



Direct Payment factsheet 2: Employing Personal Assistants

1. 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, including assisting with day to day activities
- Support with communication
- Accessing the community
- Support with getting around at home and in the community
- Help with meals
- Social Support (Attending activities and events)
- Support with assistance animals
- Support with Finance and paperwork
- Support with studying, volunteering, training and employment

To find a personal assistant please see the '[How to find a Personal Assistant](#)' factsheet.

2. If you are an employer

When employing PAs you must ensure:

- That you have Employer's Liability Insurance and that it is renewed on an annual basis
- That you draw up a contract of employment and any relevant policies (Skills for care individual toolkit and ACAS) <https://www.skillsforcare.org.uk/Employing-your-own-care-and-support/Information-for-individual-employers/Information-for-individual-employers.aspx>
- That you check to ensure the PA(s) has the right to work in the UK including keeping a copy of the appropriate right to work documents (information regarding this can be found on the GOV.uk website)
- That your PA is paid statutory holiday and sick pay. This will need to be calculated correctly
- That you are paying the correct amount of tax and national insurance
- Pension auto enrolment (where applicable)

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.

3. 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 Employment Status Indicator (ESI) tool which can identify whether your PA is employed or self-employed.

Visit: <http://www.hmrc.gov.uk/calcs/esi.htm>

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.

If you are unsure regarding the employment status of a PA, you can contact ACAS for guidance on a case by case basis.

4. Disclosure and Barring Service (DBS)

It is Nottinghamshire County Council's (NCC) 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 NCC and will not cost you or your PA anything. The process should be completed within 12 weeks, but most are completed more quickly.

For more information please see the '[DBS Factsheet](#)'.

5. Modern Day Slavery

To minimise the risk of Modern Day Slavery occurring, is it 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 assistant's 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 recommend 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 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.**

6. Contact information

If you have any questions about anything contained in this leaflet relating to Direct Payments, please contact:

The Direct Payment Enquiries Team: -

Phone: 0115 8044945

Email: dpenquiries@nottscc.gov.uk

If you need to contact someone about the support, you are already receiving contact

Phone: 0300 500 80 80 - Monday to Friday: 8am to 6pm (Calls cost 3p a minute from a BT landline. Mobile costs may vary).

Enquiries: www.nottinghamshire.gov.uk/contact

Website: www.nottinghamshire.gov.uk

Deaf / hard of hearing:

- Text relay service: Dial 18001 0115 9774050 from your textphone or the Relay UK app.
- Download the SignVideo app to communicate with Nottinghamshire County Council in British Sign Language via an interpreter. Visit www.nottinghamshire.gov.uk/contact-us for more information.

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

The Council is committed to protecting your privacy and ensuring all personal information is kept confidential and safe. For more details see our general and service specific privacy notices at:

<https://www.nottinghamshire.gov.uk/global-content/privacy>