

# Social Care Staff Support Fund Guidelines

## Background

At the beginning of the Coronavirus pandemic the UK Government established the UK Coronavirus Job Retention Scheme (furlough) to ensure workers impacted by national lockdown continued to receive 80% of their wages.

The complexity of the scheme and eligibility criteria initially led to some social care workers who were advised to shield not being placed on furlough. As a result, some of those workers were paid less than the 80% wage they would have received on furlough.

In line with the Scottish Government commitment to ensure no social care workers are financially disadvantaged because of the pandemic the Social Care Staff Support Fund was introduced and employers can use this to claim for any shielding worker not initially on furlough if they meet the eligibility criteria outlined below.

From 31<sup>st</sup> October 2020 onwards, all shielding workers should be placed on the re-opened UK Coronavirus Job Retention Scheme.

## Introduction

Employers, including Personal Assistant employers, should use the information here to make a claim under The Social Care Staff Support Fund (Coronavirus) (Scotland) Amendment Regulations which came in to force on 24 December 2020.

Claims may be made where social care workers were either:

- advised to shield themselves, or
- were unable to carry out their duties due to the risk from specific health conditions of contracting coronavirus

during the period 23 March 2020 to 31 October 2020 and were not placed on the Coronavirus Job Retention Scheme.

Shielding workers are those advised to stay at home to stop the spread of coronavirus due to either of the following conditions:

- the worker is, or was, a person falling within a description in [Schedule 1](#) and has been advised by Scottish Ministers, a medical practitioner or a health board to shield themselves from the general public in order to reduce the risk of that worker contracting coronavirus, and/or,
- the worker is, or was, a person falling within a description in [Schedule 2](#) and has agreed with their employer, following an assessment, that the worker is unable to carry out their duties for a period of time due to the risk of that worker contracting coronavirus.

In order to make a claim, certain criteria need to be met by the employee. A list of the [criteria can be found](#).

The maximum amount to be paid from the Fund to each eligible social care worker in respect of each period that the worker meets all eligibility criteria is the difference between:

(i) 80% of that worker's expected income from health and care work in respect of that period, and

(ii) their actual income from health and care work (including any sick pay) in respect of that period.

Employers making a claim under this Fund must complete an [application form here](#) which includes a certification that the following conditions have been met, and provide if requested, supporting written evidence satisfactory to the Scottish Government that:

1. The employee has met all conditions set out in the Fund legislation;
2. The employee was entitled to the full amount claimed;
3. The employee has been informed that a claim is being made on their behalf and that all funds claimed will be paid to the employee prior to 5 April 2021;
4. The employee has been provided with the [benefit advice](#) regarding potential implications to the employee on any benefits they are currently receiving should they receive additional wages from this fund; and
5. The employer is not claiming any amounts that have been received from any public body or other person in reimbursement of such claim.

## Who Can Claim

The Fund has been established for a group of workers who, due to the nature of their work or work environment, have been advised to shield themselves or are unable to carry out their duties due to the risk from specific health conditions of contracting coronavirus. Its purpose is to ensure that social care workers do not experience financial hardship.

The Fund is not available when the reason for absence is not as a result of coronavirus, for example this may be where someone is isolating before or after elective (planned) surgery or travel that requires quarantine.

Any entity with a UK payroll can apply, including businesses and charities. Self-employed workers are not eligible.

To make a claim, the employer must have:

- employed an eligible employee between 23 March 2020 and 31 October 2020;
- created and started a PAYE payroll scheme on or before 31 October 2020;
- enrolled for PAYE online;
- a UK, Isle of Man or Channel Island bank account;
- a current social care contract with a Scottish Local Authority/HSCP or receive a Direct Payment from a Scottish Local Authority.

## Eligible Employees

Claims may be made for social care workers contracted to deliver care and support in the social care sector as defined by [section 47 of the Public Services Reform \(Scotland\) Act 2010](#). Here is the [list of eligible workers](#) who can be claimed for under the Fund.

Workers in the following categories are eligible:

- support service
- care home service
- offender accommodation service
- housing support service

All of the above categories exclude social care agency workers or self-employed.

Independent Living Fund (ILF) recipients who are using their ILF award to employ Personal Assistants or social care workers should continue to apply to ILF for relevant additional costs rather than through this fund.

An employer can only claim for eligible employees that were employed and on payroll at any time between 23 March and 31 October 2020. This means an employer must have made a PAYE RTI submission to HMRC between 23 March 2020 and 31 October 2020, notifying a payment of earnings for that employee.

## Steps to take to calculate a claim amount

Employers require to be satisfied that all claim criteria have been met, and retain evidence of this in employment records. Employers will be required to confirm this when submitting a claim form.

It is recommended employers ask social care workers to self-verify if they have, or are likely to, experience financial hardship as a result of their income being reduced. This can be verbally or in writing and should be recorded on the person's employment record.

Employers should first calculate what the contracted weekly earnings of an employee should have been for any relevant week (including any other contracted payments).

This figure should then be compared to the amount of a week's pay an employee was due under [section 62 of the Employment Rights Act 1996](#).

The higher of these two figures is what is known as the Expected Income for the employee.

The Employer should then calculate the actual income from health and care work (including any sick pay) the employee was paid for that corresponding week. This is known as Actual Income.

If the difference between (a) 80% of Expected Income, and (b) Actual Income for any given week is a positive figure, then the Employer should make a claim for such difference on behalf of the employee for that week.

Calculate how much you should claim [using this worksheet](#). This will need to be uploaded when completing and submitting a claim application form. A separate worksheet is required to be completed for each employee.

Once you have completed this worksheet, you are now ready to [submit a claim online](#).

If you require any further information or guidance around claiming under this fund, please contact [enquiries@inspiringscotland.org.uk](mailto:enquiries@inspiringscotland.org.uk)

**All claims need to be submitted by noon on 24 February.**