

CORONAVIRUS (Covid-19) – FREQUENTLY ASKED QUESTIONS

PLEASE BE AWARE THAT THE FOLLOWING INFORMATION IS OUR GUIDANCE ONLY AND IS NOT ADVICE THAT WE CAN INDEMNIFY. PLEASE MAKE CONTACT WITH THE LEGAL HELPLINE SERVICE THAT IS ASSOCIATED WITH YOUR INSURANCE POLICY FOR ADVICE FROM A QUALIFIED SOLICITOR

1 MY CARER IS UNABLE TO ATTEND WORK DUE TO HAVING TO SELF-ISOLATE. WHAT CAN I DO?

There are two aspects to this situation – SSP and Pay and how to ensure contingency care is provided

A) SSP and PAY

If your carer is unable to attend work due to self-isolation, they will be entitled to SSP if they normally earn more than £118.00 per week on average. The law relating to SSP has recently changed and from 13th March 2020 any time off taken due to the COVID-19 outbreak will be entitled to SSP.

All you need to do is to let us know the dates they do not attend work and **mark these days clearly on a timesheet as ‘Self-Isolation’**. We will do the SSP calculation for you.

B) The provision of contingency care cover

Many Local Authorities and support services are putting strategies in place to help clients find emergency cover in the event that carers are unable to work. If you need help please make contact with them as soon as possible.

2) I AM SELF-ISOLATING AND HAVE TOLD MY CARER NOT TO ATTEND WORK

If you are self-isolating and as a result your carer is not attending work, the latest Government guidance suggests that they should still be paid whether they work for you or not. (See the guidance wording below, under Q5 and the Government’s Furlough Scheme).

We highly recommend you to make contact with your Insurance Company. Your policy will have a helpline that you can call to obtain advice on all matters relating to employment law. Failure to log a call with your Insurance Company may result in cover not being in place for you. You should ensure that you follow the advice that they give to you.

It is likely that your Local Authority will make provision in your Direct Payment for a retainer payment in the event of emergencies (such as hospitalisation for example). You should also call your support service to clarify that this is the case.

You could also ask your Carer to take holiday during your period of self-isolation as a way of achieving a satisfactory outcome for all concerned.

3) I AM SELF-ISOLATING AND STILL NEED CARE – WHAT CAN I DO?

You will need to provide your carer(s) with appropriate personal protective equipment (PPE) in order that they are able to care for you safely. We would advise you to make contact with your local support service who may be able to help you source appropriate PPE.

4) MY CARER IS REFUSING TO WORK BECAUSE THEY DO NOT HAVE THE APPROPRIATE PERSONAL PROTECTIVE EQUIPMENT (PPE) – WHAT CAN I DO?

Ring your insurance company immediately and follow their advice. You should also call your local support service to make them aware of your situation

5) HOW DOES THE GOVERNMENT FURLOUGH SCHEME WORK – CAN I LAY OFF MY CARER(S) AND THE GOVERNMENT PAYS THEM 80% OF THEIR NORMAL WAGES?

There has been an important change to the government guidance that affects Service Users and their ability to use the Job Retention Scheme (or Furlough scheme).

The new guidance specifically states the following:

Public sector organisations

The government expects that the scheme will not be used by many public sector organisations, as the majority of public sector employees are continuing to provide essential public services or contribute to the response to the coronavirus outbreak.

Where employers receive public funding for staff costs, and that funding is continuing, we expect employers to use that money to continue to pay staff in the usual fashion – and correspondingly not furlough them. This also applies to non-public sector employers who receive public funding for staff costs.

The clear implication of this is that as a Service User who receives public funding to pay for your staffing costs, you will be classed as an Employer who is covered by the guidance wording above and therefore should not be furloughing your workers. You should continue to pay your workers for the hours that they would normally work by submitting timesheets to us in the normal way.

If you are considering Furlough as an option for your PA / Carer you should:

- Contact your Local Authority to find out if it is their policy to follow government guidelines. It should be the case, but as they are guidelines and not law it is possible that individual Authorities may take a different approach.
- Call your Insurance Legal Helpline in the first instance to obtain indemnified advice on what to do. **You should only Furlough a worker if specifically advised to do so by your insurers and not in any other circumstance.**

And please bear in mind that even if you do choose to try to furlough a worker, and have been advised by their insurers to do so, that:

- Only you as an Employer can make the decision to furlough a worker. PA's cannot choose to be furloughed.
- A worker can only be furloughed where there is no work to be done. For example, if you want to furlough a worker and pay a family member to do the work instead you

are unable to do so. If there is any work (care) to be carried out then a decision to furlough is out of the question.

- The minimum period of furlough is 3 weeks, so it can't be used to cover for a period of 14 days isolation.

**PLEASE CONTACT YOUR LOCAL AUTHORITY AND INSURANCE LEGAL HELPLINE
BEFORE TAKING ANY ACTION TO FURLOUGH A PA / CARER.**