

SSP Enhanced Scheme Guidance –

This document is available in Welsh / Mae'r ddogfen hon ar gael yn Gymraeg

Terms and Conditions

In applying for payment from the scheme, you confirm that you understand the requirements of the scheme as detailed below and will uphold and support the following eligibility requirements, administration responsibilities and payment terms.

The term 'employer' refers to all such employment relationships, and equally to employer agencies within these terms and conditions, other than where separate distinctions are expressly made.

These terms and conditions must be completed and submitted for each claim for grant funding under the scheme.

Eligibility Requirements

To be eligible the individual must be:

- an employee of a registered care home (including children's homes)
- an employee of a domiciliary care service
- support workers in emergency/temporary accommodation
- support workers in supported housing
- support workers in supported housing and homelessness outreach workers
- support workers from supported housing schemes providing floating support in people's homes
- an agency care worker or agency nurse (with work booked in with a registered care home, domiciliary care service or eligible housing support service included in scheme)
- bank or pool staff booked to undertake a series of shifts in an eligible setting/ service
- contracted staff providing daily essential services such as routine catering in care homes and having substantial contact with residents
- a personal assistant paid through direct payments
- ancillary staff in large 'hostel' type supported accommodation, with large communal areas and catering arrangements

An employee with two jobs, where both eligible for the scheme, may claim payments in respect of both part time wages.

The scheme runs from 1 November 2020 until 30 September 2021.

Support Workers are eligible to claim from 14 December 2020 until 30 September 2021.

Homelessness Outreach Workers are eligible to claim from 24 December 2020 until 30 September 2021.

Ancillary staff in large 'hostel' type supported accommodation, with large communal areas and catering arrangements are eligible to claim from 05 March 2021 until 30 September 2021.

To be eligible the individual can be:

- full-time or part-time
- subject to a zero hours employment contract
- subject to a permanent or temporary contract
- working from a care agency
- bank or pool staff
- self-employed

The individual must be taking time off work for one of the following:

- having symptoms of COVID-19
- testing positive for COVID-19
- self-isolating due to being identified as a contact by the NHS Wales Test Trace Protect service
- self-isolating because a member of the household has symptoms of COVID-19 or has tested positive

The Statutory sick pay enhancement scheme supports care workers who only get **statutory sick pay (SSP)** when absent or are not eligible for SSP.

The guidance on how long employees should self-isolate is available on Welsh Government website:

<https://gov.wales/self-isolation-stay-home-guidance-households-possible-coronavirus>

The periods for which the SSP Enhancement payment is made depends on the length of self-isolation set out in current guidance. As this is subject to change, we have not specified the duration of self-isolation periods above. Employers are responsible for keeping up to date with current requirements.

The self-isolation periods outlined in the self-isolation guidance are the maximum periods for which the SSP Enhancement scheme will provide funding for the individual employee or agency worker.

Employed staff

The enhanced payment is payable from the first day of absence. If the employee is not eligible for SSP, the scheme will provide 100% of the usual income.

The employee is expected to seek a COVID-19 test immediately and return to work as soon as they can, in line with current health advice.

If an employee tests negative but is unwell due to a different illness, the SSP enhanced payment must stop and income for the remainder of the absence reduces to what it ordinarily would be when the employee takes sick leave.

When the employee tests positive for COVID-19, the enhancement is paid for the required self-isolation period. If the person remains unwell and cannot return to work, the SSP Enhancement scheme must stop and income for the remainder of absence reduces to what it ordinarily would be when the employee takes sick leave.

When the employee is required to self-isolate, the payment is for the period specified only. For example, an employee is off for 4 days with symptoms and awaiting test results:

- On receipt of a negative test, the employee feels well and returns to work. The claim is for 4 days income minus any SSP paid.
- On receipt of a negative test, the employee continues to feel unwell and stays off work. The claim is for 4 days income minus any SSP paid. There is no claim with regard to further absence, since the absence is not COVID-19 related.
- On receipt of a positive test result, the employee stays off for a further 10 days or the length of time consistent with current health advice. The claim is for 14 days income minus any SSP paid. Claims can be sequential in this instance i.e. claim for suspected COVID-19, then for self-isolation as a result of actual COVID-19 or a period consistent with current health advice.
- On receipt of a positive test result, the employee stays off for a further 30 days due to the impact of the virus. The claim is for 14 days income minus any SSP paid. This is the claim for suspected COVID-19 followed by 10 days for self-isolation as a result of actual COVID-19, or a period consistent with current health advice.
- On receipt of a positive test result, the employee decides to apply the Self-isolation support scheme (see below). The employee informs the employer who ensures SSP enhancement payment stops from the day of the positive test result.

There is no limit on the number of times eligible that employees can benefit from this scheme.

Agency staff

The enhanced payment is payable from the first day of absence. If the agency worker is not eligible for SSP, the scheme will provide 100% of the usual income.

The agency worker is expected to seek a COVID-19 test immediately and notify the agency as soon as a result is obtained. No further enhanced payment is made as soon as a negative result is obtained. If the agency worker remains unwell due to a different illness, the payment must stop as this is no longer covered by this scheme.

When an agency worker tests positive for COVID-19, the scheme will fund for the worker to be paid for all shifts already booked in at the point where they suspect they may have symptoms or receive a test, whichever is the earlier. Payment is for the booked shifts within the required isolation period only and with any SSP deducted.

If the agency worker remains unwell after the isolation period specified in current guidance, payments from the SSP Enhancement scheme must stop and income for the remainder of absence reduces SSP or zero, depending on their usual circumstances.

When the agency worker is required to self-isolate, the payment is for shifts already booked in and for the period specified only. For example, an agency worker is off for 4 days with symptoms and awaiting test results:

- On receipt of a negative test, the agency worker feels well and returns to work. The claim is for any pre-booked shifts minus any SSP paid.
- On receipt of a negative test, the agency worker continues to feel unwell and stays off work. The claim is for any pre-booked shifts for 4 days minus any SSP paid. There is no claim with regard to further absence, since the absence is not COVID-19 related.
- On receipt of a positive test result, the agency worker stays off for a further 10 days or the length of time consistent with current health advice. The claim is for payment for any shifts that had been pre booked for 14 days in total minus any SSP paid. Claims can be sequential in this instance i.e. claim for suspected COVID-19, then for self-isolation as a result of actual COVID-19, or a period consistent with current health advice.
- On receipt of a positive test result, the agency worker stays off for a further 30 days due to the impact of the virus. The claim is for payment for any shifts that had been pre booked for 14 days in total minus any SSP paid. This is the claim for suspected COVID-19 followed by 10 days for self-isolation as a result of actual COVID-19, or a period consistent with current health advice. The scheme does not cover the agency worker for the duration of their illness. It is confined to the period where they may be infectious, as this is the premise of the scheme.
- On receipt of a positive test result, the agency worker decides to apply the Self-isolation support scheme (see below). The agency worker informs the employer who ensures SSP enhancement payment stops from the day of the positive test result.

There is no limit on the number of times eligible employees can benefit from the SSP enhancement scheme.

Sick Pay

An individual is eligible if they receive only SSP when off sick or are not eligible for SSP.

This scheme is intended to increase individuals' pay should they revert to SSP as a result of a COVID-19 related absence from work. This enhancement is funded by the Welsh Government. Employers should not seek to reclaim these enhancement costs from the Statutory Sick Pay Rebate Scheme (SSPR). Nor should employers seek to claim the SSP enhancement payment from HMRC. Employers who make incorrect claims via SSPR may be subject to HMRC compliance activity.

Part time workers will be eligible for this scheme from the first day they are not able to come into work because of a COVID-19 reason for absence, when they are due in.

If employees test positive for COVID-19 or are requested to self-isolate during a period of pre booked annual leave, eligibility for this scheme will depend on the employer's sickness absence policy and whether, in such circumstances the employee would usually be regarded as sick and thereby not use annual leave.

If the employer pays full pay in some or all sickness absence circumstances

- the employee is not eligible for this scheme if they receive full pay for all sickness absence (which includes COVID-19 related absences outline above).
- the employee is eligible if the period for which full pay is provided is limited in amount and the employee has exceeded this.
- the employee is eligible for the first few days of absence, if the employer does not provide full pay for this period.
- the employee is eligible if full pay is not provided during a probationary period.

The employee is not eligible for this scheme if they:

- have childcare or carer responsibilities, even if schools or day services have closed due to COVID-19.
- need to quarantine following foreign travel.
- cannot work due to being assessed as high risk using the All Wales COVID - 19 workforce risk assessment tool.
- have been advised by a GP or hospital doctor to self-isolate as a precaution before or after a medical procedure.

Eligible staff roles

Role

Information on eligibility

Domiciliary care workers

Care workers employed by a registered domiciliary support service are eligible. This includes: care workers providing care to people in private homes people in a supported living arrangement

Care workers and nurses employed in care homes

Care workers employed to care for people living in registered care homes are eligible. This includes: care homes for older adults, younger adults and children residential special schools and colleges registered as care homes with Care Inspectorate Wales

Ancillary staff in care homes and 'hostel' type supported accommodation

Cooks, domestic staff, administrators, activity coordinators, maintenance and other ancillary staff are eligible where they are required to work in regular close contact with residents.

Managers and supervisory staff in care homes and domiciliary services

Senior staff are eligible for payment when their work brings them into close proximity with people receiving care and they are not able to maintain social distancing.

Staff working for contractors in care homes

Staff must be providing daily essential services such as routine catering or cleaning services and have substantial contact with residents

Personal Assistants (PAs)

PAs provide personal care and support for individuals in their own homes. PAs are eligible only where they are paid via direct payments and not by other arrangements.

Support workers in supported housing schemes, floating support and emergency accommodation and homelessness outreach workers

Support workers in these housing support schemes are covered by this scheme.

Agency care workers and agency nurses	Agency staff booked for work in an eligible service. The worker must have confirmed bookings to provide shifts prior to noticing symptoms or being required to self-isolate.
Bank/ pool/casual workers	Workers booked to provide shifts in an eligible service. The worker must have confirmed bookings to provide shifts prior to noticing symptoms or being required to self-isolate.
Allied health professionals	AHPs employed by, and working within, a registered care home or domiciliary care service are eligible if they are providing direct care and support for people and social distancing is not possible
Non eligible staff roles	
Role	Information on eligibility
Staff working in healthcare settings, including private hospitals and hospices	This scheme is specifically to support social care staff and does not cover those working in healthcare settings.
Regional managers/ Responsible Individuals	Regional managers and RIs are not usually based within care services and do not provide personal care. They are not eligible for this scheme unless they can demonstrate eligibility due to their specific working arrangements.
Foster carers	Foster carers receive an allowance and are generally not paid employees. They are not eligible for this scheme.
Shared lives carers	Shared lives carers receive an allowance and are generally not paid employees. They are not eligible for this scheme.
Workers in residential family centres	Workers are not providing significant levels of personal care and are not eligible for the scheme.

Other staff in care homes for children	Teaching staff, therapeutic staff and office based staff in care homes for children and residential special schools or colleges are not eligible for the scheme. Such staff are likely to be able to maintain social distancing and their roles do not include direct care.
Early intervention and community based services	Social care workers employed in community based services are not eligible for the scheme, unless they have been redeployed into an eligible staff role.
Volunteers and unpaid carers	Volunteers and unpaid carers are not included in this scheme, which is aimed at paid employees.
Childcare and play services	Care workers employed by these services do not provide personal care in people's homes and are not eligible for this scheme.

Cross border issues

If the employee or agency worker works in an eligible service in Wales, they are eligible for the scheme, irrespective of where they live.

If the employee or agency worker works in an eligible service outside of Wales, they are not eligible for the scheme, irrespective of where they live.

If the employee or agency worker works for a domiciliary care agency registered in Wales and is providing care for people in Wales, they are eligible for the scheme.

If the employee or agency worker works for a domiciliary care agency not registered in Wales, they will ordinarily not be eligible for the scheme.

An exception to this is where domiciliary care is commissioned by a local authority to meet the needs outlined in an individual's care and support plan, but where the domiciliary care agency is exempt from registration outlined in Part 2 Reg 3(1)(b) of the Regulations (RISCA).

Personal Assistants must be providing care and support for a person who is receiving direct payments from a Welsh local authority.

Administration Responsibilities

Advise employee/agency worker of the availability of the scheme;

When an absence occurs:

- The employee or agency worker informs employer/agency that they cannot report for work as per employer sickness absence reporting procedures. The employer or agency checks employee eligibility and will automatically put employees or agency worker onto the SSP enhancement scheme unless they are notified otherwise (for example if employees or agency worker wish to access the Self-isolation Support scheme instead).
- An employee or agency worker who receives a payment from this scheme when they have suspected COVID-19 may choose to apply to the Self-isolation Support scheme following a positive test result (if they are eligible for the Self-isolation support scheme). Although the absence will be continuous, we regard this as a change in circumstances allowing a move between schemes and therefore they are treated as essentially two separate absences.
- In this instance, the employee or agency worker must inform the employer/agency immediately that a positive test result is received and that they wish to access the Self-Isolation Support scheme. The enhanced payment from the SSP scheme stops and there must be no overlap of dates as this would constitute a duplicate payment.
- Claims can be paid for absences from 1 November, but not for any earlier absences. As an ongoing principle, payments should be made in the pay packet covering that particular absence period and not paid at a later date.

When the absence or time eligibility ends:

The employer:

- claims the difference between SSP and full pay (if the employee receives SSP) or claims the value of full pay cost (if the employee does not receive SSP).

The agency:

- claims the difference between SSP and the pay for the agency worker in respect of the pre booked shifts for the relevant absence (if the worker receives SSP).
- claims the full amount of the pay for the agency worker in respect of the pre booked shifts for the relevant absence.

General Responsibilities

The employer / agency must:

- Collect and retain (Form 1) declarations from all staff and retain them for two years for audit/checking purposes. The form should ideally be completed and submitted before any absence has occurred. The form covers all relevant absences. The form is to obtain the employee's and agency worker's consent to sharing of personal data.
- Retain evidence and records to substantiate employee/ agency worker pay and any SSP paid, for open book accounting review or audit, upon request;
- Ensure (Form 2) claim forms are completed fully, submitted and retained as per the guidelines.
- Hold and manage personal data in accordance with GDPR regulation;

- Follow Welsh Government Guidance to make all claims, and all sections should be adhered to. More information can be found here: [Statutory Sick Pay Enhancement Scheme \(cardiff.gov.uk\)](https://www.cardiff.gov.uk/statutory-sick-pay-enhancement-scheme)

Payment Terms

- Employers are entitled to claim for additional overhead costs at a flat rate of £5 per claim.
- Employer pays employee their full salary as per the usual payroll arrangements (weekly or monthly). Where hours are irregular, pay should be the average of the last eight weeks or two months. This calculation must not include bonuses or back pay.
- The Agency pays the agency workers for the shifts that were booked in at the time they first knew they could not work due to COVID-19 for the duration of their absence under this scheme, by the usual payroll arrangements.
- Employers and agencies should ensure payments to employees/agency workers are not delayed.
- The scheme will support payment for the length of the absence due to COVID-19 isolation (which is specified above in current health advice);
- Employer / Agency informs the local authority and provides details of employee's NI number, pay, hours covered by absence, absence dates and SSP deducted.
- This process applies to care providers, support workers, contractors and the employers of Personal Assistants.
- The local authority will reimburse the employer through monthly payments, or more frequently if required due to employer cash flow concerns.
- Direct payments will continue to be made to allow employers to make appropriate payments to Personal Assistants under this scheme.
- The employer or agency submits the claim to their local authority to recover the costs of the scheme on a monthly, or more frequent basis as required for cash flow purposes (to be agreed with the local authority). Claims can be for partial absences if an absence spans a cut-off date for claiming or the start of the scheme on 1 November.
- The Council will process the re-imburements in order of date received.
- The enhanced payment is regarded as earnings. It is therefore subject to tax, national insurance and pension contributions and student loan repayments, where appropriate. It will also be included in benefit calculations. As these payments will take an employee's pay up to the level of full pay, the deductions should be the same as those usually taken from wages. We do not expect this to cause any specific issues.
- Employers and agencies can be reimbursed for National Insurance and pension contributions. Ministers have recognised concerns raised by the sector and costs can now be reclaimed. Contributions for relevant absences made from the start of the scheme on 1 November will be reimbursed through Form 2.

Please be aware that it may take up to 6 weeks to process and show in your account. If you have any queries please do not hesitate to contact the team on the following email sspescheme@cardiff.gov.uk

Your general obligations to us

At the point of claim you are required to provide true and accurate information to SSP Enhanced Scheme to support your application for a claim.

You must notify us immediately by contacting sspescheme@cardiff.gov.uk if:

- I. A payment has been made to you in error, and, or, if there are any circumstances that had the Council been aware of at the time of your claim, may have affected the decision to approve payments;
- II. You have any suspicions that the information contained in your applications may not be wholly complete, true or accurate, including, but not limited to;
 - Your consideration of all necessary information to ensure eligibility;
- III. You have not disclosed to us all material facts or circumstances, to enable us to obtain a true and correct view, in order to process your payments correctly.

Data Protection

The information contained in your application has been used to process your claim for the SSP Enhancement Scheme.

- Personal information provided through your claim is processed by Cardiff Council as the data controller for the specific purposes of the Welsh Government payment scheme;
- Personal data is processed in line with Cardiff Council's Privacy Policy and will not be shared with any third parties without your explicit consent unless we are required or permitted to do so by law;
- Cardiff Council has a duty to protect public funds and participates in various fraud prevention exercises with numerous external partners and agencies. Your data may be shared / used, for the purpose of fraud Prevention and Detection where it is considered necessary, appropriate and lawful to do so;
- Further information in respect of the Council's Data Protection obligations can be found on the Council's [Privacy Policy](https://www.cardiff.gov.uk/ENG/Home/New_Disclaimer/Pages/default.aspx) page. https://www.cardiff.gov.uk/ENG/Home/New_Disclaimer/Pages/default.aspx

Fraud

- Cardiff Council has a duty to protect public funds and has a published zero tolerance approach to fraud;
- The Council will act robustly and decisively when fraud is suspected, this will include investigating suspicions, liaising with and reporting concerns to South

Wales Police and taking action to recover any losses and sanctioning offenders;

- Any funds paid which are subsequently found to be ineligible will be subject to future recovery action.

Declaration

I have read and accept the terms of the grant, the eligibility requirements, my responsibilities and obligations.

I consent for the processing and sharing of data as relevant to make appropriate checks to detect duplicate or inaccurate claims, and for the open book examination of records for audit / review purposes. I accept that any payments identified as ineligible payments will be subject to future recovery action.

Signature.....

Print Name.....

Name of employer.....

Date.....