

Coronavirus (COVID-19) Information for Individuals in receipt of Direct Payments - April 2020

Overview

This note provides an update to people in West Dunbartonshire who are in receipt of Direct Payments relative to the impact of the Coronavirus on their social care services.

In the current circumstances, all service staff are working extremely hard to ensure that all of our service users receive the services they need. As the current situation develops however, there is a likelihood that all services, including those provided through a direct payment, may suffer disruption at short notice.

West Dunbartonshire Health and Social Care Partnership (WDHSCP) have developed a position statement and some Frequently Asked Questions (FAQs) to assist direct payment recipients during this exceptional time. However, if despite all efforts you find yourself without assistance, you should contact: allocated Social Worker or your social work team.

WDHSCP Position

The current Coronavirus outbreak is impacting on the way all of us live our lives and has an impact on the services that are available in our area. Given this, we all need to be as flexible as we can be during this period and recognise that we are operating in exceptional circumstances. This means that services may not be provided on a 'business as usual' basis and the WDHSCP may need to deploy all available resources (people and money) to the highest priority areas across the health and social care system. In the light of this, the WDHSCP will ensure that all funds will, where possible, be diverted toward the significant additional costs related to the Covid-19 response.

Direct Payments are one of the 4 options for care to be provided through Self Directed Support. We must ensure there is equity in how we deal with the current challenges and circumstances across all of our service users, whatever option is used to provide services to them, particularly in the circumstance where care can no longer be practically delivered as planned. For people who receive Direct Payments, the following points may be of interest:

- Family members seeking to provide alternative support will not receive any additional payment for this from the WDHSCP as Direct Payments may only be used to pay family members in specific circumstances with the prior agreement of the WDHSCP (considered on a case-by-case basis, prioritising services to meet critical need) Any additional costs would require to be met from within the existing Direct Payment budget. The costs of taking on any additional staff at this time would still require to be met from within the existing Direct Payment budget.
- Considering the current demands for services, we will only be able to respond to requests for critical care needs at this time;
- As respite and day services etc close, the WDHSCP will consider any essential replacement care needs for individuals and for some it may not be a priority to provide replacement care at this time;
- There is national support to assist with benefits, Statutory Sick Pay (SSP) and salary protection for Personal Assistants (PAs). These costs should not be met from direct payment funds, where this is a requirement in short-term, we would expect this to be reimbursed when the funding is released by HMRC/relevant government agencies. The Direct Payment has always had contingency costs built in for SSP, the DP employer pays the SSP from the DP monies via their payroll and it is claimed back via HMRC. The DP client's payroll company deals with this automatically.
- Advice can be sought from West Dunbartonshire Council's Working4U service: www.west-dunbarton.gov.uk, www.gov.uk and www.skillsforce.org.uk have just issued FAQ's for PA employers which are useful (Employing your own care and support section). As WDHSCP is not the employer of the PA, DP clients are being advised to contact SPAEN or their Insurers who both offer independent employment advice. WDHSCP do fund the DP clients to join SPAEN and take out Indemnity and Liability Insurance.

Frequently Asked Questions (FAQs)

1. What if the service user chooses to self-isolate and does not wish their PA to deliver support?

This is the service user's choice, similar to service users who do not receive care through a DP. They may wish to consider the impact of the contract of employment they have with the PA in terms of the payment of PA wages, etc. We would not intend to fund any alternative provision in these circumstances.

Considerations: Service users in this position should consider:

q) Whether there is any risk of non-delivery and indeed whether there is an essential requirement for the support they are choosing not to receive.

a) *This could be considered when ordinary services were able to be resumed once the public health crisis has resolved.*

q) Whether PA's are still paid in this scenario

a) *This will be determined by the contract the service user has put in place with their PA. Depending on individual circumstances, support may also be available from national funds.*

q) For those service users who have a contingency amount in their DP, whether this can be used to retain PAs

a) *this should not be used to retain PA services, the only exception being where this is used to cover costs in the short term which will subsequently be recovered from the national pot and repaid into DP funds.*

2. What if the PA(s) chooses to self-isolate and leaves the service user without basic support?

q) Would this then fall under our duty of care/safeguarding as a local authority and WDHSCP homecare or our commissioned private providers to supply this support?

a) *Yes, and this needs to be highlighted to WDHSCP so that appropriate services can be arranged.*

q) There may be a breach of contract in this situation depending on the contract terms agreed between the service user and the PA.

a) *Independent advice should be sought relative to the contractual obligations and parties may be able to - access government support for SSP/related benefits.*

3. If PAs are well and happy to help other service users in the meantime, would they be able to start providing services to a new service user?

a) *The use of PAs must be considered by the service user in the light of all applicable Regulator guidance. They may be able to provide support to others if they were not being paid by their DP employer.*

4. Can Direct Payments be used to pay family members to provide emergency support during COVID-19

a) *No. As for other West Dunbartonshire residents, family members seeking to provide support to their relatives will not receive any additional payment for this from the WDHSCP.*

- 5. For families who receive part of their Direct Payment support from Respite Services that are now closed, can they use this money towards support at home?**
- a) *Replacement care where this would have been provided as part of a respite facility will be considered on a case by case basis by the partnership, again in line with the above, this option is not available to non-DP clients and we need to prioritise the resources we have to meet critical need. However alternative use of money could be considered on a case by case basis.*
- 6. Will service users be able to fund the purchase of Personal Protection Equipment (PPE) equipment through their direct payment budget as they are expected to provide them?**
- a) *Yes. Funding will be provided, but work is ongoing to establish whether PPE can be requested through a central point. Please contact your local team for information.*
- 7. Provision of health and social care services within the West Dunbartonshire Council area**
- a) *PAs or other social care staff who are able to assist the WDHSCP in the provision of services to West Dunbartonshire residents are able to participate in the on-going recruitment process relative to this.*
For further information, please contact employee.relations@west-dunbarton.gov.uk