

Frequently Asked Questions Furlough and COVID:19

Mark Bates Ltd has created a number of guides for employers which are frequently updated on our dedicated web pages.

<https://markbatesltd.com/coronavirus-covid-19>

This FAQ sheet serves as an addendum to the guides and answers some of the many questions we are receiving regarding employment / furlough / Direct Payments. If you have any further questions you would like answering please email us on enquiries@markbatesltd.com and we will add them to this document.

Do I need insurance if I Furlough my PA's employees?

Yes you are still an employer and whilst they are furloughed they remain your employee

My local authority are advising that my funding will stop do I still need insurance?

Yes - If this is the case you will still need to end the employment in the correct manner and the MSL advice team included within the policy will support you to do so.

Will the insurance cover a family member who is supporting me whilst I shield?

Yes the policy will cover your family member whilst they are supporting you at home.

Will my DP continue if I Furlough my PA(s) or whilst they stay away whilst I shield / isolate myself?

This is something you will need to ask your funding body. Each will be different.

What happens after the COVID-19 pandemic finishes?

It is the government's intention to keep citizens in employment to support the economy and allow people to isolate distance themselves. This is why the job retention scheme has been created. Once the pandemic is controlled or is over your employees should return to work

Can I furlough bank staff?

Yes - See following question.

If I furlough my PA will I be able to claim back 80% of their wage through the government retention scheme?

This is unclear at the moment guidance from the government suggests that this may not be possible **

Can I ask my PA to work more or different hours?

Yes as long as it is by agreement of both parties and the funding body has agreed it.

Can I isolate myself and ask the PA not to come to work and then employ a family member who is isolating with me?

Yes however you will have to gain approval from your funding body as this could be seen as double funding.

Should I furlough my zero hour workers?

There is no obligation for you to provide work but can be furloughed if your funding body approves it.

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My PA refuses to come to work due to COVID-19 can I dismiss them?

If your PA is acting under Government advice, a dismissal is less likely to be fair than usual. Call MSL for advice

My PA cannot get childcare as the school has closed so cannot come to work do I need to pay them?

PA's are key workers and so school placements should be available. If childcare is a problem outside of school hours, you do not have to pay for the absence and can use the funding to pay for another PA or potentially a family member living in the same household.

I was told that I cannot pay a member of my family who lives with me to provide care on a direct payment – has this changed?

No, many funders have a clause for exceptional circumstances contact them and see whether they would accept this during the pandemic under exceptional circumstances.

What is a funding body?

This is the government department that funds your support it will usually be either your local authority, a clinical commissioning group or both.

Can a furloughed employee work elsewhere?

Yes in most furlough agreements this is allowed and has been devised so the workforce can help in other ways deliveries etc. However most furloughed workers will be isolating themselves and as such not be actively looking for other opportunities.

Do I need my employee to agree to be furloughed?

Yes and this should be documented using the templates provided.

Where do I find further information?

<https://markbatesltd.com/coronavirus-covid-19>

Do employee's accrue holiday and sick pay whilst furloughed?

Yes the government is also extending holiday entitlement rights to allow citizens to roll over holidays for 2 years

If I qualify for the job retention scheme does HMRC pay the 80% wages?

No - Employers will be expected to pay this wage which in time may be reclaimed from HMRC, the HMRC portal will be opened on the 20th April

Extract from the government guidance on Furlough 4/4/2020
<https://www.gov.uk/guidance/claim-for-wage-costs-through-the-coronavirus-job-retention-scheme#who-can-claim>

**Public sector organisations

The government expects that the scheme will not be used by many public sector organisations, as most 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.

Organisations who are receiving public funding specifically to provide services necessary to respond to COVID-19 are not expected to furlough staff.

In a small number of cases, for example where organisations are not primarily funded by the government and whose staff cannot be redeployed to assist with the coronavirus response, the scheme may be appropriate for some staff.

Although every effort has been made to ensure all information provided is correct, this factsheet is provided for information purpose and should not be considered legal advice. If you require further information you should seek professional legal advice.

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