

Employer Responsibilities

A useful guide to employer responsibilities by Hertfordshire Direct Payment Support Service provided by Purple.

Employer Responsibilities



Introduction

This factsheet provides information about your responsibilities as an employer and how Purple can assist you.

Purple (the Direct Payment Support Service for Hertfordshire) can provide information on recruitment, wages and employer obligations.

Call us 01992 367297 or email info@herts-dpss.co.uk

Safer recruitment



Hertfordshire County Council and Purple strongly advise that you ask your personal assistant to complete a Disclosure Barring Service (DBS) check, so that you are sure that they are safe to work for you and have no criminal convictions that may impact on their ability to support you or your child. Purple have been funded by Hertfordshire County Council to do the DBS check for you for free.

In addition to the DBS check you should also request two references from your personal assistant. One of which should be a professional reference from their current or most recent employer and the other either a further professional reference or a personal one. Purple are able to support with requesting references.

If you have a self-employed Personal Assistant (PA), please be aware that even if your personal assistant states that they are self-employed, you may still be treated as their employer by His Majesty's Revenue and Customs (HMRC).

Visit Check employment status for tax - GOV.UK (www.gov.uk) or contact HMRC by calling their helpline on **0300 200 3300** to check.

Right to Work in the UK checks will be needed whether a person is deemed employed or self-employed.

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Points to consider when deciding if to receive care and support from someone that is employed or self-employed (known as a Personal Assistant):

Employed PA (PAYE)

- The Employer (direct payment holder) provides a contract that details the terms and conditions of employment including PA benefits and disciplinary procedures.
- The PA must perform their work personally and cannot send someone else to do this.
- The Employer (direct payment holder) self directs the support they wish to receive from the PA in line with their care and support plan.
- The PA is paid through Pay As You Earn (PAYE) and National Insurance payments will be made on their behalf by the PA Employer.
- The PA will receive statutory benefits, such as statutory sick pay.
- The Employer (direct payment holder) must enrol eligible PA's into a pension scheme and provide holiday pay.
- The Employer (direct payment holder) will take out Employers Liability Insurance which can be paid for from the direct payments.

Self Employed

- Responsibility of the person receiving support to check self-employed status.
- The self-employed PA and the person receiving support mutually agreeing terms & conditions and how support is provided – Purple can provide a template Contract for Services
- If determined not self-employed, then there may be financial liability (i.e. a Tax liability) for the person receiving support and the PA.
- Self-employed PA's will have own Unique Tax Reference (UTR) number from HMRCs. There is an initial period, during which sole traders may not yet have a UTR number.
- The PA is not entitled to sick or holiday pay which may mean the person receiving support can pay the PA a higher hourly rate.
- Less administration as self-employed PA's are responsible to pay their own Tax, NI, Pension and organise their own liability insurance. It's advisable to ask for a copy this insurance

Using an agency

- Please see leaflet for suggested content

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Your care

Your way




Training and Support for PAs

Personal Assistant Training Courses: fully funded HCC training courses for Personal Assistants on topics including Learning Disability, Dementia and Autism. For further information and the latest catalogue email pvi.learning@hertfordshire.gov.uk

Skills for Care provide an Employing Personal Assistant toolkit. Visit www.skillsforcare.org.uk or email marketing@skillsforcare.org.uk for a free printed copy

Contact us
for support:

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