

If you have a direct payment and decide to employ your own personal assistant (PA) you will become an employer.

There are many benefits to becoming an employer and employing your own PA:

- You can choose who supports you;
- You have a better chance to build a close working relationship with your PA;
- You can choose when and how they support you; and
- It can be more flexible than using a care agency.

As an employer you will have legal responsibilities under employment and health and safety laws. We can give you advice and support but you must think about these important issues before deciding to employ your own staff.

Skills for Care have a number of resources that support individual employers.

www.skillsforcare.org.uk/employing-your-own-care-and-support

» Tax and National Insurance

As an employer, by law when you pay your employee(s) you must operate Pay as you Earn (PAYE) and pay the correct National Insurance contribution to HM Revenue and Customs. For further information please see www.hmrc.gov.uk

Penderels (www.penderelstrust.org.uk) offer for a fee, a payroll service that can do this on your behalf. (Talk to your Social Worker about this option.) If you would like to know more, contact us or Penderels can come and visit you to discuss their payroll service with you.

» Employer Insurance

Employer's Liability Insurance is a legal requirement. This protects you against the cost of compensation claims as a result of illness or injury sustained by an employee as a result of working for you. You can also take out cover for possible legal and employment tribunal costs. There are insurance providers offering special policies for people employing personal assistants and details can be found online by searching on www.google.com

As an employer, you must make sure that your employees have a safe place of work and work safely. You and your employees must work out a safe way for tasks to be done and how to avoid any possible risks. This could include things such as:

- Using lifting equipment properly
- Training for your staff i.e. Food hygiene certificate if they will be preparing food for you;
- Administering medication

Skills for Care (www.skillsforcare.org.uk) has some useful resources and advice on training.

» Equality Act 2010

Every employee has the right to work in an environment free from discrimination, harassment and victimisation.

Under the Equality Act 2010 an employer must not:

- Discriminate against, harass or victimise the employee for any of the following protected characteristics: age, disability, gender, gender reassignment, religion, race, sexual orientation, pregnancy and maternity, marriage and civil partnership.
- You must also protect the employee from Third Party Harassment. This means that you must deal with any complaints of harassment by third parties who come into contact with your employee.

For more information on the Equality Act 2010 go to (www.gov.uk/guidance/equality-act-2010-guidance)

» Annual Leave

Your PA has the right to holidays, which is sometimes called annual leave. This should be agreed when your PA starts work and should be written in their contract. Most workers legally have the right to 5.6 weeks of paid holiday, in a year which can include bank holidays.

Further information can be found at www.acas.org.uk

» Pay rates

You will need to make sure that you pay your PA at least the National Living Wage. For up to date information on the National Minimum Wage go to (www.gov.uk/national-minimum-wage-rates)

» Statutory Payments

You may need to pay your PA even when they are not actually at work, for example:

- If they are sick and are entitled to Statutory Sick Pay or;
- Maternity/Paternity leave and have the right to Statutory Maternity/Paternity Pay.

For more information go to (www.skillsforcare.org.uk)

If your PA is off work and is getting Statutory Payments from you, you may need to pay for another PA until they return to ensure you have the support you need.

» **Disclosure and Barring Service (DBS)**

We would advise that you do certain checks before employing a PA. Hartlepool Borough Council can do a Disclosure and Barring Service (DBS) check for you, free of charge. For more information in relation to these, speak to your Social Worker.

» **Employer Responsibilities**

If you do not fulfil or abuse your responsibilities as an employer, Hartlepool Borough Council may withdraw your Direct Payment and arrange services to meet your needs or attempt to find a willing suitable person to act as the employer on your behalf.

» **Contracting with and Agency**

There are many agencies that provide care services. Purchasing services from an agency means that you do not directly employ the people who provide your care and you do not have the responsibilities of being an employer. Instead you will have a contract with the agency. We will provide information on choosing an agency. A complete list of agencies who are registered with the Care Quality Commission and who operate locally in Hartlepool can be found on

www.hartlepoolnow.co.uk

» Contact us

You can contact the Early Intervention Team by letter, telephone, text, or email. If English is not your first language, we can provide a translation service.

» Our opening times

We open at 8:30am every weekday. We close at 5:00pm from Monday to Thursday. On Fridays we close at 4:30pm.



Telephone: 01429 523390



Text Service: 60006 (start your text with HBC)



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» About this factsheet

This factsheet tells you about becoming an employer. We issued this factsheet in June 2015 and updated it in April 2018. We will check the information is up to date in April 2020.



You can download all of our factsheets from
www.hartlepool.gov.uk/factsheetsandpublications