

About the Independent Living Fund

The ILF may make payments to disabled people to be used towards the cost of appointing personal assistants or using a care agency, to provide the personal care and domestic assistance they need to live at home. To get payments from the ILF, you need to meet certain conditions (see leaflet 1 for more information).

Summary

If you choose to employ your own PA, you need to read this leaflet and leaflet 10 as you need to be aware of your responsibilities both to your PA and the ILF.

If you employ a PA you become an employer.

Because you are the employer you have certain responsibilities such as keeping records about any holiday pay or sick pay you have paid them. You also need to let your PA know that you are using their personal information. There are lots of other obligations you will have as an employer that are not covered in these leaflets.

Because you are the employer you pay your PA's wages. Please see leaflet 10.

Other formats

We can provide this leaflet in different formats, please contact our Public Communications Managers for more details.

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This leaflet is not legal advice, and although it does not deal with your specific situation, it does set out your general obligations to the ILF. Any figures or references to documents are correct at the time of issuing. The ILF reserves the right to update this leaflet from time to time.

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Employing a Personal Assistant



This leaflet explains some of the things you need to know when



Independent Living Funds
Creating Choice for Disabled People

When you get your money from the ILF you need to think about who you will use to help you. You may want to use a care agency or you may prefer to employ your own personal assistant (PA). If you employ your own PA they must be over 16 years of age.

Some PAs will tell you that they are self-employed but HM Revenue and Customs (HMRC), which used to be known as the Inland Revenue do not normally allow a PA to be self-employed. You need to check with HMRC that your PA is self-employed for tax purposes, because if they are you do not become their employer. HMRC have a local inspector who can decide if your PA is self-employed or if you need to employ them. Their leaflet IR56 "Employed or Self-employed" will help with this. Their website address is www.hmrc.gov.uk

If you choose to use PAs that you employ yourself you are their employer. You may want to employ a relative (which is fine as long as you do not live with them) or a friend or advertise locally. To employ a PA, you need to write and advertise a job description. Once people start to reply, you need to send them an application form. From the application forms sent back to you, you can decide who you want to interview but you must treat each application in the same way. You can have a friend or relative there for moral support while you do the interviews.

Things you need to know as an employer

If you employ a PA, you will need to -

- pay your PA **at least** the national minimum wage—you can get more information about this by ringing the National Minimum Wage helpline on 0845 6500207
- pay tax and national insurance (NI) contributions for your PA
- give your PA holiday pay (see leaflet 10)
- pay Statutory Sick Pay
- pay Statutory, Maternity Pay, paternity or adoption pay
- think about having employers' liability insurance (you may be able to get this through your normal insurance policy)
- give your PA an employment contract

The National Centre for Independent Living (NCIL) can give you help with these issues. Their phone number is 0207 587 1663. Their website address is www.ncil.org.uk

The Data Protection Act

When you employ a PA you will need to know some personal information about them. Your PA needs to know that you are keeping this information. You cannot give this information to anybody else without your PA's permission.

Good Employment Practice

Because you are about to become an employer, you have a responsibility to your PA and to the ILF. Part of this responsibility is to keep timesheets and invoices. It is good practice to also keep records for each PA on—

- Their holiday entitlement and holiday pay
- The sick leave they have taken
- All correspondence between you and your PA
- any problems you have discussed with your PA what action you have agreed

It is a good idea to keep these records for some time. HMRC say you must keep all records of payments to your PAs for 6 years. We suggest that you keep the timesheets and invoices for at least 2 years. For more details about keeping records please see leaflet 11.

Arranging care while you are abroad?

If you choose to employ care abroad it may be better to use a care agency so you can avoid becoming an employer. If you do choose to temporarily employ a foreign PA while you are abroad, you should get employers' liability insurance that covers you abroad. It is also a good idea to get legal advice about what your responsibilities are as an employer in that country.