



# Employing a Personal Assistant

## Introduction

A Personal Assistant (PA) is someone who provides regular support to another person. This could include support with things like:

- personal care
- domestic support
- accessing the community
- transport
- help with meals

To find a personal assistant please see the [‘How to find and recruit a Personal Assistant’ factsheet](#).

## If you are an employer

When employing PAs you must ensure that:

- you have Employers Liability Insurance and that it is renewed on an annual basis
- you draw up a contract of employment
- your PA is paid statutory holiday and sick pay. This will need to be calculated correctly
- you are paying the correct amount of tax and national insurance

For further advice on payroll or any other matters relating to becoming an employer, Direct Payment Support Services are available. Please see the [‘Selecting a Direct Payment Support Service Provider’ factsheet](#) for more information.

## Self-employed PAs

If the PA claims to be self-employed you must ensure that this is verified.

The only way to verify that a PA is self-employed is by asking the PA to complete [HMRC’s online tool](#) which can identify whether your PA is employed or self-employed. You can find this tool on GOV.UK.

If the PA is self-employed for tax purposes according to the ESI tool, then the PA must send a copy of the ESI certificate to your social care worker.

If the PA is self-employed then they are responsible for paying their own tax and national insurance.

If the outcome is that they are classed as employed for tax purposes then they cannot be employed on a self-employed basis and the Individual employer would be responsible for all Tax and National Insurance payments.

## Disclosure and Barring Service (DBS)

It is Nottinghamshire County Council’s policy for all Personal Assistants working with individuals in receipt of a Direct Payment to have an enhanced DBS with barred list check.

The Enhanced DBS with Barred List check can be requested by the Council and will not cost you or your PA anything.

## Modern Day Slavery

To minimise the risk of Modern Day Slavery occurring, it is the Council’s policy that where a Personal Assistant is employed using a Direct Payment, it is recommended that the Direct Payment recipient checks that the bank details they are paying the Personal Assistants wages into are that of the Personal Assistant providing the support i.e. that the bank account is not in

another person's name.

Nottinghamshire County Council also recommends that where multiple Personal Assistants are employed that each individual Personal Assistant's wages are paid into separate bank accounts i.e. two Personal Assistants are should not be paid into one bank account.

If a Direct Payment recipient has any concerns regarding the bank account details they are requested to pay a Personal Assistant's wages into, they should contact the Multi Agency Safeguarding Hub (MASH) on 0300 500 8080.

## **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@nottscc.gov.uk](mailto:enquiries@nottscc.gov.uk)

Website: [www.nottinghamshire.gov.uk](http://www.nottinghamshire.gov.uk)

Minicom: 01623 434993

Use these contact details if you need the information in a different language or format.