

## What are the legal responsibilities when becoming an employer?

- You will need to register with the HM Revenue and Customs (HMRC) as a new employer. You will be required to pay NI and Income tax contributions on behalf of your staff.
- Legally as an employer you will need to ensure you have Employers Liability Insurance. This is to cover you in case of any accident or injury that might happen to your staff at work.
- Every employee must have a contract of employment which sets out the terms and conditions of their employment
- Employees have certain entitlements, such as annual leave, statutory holiday and sickness pay.
- You must ensure that any employee has the legal right to work in the UK
- Redundancy – There is a right to statutory redundancy pay for any employee after two years of employment
- Disclosed Barring Service (DBS) criminal record checks, -This is not compulsory but is highly recommended for any care staff you wish you employee for your own safety
- Work based Pensions – All employers need to enrol to provide work based pensions for their staff.

You can be supported with all these responsibilities by a direct payment support service provider. Many people find the flexibility and control of being an employer very satisfying and gain confidence over time.

*“The DPSS helps with recruitment of personal assistants, DBS checks and producing the payslips, it’s so easy”*

For more information on employing your own staff, go to: **Skills for Care** link <https://www.skillsforcare.org.uk/Home.aspx>



# Personal Health Budgets: Employing personal assistants (PA's)

**Information leaflet about employing your own care staff using your personal health budget.**

Leaflet 5 of 6

**Personal Health Budgets allow you to purchase a range of different things to meet your healthcare and wellbeing needs, and to achieve the outcomes in your personal care and support plan.**

One option to meet your health needs may be to employ personal assistants.

### Why employ a personal assistant?

- Personal assistants can help you live independently in your own home.
- Appointing someone yourself gives you more choice and control over who cares for you.
- You can use the support of a personal assistant more flexibly, as you decide when they work and what support they provide.

If you wish to use your Personal Health Budget to employ a personal assistant, your NHS Personal Health Budget Team will support you to identify the outcomes you want to achieve with the support, and begin the process of planning how you are going to manage employing a personal assistant.

### How you can organise employing personal assistants?

There are two ways in which a personal health budget can be used to pay for an employed personal assistant/s:

◇ Personal health budget: direct payments

You become the employer and receive support managing your own staff from a direct payment support service (DPSS). You need to consider whether or not you wish to become an employer.

◇ Personal health budget: third party

This option means that a third party organisation becomes the legal employer on your behalf and will recruit and manage the personal assistants. You can be fully involved throughout the recruitment process.

### What is a direct payment support service provider?

They are providers that are independent organisations and specialise in providing support to individuals receiving direct payments for their health and social care. They can provide all or a selection of the following services:

- ⇒ Help you to find a paid carer/personal assistant, including writing job adverts, employment contracts, recruitment etc
- ⇒ Provide advice and information on the responsibilities of being an employer
- ⇒ Assist with completing information in relation to Employer's legal responsibilities, such as HMRC, pensions etc.
- ⇒ Provide a payroll service
- ⇒ On-going payroll and employment support and advice
- ⇒ Set up Employers Liability Insurance
- ⇒ Manage the direct payment on your behalf

### There are legal responsibilities to becoming an employer:

