

Factsheet A18: Employing with your Direct Payments

Finding your Personal Assistants

If you choose to employ someone, you should think about the work you will need your employee to do for you and the skills and qualities they will need to do the job well.

A good place to start is by putting together a job description. This should include the type of work they will do and the days and times you will need them to support you.

Writing a person specification can also help you decide what skills and qualities you want your employee to have. For example, you may want someone who has experience in a similar job, or someone who can drive a car. Your adviser at Equal Lives can help you to design your job, if you wish.

How do I find my Personal Assistant?

It is important that you find the right Personal Assistant for you and your child's individual needs. You may choose to approach someone you already know, or you might want to advertise for someone completely new to you.

Employing people you know

You may have a friend, relative or neighbour already in mind. Usually, you cannot use Direct Payments to employ someone who lives at the same address as you. If you wish to do so, you will need agreement from your care assessor.

Employing someone you know can help you to feel more at ease as they may



already understand your child's needs. However, you need to be aware that employing someone you know may change your relationship with them. As their employer you will need to be comfortable directing them in their work and talking to them if they do something you're not happy with. It is a good idea to discuss how you will deal with issues at the start of the employment.

Recruiting someone new

You may decide to advertise in order to find a new Personal Assistant. There are a few different ways of doing this.

You can advertise the job locally by placing cards in local shops or other places where they may be seen by the type of person you are trying to recruit. Equal Lives can produce these on your behalf if you would like. If you wish to reach a wider audience, you may choose to place an advert on a website, in a local newspaper, Job Centre, or in another publication you may know of, such as a church magazine. You could also look through Equal Lives' PA register. Equal Lives can place an advert on your behalf if you wish and can act as a point of contact for applicants so that your personal details do not have to be given out at that stage.

How do I choose the right person?

Following your advert you will need to select one or more applicants to interview. Referring to your job description and person specification will help you to shortlist applicants, as it helps you to decide which applicants best meet the skills and experience you are looking for in an employee. Interviewing someone gives you a better idea of what the person is like and if they would be suitable for the job. It gives you both a chance to meet one another face to face before any further decisions are made. Equal Lives can support you with interviews.



However, who you decide to interview and recruit remains your choice.

You will need to think about where to hold your interviews. It is a good idea to hold them in your own home, as this gives the applicant an opportunity to see where they would be working. Although you can of course hold them somewhere else if you prefer.

It is a good idea to prepare some questions to ask people at interviews. You should choose questions which will help you decide who would be best at the job. Equal Lives can give you some examples of questions you could ask. During the interview you may wish to get the applicants to show you some tasks involved in the job to see how they get on. You may also choose to ask the most promising applicants back for a second interview.

Employing for a child under 8 years old

If your child is under the age of 8 your employee may have to be a registered child-minder. To find out more about whether this applies to you please contact your adviser at Equal Lives.

What checks do I need to do?

To ensure your own safety and the safety of any children in your home it is strongly recommended that you carry out background checks on the people you decide to employ. These will help you decide whether the person is suitable to be employed by you.

Disclosure and Barring Service (DBS) checks can be carried out by Norfolk County Council. This will show if the person has been in trouble with the police. Your adviser at Equal Lives can arrange for a DBS form to be sent to you at your



request.

It is also strongly recommended that you ask your employee for at least two referees, one of which should be their last or current employer. Equal Lives can obtain these references on your behalf if you wish.

Once you have chosen who you want to employ, you will need to check that they are legally allowed to work in the UK. It is important to do this as there are penalties for employing someone who is not.

Your potential employee should have one of the following documents as proof of their right to work in the UK:

- A passport confirming British citizenship
- A UK issued Birth Certificate and proof of National Insurance Number
- A passport or other Home Office document which clearly states a current right to live and work in the UK
- A passport or National Identity Card from any country in the European Economic Area or Switzerland

If your potential employee does not have one of these documents there are other checks you can do instead. For more information on these you can contact Equal Lives.

When do I become an employer?

You become an employer as soon as you offer a job to somebody and they accept it.



What are my responsibilities?

Over the next few pages are some of the responsibilities you will have.

Tax and National Insurance - You are responsible for paying your employees, providing them with a pay slip and making the correct deductions from their wages for tax & national insurance. You may also be required to pay employers national insurance. You can register as an employer with HMRC (Inland Revenue) and set up a PAYE scheme. Equal Lives can provide you with more advice on how to do this. Equal Lives can provide a payroll service instead if you wish. You can find more information on this in the factsheet called 'Equal Lives' Payroll Service'.

Minimum wage - You will need to pay your employees at least the National Minimum Wage. You can get more information by calling the Pay and Work Rights helpline on 0800 917 2368.

Annual leave - All employees are currently entitled to 5.6 weeks paid holiday per year. This is based on the hours actually worked. For example, if your employee works 5 hours per week, their holiday entitlement will be 28 hours (5 x 5.6).

Equality - You have a responsibility to treat all your employees fairly and equally.

Statutory payments - You have a responsibility to pay statutory sick pay, statutory maternity/paternity or adoption pay, if they are due.

Working hours - You cannot insist that your employee works more than 48 hours on average per week. You must also allow your employees to take



adequate rest breaks. For more details on the breaks you should allow your employee to take and how many hours you can ask them to work you can contact Equal Lives.

Insurance - You will need to have insurance to protect you as an employer. Equal Lives can let you know about some policies that are available specifically for people using Direct Payments. Your insurance will be paid for from your Direct Payments.

Vehicle Use and Expenses - Expenses are costs that your employee may incur including petrol used for work and entrance fees. Children's Direct Payments do not include money for expenses for your employees. It is therefore your responsibility as an employer to ensure that these costs are covered. Your employee does not get reimbursed for travel to and from work, only for expenses incurred whilst doing the job.

If your employee is required to use their own vehicle for work, e.g. taking your child to and from school or activities, they are required to have business class one in place. They should contact their car insurer to do this. If they do not do this it is likely that your employment insurance and/or their car insurance will be void in the event of an accident.

Health and Safety - You must make sure that your employees are working in a safe environment. To do this, you would normally carry out a risk assessment. For more information on this you can contact the Health and Safety Executive on 0300 003 1747 or at www.hse.gov.uk

Training - As part of your risk assessment you should make sure your



employees are properly trained for the tasks you ask them to carry out. For example, if you require them to use a hoist or other equipment, you may wish to send your employees on a suitable training course, or train them yourself.

If you do not ensure that your employees are properly trained then this may affect your Employer's Liability Insurance in the event of a claim.

You can get free advice on training, and support to look for funding from an organisation called Norfolk and Suffolk Care Support Ltd. You can contact them on 01603 629211. For further information on accessing training for your Personal Assistants you can contact your adviser at Equal Lives.

Employment documents - When someone accepts a job with you this forms a contract of employment between you and the employee. This contract also needs to include the terms and conditions that you have offered and agreed with your employee as well as things that the law says you must provide.

So that you and your employee know what these terms and conditions are you must provide all of your employees with a document called a statement of particulars, within two months of them starting their work with you. Equal Lives can support you to prepare these if you wish, or you can find a template for this on the ACAS website at www.acas.org.uk

Confidentiality - You will need to know some personal information about your employees. Your employees need to know that you are keeping this information and you should not pass this information to anyone else without your employee's permission.

Keeping up to date - As an employer, you will need to be aware of any



changes in employment law that will affect you and your employees. Changes usually take place in April and October. There are some useful contacts at the end of this booklet that help you to do this.

How do I manage employing people?

Employing and managing staff can be very rewarding as it puts you in control of what you need someone to do for you. By spending time designing the job and making sure your employees understand exactly what you want them to do you can avoid problems that may arise. Making sure that your staff know, how they should conduct themselves and what rules they should be working to helps to develop a clear relationship between you and your employee.

Managing staff means that you also need to listen to your staffs needs and support them to understand what you want them to do. It needs to be a two-way relationship where you are communicating with each other so that ideas can be discussed, and any concerns can be raised by either of you before the issues become too big.

Back up cover

Before you start using Direct Payments it can be very helpful to think ahead about things that might happen which you can plan for. For example, how you will get cover when your employee is on holiday or if they are unwell.

It is important that they discuss their holiday leave plans with you and seek your agreement as their employer. You can also ask them to give you plenty of notice of when they want to take their leave as this will give you time organise any cover that you require. It is also important that staff should give you as much notice as possible if they are unwell.



There are a number of people you could consider for providing backup cover:

- You can use friends and family, either unpaid or paid. If they live in the same house as you and you want them to be paid you must talk to your care assessor first.
- You can request that your staff provide cover for each other. This can be written into their job description if it is a requirement of the job.
- You could try to find people who only work for you when your regular staff cannot work. This could include former staff, friends or family who are happy to provide cover but do not want to commit to regular hours.
- You should keep your back-up arrangements up to date. It is a good idea to check regularly that the people or organisations you plan to use are still able to provide you with cover.

For more information on back up cover contact your adviser at Equal Lives.

How do I deal with any problems?

If you become unhappy with your employee's work you should tell them as soon as this happens. By explaining how you would prefer the task done, any problems can normally be resolved informally.

Many problems are simply due to a misunderstanding. However, if the problem persists you may need to take more formal steps to find a resolution. You can get advice on this from your adviser at Equal Lives or by contacting ACAS on 0300 123 1100.



Useful contacts

Here are some contacts you may find useful, for more advice and information on being an employer:

ACAS

www.acas.org.uk / 0300 123 1100

Her Majesty's Revenue and Customs (HMRC)

www.hmrc.gov.uk / 0300 200 3200

Health and Safety Executive (HSE)

www.hse.gov.uk / 0300 003 1747

BIS: Department for Business, Innovation and Skills

www.gov.uk/government/organisations/department-for-business-innovation-skills /

0207 215 5000

Gov.uk

www.gov.uk

If you require further information or would like this factsheet in an alternative format you can contact us by calling: 01508 491210, by emailing:

info@equallives.org.uk, or by writing to: Equal Lives, 15 Manor Farm Barns, Fox Road, Framingham Pigot, Norfolk, NR14 7PZ.

