

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

This leaflet outlines some of the obligations you have as an employer. The leaflet also explains -

- What costs the ILF may pay
- What costs the ILF may consider
- What costs the ILF will not pay

Once you choose to become an employer it is very important that you contact your local HM Revenue and Customs (HMRC) formerly known as the Inland Revenue as they will offer you help with tax issues regarding employment—you can get their number from Yellow pages or directory enquiries. You can also visit their website –www.hmrc.gov.uk

Other formats

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

How to get in touch with us:

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or
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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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Employment Issues



You must read this leaflet if you are going to employ your own personal assistant (PA)



Creating Choice for Disabled People

Employment issues

The money you get from the ILF is to pay for the cost of employing personal assistants (PAs) or a care agency to enable you to live independently.

Employing your own PA involves a lot of planning, such as advertising and interviewing as well as keeping records of the hours your PA works and how much you have paid them.

It also means that you have many responsibilities as an employer, such as paying tax and National Insurance (NI) contributions for your PA. You should also consider any Health and Safety issues.

When the ILF work out how much money we can offer you, some costs can be added to the wages you pay your PA such as employers NI contributions and holiday pay. Other costs cannot. PAYE tax contributions should be deducted before you give your PA their wages.

If your PA is self-employed they are responsible for their own employment costs such as paying their own tax, NI, holiday pay and sick pay.

If you do not check whether your PA is an employee or is self-employed and you later find out that you are their employer, the ILF will not be able to cover any employer costs for that period. Please see leaflet 9 for more information about self-employed PAs.

Costs the ILF will pay for PAs you employ

PA wages—this has to be at least the national minimum wage. Our offer should already include your PA's PAYE tax and their NI contribution. If these contributions and holiday pay are not already included in your offer, please ask us to review your case. We will then try to build these costs into a new offer.

For more help with NI and tax issues, please contact the HMRC. Their number is in the Yellow Pages.

Holiday pay - if your PA is full-time they are entitled to 24 days holiday pay each year. The ILF will include 24 days pay a year into the payments we make.

Employer's liability insurance - you need this insurance in case your PA has an accident or becomes ill as a result of working for you.

Employer NI contributions - the ILF will include an amount for employers' NI into the payments we make. You must tell us if this is not enough.

Costs the ILF will NOT pay

Maternity/Paternity/Adoption Pay—it is your responsibility to pay these and then apply to claim the money back from HMRC.

Contractual extras—these are other benefits you agree with your PA on top of what the law says you must provide.

Costs the ILF may consider paying

Statutory Sick Pay—the ILF may help with any extra amount of statutory sick pay you cannot get back from HMRC

Advertising costs—such as the costs of putting an advert in your local paper

Payroll costs—we can normally pay up to £12 a week towards the cost of using a payroll service to pay your PA(s)

Health & Safety training— we can consider paying for H&S training if this has been identified in a risk assessment

Financial management—if you have a third party who receives your ILF money and sorts out paying your PAs and they charge you for this service, we can consider paying this

Live-in PA— we can pay an extra £35 a week if your PA lives with you, to cover the extra costs associated with having a live-in PA

Retainer costs—we can consider still paying you up to 4 weeks of your normal award if you employ PAs and you have to go into hospital or residential care

Termination of employment—if you are liable to make a payment to a PA after they stop working for you we can consider these costs

Task training—we can also consider paying an existing PA to train a new PA in the tasks required to care for you