

## Direct Payment

### Factsheet – Employing Personal Assistants

This factsheet is an introduction to Personal Assistants (PAs). If it does not give you all the information you need, please contact the council's Direct Payments Support Team using the contact details at the bottom of this fact sheet.

#### Why Employ Personal Assistants?

Some people choose to employ a PA with their direct payment. Employing and managing staff can be daunting at first. However, with the right support and information, people employing **PA's** can have positive experience. Employing a PA allows you to have more choice and control over how your assessed needs are met.

This factsheet explains some of your responsibilities and where to get more information, advice and support.

The Skills for Care website provides more information on **what is a PA's** and what is involved if you want to use your direct payment to employ a PA:

<http://www.skillsforcare.org.uk/individualemployers>

This information is presented in a range of toolkits. If you are unable to access the Skills for Care website, you can call **0113 245 1716**.

You do not have to approach this alone; you can be supported by the Direct Payment Support Team or if you prefer to be supported by someone else you can contact the Direct Payment Support Team to discuss other options.

#### Employing a Personal Assistant

When you complete your support plan you will need to identify how a PA will help you so that you are clear on their role.

#### Self-employed Personal Assistant

You might decide to pay a self-employed PA with your direct payments. If you do, you need to be aware of the following:

- It is very important to ensure that HM Revenue & Customs agree that your PA may be treated as self-employed and will therefore be responsible for paying their own tax and national insurance. Being self-employed or employed (a worker's "status") is not a matter of choice: it depends on the terms and



conditions under which the PA is engaged. More guidance is available from the HM Revenue & Customs web site:

<https://www.gov.uk/employment-status/selfemployed-contractor>

For further advice and guidance, please ring the employment law helpline provided by your insurance company, or the Pensions Regulator Helpline: **0845 600 1011**.

### **Personal Assistants from an Agency**

It is the responsibility of the agency to have the correct insurance cover before offering their services. You must ask to see a copy of this before buying their service with your direct payment.

### **Recruitment Pack Sent To PAs**

Typically should include:

- Advert
- Application form
- Job Description and Person Specification

Skills for Care toolkit 2 'Recruiting a Personal Assistant' provides step by step support.

<http://www.employingpersonalassistants.co.uk/recruiting-a-personal-assistant/>

### **Interview Process**

Once you have gone through the application forms, you can now interview people to select the most suitable candidate. Haringey recommends that you do not interview in your own home. Haringey has buildings that you can use or your Direct Payment Support Worker can advise on suitable places.

Following the interview you can make a decision and offer the job. You may wish to ask for references, normal practice is two written references for a candidate. It is advisable that the PA does not start until you have completed all the relevant checks.

## Disclosure and Barring Service (DBS)

Haringey Council recommends that a DBS check (formally known as CRB) is carried out on any person you wish to employ. The Direct Payment Support Team can provide more information and support you through this process.

## Preventing Illegal Working

Employers have a legal duty to check that the person they want to employ is entitled to work in the UK before they start working for them.

It is important to make document checks on **ALL** employees even if you are sure they have the right to work here. For more information go to:

<http://www.ukba.homeoffice.gov.uk/business-sponsors/preventing-illegal-working/support/>

Or telephone the Home Office UK Border Agency Employers Helpline: **0300 123 4699**.

## Contract of Employment

Legally you must give your employee a written statement of their main terms and conditions within two months of them starting the job.

You can also obtain a contract from the insurance provider.

The Skills for Care and [www.businesslink.gov.uk](http://www.businesslink.gov.uk) provide more information on employment contracts. You will also find templates on these websites. You can also contact the Direct Payment Support Team for templates.

## Working Regulations

As an employer you need to ensure you comply with the Working Time Regulations. The Skills for Care toolkit 3 'Before your Personal Assistant starts' will go through minimum wage, working hours and health and safety.

<http://www.employingpersonalassistants.co.uk/before-your-personal-assistant-starts/>

## **Paying your Personal Assistant**

Remember you should not pay your PA cash, you should pay your PA by cheque, by bank transfer or if you use a pre-paid card you can make payments over the internet, or by phone.

Your payroll company will also advise you of any payments you need to make to HMRC to cover tax and National Insurance. You must keep payroll informed of any changes in PA working times, sickness, holiday or if you go into hospital.

## **National Living Wage/National Minimum Wage**

In April 2016 the Government introduced the National Living Wage. This means that anyone employed by you who is 25 years of age or over must be paid at least the National Living Wage. From April 2018 the rate is £7.83 per hour but it is very likely to increase each year. More information on National Living Wage/National Minimum Wage, please go to:

<https://www.gov.uk/national-minimum-wage-rates>

## **Providing a Work Place Pension**

In 2008 the government introduced the Pensions Act. From 2012 all employers need to enrol all their employees into a workplace pension. This is called automatic enrolment.

You will need to speak to your Payroll Company and ask if they have an Auto Enrolment pension scheme you can use and ask what level of support they can offer you.

The Government has set up a pension scheme called National Employment Savings Trust (NEST) to accept all employers wishing to use the scheme for automatic enrolment. This is one option, and there are other providers available. For more information on NEST, please go to:

<https://www.nestpensions.org.uk/schemeweb/nest.html>

## **Employer's Liability Insurance**

If your employee is injured whilst working for you and you are held legally liable, you will be protected to cover legal costs and compensation. By law most employers **must have employer's liability insurance.**

## Public Liability Insurance

This will insure you against any damages or injury caused to someone else by you or your Personal Assistant while working for you.

The council will fund the cost of this insurance up to an amount of £99 as part of your first payment.

We advise you to take out a policy that covers you in the event that your Personal Assistant takes you to an industrial tribunal or you need to make someone redundant. There are terms and conditions you must adhere to and these will be explained by the insurance company.

In the event of your death, Haringey will work with any Executor you may have to finalise your direct payments account. Your Executor will need to contact your insurance company for advice on what to do. It will be the responsibility of the person administering your estate to make any payments owing to your PA, for example redundancy payments, or a final invoice to a payroll agency. All money left in the account after any employment responsibilities have been met will be reclaimed by Haringey Council. Some of the redundancy payment may need to be met from your estate.

## Where can I get more information?

If you would like help with assessing your social care needs, please contact the council's First Response Team.

First response team: 020 8489 1400  
firstresponseteam@haringey.gov.uk

If you would like more information on direct payments or would like support with your direct payment, please contact the Direct Payments Support Team.

Direct Payments Support Team:  
Phone: 020 8489 8456  
Email: [PersonalBudgetSupport@haringey.gov.uk](mailto:PersonalBudgetSupport@haringey.gov.uk)

## If you have a mental health problem:

If you need help in a crisis you can now self-refer to the Crisis Resolution Home Treatment service 24 hours a day, 7 days a week, **Lea Unit, St. Ann's Hospital** - Haringey 020 8702 6700

If you are a carer and would like more information on receiving support, please contact Haringey Carers First.

Haringey Carers First.  
<https://www.carersfirst.org.uk/haringey>  
Phone: 0300 303 1555  
Email: [hello@carersfirst.org.uk](mailto:hello@carersfirst.org.uk)  
Address: Resource Hub, 1 Russell Road, Leyton, E10 7ES

Department of Health:  
Website: [www.dh.gov.uk/policyandguidance](http://www.dh.gov.uk/policyandguidance)

Then search on direct payments for detailed information. This gives information on policies and guidance relating to direct payments. Also available to order - 'An easy guide to direct payments, for those with a learning Disability.'

## Skills for Care:

The Skills for Care website provides more information on what is a Personal Assistant (PA) and what is involved if you want to use your direct payment to employ a PA:

<http://www.skillsforcare.org.uk/individualemployers>

This information is presented in a range of toolkits. If you are unable to access the Skills for Care website, you can call 0113 245 1716.

#### Useful Links: Skills for Care, Employing personal assistant

Benefits of employing a personal assistant	<a href="http://www.employingpersonalassistants.co.uk/benefits-of-employing-a-personal-assistant/">http://www.employingpersonalassistants.co.uk/benefits-of-employing-a-personal-assistant/</a>
Recruiting a personal assistant	<a href="http://www.employingpersonalassistants.co.uk/recruiting-a-personal-assistant/">http://www.employingpersonalassistants.co.uk/recruiting-a-personal-assistant/</a>
Before your personal assistant starts	<a href="http://www.employingpersonalassistants.co.uk/before-your-personal-assistant-starts/">http://www.employingpersonalassistants.co.uk/before-your-personal-assistant-starts/</a>
Managing your personal assistant	<a href="http://www.employingpersonalassistants.co.uk/managing-your-personal-assistant/">http://www.employingpersonalassistants.co.uk/managing-your-personal-assistant/</a>
Training and qualifications	<a href="http://www.employingpersonalassistants.co.uk/training-and-qualifications/">http://www.employingpersonalassistants.co.uk/training-and-qualifications/</a>
Sorting out problems	<a href="http://www.employingpersonalassistants.co.uk/sorting-out-problems/">http://www.employingpersonalassistants.co.uk/sorting-out-problems/</a>