

# Furlough & PAs

## Granting leave due to Covid-19

### What is furlough?

There has been a lot of discussion in the news about employers placing their staff on furlough due to coronavirus (Covid-19). Furlough is simply a general term that refers to granting your employee(s) a leave of absence from work.

### How does this affect Direct Payment recipients?

Care workers (including Personal Assistants) have been designated key workers in the Covid-19 response, and can therefore continue their work if fit and able to do so.

If either you or your Personal Assistant are considered highly vulnerable, you may be requesting they do not come to work, to prevent the potential spread of Covid-19.

Official guidance issued by the government states:

- 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.

This means:

- Direct Payment recipients cannot use the Furlough Leave Job Retention Scheme to reclaim wages paid to furloughed employees.
- Whether your PA is able to attend or not, your Direct Payment funding will continue. As a result, you should continue to pay them their full contracted hours.
- If you are concerned and do not want your employee(s) coming to work, discuss the situation and agree a time period; e.g. 14 days for self-isolation, or a 12-week period for individuals deemed at high risk.
- You may decide you wish your employee(s) to only carry out part of their contractual hours, e.g. providing personal care in the home, but not attending social activities outside your home.

### **How do I go about implementing this?**

- Speak with the provider of your employer's liability insurance; they can provide advice and issue a letter confirming your employee(s) is relieved of certain duties for the agreed period.
- Submit your timesheets to payroll as normal, but clearly indicate any hours being paid that your PA wasn't able to work.

### **What if my Personal Assistant is sick?**

- If your Personal Assistant cannot come to work as they or someone in their household has symptoms of Covid-19, they will be considered unfit for work.
- As long as they have earned on average £118 p/w over the last 8 weeks, they will be eligible for Statutory Sick Pay (SSP) from day one of the absence.
- During this period, they are entitled to remain away from work for a period of 14 days from the symptoms becoming known, or 7 days from them suffering symptoms personally, whichever is the later.
- If your PA is refusing to attend work as a precautionary measure, you are under no obligation to pay them for this period.

### **What if I have a Personal Assistant on a Casual Worker Agreement?**

- If you have a PA who supports you on a casual basis (e.g. to support you access the community), without set contractual hours, you are under no obligation to offer them work during this time.
- We feel it is best practise and in the best interest of all parties that you continue to pay your PA based on the number of hours they support you in an average month.

### **What if I find myself without care?**

- If your Personal Assistant is unable to attend work for any reason, and you need assistance sourcing temporary alternative support, please contact Ruils to discuss your options.

### **What if I am supported by a self-employed PA?**

- Self-employed PAs will have their own notice periods, outlined in their service agreement; you are only legally required to pay your self-employed PA for this period. If they have not provided you with a service agreement, you are entitled to terminate their service immediately and only pay them for support already provided.

- We feel it is best practise and in the best interest of all parties that you continue to pay your self-employed PA in full from your Direct Payment.
- This may not be possible if you are paying someone else for support during this period (e.g. you may have been given special temporary permission from the council to be supported by someone within your own household).
- In this instance, the self-employed PA would be entitled to a taxable grant worth 80% of their average monthly income, capped at £2,500 p/m (average income over previous 3 years). They must contact HMRC for more information on how to access this grant.
- If your self-employed PA is unable to attend work, it remains their responsibility to provide someone else to carry out the support. If they are unable to do so, please contact Ruils to discuss your options.

**It is important you consider carefully how you are going to be supported if you instruct your PA not to come to work.**

For more information contact the Direct Payment Support team:



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