



# Information Sheet

## ADVICE AND SUPPORT FOR DP USERS EMPLOYING A PA

### DIRECT PAYMENT

Direct Payments are cash payments given to people who are assessed as needing help from social services and who choose to arrange and pay for their own care and support services instead of receiving them directly from the Council.

The Direct Payment will be paid monthly in advance. Payments are based on the number of days in the month that support is required so the payment amount may fluctuate slightly from one month to the next.

### BANK ACCOUNT

You will need to open a separate bank account for the receipt of the Direct Payment money. This account should provide monthly bank statements and, unless you are going to make payments electronically, a cheque book. If you are unable to open an account, please let us know as we will be able to help.

### EMPLOYING SOMEONE DIRECTLY

You are intending to employ a personal assistant/carer (PA). This could be a friend or a neighbour or a member of the family not living at the same address.

If you have not already identified someone and need to recruit, we can assist you in the following ways:

- Providing you with access to the Personal Assistant Register <http://www.wiltspa-reg.org.uk/> where both employers and PAs can advertise
- By placing an advertisement on the Job Centre Plus website

You could also place advertisements locally, for example on local community noticeboards, newsagents' windows, other on-line resources such as gumtree etc. We can also provide you with sample interview questions.

Being an employer does mean that you are under certain legal and financial obligations but Wiltshire CIL can provide advice, guidance and practical help on most aspects.

The main requirements together with the help we can provide are listed overleaf.

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As an employer, you should:	How Wiltshire CIL can help
Provide your employee with a statement of employment and keep records of hours worked, sick and holiday leave taken and payroll information for 3 years	We can provide you with a sample statement of employment and other forms to assist in keeping these records
Ensure all employee statutory rights are met. This includes statutory holiday entitlement (which is 5.6 weeks), statutory sick pay, pay in lieu of notice and redundancy	Your DP Adviser will advise on this as required
Ensure employer's liability insurance is in place before your employee starts work	this is provided free of charge by the Council but you need to complete the application form provided by your DP Adviser and ensure you receive a certificate
Ensure risk and health & safety assessments are carried out	Wiltshire CIL can provide you with templates to assist with this
You may wish to ask your employee to have a Disclosure & Barring Service check (strongly recommended by both the Council and Wiltshire CIL)	This is provided free of charge by the Council and can be arranged through Wiltshire CIL
Budget to ensure that the National Minimum Wage is met and that holiday cover and employer's national insurance contributions if applicable, are included, as well as allowing a contingency to cover the unexpected.	Wiltshire CIL can assist you to draw up a sample budget to help you identify what you can afford.
Register as an employer with H.M. Revenue & Customs (HMRC) for tax purposes and ensure all taxes are paid and HMRC requirements are met	You can take advantage of the Wiltshire CIL Payroll Service – see details below
Monitor whether your employee is eligible for a workplace pension	You can take advantage of the Wiltshire CIL Payroll Service – see details below
<p style="text-align: center;"><i>This list is not exhaustive and we recommend also visiting the Skills for Care website at <a href="http://www.skillsforcare.org.uk">www.skillsforcare.org.uk</a></i></p>	

Although this will depend on your DP package, we recommend that you pay your PA in the region of £10 per hour as that will allow you enough money to pay for cover for holiday periods and for any Employer's National Insurance liabilities and will also allow you to build up a small contingency to cover possible occurrences such as sick pay. The hourly rate of £10.00 per hour may be subject to deductions for tax, Employee National Insurance Contributions and pension deductions. Once your support plan has been agreed and we know the amount of your care package, we will be able to provide an example budget for your information.

## **WCIL PAYROLL**

The Council will expect you to manage the funding formally and to be set up with H.M. Revenue & Customs (HMRC) as an employer.

Wiltshire CIL can offer you a free payroll service. This service will set you up as an employer with HMRC and will produce payslips for you each month (one for your PA and one for your records) and provide you with a statement of what you need to pay to HMRC. On your behalf, the service will ensure that all HMRC conditions with regard to reporting are fulfilled and that necessary assessments around eligibility for automatic enrolment in a pension scheme are carried out.

## **KEEPING FINANCIAL INFORMATION**

Wiltshire Council will require you to keep copies of your bank statements and payslips and you may need to produce these at any review or reassessment by the Council.

## **FURTHER HELP**

### **Websites**

Our own website contains a wealth of information for Direct Payment recipients

[www.wiltshirecil.org.uk](http://www.wiltshirecil.org.uk)

Skills for Care toolkit for people employing a PA: <http://www.skillsforcare.org.uk/Employing-your-own-care-and-support/Employing-your-own-care--support-staff.aspx>

PA's holiday entitlement: you can calculate this using the Government website below:

<https://www.gov.uk/holiday-entitlement-rights>

If you have any queries about the information provided or you would like further information, please contact the DP Adviser Team at Wiltshire Centre for Independent Living on **0300 1233 442** or [admindp@wiltshirecil.org.uk](mailto:admindp@wiltshirecil.org.uk).