



# Employing a Personal Assistant

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Instead of having your care needs provided by an agency or organisation, you may choose to employ a Personal Assistant (PA) directly. Employing someone yourself gives you responsibilities but also gives you more flexibility and control. A PA can help you with getting out and about socialising, support to volunteer or take part in educational courses, tasks around your home, help with personal care, provide emotional, motivational, and moral support.

There are special rules about paying family members to be your PA. Your Adult Social Care worker can give you more information about this.

Employing a PA will not affect your benefit entitlement

## Benefits of employing a Personal Assistant

The main benefits of employing your own PA are that you have far greater choice and control, you decide -

- Who will work for you
- What you want them to do
- When you want them to work

## The legal responsibilities of being an employer

If you employ a PA with your Direct Payment, you will have legal responsibilities for being an employer and your PA(s) will have employment rights.

These are some of the things you will need to do and consider when employing a PA. The list looks daunting but don't be put off. There are organisations available who will complete payroll tasks on your behalf and help with managing your Direct Payment. The organisation you choose may charge for their service, but this can be included in your Personal Budget up to a set amount. Your adult social care worker can give you information about this.

Some of the things you will need to do if you employ a PA include -

- Check the PA has the right work in the UK
- Make a Disclosure and Barring Service (DBS) check
- Issue a contract of employment (*continued overleaf*)
- Arrange appropriate training for your PA (if necessary)

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This information sheet is for guidance only.

<https://www.leicestershire.gov.uk/adult-social-care-and-health>

# Adult Social Care



- Calculate and pay National Insurance and Tax deductions to HM Revenue and Customs at the correct time
- Provide a payslip to your PA
- Choose a suitable pension scheme to meet the requirements of Auto Enrolment / Workplace Pensions as set out by The Pension Regulator (TPR)
- Assess, calculate, and pay pension contributions to your chosen pension provider
- Be aware of their rights to maternity, paternity pay and adoption rights
- provide a safe and healthy working environment for your PA
- Ensure your PA takes a minimum of 4 weeks annual leave each year
- Arrange cover when your PA is on holiday or unwell
- Be prepared to deal with problems in case things go wrong
- Takeout suitable Employer Liability Insurance cover
- Understand the potential cost of any redundancy

You can find information and fact sheets about being an employer and employing a PA at the Skills For Care website which has detailed information and advice for prospective employers

<http://www.employingpersonalassistants.co.uk/>

You can find information about training courses for PAs at <http://www.lscdq.org/events/> and

<https://www.skillsforcare.org.uk/Funding/Individual-Employer-Funding/Individual-Employer-Funding.aspx>

It is a legal requirement that you have Employer's Liability Insurance in place. Your adult social care worker can give you details of insurance providers, or you can source your own via the internet. The cost of this insurance will be included within the direct payment up to a certain amount. It is essential that the insurance cover includes access to legal advice as they will then be able to offer advice and support on how to deal with employment issues, difficulties you may be experiencing with the PA.

## Useful Templates

There are templates available from the direct payment support officers for:

- Job Descriptions
- Contract of Employment
- PA adverts

You can also find templates to use on <https://www.skillsforcare.org.uk/Employing-your-own-care-and-support/information-for-individual-employers/information-for-individual-employers.aspx>

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Written by people who use Direct Payments. April 2024.

# Adult Social Care



***“I am an employer using the Direct Payments system, it is really easy to use once you are set up. You are in control of what hours your staff do and who you use. Your P.A. or agency will dictate how you pay, either directly by card or by logging into the direct payment system. Either way it is quick and easy and there is lots of help if you ever get stuck.***

***Luke”***

## Self-Employed PA's

Some PAs are set up and work on a self-employed basis. If this is the case, you will not be their employer, you will be buying their service in the same way you would an agency. If your chosen PA is self-employed there are still some checks, you should carry out:

- Ensure the PA is registered with HMRC for tax purposes
- Ask if the PA has Public Liability Insurance (this is not a legal requirement)
- Ask if they have an up-to-date DBS (previously known as CRB) check
- Provide a safe and healthy place of work
- Negotiate an agreement of terms between yourself and the PA
- Discuss relevant training
- Discuss their cover arrangements when they are on annual leave or sick