



Getting the support you need

Employing a Personal Assistant

Once you've found the person that you want to provide the support you need, you can use Direct Payments to employ them.

Find out more about recruiting the right person in the SILC FastFacts sheet 4 'Recruiting a Personal Assistant'.

How do I employ someone?

Don't worry, SILC can help you every step of the way. It can be daunting if you've never employed someone before, but some simple rules will ensure that you don't slip up or leave yourself vulnerable.

1. Write a job description.

Before you recruit a Personal Assistant, you should have written down exactly what you want them to do. This is the basis of the job description that you give the person when you take them on - SILC can help you with this.

2. Agree working hours.

You can't ask someone to work more than the national working time regulations limit of 48 hours per week - SILC can help you with this.

3. Agree rates of pay.

You must not pay someone less (before tax) than the national minimum wage per hour. We recommend that Personal Assistants are paid much more than this minimum rate - SILC can help you organise this.

4. Take out insurance.

As an employer, it's a legal requirement that you have an Employers' Liability insurance policy, to protect your Personal Assistant in case they become injured in the course of their work. The cost of this policy will be covered by your Direct Payments - SILC can help you organise this.

5. Prepare employment particulars.

You must give your Personal Assistant a statement of employment particulars (outlining working hours, rates of pay, holiday and sickness entitlements etc) no later than eight weeks after starting work - SILC can help you with this.

Should my Personal Assistant fill in time sheets?

- ✓ Ask your Personal Assistant to complete a time sheet showing all the hours they work (preferably on a weekly basis) and get them to sign it. Keep a copy of the time sheets in case of dispute.

Do I have to give my Personal Assistant Holiday Pay?

- ✓ All Personal Assistants are entitled to the equivalent of 24 days paid holiday a year. The cost of holiday pay, and of employing another Personal Assistant to cover for holidays, is included in your Direct Payment - SILC can help you with this.

Do I have to provide sick pay and maternity leave?

- ✓ Your Personal Assistants may be entitled to statutory sick pay or statutory maternity pay - SILC can advise what is necessary.

What happens when I need someone to cover for my Personal Assistant?

- ✓ Money for contingency cover is included in your Direct Payments - SILC can help you organise this.

Do I have to sort out my Personal Assistant's Income Tax and National Insurance?

- ✓ You must pay the Inland Revenue any income tax, employee national insurance, and employer's national insurance contributions due. You will need to hold these amounts back from gross pay and send them to the Inland Revenue on a quarterly basis. The cost of Tax and National Insurance contributions are included in your Direct Payments and SILC can help you budget to cover these.



Can I use a payroll service to pay my Personal Assistant?

- ✓ SILC can provide a payroll administration service that will be paid for by your Direct Payments. You will still need to provide details of hours worked and pay rates. Ask SILC for details.

Can I do my own payroll?

- ✓ Yes, if you'd like to. We'll help you with details of how to get started.

What happens if my Personal Assistant becomes pregnant?

- Pregnant Personal Assistants have special legal rights and you cannot refuse someone a job or dismiss her just because she is pregnant - contact SILC for advice.

What happens if my Personal Assistant has a disability or becomes disabled?

- Disabled Personal Assistants have special rights. If you have reason to believe that one of your Personal Assistants is or has become disabled, contact SILC for advice.

What happens if I need to sack a Personal Assistant?

- If you are faced with a potential grievance, disciplinary or redundancy situation, see FastFacts sheet 6 'Health & Safety' and contact SILC for advice before taking any action. If you wish to end someone's term of employment, it's essential to follow the correct procedure - you could otherwise be breaking the law.

What about Health and Safety?

- Although you're an employer, you are not strictly bound by the Health and Safety at Work Act because you are employing someone in your own home. You are bound by a general duty of care, see FastFacts sheet 6 'Health & Safety' - contact SILC for advice.

Can my Personal Assistant be self employed?

- ✗ It's extremely unlikely. If your Personal Assistant wishes to be regarded as self-employed they should give you written authority from the Inland Revenue, otherwise they must be directly employed by you.

Can I pay my Personal Assistant cash?

- ✗ No, it's against Surrey County Council policy to do so. If this presents a problem, contact SILC for advice.

Keeping financial records

SILC can help you with the financial side of managing Direct Payments, and where we need to charge for these services, we will ensure that our bills are settled directly by your Direct Payments account.

- If you decide to use Direct Payments, you must keep proper records of all the payments you make, so keep all receipts safe.
- You should make all payments from your Direct Payments account by cheque, standing order, direct debit or electronic transfer (for example, Internet banking or telephone banking) - not cash.
- Every three months, you will need to give Surrey County Council a report of your financial transactions - SILC can help you with this.



SILC is a voluntary organisation run by and for disabled people. To find out more about the help we can offer you with your Direct Payments call 01483 458111 or email admin@surreyilc.org.uk
Surrey Independent Living Council (SILC) registered charity number 1088220