

Provider Call Covid-19 - Call 8

Chair	Sophie Chester-Glyn (Manor Community & Coproduce Care) David Smallacombe (Care & Support West)
Date	13.05.2020
Time	12:00pm – 1.20pm

(please note that the speakers have not verified these minutes)

Speakers:

- **James Sage – Lawyer at Royds Withy King**
- **Carolyn Baker-Mellor – Head of Care at Towergate Insurance Brokers**
- **Daniel Lloyd – Inspection Manager at CQC**

Introduction from Sophie Chester-Glyn ([Coproduce Care](#) and [Manor Community](#))

- Sophie started off by introducing herself and the speakers for today. She said people have been having issues with insurers so they got in touch with Carolyn from an insurance broker who will be speaking. Sophie said the first speaker would be James Sage giving an employment law update and then Daniel Lloyd with a CQC update.
- Sophie explained how we are in a much better place now in regards to guidance and so she mentioned rather than having these calls weekly, making them bi-weekly instead, she said people can leave what they think in the chat area and she would come back to it at the end.
- Sophie mentioned how in the press they have been talking about non-white groups being affected by covid. Sophie said she wondered if anyone else had thought what it would look like for their business and what they could do to protect their staff.
- Sophie asked if anyone had heard of or had any good ideas for rewarding staff, she said that Wales had given out £500 to staff members but England can't do this.
- Sophie said that PHE couldn't make it on the call today but they hold daily webinars at 3pm and have left the details to join. → [Join Skype Meeting](#) Trouble

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- Sophie said that the most relevant change for now is the new Department of Health and Social Care testing portal handy flow chart which is linked here. https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/884284/Adult_social_care_COVID-19_testing.pdf
- Sophie said about the NHS volunteer responders scheme, which has been set up to provide volunteer support to those clinically most at risk from coronavirus who have been advised to stay shielded, email here if you want to sign up england.covid-communities@nhs.net
- Sophie said the other one is the care home webinar, she said she has asked her managers to join and she is going to join for the first time on Friday. Email here if you want to sign up england.bettercaresupport@nhs.net
- Sophie said we have Thangam Debbonaire's assistant Georgia who joins in on these calls.
- Georgia Edwards (Thangam's PA) gave a quick update and said Thangam has asked her to join these calls so she has been weekly and then reporting back so Thangam can report issues to the government. Georgia said that another issue is how the sector can be valued better coming out of the crisis. She said she can't stay for the whole call but will be keeping notes to take back to shadow cabinet. Georgia said you can contact Thangam on thangam.debbonaire.mp@parliament.uk

Introduction from David Smallacombe ([Care and Support West](#))

- David said how last month he emailed all 4 local LAs asking two things, how they are going to support self-funder SUs in care and how they plan to share the second tranche of money. He said he has had no response and has had to chase again this week. He said he will keep everyone updated when he hears anything.

James Sage (Royds Withy King)

- James said he was going to give an update on HR and employment law issues.

- James said the first update is on the job retention scheme and the announcement yesterday said it has been extended to the end of October. James said it will remain the same until August but after then there might be some changes introduced. James said that so far the only announcement is that at that point businesses can start employing furloughed staff again probably by starting off part time with the aim of getting back up and running to full time. James said at the moment you should continue to use the scheme how you always have.
- James said there has been talk about risk in furloughing staff, he said so far in care it is about shielders or people with vulnerable health issues and the guidance says if you are in receipt of public funding you shouldn't furlough staff. James said if you have fully private funding you are fine, if you are part or fully public funded it is less clear. He said there is guidance around protecting staff which you can use to argue with HMRC but it is still not clear how it will be interpreted.
- James said that where possible to make sure there is no double recovery. He said if you have furloughed vulnerable groups or shielders then to make sure you keep records of cost for replacement employees.
- James said that some staff may raise concerns about health and safety at work. He said that under the workers rights act if staff refuse to come to work due to safety and face detriment or discharge because of this then they could claim. He said that if in that scenario you said you aren't going to pay them, then they could also claim. James said that you need to show you have tried everything to get them back to work safely. He also said that if people are complaining about lack of PPE then that is a protected whistleblower claim so to be aware of protections against mistreatment or dismissal based on this.
- James said he knows that testing has been a struggle, he said that he knows of situations where staff have actually refused to have a test or refused to provide their results. James said that if employers find themselves in this situation they will need to balance the data protection rights of the employee. He said if they refuse with no reason then this could lead to disciplinary action, but he said it needs to be dug into properly and found out if there is a real reason before any moves are made.
- James said that now it is the start of easing lockdown of the public, if staff are able to go out and mix more freely then the risk of them picking up covid is going to increase. He said providers will need to relook at risk assessments and maybe think of a way of messaging staff to tell them to be cautious outside of work.

Q. I was thinking about claims when staff refuse to start working again, I heard that you would need to just keep paying otherwise they can claim?

A. James replied yes, but said you have to try and have the conversation and show the safety steps you are taking, he said that this will mostly work but need to be aware. James said that you will probably need to pay them whilst they aren't coming to work whilst you collate your case.

Q. If you have a staff member who is shielding but in a key role can you terminate employment as you need someone who can work? the role cannot be done from home in a long term basis.

A. James said the risk of this is going to be discriminatory. He said that keeping them on sick pay is probably going to be the better approach as terminating their employment in these situations is probably going to cause problems.

Q. Any advice on what to do if a member of staff refuses to have a test?

A. James said you cannot force someone to be tested. He said he doesn't understand why someone working in care would not want to be tested so you definitely need to have detailed investigation before you act.

Q. What should employers do if staff are not listening to the guidance and using PPE?

A. James said that if they are not using PPE, then this could be a disciplinary action, but you will need to investigate and ask questions first and show you have tried to understand. He said if they refuse with no good reason then it could be the disciplinary route.

David Smallacombe said if people are having issues with testing and being told they have to go to a testing centre far away then David said to contact him or Care and Support West and they will see if they can help.

Carolyn Baker-Mellor (Towergate)

- Carolyn said that Towergate are an insurance broker as opposed to an insurance company and that her colleague Richard Barnes is also on the call to help chip in.
- Carolyn said they recognise the fantastic work that is going on and would like to say a thank you to everyone.
- Carolyn said the sort of things they are seeing in insurance market as brokers, in many years she has never seen a situation even similar to this. She said they are

seeing a lot of changes from insurers but there is a lot to still happen and it is changing daily.

- Carolyn said the initial questions at the start were about company's closing their businesses, what does that mean for them, do they have the insurance etc.
- Carolyn said that in care, the concern is about long-term effect on clients and employees, particularly in the elderly sector. She said they have seen household names saying they will not write any new business whatsoever and they will be focusing on existing clients until they can be sure about caring for current clients and insure this properly.
- Carolyn said that care is already a restricted market, and it is not an attractive risk in insurance markets as the public only see the worst cases in care. Carolyn said that care is actually underfunded on an insurance point of view but cases from the past make it look unattractive. She said she is seeing people say they don't want to continue in this area or taking no new business.
- Carolyn said she has also seen some insurers putting restrictions on the cover. She said only in last two weeks, she has seen some insurers starting to put restrictions under public liability section.
- Carolyn said she has talked with a couple of associations and DHSC, she said the conversations are very high level at the moment and it is a matter of seeing when they could step in and help. She said this is relevant for care providers taking hospital discharges, as she has heard of LAs putting pressure to take people they wouldn't take normally and there is concern.
- Carolyn said that nobody really knows the long term effect of covid so claims could come in over 2-3 years time so insurers need to think what that means.

Q. What happens with my insurance if I can't provide PPE?

A. Carolyn said that insurance is about liability, so it would be how could someone prove you have been negligent in any way. She said that if you have taken all risk assessments and done everything you can to create a safe working environment then she doesn't see how they could claim. Carolyn said she was hoping for more clarity about how DHSC would help if employees brought claims forward.

- **Richard Barnes** from Towergate said that if you are being asked to go into situations or look after people you would normally not look after, he advises you

to speak to your insurer and tell them what you are being asked to do and what they think.

- Carolyn said that if you are currently with an insurance provider but doesn't cover the end of the year, nothing should change until you renew. She said to just be aware that insurers could impose changes at mid-term as they have seen this happen so be aware of this situation.

Q. Hearing a lot of people not wanting PAT or fire extinguisher tests, does this affect insurance?

A. Richard said that according to their policy, they would expect PAT and similar inspections to take place. He said if you want to refuse inspection because the tradesperson doesn't look like they are using protection etc then speak to your insurer.

- Carolyn said they are happy to speak to any individuals after the call to help with advice or see how they can support. Carolyn.baker-mellor@towergate.co.uk

Daniel Lloyd (CQC)

- Daniel said a big thanks to everyone and also a thanks for sharing links from these calls.
- Daniel said the essential support framework has started this week and they have done a couple already and are really keen to get feedback on it. He said there is lots of information on the website about this but it is basically an organised call with the manager and CQC inspector on how you are managing the covid crisis. He said it shouldn't take any longer than an hour and it will be arranged when is convenient for the manager.
- Daniel said there were a lot of interesting comments on the chat about testing and the new portal from yesterday. He said it's not working as well as everyone would hope but said this is nothing to do with CQC.
- Daniel said to get in touch with him if you need anything or to feedback on anything. Daniel.Lloyd@cqc.org.uk

Harriet Soderberg (BNSSG CCG)

- Harriet said there was not much to update on from her but she said she has seen a lot testing issues coming up in the chat. She said to touch base with LA's and herself and they can try and help with anything.
- Harriet said she was doing a lot of work in the background on how they can support the sector and they are trying to understand what everyone has in place at the moment in regards to tech. She said that NHSX have realised a broadband for social care at a discounted price. Harriet said she was going to email Sophie with more information on all of this.

Helen Pitches (BCC)

- Helen said that regarding SUs in the community, there is a new digital service from the LA coming out so will share the details once they have them. She said she was only briefed this morning so she will gather and share more information outside of the call.

Sophie Chester-Glyn (Coproduce Care & Manor Community)

- Sophie said about the livestreams she had started to do on Coproduce Care. She said last week they had Belinda Schwehr talking about care act easements which was very interesting and it is available on YouTube and has 700 views already. She said they also had Asher Craig last week as well. Sophie said tonight they have Roy Lilley on and he will be talking about a lot of stuff like PPE and non-white health inequality. She said tomorrow they have the minister for care Helen Whately on for 20 minutes so if you have questions for the current government minister for care then get them in, she said they also have Robin Batchelor who is the inventor of the care badge so they are two really good speakers in one livestream.
- Sophie said the feedback from the chat was good about doing these calls bi-weekly so the next one will be 27th May. She said if you have anyone in mind who you would like to see as a speaker then to let her know.

Summary

- Providers are happy to do bi-weekly calls from now on
- Issues with grant eligibility and business rates
- Staff member compliance with current PPE / testing guidance
- Inconvenience and delays / inconsistencies within testing process / portal

- Gaps within insurance coverage if inspections cannot go ahead
- How / where to get free or cheap technology to allow remote working
- How to assist with / maintain wellbeing and finances of staff and clients

Links

- Latest Guidance for Testing - https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/884284/Adult_social_care_COVID-19_testing.pdf
- PHE NHS Voluntary Responders Webinar:
- Join on the day via Teams: https://teams.microsoft.com/l/meetup-join/19%3ameeting_MjdhNTg1ZTQtZTNjMC00OTk2LWE0YTetMWY2MThjZTBiMTM5%40thread.v2/0?context=%7b%22Tid%22%3a%2203159e92-72c6-4b23-a64a-af50e790adb%22%2c%22Oid%22%3a%22be321bd9-d3ce-411c-a166-1983320db990%22%7d
- Dial in on the day: [+44 113 486 0108](tel:+441134860108)
- PHE – support actions for care homes webinar: <https://www.eventbrite.co.uk/e/key-covid-19-resilience-support-actions-for-care-homes-webinar-tickets-104749025154>
- Our Eventbrite for our next call 27/05: <https://www.eventbrite.co.uk/e/covid-19-care-provider-conference-call-tickets-104972792448>
- Coproduce Care YouTube Channel: https://www.youtube.com/channel/UCJMZQ6O_T37n7Ylf3cvu-mQ
- Coproduce Care on Facebook: <https://www.facebook.com/coproducecare/>
- Link to request tests - request-care-home-testing.test-for-coronavirus.service.gov.uk
- Daniel Lloyd's email - Daniel.lloyd@cqc.org.uk
- Richard Barnes' contact details - richard.barnes@towergate.co.uk to discuss insurance issues. Mobile is 07768 314 298
- Carolyn Baker-Mellor's email - Carolyn.baker-mellor@towergate.co.uk
- Towergate website - towergateinsurance.co.uk
- information about internet providers and social care deals: <https://www.nhs.uk/covid-19-response/social-care/internet-connection-deals-care-homes/>

Chat questions

- Bi weekly unless something big is sent out from Government in between weeks
- we sent all staff goody bags costed at around £8 pp and went down really well. pack of cards, stress ball, sweets, brownie in a cup, and other bits and bobs sourced on amazon

- one of our staff are doing a sponsored head shave for our staff
- PHE 3pm webinars have been great. Peter Smith has been really helpful.
- Thangam Debbonaire MP, Bristol West - thangam.debbonaire.mp@parliament.uk. Please get in touch with concerns and questions. Thangam is able to collate these and send them onto the Shadow Health Team. Thanks!
- we applied for a grant which government said we could claim £10k, unfortunately we are not able to receive it due to renting our office? I believe loads of care home providers are in same boat. is there anything which can be done please? we already emailed to our MP. thank you
- good to hear you've contacted your own MP. They should be able to lobby the government on this. Thangam is able to look into this Bristol-wise too.
- what is the grant you applied for?
- The new small business grant means that those who didn't fit into the initial grant eligibility may be eligible for the grant - I know that Bristol City Council are still waiting for guidance from the government about how they are able to use this money
- I would advise you to get in touch with your local authority Business Rates team about this too, to ask them
- When I initially looked for grants it said we would be contacted by South glos if we were entitled to anything - we have not been contacted. only help was the 10% south glos service user enhancement for April/May/June
- if you have a staff member who is shielding but in a key role can you terminate employment as you need someone who can work? the role cannot be done from home in a long term basis.
- Any advice on what to do if a member of staff refuses to have a test?
- Sorry if the company do not pay sick pay but choose to self-isolate are we right to not pay in those circumstances?
- What should employers do if they find staff are not using PPE provided?
- if we have evidence staff are not following government guidance what can we do?
- Would a staff positive test count in that instance. Why would staff come to work then if they can stay at home and be paid instead?
- distance to the testing centre is often the barrier. testing in the homes will resolve this.
- What guidance were you referring to with regards to people being off by choice
- I was asked to go to Oxford, so I did a home test, but that took 8 days from applying to result
- has anyone in a LD service used the new portal for testing or is it only for elderly
- I think new portal for care homes - not just older persons
- just completed the form to request home testing kits from bnssg to receive a phone call tell me it's not possible to provide approx 20 tests.

- I have tried the portal on May 1st, was emailed telling me they will get back, didn't and continue to brush my calls off by suggesting I email the portal help desk.
- I am not sure who was contacted but my regional manager and she has requested enough for residents and staff due to be received today. we do not have anyone with covid19 so that is not a criteria for the tests. but you are restricted in getting anyone tested and swabs collected over a 3 day process to try to get everyone tested or at least give them the option
- no it was sent from bnssg nhs, now been given another website via .gov to request test for staff
- does your existing insurer have to continue to cover you?
- I assume it is correct for insurance purposes that as an operator if contractors cannot enter home due to lockdown measures, there is understanding that one would still be covered if eg PAT test/LOLER/Fire extinguisher tests have become out of date
- Hello everyone - we are hearing that some providers are having issues accessing testing. The government appears to have had the same message and a new portal has been set up. We're including info on this in tomorrow's update from health and social care. If you're having significant challenges, please would you get in touch with your Local Authority or via the Wraparound Support Team 24/7 single point of access telephone line?
- I looked at the portal - 1st question is whether you work with people over 65
- Our existing insurer asked a lot more questions and now our premium has gone up.
- I was of the understanding that the portal was LD as well
- I requested tests through the portal and there is no limit. the bnss glcc one hasn't said a limit to me but I only have 18 staff so maybe that's an issue.
- we are being sent 80 test kits, so I understand they assess the number you require based on the information you give them and this is linked in with cqc
- Do the home test kits have an expiry date ? Can we order and keep in stock for when staff show symptoms
- the test kits are for those staff who do not show any symptoms..
- We were told it's all done via courier and you get 24 hours each time tests are delivered to get them done and sent back via the courier.
- could we have the details of where we can send insurance queries please?
- no specific update - likewise on testing - feedback on testing yes please
- Again the finance of some of the service users is low even though the providers have reduced the price. I am thinking of the people in their homes.
- There is a scheme in Wales where there are tablets/smart phones with SIM card being provided and loaned for period of time to help with online consultations- I think this is provided from the health boards

- Really recommend Roy Lilley. Very knowledgeable, realistic, and informative.
- Longer term scenario planning around care is really important. Would be good to start getting guidance from BCC on how they see Covid impacting on longer term funding, market position statement etc.
- Vague messaging from government is also really confusing people we support on what they should/shouldn't do - some are now thinking they can go back to normal.
- We run care homes in both England and Wales- is already has presented questions around e.g. if staff in Wales are getting £500 reward, are we in England getting the same?
- It would be good to hear from day centres and services on what they plan to do in order to comply with post lockdown restrictions and keeping both home and residential settings safe from external transmission.
- Time for staff in terms of mental wellbeing and time off to be with family
- We have also had to keep the message the same in both countries, and have gone with stay at home mantra
- the wellbeing guidance that comes out is huge... probably lots of good stuff in there but a huge amount to wade through to try to filter messages for our own staff. Resilience/ wellbeing webinars for staff to dial into may be helpful. Don't know if this can be offered by someone qualified?
- We can offer them voucher in future for dry aqua massage as a reward
- it goes back to what we said last week, when all this is over its the same now tired staff that will be expected to carry on as if nothing happened...we have no answer to that