AccessNI; and
2. Put in place appropriate supervision to safely manage the individual until the full enhanced disclosure check has been obtained.

If the Access NI Emergency Barred List Check does not confirm that the individual is not on the relevant barred list(s) then you **must** await further information from AccessNI or the full enhanced disclosure check before employing the person.

This is a temporary COVID-19 arrangement to enable health and social care employers to recruit into regulated activity in advance of receiving the full enhanced disclosure with barred information check.

If you are a health and social care employer, you can go to NIDirect to obtain copies of the application form and for guidance on how to complete this.

There is no cost for the Emergency Barred List Check. The cost for an Enhanced Disclosure Check with barred list information will be waived for emergency volunteers and for those being appointed into a health and social care post in regulated activity to provide emergency cover during the pandemic.

(See guidance from DoH for further information & guidance which I forwarded to all teams).

Q14. Will independent providers who provide Day Opportunities via Direct Payments be paid during the Covid-19 period?

The DoH is keen for current arrangements with these agencies remain in place and that they are continued to be paid. The concern is if we do not continue to pay them there will be significantly fewer Day Opportunities for individual in receipt of services when everyone returns to work and these are required.