

A Brief Guide to: Employing a Personal Assistant



1. Budgeting

Ensure that you can afford the care you are arranging with your direct payment. There are additional costs to be paid from the direct payment over and above the personal assistants wages. These will include employer's liability insurance, holiday pay [may or may not include relief staff to cover holidays], payroll costs, employer's national insurance, workplace pensions, and managed account fees. The direct payment team can help you with budgeting, speak to your allocated worker for a referral.

2 . Employers Liability Insurance

All employers are legally required to have employer's liability insurance. Derbyshire County Council recommends you purchase a specialist personal assistant insurance, which also provides a number of additional services to support with employing a personal assistant. Some companies who provide this are:

Fish Insurance – Tel: 0800 088 3050 or at

<https://www.fishinsurance.co.uk/independent-living-insurance.php>

Direct Care Insurance – Tel: 0800 458 3301 or at

www.directcareinsurance.co.uk

Premier Care – Tel: 01476 514478 or at

www.home-employment-insurance.info

Derbyshire County Council will pay for the first year's insurance. You will then need to budget for subsequent years within your direct payment.

3. Contract of Employment

All employers are required to provide employees with 'Written terms and conditions of employment'. Your insurance provider can supply you with a contract of employment or you can get a sample contract of employment from Skills for Care on their website:

<http://www.skillsforcare.org.uk/Employing-your-own-care-and-support/Being-an-employer/Templates.aspx>

If you need support to arrange contracts of employment for your personal assistants, please contact your allocated worker to request support and we will support you to identify appropriate assistance with this.

4. Payroll

You are responsible as an employer to register with HM Revenue and Customs [HMRC] and make any deductions for tax and National Insurance which are due. If you wish to do this yourself, advice is available from HMRC's website: www.hmrc.gov.uk. There is also an Employers Helpline on 0300 200 3211 or 0300 200 3200. Alternatively you can use a payroll agency who will register you as an employer and calculate tax and national insurance for you.

Derbyshire County Council has a list of approved Payroll Providers, ask your worker for the booklet.

Other payroll providers are available and you can use your own payroll provider as long as their charges are reasonable. Again this is paid for out of the direct payment and needs to be budgeted for accordingly.

5. Timesheets

You and your personal assistants need to have a record of what hours they have worked, so your PA should complete a timesheet. A timesheet can be any form that shows what hours someone has worked. The timesheet should be signed by you both. Derbyshire County Council will provide you with sample timesheets to use if you prefer.

6. Pensions

The law on workplace pensions has changed. All employers are now legally required to provide and make payments into a pension for certain staff. This is called 'Automatic Enrolment'. If you directly employ one or more people to provide you with care or personal assistance, you're an employer and automatic enrolment duties will apply to you.

If you have a payroll provider, contact them regarding pensions as they will be able to act on your behalf.

There is a scheme called NEST (National Employment Savings Trust) who can provide pensions. NEST has been set up by the government especially for auto enrolment. It is a web-based organisation and you can access information about auto-enrolment and your responsibilities as an employer through the following link: www.nestpensions.org.uk

There is also an organisation called the 'Money Advice Service' set up by the government. It is a free and impartial service providing advice on workplace pensions for both employers and employees – www.moneyadvice.org.uk/en This website also provides general employment and money management advice.

7. Planning for contingencies

With a direct payment, you are responsible for arranging your own care and support. You should have a plan in place to deal with situations where the current care and support breaks down. This should include planning for:

- Who will cover when your personal assistant is absent from work, sick or on leave.
- What you will do if your personal assistant doesn't arrive.
- Who will manage the direct payment if you are unable to do so for any reason; for example a hospital admission or illness.

8. Resolving difficulties

We recommend that you talk to your personal assistant on a regular basis, to discuss their role and hopefully resolve any issues before they arise. This should include giving them positive feedback about how they are doing. Sometimes it may be necessary to discipline your staff. **If you have any concerns about the conduct of your staff, you MUST take advice from your Insurer before taking any action.**

Where you have insurance provided by FISH, Direct Care Insurance or Premier Care, ensure you contact them for advice, and follow any advice given, or your insurance could be invalid. Keep a record of what you are advised, by whom, and when. They all operate a 24 hours legal employment helpline.

If you need support with any aspect of employing personal assistants, please contact your allocated worker. Your allocated worker can make a referral to the direct payment team who can help you to source appropriate support.