

0:00

Welcome to the webinar.

0:03

This is the let's talk about series, and this webinar is specifically around personal assistance.

0:11

Having COVID vaccination and testing.

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We've been really overwhelmed by the amount of people that want to register and attend the webinar, and so we will be recording it so that others are able to see it and hear what's being said.

0:25

So this webinar is part of being human, let's talk about, series. And we've been Hosting, various subjects that are important to people, and obviously, this one around personal assistance, getting their vaccination and testing, is massively important and is current at the moment. I'm Julie Stansfield, I'm also joined by Tricia Nicoll and Gaynor. who are part of the be Human team and we'll be hosting and facilitating this. But we're also really pleased to be joined by Steph and Katrina, you'll be able to see on screen, who are trainee interpreters so, thank you both and welcome.

1:00

So, just a reminder that we are recording this webinar, so how to participate.

1:07

If you've not joined one of these webinars before, you'll see a box like this, and you're able to, once the presenters have finished speaking, you'll be able to put your hand up here.

1:17

And I'll be able to then, unmute you, and you'll be able to ask a question live, and on the webinar, or if you're not happy about doing it live, you can pop it in a text in the question box here.

1:29

and myself and Tricia will keep our eye on that question box, and try and theme those. I doubt

1:34

we'll be able to answer every single question that comes through. i know there'll be an awful lot, but we'll do our best to answer as many as possible. And we're absolutely committed to anything outstanding will pick up after the webinar.

1:48

If you're on an iPad, it's a similar things and ask a question or a handbook that you can use, if you have any issues or anything, pop them in. The question box, or the chat box and we'll pick up

1:59

I'm try and help.

2:01

So, what to expect today? We're joined by some wonderful people, So we've got Martin Walker who's the policy advisor, for Think Local Act Personal (TLAP)And he leads on self

Direct supports and has done for the last three years, but he's also been herding us cats together to try and get organized during the pandemic, so Martin will also talk about that.

2:21

We've got fabulous Katie, who you might have seen if you telly me last night, if you watch the BBC two program at nine o'clock last night, and she's the Executive Director and co-founder of Bringing Us Together, which is a community for parents and children and young people with a variety

2:38

of special educational needs or who are disabled and then we've got Rachel and David both work for Mark Bates limited.

2:47

Am both extremely experienced, Rachel as a legal advisor. David, who's been around people along the way, most share where he's been around for many, many years, is an active member at the London self directed Support Forum.

3:01

So thank you all for coming.

3:03

I'm going to start off. We've also got a special guest, Later on, who I'll introduce, but we'll start off with Martin. Thanks, Martin.

3:12

OK, just check can, you can hear me, Julie?

3:16

Yes, yes, that's great.

3:19

It's great to be here this morning, and be part of the team that's presenting this webinar.

3:31

Can we have the first, couple of slides? That's great, thanks. So thanks, Julie.

3:39

So yeah, I've worked for Think Local Act Personal, Some of you may have heard of TLAP.

3:45

Oh, Think Local Act personal, we, uh, we realized very early on that the conversations that were happening in government about the things that needed to happen for the whole population around COVID was missing the voice with direct payment recipients under the people that support them. Personal assistance, we recognized that very early. We have a number of opportunities to remind those folk that that was the case.

4:19

So people who, who work with those who may have a we have something called the National Co-production Advisory Group. So a whole group of people with lived experience of social care, a good number of who take a direct payment talking to Ministers MP's, something called All Party Parliamentary group. constantly reminding the system if you like that voice wasn't being heard.

4:47

And then we got the opportunity to actually sort of set up a little bit more formally challenge and say, well, actually it would be good if these documents that you're producing?

4:55

It'd be good to get the voice of people who actually needs, what they say to me, for the gangs to be shaped. So the Department of Social responded to that.

5:08

And then we've set up a direct payment reference group, and that's very well established, now, we have a good, good route into government to, so that voice can be heard. And I think, so, so, there's that group. There's also, a group was convened by the Local Government Association and Directors of Adult Social Services, sort of the big boys if you're liking the sector.

5:37

They, so, so we go along to that.

5:39

We also make sure that the voice of the Direct payment recipients is now being heard by these different groups who were doing work around, the guidance that is produced in the thinking that, that needs to happen in terms of making the show, the guidance, makes sense to people on the ground. To go to the next slide, please, Julie.

6:04

These are the sorts of things we think.

6:06

Reminding the whole set of people about what about debt payments it be, and what, what do they need? Their workforce? What about personal assistance?

6:18

My mom, a self actually is a self funder and, you know, this is not all about local, local authority funded social care. There are lots of self funders out there. But we did realize this, We were doing the work that, actually, there was a bit of a gap in terms of disabled children and their families.

6:33

And so, some of the guidance we ended, whilst we are, conversations largely around adult social care, or, sorry, the work of, certainly TLAP, and a number of organizations is largely centered around adult social care. There was just a gap around disabled children and families. So we've included and talks about those, those issues and folk like Katie have brought brilliant experiences, in to that conversation.

7:04

Remember, I reminded, you know, it felt like I've got to constantly remind the system, you know, there's a group of people here that need equal access and treatment on the same footing as other social care recipients.

7:18

It seemed very easy for me to talk to the established social care sector enough, so not so straightforward to talk to,, Direct payment recipients of personal assistance.

7:29

And as I said previously, getting the information tailored, that is right for this yourselves. So, can I have the next slide, please?

7:39

The sorts of things that we've seen as we've, we've progressed, it seems to take a really long time.

7:47

We have conversations, so you'll see later that we talked to Government as a group about regular testing for personal assistance.

7:57

They already suggested that to us and, and, and come to the group. Early in December, and we've still got an official position yet. I'm getting the direct payment guidance out, seem to take the length of time.

8:13

We've seen lots of local variation, so before guidance comes out, all sorts of things happening. Some proactive local authorities. Getting on and doing a really good job. When the guarantees put in place, some local authorities, it feels like.

8:31

Needed to be reminded should we say positively, that the guidance exists and the sorts of actions that they should say or the precise actions that they should take.

8:40

In fact, they needed to be reminded of those things. And then we have seen some movement, as I say, in the system. So I've got the document we're going to highlight today. I'll put an example but there are at least was an attempt by the system even not not engaging with our group. And sort of saying what does it need to say, recognition of the direct payment recipients and personal assistance?

9:09

And we have the next slide, please.

9:14

I'm sorry?

9:16

some people lip read , so they are asking if they could actually see you while you're presenting as well, present, OK?

9:23

Plan B OK. It's up. There we go.

9:28

Hello, everyone.

9:29

Probably also in my washing machine, says, decided to do and it's been sorry OK, so it says it down to the subject. So that's the background of the group.

9:40

and what we've tried to do is make sure government hears strongly the voice, of direct payment recipients and the voice of personal assistance on the specific needs in responding to the covid. We have the next slide, please.

10:01

So there's a couple links to the document, which is called the standard Operating Procedure. So a document has been produced by the, NHS, that, the Local Government Association.

10:14

And the Association Directors of Adult Social Services, largely because the co-ordination of the vaccination of social care of the social care workforce is, becoming a responsible.

10:29

If the co-ordination of it, it's been very much been a responsibility of local government because there's so much social care delivered by the local, local authorities, I guess. It's the reasoning about what we've got some thoughts about, as we've already talked about, to government but a little bit more on that later. So, within the guidance, there is this definition.

10:58

Some key things, in this definition, All frontline social care workers who are directly working with people clinically vulnerable. So that's the, the clues, they're not close, very clear, words, social care workers directly, working with people clinically vulnerable to

11:16

Covid 19.

11:19

Irrespective of where they work, so this is language, that's been framed a thing to it, healthfully cover the whole social care workforce, and that then, and then the later part, whether they can be vulnerable adults or children.

11:34

Or who they are employed by.

11:37

The scope in this definition, for the direct payments workforce personal assistance to be included in vaccination. In this cohort, current cohorts, where we're number two, we'll say we'll say that Mum 87 has still no Vaccine Here in Doncaster yet but we keep our fingers crossed. She's one of the decrease in the percentage you haven't been vaccinated yet. So, that is the key sort of description of who is entitled at this stage to vaccination in the defined in the sort of care workforce healthfully and again, this next slide please.

12:23

We do then see some words in the actual document, which do describe personal assistance, as an example roles that are in scope, which is great to see in the document.

12:37

It was put together really quickly. After Christmas, I guess. But we haven't yet at this moment, had conversations with the system about the words that are in it. But I think it gives a good enough scale to make short personal assistance in are in scope for vaccination now.

13:04

So, next slide, please.

13:06

Then, this, this, this, this diagram is little bit complicated, but basically describes broadly across the country what should happen.

13:16

Essentially, this says, Number one, On the left, The Providers Employers identify eligible frontline Social Care Worker Direct. Payment recipients out, yesterday, we got direct current recipients on the call got PA's on, the call. I'm sure we have.

13:34

I know low support organizations, employers identify eligible front line self care workers, and then next box, they, they tell the local authority about them, basically.

13:47

We're already seeing some variation in practice about how that happens, but essentially, that's the key.

13:55

So And then the rest of this flowchart describes what should happen. So the person they employer identifies lets , local authorities, you know about their the PA's, the local, authority compile records.

14:12

They let the local health system know about that that those PA's.

14:19

And then the local people charged with vaccination issue letter, inviting personal assistance to come for vaccination. Again, we are seeing variations in it.

14:31

And there are a variety of ways people can get that vaccination get with hospitals and GP practices, and then the big centers that being set up.

14:43

So, essentially, be a PA's needs to get that letter. And they'll get the directions about how they book themselves in for the vaccination and then you can see the actual vaccination delivery. And the key bits, which we've been actually asking for this and clarity about a are personal assistance. definitely classified as part of a social care workforce to be front line social care workforce and should be in category 2 for vaccination now. and BHow does it all work? We need to both those bits , really, to be clear, the so we communicate clear message to communities. So, Clear messages, next slide, please. And I'm sure it's just some links there. So, the actual guidance document is there on the first thing to this slide.

15:35

The second side is a really good question and answers around the whole subject to getting vaccinated and is tailored to what it says health care, that actually is health and social care is the document.

15:48

And we are seeing lot more stuff coming out daily, and we've got discussions with the Local Government Association and the Association Directors of Adult Social Services, right? Let's see if we can do any more to get clear documentation now for you all.

16:07

Next slide, please.

16:10

I think, um, regular testing. So, in terms of testing. At the moment, you should be able to get a test. If you've got symptoms.

16:22

A, there was also the offer a free antibody testing was made earlier in the guidance about that on government website is out.

16:32

On the flip side, we've been really pushing quite hard to say when will regular testing be here for the personal system workforce.

16:43

There are I can't confirm anything this morning.

16:47

I think it's imminent to say I really hope that that will happen. The healthcare workforce have that in place now been built up from care homes and there's definitely a desire within government to get it available to personal assistance as soon as possible.

17:10

As I say, we've talked to the test testing team already to let them know the sorts of issues that need to be taken into account. OK.

17:19

So, that's, all from me in terms of what we know at the moment, but it's great to have Katie here, Katie, we have worked together quite a bit over the last six months and it's really tricky with this. Could you let us know about some real life experiences about what, that's kind of what people experience?

17:46

That's great, Martin, thank you. Yes. I'm really pleased to be here today on this webinar that was set up so quickly.

17:55

Buy be human and in control and talking about these hugely important conversations around PA's and vaccinations.

18:04

So I'm the proud Mom of Nadia who's observing today behind Katrina.

18:09

And Nadia has a direct payment user, and she's been a wonderful teacher to me on how to be a good employer.

18:17

I'm also really proud of our team of PA's who stuck by us during the pandemic and are really pleased that two of the PAs, Katrina, Steph, a part of the team today and they are doing the interpreting.

18:31

And you can see how valuable and how experts and skilled our PA team is.

18:39

When Nadia was three years old, I attended a conference on inclusion, where I learned about the Social Model of Disability and the Independent Living movement from those who were part of the disabled people's movement, some of whom are on the brilliant program silenced, which was shown on BBC two last night.

19:00

In 1998, we moved 100 miles to come to Calderdale to get Nadia into a mainstream school, and she became one of the youngest recipients of direct payments in our area.

19:13

She now runs her own team with the support of Katrina.

19:16

There's a key player, and there's the co-ordinator.

19:21

We tried to take more of the back seat.

19:23

Although, we still do the nights, I still get worried and anxious and stressed, and we have the backup team, which has been needed, a great deal, during COVID for obvious reasons.

19:36

We also did the payroll.

19:38

Having choice and control is much easier said than done. And all of you that are listening now will really be able to relate to that.

19:48

Having direct payments is a bit of a roller coaster and we've had our fair share of adventures, ups and downs and stress, but the difference that it has made cannot ever be underestimated as a family we have been shielding since March. And we still are wiping down Parcels, shopping and being Ultra careful.

20:11

Nadia caught swine flu, 11.5 years ago was on Life support for three weeks.

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We've seen the damage a virus can do that swept through her body at a rapid rate during the pandemic, bringing us together to run regular Zoom workshops. And we listened to the experiences of hundreds of family members.

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In the first two lockdowns, we have direct payment, peer support sessions, attended by young disabled people, disabled adults, founders of the disabled people's movement and family members, and this feeds into the National Direct Payment Advisory Group, co-ordinated by Martin

20:53

The Voice of Use as the direct payments was influential in the guidance that, then the rest of us were able to share widely through our networks.

21:03

And the group has also raised the profile at government level of the work of personal assistance, and their true worth alongside key workers and essential workers.

21:16

The biggest challenge has been how to get that information out to local authorities, and, more importantly, getting it out to all the thousands of people who, for many reasons, I'm on social media, and don't have direct contact with our local direct payment teams.

21:35

At the same time, I've been part of the local group sets up by Calderdale

21:39

Council, that was attended by, and still goes, by Adult Social Care, direct payments Team, disabled people, and disabled led organisations it's called COVID 19 Advisory Group.

21:54

And Calderdale Direct Payments Team have been on the ball with getting PP E out to direct payment uses, testing, and now Vaccinations.

22:03

They were also really flexible and how we spend the money which meant we were able to pay family members for the first four months of lock down rather than bring PA's into the family home.

22:17

Nadia began to bring PA's back risk through a assessment process in August, and we've also been able to recruit new staff.

22:26

It was last Monday when we knew that PA's are in the cohort two for the vaccine.

22:31

So I called the GP straight away And was told by the receptionists that they'd run out of vaccines.

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They've got no idea when more would be arriving, and they hadn't finished doing the over eighties.

22:46

So Nadia and Katrina contact to the direct payments team to ask and do it that way.

22:54

They promptly sent her an e-mail back specifically to register the personal assistance for the vaccine.

23:02

Within a few hours, she was able to book an appointment for those who wanted the vaccine.

23:08

those PA's have not been vaccinated by the hospital.

23:13

The other members of the team are currently not wishing to have the vaccine at this time for various different reasons.

23:22

Calderdale currently working out how to get PAs, regular testing, and packs out to direct payment uses and it's a logistical nightmare.

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We'll be using the regular testing delivery. That always happens, doesn't it?

23:41

Would be using the regular testing for the PA's not vaccinated and from listening to people on social media. We know that the process differs greatly.

23:54

To give you some examples of the difference and where you live makes, one direct payment user has said that to get the vaccine, you do it through the GP, with a letter from you. Referring to social worker and continuing health care is applicable to the frontline health and social care workers, whereas, in a different area.

24:17

The direct payment, user the said.

24:20

If they're on your direct payment, pay your own, You can manage your social services, are responsible for identifying them as a community care worker.

24:29

one person tells us that we have a PA who has a vaccine appointment next Friday, and they proactively contacted our primary care network sites.

24:38

I'm booked online in one city in South Yorkshire. It's been fed back on Twitter.

24:45

When asked, if they were vaccinated, the PA's, the response was.

24:49

They would be vaccinating physician associates.

24:54

Not personal assistance, as part of that frontline team.

24:59

and in Wales one person tells us this Corona virus vaccine. Oh, my PA is now being asked to book that vaccine.

25:08

one has already had it. Said, The vaccine program is working here.

25:13

I hope it's working everywhere else.

25:15

Other people have gotten the information. Somebody said, No news, a mine. And somebody else said, We had no news until all. The GP surgery just kept telling people not to phone about appointments, and social services says they have no information about how to get Pa's vaccinated.

25:32

And let us know when they do.

25:33

It feels like a brick wall, the over eighties , we know, in the village of being vaccinated.

25:39

But don't know when the second appointment is, or if it's going to be cancelled.

25:44

So I, for one, am really looking forward to hearing from David and Rachel.

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And really also interested in the questions that you're going to be asking and getting some answers.

25:56

And thanks so much for inviting me.

26:02

Thanks, Katie.

26:03

Thank you very much. Hello, everyone.

26:06

My name is David, actually I'm here from Mark Bates Limited

26:09

with Rachel Harkins also form Mark Bates Limited , but also from but also Independent Living Group, ILG support.

26:18

I will explain precisely who that is, very briefly. So, Mark Bates Limited, for those that don't know, we are an insurer of individual employers.

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So if you employ a person assistant, you need to have employers liability insurance and Mark Bates is a leading supplier of employers liability insurance.

26:35

Now part of our policies, we provide, whatever level of cover you have is access to legal advice and advice for all the issues. Relates to keeping an employer.

26:48

We have traditionally contracts that service out, but I'm quite excited to say that as from January. This year, we've launched a new service ILG support. An ILG support are all about.

27:02

Taking employment law, and translating it as clearly as possible, into the world of individual employees. So recognizing our policyholders, recognizing the demographic, and making sure that we're translating that information, and being supportive as we possibly can part of that involve, both from Mark Bates limited, but increasingly, from the ILG Support end, and our involvement in kind of training. We do those training sessions and also are involved in the group ... as co-ordinates so well with other partners, such as In control. And everyone, everything you've heard about this morning. So, we're really proud to be part of that. And during the pandemic we work really hard to put guidance together, which I'm sure many of you've seen. We have been asked about revising those guidance, which is something we're working very hard in the background stage.

27:53

The latest, guidance, note, voice note, we send our ILG support last week was about vaccinations, was about what to do if my personal Assistant doesn't want a vaccination. We've since revised it, and here's a copy of it.

28:05

This will be made available, I think there'll be a link to it underneath the human site, and it will be sent out to anyone who's attending today.

28:15

So, that's what we're going to talk about, Rachel is here she heads up: ILG support, Rachel. Knows more about employment law than anybody I've ever spoken to.

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She is certainly the person I go to for the questions and is extremely knowledgeable and as an history, advising an individual employers, so.

28:34

Rachel Hi

28:36

And Rachel, would you mind just starting, our bit here, kind of summarizing, perhaps, just a bit of history on vaccinations, maybe, from employment law perspective, a legal perspective, specifically, around potentially kind of mandatory vaccination? That's OK. Yes, Yes. I thought, well, before we start talking about the very specifics of individual employers. It would be worth giving you a bit of a brief introduction to some of the key points of law that impact on this issue.

29:08

So, between 1840, and 1898, the government actually mandated vaccinations across the whole of the public.

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My, 1898, vaccinations were argued to be against civil liberties. And so, at that point, the law changed and this is a recognition of individuals having the autonomy, having the right to their own bodily integrity.

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So now we find ourselves in a position where the government cannot mandate that anybody has a vaccination. And in order to undertake that medical intervention, there must be consent.

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Um, if you try to impose that vaccination on an individual without their consent, it is actually a criminal offense.

30:01

So, with the exclusion, very few exceptions, even the government cannot force us to take their vaccinations. So, why? Why is this?

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It essentially comes down to an ethical discussion as to the fundamental civil liberties that an individual has.

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It's under the Human Rights Act Article eight.

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We have the respect for a private family life and that includes an individual's bodily integrity. So I think it's very, very important to remember that this ethically concept of an individual's right to do with that body as they wish has to remain at the forefront of our minds when we then think about the potential to mandate of vaccination on any employee.

30:52

So, some of the key points of law we might need to consider as an employer. First of all, we have the Health and Safety at Work Act 1974. That requires that an employer takes reasonable steps to reduce the risk of harm to their employees. There is also a common law obligation on an employer to maintain a duty of care to their employees. So, many employers will have already had advice through the times of COVID to make sure they are carrying out risk assessments, and that they are putting in place any measures they can to keep their employees safe.

31:35

When we think about managing employees and their actual activities in carrying out the work, we can be mindful that employees have an implied duty to follow the lawful and reasonable instructions of an employer.

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Now, in order for an instruction to be reasonable, it's got to also be proportionate.

32:00

So this is one of the key concepts that we'll be considering when we think about mandating a vaccine on employees.

32:08

Some employers, rather than go down the route of simply saying, You are failing to carry out reasonable instructions, some employers are thinking about changing terms and conditions of employers, of the employees.

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So, in order for that to happen, the employer would have to consult with the employee. There has to be that two-way conversation.

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The employee would need to agree to any changes to their terms and conditions of employment. I would advise any employer who's thinking about going down that route to keep in mind, not just what that means is in the process, the consultation and the discussion that needs to happen now, but also think long term.

32:52

Perhaps, think about a Covid 19 policy. How long are they going to ensure that this policy is in place?

33:00

Is that going to come a point? Where perhaps the numbers reducing societies, though, perhaps they will change their mind at a future date, or they're going to start encouraging additional vaccines, such as the flu jab. And so on. It's important to think on a grander scale. not just about this one incident now but also what that means long term for that workplace.

33:23

Some employers are considering where they perhaps can't get an agreement from their worker, or they can't get their worker to follow what they consider to be their reasonable instructions. Some employers are considering a dismissal.

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I wanted to just highlight a couple of points as to how somebody succeeds in an unfair dismissal case.

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The first question's really going to be, does this dismissal fall within the band of reasonable responses to the alleged breach on the part of the employee?

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So we need to be able to see that the employer has a really obvious belief that the employee has breached an important instruction and that that is based on reasonable grounds.

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In addition to this I want to highlight at this stage if any employer is considering a dismissal.

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It is so important that the right process is followed because a fair dismissal is not just about the reasoning, but it also requires an assessment of whether or not the process has been fair.

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Essentially, that process follows a ACAS guidance. It follows the process of talking to the employee, giving the employee an opportunity to explain themselves perhaps defend themselves against allegations that they have done wrong. and make sure that we can demonstrate at the end of all of the employers still and justify position to go ahead with the dismissal.

34:54

So, I really need to stress to you how important it is that an employee doesn't just simply listen to the contents of this Webinar, this webinar, that they actually take individual advice and make sure to follow that process.

35:09

In all of this, it's also important to note that data protection is a very, very important concept in the employment relationship. An employer is responsible to ensure they are protecting all employees, data, and anything to do with their health, with any medical interventions that they may or may not have had, is sensitive personal data. So, an employer needs to perhaps consider updating all the data policy policies they might have in place.

35:39

But they also need to make sure that they're not sharing this information with anybody who it's inappropriate to spreading information around the team. Perhaps if you have some PA's who were keen on getting the vaccine and maybe others who aren't, we need to protect the interests of each individual and their beliefs with regards to their sensitive personal data.

36:02

And then the final key, legal principle we need to remember comes from the provisions of the Equality Act. And that means that when an employee is suffering with any or, sorry, has, a protected characteristic, there are all sorts of protected characteristics, but there are three key ones that come up in the context of a vaccine. Some are arguing that they are pregnant or are planning to have a baby and so in insisting on a vaccine, it might cause them problems, they have been advised not to just yet. Some are arguing it on religious beliefs, and some are arguments on the basis that they themselves have a long term health condition, and they fear any potential negative consequences that might happen from the vaccination.

36:51

So we have to be very, very aware of anybody who is not simply saying, I don't want to have vaccination based on political grounds, or something that they read on social media.

37:03

But actually, if their reasoning comes, from the point, of view them themselves, having a protected characteristic, we need to make sure that we're not applying a provision, a criterion, or practice that indirectly discriminates against them. So that's a key area that I would ask any employer to be hyper vigilant about, really. now, don't get me wrong.

37:26

As we've seen with the implied instructions, They imply a duty to follow reasonable instructions. There is a question of proportionality, even where we have an employee who has one of these protected characteristics. and a defence is available for an employer if we can show that there is an objective justification.

37:48

So that would require that the employer to say that they provision all the practice and the policy that they have put in place is a proportionate means of achieving a genuinely legitimate aim.

38:02

So it is possible within the scope of employment law that we can mandate vaccinations in certain circumstances. If we can show that there is proportionality applied.

38:16

Great. Thanks Rachel.

38:18

That's a fantastic overview. So a couple of practical questions, if I may.

38:23

So what would your response be if one of our policyholders supposed to call this morning, which I know some have, and ask if, can I make vaccinations mandatory?

38:32

How would, how would that question be kind of responded to, know, a practical level, OK, let's imagine that, perhaps, an employee who is clinically extremely vulnerable, and perhaps one that isn't what, what the practical response by features to get people to bring it back to that kind of reality and their experience.

38:50

Of course.

38:50

So the first step that we would take is to, ask the question of whether or not the employee is objecting on one on the ground that they have a protected characteristic. Indirect discrimination is something that we would like to avoid. So and it carries its own legal remedies. So we need to be very, very vigilant to that. So I'll be exploring the detail at that.

39:17

Another question we would ask is, how long has an employee actually been working for you? Because on a general basis, the employee doesn't have the right to bring a claim of unfair dismissal unless they have been employed for two years.

39:31

So if an employer is thinking along the lines of a dismissal, it may be that any employees who are into two service, it's actually a little easier to go ahead with the dismissal. You are you running less risk of a legal remedy later on down the line? So it's an important factor for his as advise is to understand.

39:51

But then we start to tap into this question of, is this a proportionate?

39:57

Is this the proportionate instruction that we're giving to the employees? So I would be exploring, as you say, you know, what is the situation of the employer?

40:08

Are they somebody who perhaps falls in that very?

40:11

The CEB category that they themselves are extremely vulnerable to the risk of covid.. And so any contact with somebody who is carrying the virus would actually put their health and extreme risk. That is an important, very, very important factor for us to understand.

40:30

Now, of course, not all individuals that call us not all individual employers that call us are in that very vulnerable category. People have direct payments and a personal health budgets , which is very different reasons. So if somebody is perhaps less vulnerable, that is a factor to take into account. But along with all of that, we'd also be considering what measures the employer has already put in place. So that goes back to this question of the Health and Safety Act.

40:59

What does the employee had done so far to assess the risk to everybody in the household as well as the employees? What measures have they already put in place? Are they maintaining social distancing? Are they using PPE or they ensuring that everyone within the household as well as anybody outside, anybody who might be coming in or following covid rules? So, a really thorough understanding for us as to what that working relationship is and how many individuals they employ. It's all going to be very, very important for us to help them assess whether or not they can mandate the vaccine.

41:36

And of course, the final point really is to say it's so important that we take into account the employee's views.

41:45

Going back to the original point I made, this is the question of their civil liberties. This is a question of their bodily integrity. So we need to understand what is the basis of their objection. Is it something to do with that? Are they concerned about risks, in which case, it may well be that an employer can help to educate and guide and maybe correct any misunderstandings that an employee might have about the risks?

42:11

Always, something more fundamental to employees.

42:15

Views are so important, and we would balance that in the round and help the employer to come to a decision that was right for them and that kept them and their employees safe. I want to sort of add that it's easy to perhaps listen to the contents of a webinar or read something on a website and feel a little daunted by the idea of taking legal advice. And I think it's important to encourage people to communicate with us at ILG support the, the individuals who are helping to helping to guide our individual employers.

42:52

Have a thorough understanding of their situation, and we will help to take an employer through the process, step by step, and really give some peace of mind.

43:02

We don't want to feel that it's a very daunting process to go through.

43:08

Brilliant, thanks, Rachel. Just presumably you look at the PA's role as well, because it obviously that, someone do personal care on your balance, that as part of that kind of balance process. That's, that's actually helpful. So, let's imagine that a scenario, if somebody didn't take it because they didn't mandate the explanation of what was said, You know, actually, I'm going to dismiss. You can not thinking about saying that. It didn't seek advice well, briefly if you were conscious of the time potential consequences of getting that wrong.

43:37

OK, so from a legal remedy perspective, there are two key remedies that an employee is likely to seek. one is unfair dismissal. That's the obvious example. So, an unfair dismissal is broken down into two elements. The first is a basic award. The basic award is made up of a, it's like a statutory redundancy payment, so it relates to the employee's age. And how long they have been employed for.

44:09

So that's the sort of initial amount that can be claimed because they have faced that civil wrong. The second is a compensation award which is very specifically Well, it's connected

with how much they have actually lost because they've suffered that wrong. So if it took them three months to be able to get another job, than they would claim three months worth of loss of earnings, for example, compensate reward looks very specifically the individual's financial losses. It is worth noting that at the moment there is a considerable back log claims in both civil courts and the employment tribunals. So, it's quite possible that it would take a very long time before an employer would actually be facing tribunal proceedings, if it came to that.

44:59

The second element, if it is relevant, would be a compensation amount for the discrimination if they felt they had suffered discrimination on grounds of the protective characteristic.

45:13

That is an uncapped compensation amount where as unfair dismissal is capped at a year salary and no more discrimination claims are uncapped. It is likely in a situation like this. It would fall under the lower level then tau bands, which is anything between £900/£9000 for the isolated instance.

45:35

Thank you. Actually, I should add at this point, obviously, this is the reason legal advice and legal expenses are included with any policies in Mark Bates insurance policies, which I will see if it's almost based, limited policyholders Plus level will have access to legal expenses. Conversation was other insurers are valuable. It's an interesting balance, and they will have similar legal advice, legal expenses covered in that policy, and different organizations providing that support. So I think the critical mass for everybody is this. And so, if you're listening to what Rachel says, to do, seek advice, do you do, Ask the question before acting, and be confident of your decision, and explore how that balance is looking for, for you, particularly because the Vaccination. So, I think, my last question, Rachel, really?

46:23

I think what I'm interested, I'm sure many people. Is there a difference? And I Could You explain the difference if you're recruiting a new PA? I think we've spoken implicitly about our Existing PA assistance stage. What about if I were recruiting somebody new, can I insist they have the vaccine or are willing to be vaccinated? Can I put it in the contract from the start? And does that make a difference?

46:47

It does make a difference. And I would still start by asking if the PA or the applicant had a concern about the vaccine on grounds of a protected characteristic.

46:58

We would want to protect them against any discrimination claims, because an employer can face discrimination claims from even a recruit, somebody who has not yet an employee. So it would be important to question that. But otherwise, what we're talking about now is imposing a term of the employment that the applicant has, the right to either choose, accept or reject if they rejected. They don't have to take a job. So this is a very different set up because at this point we're discussing terms being implemented with an arrangement. It's brand new rather than trying to override rights that have already in existence.

47:40

Great. Thank you. I'm just going off script slightly because somebody's just popped into my head.

47:44

So I just want to ask, you know, really, really quick guys, is if I have casual work as a banker, casual workers, series contracts, three of those people are willing to have the vaccine.

47:55

one of them is not, am I OK to stop asking the one who listens to come in.

48:00

I'm just focused on the free to all. Is there any, is there any kind of issue with that? I'm sorry. I click on the Spot Separately, then That's fine. It's an interesting question Again, I would say be very wary of protected characteristics, because what we don't want to happen regardless of what their employment status is, we don't want to see that a night an employer is identifying and singling out somebody who has a protected characteristics are always one of the key things to check.

48:29

But otherwise really their employment status is irrelevant. I think we need to be making sure that everybody is approached in the same way. I'm always cautious of assuming that anybody's simply on a zero hours or genuinely casual basis because often we find that whilst they can given that kind of contract actually they've had very, very regular work coming from that employer. So I would like to caution against an assumption that that casual, but in theory after a casual worker has completed a particular shift or however, the contract is constructed when they come to an end of a period of assignment that contract is severed.

49:11

So, in theory, it may be possible for you to say if you're not being vaccinated, I'm not going to offer you further work then thank you, Rachel I think that kind of wraps up our bit. Although, I was going to make it in the direct payments joke about moving on, so the employment status which I'm sure everyone would have it. So, it's not going to take that. So I think, yeah, that's us. Say, guidance? Which is on the slide that is available. I hope its useful to people and I hope will suffice to say, thank you so much. And I hope what we've had to kind of talk about, say, has been demonstrated.

49:43

Brilliant, thank you ever so much.

49:47

So I'm going to move on to a surprise guest. So we're really thankful that you John attended this webinar, so John is a Disability Rights Independent Living Diversity Leader in the UK. Some of you might have caught him on television program, last night's facts. And Katie was talking about, and Joe, who's one of the first person to set up an independent living scheme in the UK with funding to organize his own personal assistance. So we use our hero of personal budgets and direct payments. And more recently, it's been actively engaged with the Independent Living movement, both the UK and Europe since they started since the beginnings really. And so, John, you're going to tell us a little bit about what's been happening locally for you.

50:35

I'm starts us off with some questions.

50:39

Yes, well, first of all, good morning, everybody.

50:41

It's really, I'm really pleased to be able to talk to you all all here today, and first of all, I'd like to just put some background to this before I go into telling you, I, doing it on a local level.

50:59

Um, I mean, we've been through an incredible year, well, it's almost a year No, It started about 10 months ago.

51:08

And when, when, when it started, I would put it, you know, I have 37 years experience of living independently and employ my own PA's who direct payments, or we're currently through a personnel budget.

51:24

And before the government made the announcement to lock down last March.

51:33

Already myself and my PA's it, discuss this and agreed.

51:37

Together with my wife, that we would self isolate that we would take precautions.

51:44

We didn't want to wait any longer because we knew the situation was quite serious and pretty much was going to get worse, which we, they do.

51:53

I think I'm very lucky in that I have a, a very good team of PA's and

52:01

one of whom has been with me on me over six years, another is almost been with me for five years, and my wife as well, so we have quite a tight, so a group of people.

52:14

So I was fortunate from that respect and having a good start, but, you know, we, we knew we had to increase hygiene standards and everything else and be absolutely cautious, and I did not want my wife or my PA's

52:30

to do shopping for for us. or go into any of the shops.

52:35

So I organize that through home deliveries and everything, but anyway it got me to the point of what we're talking about here today.

52:45

About vaccinations, and also testing.

52:50

I for I've, I've felt very strongly for some time though that it seemed pointless.

52:56

if its me getting a vaccination because what was the point of that?

53:01

Know, if my PA's would contract the virus, which hopefully they won't, then that would leave me in a very difficult position in that you know it's not an easy time to employ people right now.

53:15

Because of this situation.

53:17

Because we have to be very careful and we decided that no we would we would stick together that .

53:27

I felt that this needed to be addressed really a long time ago, and certainly now that we're looking at it, I think it was early, what, three weeks ago?

53:38

The Department of Health and Social Care actually confirm that PA's would come in too.

53:44

Category, category, two priority, which is the same as health workers.

53:51

Care workers in care homes, and people work in the community, which was great news.

53:58

And then this was backed up by the NHS England saying that what was important that we had to ensure that our PA's were registered with their GP surgery. So they could, they would, they would be on the list.

54:19

Follow the vaccination to Martin is, quite clearly earlier on in his presentation, sort of outline that process.

54:28

But we still have a long way to go.

54:31

And we will not see, I, personally, would like, to have seen testing available to PA's of, you know, in every local community.

54:40

But we haven't got there yet.

54:42

No, we still try to establish that.

54:44

I would like to see as seamless situation where we could do this locally all around the country, in local, in local hubs.

54:53

But, you know, Martin has talked about this but with we still have yet to achieve it.

55:01

I mean, I've been fortunate in that sense that I'd be working now with an organization called the Social Care Institute for Excellence and we have been looking at this.

55:12

And also we will will we be working quite closely together with them Tlap think local act personal where Martin is from.

55:22

And also Katie was part of that co production group and just after the the whole pandemic started to get worse, in April already, the Department of Health approached us to do some work at pace.

55:41

Very quickly, to draw up some priority guidelines around covid, on various social care issues, you know, stuff around care homes, PA's.

55:53

in the community and, and lots of others, but like the Department of Health.

55:58

They wanted it straight away, you know, they went, did it.

56:01

Like tomorrow, which is crazy, but anyway, they're on there is now available, which can be found out on the Social Care Institute Excellence website, All the papers that were put together on the local level.

56:17

No.

56:19

Also, we put together the organization about 10 years ago called pep, which stands for Personal Expert panel and that is a co-production group, because we did the things needed, pepping up then.

56:35

We need to agitate to make sure, so, we, we were going to make some advances together and we have, over the last 10 years, worked quite closely together, With Hampshire County Council.

56:48

We're the adult health and social care team, and more recently, over the last few years.

56:56

We've also, something we wanted to do for a long time started working much, much closer together with, with health, with the local CCG, with the community health care team.

57:08

And we do have a co-production group that meets every month regularly.

57:14

So, we, we're now, you know, seriously, looking at this issue around testing your vaccination, and trying to push it forward in this area.

57:23

And already letters that we've gone out to all personnel budget holders, is it explaining to them the situation about how the hub works, locally, and that they need to be registered and so on.

57:38

But, I'm still, you know, very, very keen.

57:42

Things, things need to happen.

57:44

You know, until now, I know only one other person who has a similar impediment like myself is on me, who is it at extreme risk.

57:57

Who has had it and I've already known a one PA and I think the situation around the country.

58:03

It's very, very patchy and, you know, I think we're lucky in that sense around in Hampshire that we are at least working together with the CCG and the Community Healthcare team and also with the adult health and social care.

58:22

because that's the way forward.

58:24

I mean, without our partnership working, I don't think we would be able to make any progress.

58:31

But we really have to try and push forward now and, uh, pull out all the stops, and we will continue to meet regularly, but I would like to see, within a month, a lot more colleagues and other direct payments, users, and employers, and personal assistance being vaccinated.

58:56

And in the meantime, somehow or other, we've really got to get this testing available.

59:01

I would like to have regular testing for my PA's good.

59:05

So we can keep on top of this situation.

59:08

We have, until now, be very, very lucky, and I think that's only because we have a a tight team, and everybody is taking the rules seriously and, you know, do what they should be doing.

59:22

Which, sadly, is not always the case, local communities, but, uh.

59:26

My advice, really, to everybody, was on this webinar, is to try and encourage local working together with no user organizations, and local authorities and CCGs so that the whole situation to move forward.

59:47

It is very strong in my heart.

59:49

And, I mean, I wouldn't sit back and let things happen because they don't happen.

59:54

Otherwise, unless you instigate things, you'll have to make those things happen.

1:00:00

And I'm very conscious, the time is going on.

1:00:03

And I've been asked, to start off, as soon as the questions.

1:00:09

We've had some amazing questions coming in the last few days.

1:00:14

And so my first question really to the panel is, first of all, what would somebody like myself, or a family member who had, like, Katie, who had a child with an impairment, what if they lived in an area where there was no local support, like what I've talked about?

1:00:38

What would they do?

1:00:40

Second, the second question that I would ask is, we've been reading and hearing about the devastating consequences that have happened over the last 10 months about the mental, state, and well-being of people.

1:00:57

People are struggling mentally and what is the best way of trying to support those people with mental health issues and problems in future because I'm, it is quite a serious situation.

1:01:14

Last but not least, um, question that that has been touched upon by the legal advisors from Mark Bates is about what can we can be done about PAs who don't want to be vaccinated, because some either fear it some are afraid of it.

1:01:35

Some are also, of health reasons that they don't want to go ahead with it, and unfortunately, some of the message is now gone around social media platforms, is about conspiracy theories, and stuff like that.

1:01:51

because I know friends and colleagues who work, is it in the hospitals?

1:01:56

And there are many, many nurses, I've been told who do not want to have the vaccination because of these conspiracy theories that are around that people, you know, really do sort of all for.

1:02:11

And so, we need to somehow make sure that we can push forward with vaccinations.

1:02:20

I think I'm going to stop there.

1:02:22

So, we can open the questions up, and I'll pass it over to Julie and try and organize this.

1:02:30

Thank you, John. Martin, can I come to you first, then of the issue?

1:02:35

Well, know, what is given a situation where you're living in an area where you don't have a local group of local access to supports and what are the different ways of gaining support? So certainly, you know, I can talk about the Be Human and in control that sending some support through the National Register and we can send that link out to people, but anything further from you know, it's good. I was going to just mentioned, you know. Yeah, that'd be great if you get your links out to Julie. There's, no, it seems to me, peer support to invest in those mental health issues.

1:03:13

You know, people helping people, people, talking about these things, seems to be that one of the best ways of getting really good, good support, around helping people with a mental

health, at these times. We've got some great examples of what people have done on TLAP website, actually, so it comes under 19, Social Care Provision, Stories of Promise, and a strong flavour, and a lot of those about, again, local groups. But some groups. Condition specific, that national groups that have, that have online and virtual networks, there's a really strong flavour of using online. But that's, that's not for everybody, is a so telephone as well. So there's this is a good, good smattering of things that people have done so people can have a look at that.

1:04:16

Sorry, sorry, thanks.

1:04:22

Can you turn your video on so people can say, Oh, yeah, Sorry.

1:04:28

Oh, Sorry. Yeah.

1:04:31

Yeah.

1:04:31

The, fortunately, there are some commissions, personal assistant, uh, support networks and then Doncaster, actually the disabled people's local organization fought for that with the Council and lots of commission service and I think also in West Sussex, Independent Lives. I think I've got a similar, similar sort of said that pretty, pretty rare. So this might be an opportunity for actually, people to mobilize and how do we connect together to this? Red pen is personal assistants. There's probably a stronger flavor.

1:05:06

That foot draping recipients connecting together, virtually.

1:05:11

And I'm talking about these things, then for personal assistance, but it's a really good time, you know, and simple to use using social media.

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You know, Facebook groups, Twitter, I don't know about for maybe Facebook closed groups.

1:05:27

Yeah. I suppose people, Mark Bates from insurance, would know. a lot of employers as well who perhaps weren't connected. Whether or not we can start action in, something around, sends it to access some of the insurance companies. So that people can start getting a link to, really, come back to you then, Rachel and David, around these conspiracy theories. And so you sort of took us through the legal process.

1:05:54

Know what you could do and what would happen if you dismiss somebody I'll walk but just generally, is there anything out there? That's just generally on education for people?

1:06:04

My understanding is that there's some very good information been provided by the government on line. I think the NHS have provided some really useful tools. one of the things I'd like to highlight is that if anybody is struggling to access online services or education that might be available online, do get in touch with us. We will help to provide that information, maybe print it, whatever we can do. We would like to help support an employer to have that

good communication with their employee and maybe help educate and inform better decisions.

1:06:40

Yeah, just add to that actually support, it, wouldn't be happy, Delighted to send information out, so all of our many kind of employees, we ensure we do send out regular news, that's through our engagement with you guys, our groups, TLAP, willing and ready to get that information out in a timely fashion, wherever we can help.

1:07:02

Great. Thank you, Tricia, can I come to you to see what's in the question box, and then I'll start looking for people hands up.

1:07:08

So I'm say they've got a ton of questions, I'm trying to think.

1:07:12

I mean, I just want to, There's some, I'll do the broad based ones first, and then we'll see how many specific ones.

1:07:18

So, think, those two, There's been lots of our basis. Most of us, the first one, I want to pick up his informal care. As we've talked a lot about paid PA's, but there's been several questions about people who are registered with GPS. As informal family carers, particularly people or older family carers who are doing.

1:07:37

The Work of PA's because of the paid guys not being able to work. because, because it's the shielding or the person shielding.

1:07:46

Very different experience, looks an experience of being told, you're, you're not eligible for vaccine.

1:07:53

So, I suppose if anybody would, pick that one up.

1:07:57

So, Martin? one, perhaps? for Katie. Yeah.

1:08:02

Yeah, I'm happy to jump in. Tricia could tell you what we know as Carers UK.

1:08:07

Definitely are raising this issue government level and sort of really challenging as unpaid carers

1:08:16

First of all, it didn't appear in the documents.

1:08:20

So prominent people like Philippa Russell, similar to John, you know, in that sort of unpaid care is movement a well connected government are really pushing for clarity on this.

1:08:35

Since then, unpaid carers are in category, actually six, which is much later down the sort of vaccination order. .

1:08:46

So there is, there is, movement and the is campaign going on to try and see if we can raise them up..

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And I guess the other thing, that they have said back is that we do know, is not ideally, the family from a carers for young disabled people, but lots of care is care itself, are themselves over 50. So they will probably get vaccinated within the first.

1:09:16

cohort. Oh, yeah. Older people, anyway.

1:09:23

I think that's Just To clarify that, it's all PA's in the guidance. It's not like the guy says that anybody uses a vaccine in tier two, level two, or whether it's just people a PA's of

1:09:39

Clinically vulnerable people, so I think a couple of people, OK?

1:09:45

I think this is one of the things people want to pick up with, LJ and ADASS as tomorrow, because I personally don't think that it's very clear.

1:09:54

So it seems to switch around.

1:09:58

Yeah, so I think we need to pick up that and, Clarify it.

1:10:02

If we can make an argument around people, with mental health issues, or supporting autistic people who are not .

1:10:08

Well, that's my situation as well, in that, that's my kids re not clinically vulnerability, But are in other ways, The answer about their health, so and I guess anything that we we find out and clarify, I will make sure we get that information out widely. Just one thing their Tricia about unpaid carers

1:10:32

So, let's say, I've actually gone forward and said, I'm a personal assistant because they are, even though they're unpaid.

1:10:39

So they've used the guidance, the quotes, personal assistants, and said, well, that's what I am, Whether I'm paid or not, is irrelevant, actually.

1:10:48

So it takes just one and then things that it's just worth knowing for people as well sometimes.

1:10:54

I think this comes up to another point that's come up lots. repeat.

1:10:57

This is the huge variation Katie talked about, is, you know, people's different relationships and their GP some, some GPS that you've said. That will be absolutely supportive and said, Yes, of course, you are, Some are not going to be so supportive. wrote the cat. It doesn't go past, webinars, don't know.

1:11:16

So, I think it's always worth, We have a good Jody saying, Stipends getting out. So there's something about, always, it's always worth trying to talk to somebody and say to, this, I am a PI, so it was worth doing that. And that leads onto the other thing that this has been the most questions about, and I know most of these pieces beginning, but. if we just have a bit of a run through again. So, the idea about OK, who do I contact?

1:11:41

who isn't my social worker, If I need to be registered, my PA's, and I need to be registered who do I talk to, what about this personal health budget will private people be funding people.

1:11:56

So, the idea about, lots of people saying, well, I went to my GP, and they said go to the local authority, the local authority, you're telling me to a GP, know, can we just talked through it one more time? What is the process of getting registered?

1:12:10

So, to get the guidance, that was the standard operating procedure says, employer's responsibility to contact the local authority, whether or not the self funded, a self funded arrangement self-employed, or, or a personal assistant employed by an individual employer.

1:12:30

The employer needs to contact the local authority.

1:12:34

There will be local arrangements for that, I know, that have gone through and I try like approach to the app, So it's register here. Locally.

1:12:46

Local authorities are getting information about what needs to happen out in different ways.

1:12:51

We've seen some positive practice that, as John described, you know, disabled people's organizations, commission direct payments, support services, working really well in partnership with local authorities to get information out as broadly as possible as widely as possible.

1:13:09

In need to find out what your local arrangements are in simple terms.

1:13:14

Phone, the council.

1:13:16

I'd be determined on the phone that I flew a personal assistance. I need to get them registered on the councils standard. You should end up with the right team, but actually, we are seeing examples of councils getting our information specifically.

1:13:33

This is what you need to do. So you need to look for your local arrangements.

1:13:38

Does that? Is that right?

1:13:41

I know it's hard to answer very specific questions. Someone says, If I'm guessing PPE can I assume the council knows?

1:13:47

So now, I've got, I would say, No, again, just. Receive anything indefinitely.

1:13:56

There are other things that are coming up about local variations. But I just thought it might be helpful. I think this might be something you might come up. It might help with Katie, things like, I'm having to do the tests to come in, to covid the tests for several workers. Make somebody's I have to work an extra hours. Can I put that extra? Can I claim those extra hours? Well, what about people who are not having, like, like, use it takes to pro bono using the PA;s? Because that is just not the right situation for them to be doing that With that. Take a lot about what things come on.

1:14:31

Expenses, and is there, is there is anybody made a list of things that could be seen as covid of expensive. I don't know if that was something you did, a tool kits. You know it will be locally based, but I just thought it might be helpful.

1:14:42

And the other thing about any good stories: you've got about two lateral flow tests. We've got a couple of people saying they want to also get the lateral flow tests results, because people are waiting for a long time to get results back.

1:14:58

So, as any of those things, you got some nice, exit, the lateral flow tests, the meeting on Monday with Calderdale Council. And as Martin says, it's, and also, John said, it's really important to have that relationship with disabled people and organizations, and working through all this. Because it's really, really complicated. And as direct payments team does say is a logistical nightmare doing this. You know, they don't have all the answers, the guidance is there, but it's so varied what's happening on the ground.

1:15:30

So, our local area, or a Monday tells us that at our local fire station, which is a testing center, they tend to be having lateral flow tests available, to all PA employers, but that means that you're going to have to drive.

1:15:46

And if you're shielding, that's extra difficult to the center to pick up your home tests, to then be able to take home, each PA then does the test, and then sent it back to send back to the station. So they know that isn't going to work, and that's really complicated. So they're trying to work out the direct payments team with Karla, who are health people at the moment and try and work out: Did they post them out? But who has that capacity to post them out? So it's all that's, like, work in progress, but the more that you ask, Tricia, what you said. You know, the more you're asking these questions and highlighting them.

1:16:25

And then you said something about the payments to Get tested.

1:16:30

I think that's a really good question, and I think that's how you, that's a conversation to be having, with PA's, there may be something legal that David or Rachel has, but we, for instance, would That would be great to have that conversation with our And if they are going for tests and it takes them an hour there, and now we're back. And we would have that discussion and if they would get to Katrina sitting there listening. So it's just going to put an extra hour on the timesheet. But yeah, I think that would be absolutely a positive thing to continue that relationship.

1:17:00

A lot of this is about communication as well and conversations and being open, not to emotional as a PA, employer. And I think we've had some really good guidance from Rachel and David as well, that's been helpful for us.

1:17:16

Just sitting on that covid expenses, you, anybody who's got a list of the sorts of things, or have done any work on such things, as covid expenses will be, will be local. I know if my device Unity would become that.

1:17:32

I don't. But I think that's that. Yeah, it's a really interesting thing, I can ask that. For instance, we have to put Suman and our expenses and then, and a laptop, because we needed that for Zoom.

1:17:47

So, I think it varies, and the cause and effect to family members.

1:17:52

Thanks, it's a space.

1:17:55

I was, I, we've talked a little bit about this in the, in the reference group, and the other thing to me, my advice for what it's worth to be.

1:18:04

If it feels like about an expense to you because it is helping your life, then actually, it's a large expense and you make a good case for it. Because they're all, there were some simple. There's, the national rollout, will just kind of an expense. So it's, It's not, it's the view that it should, great. Thanks. Trisha cannot just take a couple of live ones, because I know we've already probably got about 10 minutes left.

1:18:27

Just know, there's a couple of people with the handle, so I just want to give at least a couple of an opportunity to come on live up to you, so.

1:18:39

So, Ben, can you hear us?

1:18:50

Hi, Ben.

1:18:52

No, I think we've lost him OK, I'll come to the next one with the handle, which is Esther.

1:19:00

Can you hear me?

1:19:02

So, what's your question?

1:19:04

OK, and I actually have two questions, but they are relatively quick. So, question one was for Martin. And I just wanted to understand what import varied BIM from PHP holders in the national work that you've been doing, because they have a very, kind of specific requirements around health and well-being needs.

1:19:24

And the other question was for Rachel, which was, and is that going to be any specific guidelines developed for PHP holders, because they're not just clinically, extremely vulnerable clients That also, clients who potentially have invasive, high risk, delegated healthcare tasks as part of that care, and so that there's a higher level of risk with infection management and control?

1:19:55

Brilliant question, Martin ... first?

1:20:00

Yes, that's, that's fine.

1:20:02

So, well, I can tell you, is that the early guidance, the early work that happened on, on the direct payment guidance? Kind of happened by e-mail chain and there were, there were definitely people from. So at NHS England, you might be aware. Has a. Similar to TLAP I guess, A reference group of Personal Health Budget

1:20:31

Recipients who actively work with, but with an 80 S England Personalized Care Group is called to make sure all the stuff that they do is, is co-produced with personal health.

1:20:46

Budget the recipients so that group was initially engage by e-mail, which we leave, we connected with that group, so the discussions we've had have stayed joined with people who use personal health budgets. We have some people who join regular course discussions with government, who are personal Health budget recipients. I think we want to improve that, to be honest, and work better together. But, the short answer is that it's all been joined.

1:21:22

The only if you look at the payment guidance, is that it's actually very, It was both direct payments for local authorities and personal health budgets.

1:21:33

Take this a direct payment for personal recipients, such pretty joined, though. It feels it feels pretty positive. And the voice of personnel, the recipient has been heard.

1:21:47

Definitely, and we've, we've been bringing in an awful lot of people who were on personal health, which exclude the registers as well, and Rachel can I come to you about any specific guidance for personal health budget holders.

1:22:01

Absolutely, I'm not aware of there being any intention for the government to issue any formal guidance. I suspect there will not be any change in legislation for an employee, too.

1:22:16

Sort of, you know, go into a mandated program in any way. However, I think is a sensible thing for ILG support to offer some specific guidance for employers who are in that category. that do have a very high risk of infection control. I think for that particular group, we can be a little bit more clear and determinative of our opinion. We can provide further guidance and already prepare a process flowchart and set out a procedure for them to follow. So, yes, I am absolutely confident that we can put something together that will help that particular group.

1:22:56

Esther, will make that, will add that to the list of our guidance sheets that were put together, That's great, That's right.

1:23:05

Thanks, David, and welcome to David Thompson.

1:23:11

Can you hear me?

1:23:14

Yeah. I've got three quick things to say.

1:23:16

The first thing is that vaccination for unpaid carers and is only a footnote in the guidance and it needs to be written properly into the Guidance, and so that's the first thing. The second thing is: the lateral flow tests have been shown to be only slightly less than 50% accurate.

1:23:41

So what we need to be closely involved with PAs is regular testing on a cyclical basis, the same as care home workers, again, because lateral flow that's actually dangerous if the only 50% accurate, And the third thing I want to say.

1:24:03

Goals.

1:24:04

Oh, I forgot the third thing third things, isn't it?

1:24:10

Yeah. No, I think I think both are really important points, David. Thank you. Thank you, Tricia. Is there anything else in the question box before I start drawing to a close?

1:24:22

There's this lots, and I'm just trying to think about, I'm trying to prioritize.

1:24:27

There's some very specific ones.

1:24:29

And I just wanted to pick up that one about PA's abouts GDPR about people. Feels like an appointment to pick up in terms of where payroll providers stand legally sharing information with local authorities.

1:24:45

So there's a couple of people just in the last couple of minutes. Jenny, you've put the council has asked employers to provide that PA's details. How can we make sure not to breach data protection?

1:24:55

We're the ones who employ the PA;s not the council.

1:24:57

Can we refused to PA's details, but insisted PA contacts accounts directly.

1:25:02

It's just, I think that's a good way to pick up that one day, but you could add this.

1:25:08

You, David, one, think probably. Oh.

1:25:14

Actually, yes, I think there are a number of justifications to share data and one of which, which I think is the most important, really is consent, if the employee has consented for that data to be shared, then you can pass it on. So, in cases where you've got a PA, he was absolutely, wanted the vaccination, ask them.

1:25:38

Make sure it's covered in your policy and then you are free to share the data.

1:25:42

Otherwise, that there are other justification.

1:25:46

Is that when you have a lawful excuse or when it is necessary for you to fulfil the role that you have as the data process, the data controller.

1:25:57

So, it may well be that if you already look to the data policy that most employers will have in place that may already be consent within that. There may already be information that says, we are going to share your information with our support organizations. With the local authority. Certainly. The data policies that we have put together have already covered it off so you will probably find that a lot of employers already have the right to do so.

1:26:30

You just have an e-mail, somebody is on the webinar from a local authority so they are requesting that they tried to give the information to the employee, forward that directly to us, therefore not breaching data, so there's obviously lots of work arounds early, thank, save it. So that's all we've got time for about two minutes.

1:26:49

So, 11, 13, I wanted to say a big thank you to all the panellists, Thank you for joining, and I know that a lot of questions haven't been answered, but we're committed to taking, then, we'll do a question and answer sheet to the best of our ability. But we'll follow up, and we'll send that to you after the webinar.

1:27:10

Big thanks to Martin, Katie, David , Rachel and John for being on the panel. Big thanks to Tricia and Gaynor Access supports, a lot of things.

1:27:18

and Steph and Katrina, of course, for doing the interpretation. And just to let you know, that there is a social Care Enquiry going on.

1:27:28

So, Anna Severwright is a disabled person. She is leading this inquiry on the future of social care.

1:27:35

So, I just wanted to just put a pin. I haven't seen that. It'd be worth getting involved in it and giving your views on that.

1:27:42

Tomorrow, talking about what John was saying about helping people to see how they are, there is a check in session, check in webinar just to say, How are you doing?

1:27:52

So it's a completely open session for people to just discuss whatever they want to do just to check on how people are

1:28:00

Ah, And if you've got any subject, so, you want to repeat this one, or do any of the webinars, please do get in touch with us.

1:28:09

And we'll try and set up as many as we can on different subjects that just helped to get this information out as widely as we possibly can.

1:28:18

So, thanks very much for joining, half of the lovely rest of the day. Thank you.

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