

# EMPLOYING PERSONAL ASSISTANTS INFORMATION GUIDE

This guide sets out what you need to know about employing Personal Assistants (PA's) and what your responsibilities will be as an employer.

We have tried to be as accurate and straightforward as we can about these responsibilities. It may appear a little daunting at first, but there is plenty of help on hand to guide and support you. We can also help you identify organisations who can support you and work on your behalf - which we can fund as part of your Direct Payment.

Ultimately, we want you to have the best experience of receiving and using your Direct Payment, and for you to choose how to use your Direct Payment to meet your care and support needs in a way that works best for you.

Many people using Direct Payments have said that employing their own PA's has given them much more choice and control in how they use their Direct Payment, being able to make their own decisions about how their care is provided, when and by whom.

This guide contains a number of online links that you may find useful. If you are unable to access or use the internet; or if there is anything you are unsure of, you can contact our Direct Payments Team.

## CONTACT DETAILS

Direct Payments Team  
London Borough of Newham  
Newham Dockside  
1000 Dockside Road  
London, E16 2QU

Telephone number: **0203 3373 4061**  
Email: [DPTeam@newham.gov.uk](mailto:DPTeam@newham.gov.uk)

This guide also contains a number of useful leaflets produced by Skills for Care. If you are unable to access or use the internet, you can request a free printed copy by emailing [marketing@skillsforcare.org.uk](mailto:marketing@skillsforcare.org.uk) or calling **0113 241 0977**

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# 1. WHAT IS A PERSONAL ASSISTANT?

A Personal Assistant, often referred to as a PA, is the person or people you have employed to help you with your care and support needs. They will help you with the tasks you need completing and because they are your employees, they will be working according to your instructions and wishes, we can help with setting these out in the form of an employment contract.

**For example, these tasks could include, but are not limited to, any, or a combination of the following:**

- Helping you with personal care and hygiene (e.g. washing, dressing, and using the toilet).
- Helping you with your medication.
- Household tasks in your home (e.g. meal preparation, cleaning, laundry and shopping).
- Helping you to access services in the community (e.g. leisure and social activities).
- Escorting you to appointments with your GP, hospital, or other appointments you may have.

# 2. FINDING A PERSONAL ASSISTANT

Your starting point is to find a suitable PA you would like to work for you and for you to be satisfied they will be able to carry out the tasks you need them to do.

Our factsheet '[How do I find a Personal Assistant?](#)' provides helpful suggestions for you and provides links to independent organisations where you can get impartial advice and information about how you can do this. These organisations have some good resources you can refer to as well.

If you already know someone you wish to employ as your PA, it is important you remember you will be their employer and they will be your employee, and you may need to think about how this might affect your personal relationship with them.

Other than if exceptionally agreed by the Service Manager and your Social Worker, your PA should not be a person living in the same household as you. If you spend a lot of time together, the boundaries can so easily become blurred and this may strain your relationship.

If you or someone you know has access to the internet there are some PA Registers you can use to help find a PA in your area. You will need to register first and then follow the instructions to use their search facilities. These websites are:

<https://www.papool.co.uk>

<https://www.linkmeup.org.uk/pa-search>

**Other ways of finding a suitable PA include:**

- Word of mouth
- Advertise in your local newspaper, but there may be a cost for this
- Local support organisations who may advertise jobs on their website
- Online using the Governments Advertise a Job website which is free to use
- Advertise for students through your local college or university

## 3. RECRUITING A PA

As part of your preparation to recruit a PA you will need to think about preparing a job description, setting out the duties and tasks you expect your PA to perform for you, as well as any responsibilities they will have.

You will also need to think about a person specification, which sets out the skills, experience, and personal qualities you need your PA to have.

It is important you provide sufficient detail so that prospective PAs can decide whether this role is right for them and that they have the right skills, experience and qualities you are looking for, before applying.

Skills for Care has a section, recruiting a PA, providing useful guidance including examples of job descriptions and person specifications to help you.

You can download this section as a [PDF](#) or [Easy Read](#)

## 4. PREPARING FOR YOUR PA TO START

When you have decided which applicant you would like to offer the role as your PA to, and they have accepted, you will need to prepare for their start date.

Skills for Care has a section Before Your PA Starts, which will help guide you through the things you need to do.

You can download this section as a [PDF](#) or [Easy Read](#)

# 5. YOUR ROLE AS AN EMPLOYER

**As an employer, there are things you must do to ensure you are compliant with employment law.**

- As the employer, you must make sure your PA has the right to work in the UK before they start working for you.

You can do this online at Gov.uk using their Right to Work tool but if you do not have access to the internet, please contact our Direct Payments Team who will be happy to advise you.

You must keep copies of any documents used to confirm your PA has the right to work in the UK.

**Failure to carry out these checks could lead to penalties if you are found to be employing illegal workers. This could include imprisonment and unlimited fines.**

- We strongly recommend that you check the criminal record of the person you are planning to offer the job to by undertaking a Disclosure and Barring Service (DBS) check.

**For more information about DBS checks, you should access the Disclosure and Barring Service at Gov.uk but if you do not have access to the internet, please contact our Direct Payments team who will be happy to advise you.**

- It is your legal responsibility as an employer to ensure your PA, working under a contract of employment for you, receives paid time off from their work.

All employees in the UK have a statutory entitlement to 5.6 weeks of paid annual leave, including Bank Holidays, each year. The holiday year usually runs from 1st April to the following 31st March.

It is your responsibility to find a replacement PA or to arrange replacement care through a local care provider organisation when your PA takes annual leave.

The amount of your weekly Direct Payment allows you a contingency amount to be able to cover such costs when your PA is on annual leave.

**It is advisable to ensure your PA's contract of employment sets out the terms for requesting annual leave. For example, to allow you sufficient time to make alternative arrangements, you may wish to apply for a two-week notice request.**

- You cannot pay your PA 'cash-in-hand' – this is illegal. The safest way to make payment to a PA is through a BACS payment as this shows a record of payment which you can keep for future reference.
- Your Direct Payment has been calculated so that you can pay your PA at least London Living Wage (LLW). It is a condition of your Direct Payment that you pay your PA the current LLW hourly rate. This is currently set at £11.95.
- You must purchase suitable insurance, sometimes known as Home Employment Insurance or Direct Payments Carer Insurance, which will be funded by your Direct Payment.

This insurance must include Employer Liability Insurance, a legal requirement in the UK if you are an employer, covering you and your PA in the event your employee is injured or becomes ill because of the work they do for you.

It will usually include Public Liability Insurance and Legal Expenses cover and depending on the level of service purchased, may include employment support and redundancy cover. You can be supported to purchase this insurance if you wish and our factsheet Payroll and Insurance Providers provides details of insurers we are aware of who specialise in supporting people with Direct Payments.

- If your PA(s) are required to drive your car (or any other vehicle on your behalf), you must ensure they are appropriately insured to do so. You must ensure they have a full driving licence to drive in the UK and that their licence permits them to drive the intended type of vehicle.
- You must provide a safe working environment for your PA to work in and ensure any equipment they use is maintained. Their health and safety is your responsibility and you should discuss with your PA any reasonable adjustments that may be required to carry out their duties safely.

## 6. MANAGING AND DEVELOPING YOUR PA

Before your new PA starts, you should think about whether they will need any training to undertake the tasks you expect of them.

For example, if they will need to use specialist

equipment you will need to ensure they are trained to use this safely under supervision before they are allowed to use this unaided.

You should also think about what other training your PA could benefit from in their role as your PA and their career development.

Skills for Care has a section Managing and Developing Your PA providing many suggestions about supervision, day-to-day management of your PA(s) and tips for you to be a good employer.

You can download this section as a [PDF](#) or [Easy Read](#)

## 7. USING SELF EMPLOYED PA(S)

The difference between you using a self-employed PA instead of employing your own PA is that you will be hiring them to provide a service to you, rather than being their employer.

This means that you will not have the same relationship because they work for themselves, not you.

If you do engage the services of a self-employed PA, you must be sure that they have been granted self-employment status by HMRC otherwise you will be liable for their tax and National Insurance.

Gov.uk has a [Check Employment Status Tool \(CEST\)](#) you should access to determine your PA(s) self-employment status.

You can also call HMRC for help on 0300 123 2326

If you mistakenly employ somebody thinking they are self-employed and it turns out they are not, you will be liable for back-payment of tax and National Insurance contributions plus fines. This can add up to a considerable amount of money, so it is important to get it right.

If you are in any doubt, please contact our Direct Payments Team before hiring the services of a self-employed PA.

## 8. WHEN THINGS GO WRONG

Sometimes things can go wrong and it is important that you act accordingly, and where necessary take appropriate action.

Skills for Care has a section [Sorting out Problems](#) which outlines a number of situations and what you can do to mitigate these.

You can download this section as a [PDF](#) or [Easy Read](#)

## 9. PROFESSIONAL SUPPORT

When we set up your Direct Payment

with you, we will help you to identify the professional support you need to manage your Direct Payment and help you to access these organisations.

The costs of these services will form part of your Direct Payment. With the pre-paid card option, it is now much easier and simpler to set up direct debits to pay towards these services.

However, if you feel unsure about the process, you can get someone to do this on your behalf, for example, some people using a Direct Payment and employing PA(s) use the services of a [payroll provider](#). These organisations will register you as an employer with HMRC and take care of your payroll for you by working out your PA(s) wages and any payments due on their earnings for tax, national insurance and pension contributions.

They will also calculate any employer contributions due towards national insurance and pension contributions for your PA(s). If your PA is eligible for pension enrolment, they will take care of this for you as well.

Payroll providers usually provide two levels of service.

- **‘Basic’ Service** – This is usually the calculation of employee or employer payments due on your PA(s) earnings for tax, national insurance and pension contributions and the net wage payment due to your PA(s), for you to pay these from your Direct Payment account.
- **‘Advanced’ Service** – If you choose their advanced level of service, we usually pay your Direct Payment directly to your payroll provider and they will hold these funds on your behalf. They will make the payments described above on your behalf, subject to you having the funds available in the account they hold on your behalf.



We will also help you to select an insurance provider, and help you to set this up if you wish. Your payroll provider may also help you with this.

These annual insurance policies are payable in advance and typically may have different levels of cover for you to consider. The costs of this insurance will form part of your Direct Payment. If you require further support, our Direct Payments team will be happy to help you.

## 10. MANAGING SICKNESS ABSENCE

It is likely that at some point your PA(s) may be unfit or unwell to work for you for a period.

Often there is no prior notice of sickness absence, so this is something you need to think about ahead of it happening, so that you can manage the continuity of your care and support needs, for the duration of this absence.

**The following examples may be helpful to you.**

- Do you use other PA(s) who are willing to be flexible and provide cover arrangements?
- Do you know someone else who uses PA(s) where they may have extra capacity to be able to support you?
- Do you have contact details of local care provider organisations who may be able to arrange cover for you?

- If not, try the [Care Quality Commission's](#) help find a care provider tool or try our Factsheet 6, Using [Care Provider Organisations](#).

When a PA is absent through sickness, they may qualify for Statutory Sick Pay (SSP) for up to 28 weeks, however, there are eligibility criteria which must be met.

To check on your PA(s) eligibility you should check with your payroll provider who should be able to advise you. In addition, you can also check the [Statutory Sick Pay \(SSP\) Employer Guide](#).

## 11. HEALTH, SAFETY AND WELLBEING

As an employer, you have a legal responsibility to provide a safe and healthy workplace for your PA(s) and to ensure the well-being of your employees.

You will need to ensure your home, which is their workplace, is free of potential health and safety risks and remove any potential dangers in your home that could put them at risk.

Your PA(s) should only be asked to undertake tasks that are relative to your needs recorded in your care and support plan. They must not be asked to undertake other tasks, especially those where a qualified person should do so.



# 12. HELPFUL RESOURCES

If your PA(s) need to use specialist equipment you must ensure they receive appropriate training and are confident in the use of this equipment. Failure to do so could jeopardise any insurance claim where an accident or injury occurs.

You should also consider what other training your PA(s) will need to have in order to deliver safe care. The Health & Safety Executive (HSE) provide the following examples and depending on your circumstances, other training might be relevant.

**Please note the following are links to the HSE where further information is available.**

- [Moving and Handling](#)
- [Equipment Safety](#)
- [Hot Water, Hot Surfaces](#)
- [Safe Use of Bed Rails](#)
- [Slips and Trips](#)
- [First Aid](#)

## **Personal Protective Equipment (PPE)**

You must provide PPE where it is appropriate to be used. You can order free PPE from the [Government PPE Portal](#).

## **Skills for Care**

Skills for Care are an independent registered charity working with employers, Government and partners to ensure social care has the right people, skills and support required to deliver the highest quality care and support.

Skills for Care has a very helpful [Information Hub](#) for people using a Direct Payment and wishing to, or already employing Personal Assistants. There is a section especially for PA's too.

There are free to access [Webinars](#) you may find useful in helping you set up and manage your Direct Payment and helping you with your responsibilities as an employer. Please follow the links above.

ORGANISATION	TELEPHONE ENQUIRIES	PUBLICATION TITLE (CLICK ON LINK)
Age UK	0800 169 6565	<a href="#">Personal budgets and direct payments in social care</a>
Carers UK	0207 378 4999	<a href="#">Understanding Direct Payments</a>
Disability Rights UK	0330 995 0400	<a href="#">Personal Budgets: The right social care support</a>
Independent Living	0208 133 0628	<a href="#">Direct Payments</a>
Mencap	0808 808 1111	<a href="#">Direct Payments</a>
Mind	0300 123 3393	<a href="#">Health and social care rights</a>
The Disability Resource Centre	0158 247 0900	<a href="#">Direct Payments Support</a>

**Other useful resources include:**

[GOV.UK](#) – An overview of employing someone to work in your home.

[Skills for Care](#) – the strategic workforce development and planning body for adult social care in England.

[Being the Boss](#) – a peer support website run by people with disabilities who aim to share knowledge, support and information around employing personal assistants.

[ACAS](#) – Information about hours, pay and contracts

# 13. DIRECT PAYMENT CONTACT DETAILS

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Direct Payments Team  
London Borough of Newham  
Newham Dockside  
1000 Dockside Road  
London, E16 2QU

Telephone number: **0203 3373 4061**  
Email: [\*\*DPTeam@newham.gov.uk\*\*](mailto:DPTeam@newham.gov.uk)