



Cumbria County Council – Direct Payments – Frequently Asked Questions – Covid-19

In this document the County Council has pulled together some information and guidance in relation to Personal Budgets and Direct Payments and a number of frequently asked questions that have and may arise due to Covid-19. The plan is to add to this information and the questions as they arise. It must be stressed that this is guidance and in some circumstances more detailed and specific advice should be sought.

This Guidance has tried to capture the use of Direct Payments for both Children and Families and Adults however a number of questions relate specifically to either rather than both, consequently the questions have been split.

For those Individuals who employ their own staff a useful source of information will be your insurance company.

Some useful information about Direct Payments can be found in these links below.

Cumbria County Council website has some useful information in relation to direct payments -

<https://www.cumbria.gov.uk/elibrary/Content/Internet/327/6547/6551/40156111634.pdf> and

<https://localoffer.cumbria.gov.uk/kb5/cumbria/fsd/advice.page?id=C91ISZhQ6eY>

Information about Personal Protective Equipment (PPE) can be found here - <https://cumbria.gov.uk/coronavirus/ppe.asp>

Cumbria specific support can be obtained from the DaCE website at <https://carlisedisability.org/coronavirus/>

Skills for Care have developed some general Frequently Asked Questions which can be found here.

<https://www.skillsforcare.org.uk/Documents/PB-PHB-and-DP-QA-FINAL.pdf>

Carers UK have some general advice which can be found here
<https://www.carersuk.org/help-and-advice/practical-support/getting-care-and-support/direct-payments>

The Care Act 2014 sets out the basic information about Personal Budgets and Direct Payments

<https://www.gov.uk/government/publications/care-act-statutory-guidance/care-and-support-statutory-guidance#Chapter12>

This is a copy of the current Direct Payment agreement



Direct Payments
Statement of Conditio

To assist with these questions we have used the following definitions

- **Self-isolating** where someone has symptoms and needs to self-isolate following government guidance.
- **Social distancing** due to high risk. The person does not have symptoms but is choosing to strictly limit social contact as per government guidance.
- **Shielding** for those are potentially extremely vulnerable who have received a letter to tell them to stay at home (not even go out shopping or exercising) for 12 weeks.

Frequently Asked Questions

What is the position if my Personal Assistant is self-isolating?

They need to follow government guidelines. They will get paid Statutory Sick Pay (SSP)

What is the position if the employer is self-isolating (has symptoms) and following government guidelines.

The Personal Assistant may need to provide essential support using full Personal Protective Equipment and a safe method of work. If they are not needed then full pay should be paid for the period the employer is in isolation. If the Personal Assistant refuses to work. Please seek legal advice and contact social worker.

What is the position if the employer is social distancing or shielding and has decided they do not want their Personal Assistant to work and their job role is not needed on a temporary basis?

These circumstances do meet the Government furlough criteria, however government guidance means that the employer cannot claim back the 80% that the government scheme is providing. The Cumbria County Council approach is that Personal Assistants should continue to be paid at 100% from the existing direct payment. An Employer may still need legal advice as employee will need formal notification of being furloughed. Where someone has been furloughed they are **NOT** allowed to do **ANY** work for the employer.

What is the position if a Personal Assistant has received a shielding letter themselves?

In these circumstances the Personal Assistant would be furloughed and potentially the money could be claimed back. As this would require the direct payment to be in place for replacement care and support.

What is the position if a Personal Assistant does not want to go into work because they are worried about social distancing?

Legal advice is needed as this would potentially be without pay.

Children and Families

Can direct payment users who are not able to get support either due to them self-isolating or the support workers/services not being available bank the unused hours for extra support once the crisis is over?

No, the unspent money cannot be banked beyond the permissible amount (12 weeks). However, a direct payment can be used in other ways to meet need. Direct payment users should contact their social worker or Education, Health, Care Plan (EHCP) co-ordinator to discuss.

Can additional support be provided?

It has been agreed that extra support may be provided in some circumstances but this can only be agreed on an individual basis.

Families should contact their social worker or EHCP co-ordinator who will consider the request and take it to their manager for approval.

With a direct payment for a child can parents pay themselves to provide direct care and support?

No, parents cannot be paid to care for their own child. However, if parents cannot access their usual support they should contact their social worker or EHCP co-ordinator to discuss how else they could be supported

It has been agreed that there can be flexibility in relation to family members doing the support hours in certain circumstances but where do we stand with regard to DBS checks?

DBS checks have been suspended at this time. If a child is being supported by a family member it is likely that this person already has unsupervised access to the child. It is still the parent's responsibility to be satisfied as far as possible that their child is safe

Can parents use money in accounts to purchase sports equipment, games consoles and other communication platforms and activities to support the child?

As previously stated, if a family cannot access their usual support they should contact their social worker or EHCP co-ordinator to discuss what other supports may be available to them. Parents should provide details of what they request to purchase, the cost involved and how this will meet the child's needs.

Can direct payment workers be used to go shopping and deliver to families who are self-isolating?

Yes, if a worker cannot support the child directly due to the current circumstances, they may support the family in other ways in order to enable the family to manage. As long as the worker has not been furloughed.

Adults

Can an employer use their direct payment to employ a parent living in the same household to provide direct care?

No the guidance is very clear this is not permissible. If there are difficulties in providing care, the direct payment user should contact their social worker.

Can an employer, employ a member of their own family who does not usually live with them to provide care?

Yes there are circumstances when a family member can be employed to support a family member. However there is an expectation that this would need to be discussed with your social worker and agreed by Cumbria County Council. Ordinarily this would **not** be a parent or spouse.

What is the position if I am socially isolating and yet paying my personal assistant and want my needs met in the interim in an alternate way?

An individual has the option of using their existing direct payment to meet their needs in a different way, if in doing so there is an impact on their budget they should discuss this with their social worker.

If an Individual needs Personal Protective Equipment (PPE) can they use their Direct Payment to purchase this?

Yes an individual can in current circumstances purchase PPE direct. If additional resource is required to do this contact your social worker.

What happens if someone with a direct payment or a Personal Assistant is not able to access PPE from their usual source?

If there is a risk that an individual will run out of PPE please e mail the council at Strategic.Commissioning@cumbria.gov.uk

What happens if an individual's costs increase as a result of Covid-19?

If there was any indication of increasing costs please contact a social worker as soon as practicable to discuss. It is a relatively easy process to increase a payment.

Will the County Council recouping of surplus funds be stopped during the crisis?

The County Council has no immediate plans to recoup any surplus in the short term, however would expect individuals to use any surplus in line with their agreed support plan.

I currently use my Direct Payment to use a day service, however I am choosing not to attend what should I do?

You would firstly need to check the terms of your agreement with the service, you may be required to pay a cancellation fee. If you plan to remain at home and not seek an alternative way to meet your assessed needs we would ask that you bank the Direct Payment and at the end of the crisis the County Council will reclaim the payment. We plan to use this to continue to fund some day services during the crisis so that when it is over they have the staff to start delivering support immediately. If you need to use the direct payment to meet your needs during this period, please discuss with your social worker.

20th April 2020