



Using a Direct Payment to employ someone

You can use your Direct Payment to employ someone directly. People who are employed directly in this way are often called Personal Assistants (PAs). This can be a really good way to get the help and support that you want and need. You can choose who works for you and you can be in control of when and how the support is provided. A lot of people in Nottinghamshire use their Direct Payments in this way.

If you do choose to become an employer, you will need to carry out a number of tasks and take on some legal responsibilities. Some of the things you need may need to do are:

- recruit people to work for you
- arrange for Disclosure and Barring Service (DBS) checks to be carried out for people you plan to employ
- provide contracts of employment for people who are going to work for you
- set up payroll – to calculate the weekly pay and deductions for your PAs and to issue payslips
- make payments of tax and national insurance to Her Majesty's Revenue and Customs (HMRC) on behalf of yourself and your employees
- provide information to HMRC
- understand and comply with employment law, for example around minimum wages, hours worked and holiday entitlements
- take out Employers Liability Insurance
- make arrangements for and make payments in to pension schemes for your employees

- organise cover for when your employees are on holidays or sick
- organise any training your employees need
- deal with any grievances that may arise.

All of these things would be your responsibility, even if you choose to employ friends or family members.

Getting help with being an employer

You may be happy to take on the tasks associated with being employer yourself, or you may know a friend or relative who can help. There are also Direct Payment Support Service organisations that have a lot of knowledge and experience. You can use these organisations to help you. There is an additional cost for Direct Payment Support Services, which will be met from your Direct Payment, so you should talk to your social care worker about this. Refer to our Factsheet [Selecting a Direct Payment Support Provider](#) for more information.

Although other people and organisations can help you with the tasks, the legal responsibilities of being an employer will always lie with you. Before you use your direct payment to become an employer you must be sure that you understand all of your responsibilities and the tasks involved.

An organisation called **Skills for Care** has a lot of very useful information about using a Direct Payment to employ people. You can find this in their individual employers toolkit:

<http://www.employingpersonalassistants.co.uk/>

Paying wages using your Direct Payment

If you decide to become an employer, you should pay your employees at least the National Living Wage. However, you should be aware that not all of the weekly Direct Payment money can be paid to the people who work for you. This is because there are additional costs that need to be met from the Direct Payment, for things such as:

- employer's National Insurance contributions
- employer's liability insurance
- employer's pension contributions
- payroll support services and other support you receive to help you to be an employer.

You must make all the payments that are required. Some of them are legal requirements and you could be prosecuted and fined if you do not pay them. If you need help to sort out all the different payments, this is available from organisations that offer payroll services. Most Direct Payment Support Services offer this.

Finding Personal Assistants

There are a number of ways to find people to provide the care and support to meet your needs. One good way is to use the Council's PA Directory on the **Nottinghamshire Help Yourself** website. Go to:
www.nottshelpyourself.org.uk/pas

Here you will find listed a number of Personal Assistants who have been through a Nottinghamshire County Council run accreditation scheme called **Support with Confidence**. This means that they have already completed some basic training and have had a check completed through the Disclosure and Barring Service (DBS). The DBS check shows that they have not been convicted of any offence that makes them unsuitable to work as a Personal Assistant. The Support with Confidence scheme also enables you and your Personal Assistant to access training and development opportunities.

Read our [Support with Confidence factsheet](#) for further information:

Contact information:

Phone: 0300 500 80 80
Monday to Friday: 8am to 6pm
(Calls cost 3p a minute from a BT landline. Mobile costs may vary).
Email: enquiries@nottsc.gov.uk
Web: www.nottinghamshire.gov.uk

Phone 0300 500 80 80 if you need the information in a different language or format.