



# Your guide to employing a personal assistant



Employing a personal assistant comes with responsibility, and that can be daunting, but we hope this guide gives you all the information you need.

Being an employer means you're in control of the care and support you receive. You choose the PA you hire and the work they do, but you need to be aware of employment law.

# 1

## DECIDING WHAT YOU NEED

### What attributes should your PA have?

- Personal qualities, such as a sense of humour or patience?
- Experience in a similar role?
- Skills, such as additional languages or good timekeeping?
- Qualifications, such as moving and handling training, or a driving licence?



#### The law says:

You may ask for applicants to be of a preferred gender only if they will be carrying out personal care.

### What will you need them to do?

- Everyday tasks, such as helping you with your daily routine?
- Take on responsibilities, such as ensuring you arrive at work on time?
- Occasional tasks, such as collecting your prescription when it's ready?
- Potential tasks, such as things you usually do for yourself but would need help with if you became unwell?



#### Be aware

If you receive direct payments, you can only use the money to pay a PA for tasks agreed in your support plan.

### When will you need them to work?

- Regular hours, such as certain times each day, week or month?
- Occasional hours, to cover medical appointments or social events?
- Potential hours, such as cover for other PAs or family carers, when they're not around?
- How much notice of extra hours could you give them?

### Where will they be working?

- What will be their regular place of work – your home or workplace?
- What might be occasional places of work – your local pub, place of worship, homes of friends or family?

### How would you like them to work?

- With another PA?
- Using their initiative, or only supporting when asked?
- In keeping with any religious or cultural requirements you have, such as preparing meals in a certain way?



#### Tip

Your PA will need to sign a contract, so you will need to prepare one in good time. More details on page 8.

# 2

## YOUR JOB ADVERT

Complete the job description below, cut it out and send it to us at:

**PA Noticeboard, Floor 5 Core 5, Civic Offices, Guildhall Square, Portsmouth, PO1 2EP**

We'll add your role to our recruitment site, [www.portsmouthpan.co.uk](http://www.portsmouthpan.co.uk)

PAs will only be able to see your name and the job role you've written. Your personal information, such as contact details, will **not** be shared.

Tell us how long you want to give people to apply. We suggest two to three weeks depending on how complex the role is or how soon you need them to start.

**People who use the internet can complete the form at [www.portsmouthpan.co.uk](http://www.portsmouthpan.co.uk)**

### JOB DESCRIPTION FORM

**This is to guide you when writing your job description, which will be used in your advert.**

<b>Contact information</b> (This information will not be shared on the website, it is for our admin use only)
Full name
Address
Postcode
Phone
<b>Personal profile</b> – a brief description of you. (Please keep it to one or two sentences.)
<b>The PA job</b> – brief job description. (This is the part that will be viewed on the homepage on the website. Include the job description and also the person who requires the care....making it personal helps!)

Please turn over

**Advert title:** eg. Personal Care Assistant, Support to help me get out and about, Help at home, Cleaner, etc.

**Duties to include:**

**Employer gender:**

(your gender)

**PA gender:**

(if applicable)

**Job requirements:** (This relates to training or specific needs etc.)

**How many hours is the PA required to work?** (E.g. 6 hours per week, 2 hours per day)

**The job is based in:** (e.g. PO1)

**Tick which apply:**

Car owner

Smoker

PA medical training

Car driver

PA care experience

PA medical insurance

**Other job information:**

**Deadline for applications:**

**Hourly rate:**

**£s**

**Specific skills or training required:** (if any)



# 3

## APPLICATIONS

We have an application form for people who want to be a PA, which asks for information about your skills, qualifications and experience.

On the day of the deadline, we'll send you all the application forms so you can choose who you'd like to interview.

### Things to think about

- We recommend sticking to the facts at this stage. Do they have the skills and experience you need? You can find out more about them as a person at the interview.
- You might find it helpful to score applicants a point for each of the parts of the job description they match. This can be an easy way to tell which applicants match the job description best, because they have the most points. (You could take this further by giving

two points for things that are most important to you.)

- There's no rule on how many applicants you should interview. If none are suitable you can choose not to interview any, and advertise the role again.



### The law says

You **must not** base your choice on things like race, nationality, religion, age, sexual orientation or disability.

You **must** keep the application forms safe and private. They contain people's personal information, and should not be shared with anyone else unless it's to help you choose who to interview.

# 4

## INTERVIEWS

### Set the dates and times

We recommend an hour for each interview. You don't need to use all the time, but you'll feel more comfortable knowing there's no rush. Give yourself a break between interviews.

### Choose a venue

A neutral place is good. There's no charge to use meeting rooms at the Civic Offices – just contact us. Or use a quiet café, a library or a community centre.

### Inviting applicants

Call them on the phone, so you can be sure they've received the invitation and they can ask questions. That first call can be daunting, but remember: you're calling someone who wants to work for you, and they'll be pleased to hear from you.

### An example phone call

"Hi, this is Sam calling about the PA role. Am I speaking to Nadia?"

"Yes, this is Nadia"

"I received your application and I'd like to invite you to an interview. Are you still interested in the role?"

"Yes, definitely – thank you!"

"Great. The interview will be next Tuesday at 2pm, at the Civic Offices, and should last around an hour."

"Thank you. I'm writing that in my diary now."

"I'll give you my number. If you can't come please let me know."

"Thank you."

"Do you have any questions?"

"No, I think I have everything from the job description"

"Ok. You'll be able to ask questions at the interview. I'll look forward to meeting you."

This can help you assess their approach to equality and whether you would be comfortable with how they handle difficult situations.



### Tip

Listen carefully to the answers, and make notes to help you decide later.



### Tip

Set a date for responding to applicants, and tell them they will hear from you then. Then you won't feel under pressure to rush a decision. And you'll have time to think about feedback for unsuccessful applicants.

## Interview questions

**Think about what you need to know and write your questions down.**

You might want to ask:

- ***What appealed to you about this job?***  
This can help you understand the person's motivations.
- ***What qualities and experience do you have that you think make you suitable?***  
This can help you understand how well the person understands the role and what it requires.
- ***Would you be prepared to cover shifts at short notice, if another PA is off sick?***  
This can help you understand the person's attitude to work and their flexibility.
- ***If I ask you to do something in a certain way, and you think there is an easier way, what would you do?***  
This can help you understand their approach to work and instructions.
- ***If someone persisted in ignoring me and spoke only to you, how would you react?***

## On the day

- Arrive early and get comfortable. It's OK to be nervous, and the applicant won't notice – they'll be too busy trying to make a good impression.
- If you can, have some glasses of water on the table. Most venues will be happy to provide some tap water.
- Taking someone with you can help you feel more confident, and you could talk through your decision with them. We're happy to attend if a team member's available.
- If you plan to take notes, explain this to the applicant and reassure them you'll still be listening.
- Explain a little about the job role before you start, so you're both clear.



### Tip

If you feel sure about someone it can be tempting to offer a job there and then, but it's best to sleep on it.

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## MAKING A CHOICE

Think about how you will use the interview answers to choose your new PA. You could allocate points, maybe like this:

- **Ideal answer: 2 points**  
Includes *all* of the things important to me.
- **Satisfactory answer: 1 point**  
Includes *some* of the things important to me.
- **Unsatisfactory answer: 0 points**  
Includes *none* of the things important to me.

If there's more than one suitable applicant, consider asking them to share the role.

If none are suitable you can always advertise again. We can advise on changes that might attract more suitable applicants.



### The law says:

You **must not** base your choice on protected characteristics such as race, nationality, religion, age, sexual orientation or disability.

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## OFFERING THE JOB

It's a good idea to offer the job "subject to references and a satisfactory Disclosure and Barring Service check (DBS check)".

If the PA will be working in a household with children, then you **must carry out a DBS check**. This shows if the person has any relevant criminal records, or is barred from working with children or vulnerable adults. Contact us for full information and guidance.

Will the PA be providing personal care, or have access to your money? If so, you **may choose to carry out a DBS check**. This is your choice, but bear in mind that we don't vet applicants.

Ask for **references**. They help you check that your new PA has been honest about their background. The application form asks for two references, at least one from a former employer. We recommend you contact the referees directly

even if the PA has given you a copy of their written references.

### Giving feedback

After someone has accepted the job and you're happy they are suitable, you can let unsuccessful candidates know the outcome and thank them for their time. It might help them if you give one or two points about what they did well and what made the successful candidate a better match.

### Keeping a record

Keep your records of the recruitment process for six months after you have hired your new PA, so you have evidence in case of any disputes.

# 7

## SIGNING THE CONTRACT

A contract is an essential way to protect both you and your new PA from any misunderstandings or disagreements.



Some of your legal responsibilities will depend on your personal circumstances and the PA's, so please get in touch for more personalised information and advice.

### The law says:

- You **must** provide a written contract within two months of the employee's start date.
- You **may** include a trial period if you wish. This is usually three months. At the end you choose whether to make the contract permanent.
- You **must** pay at least the national minimum wage.
- You **may** set different hourly rates for different tasks, such as work on weekends or bank holidays.
- You **must** pay the right Income Tax and National Insurance contributions.
- You **must** check if and when your employee should be enrolled in a pension scheme, and arrange for this if needed. You **must not** influence your employee to opt out.
- You and your PA **must** both sign the contract for it to count. Print and sign two copies and keep one each.

### What to include

- ✓ your name and the employee's name
- ✓ the date the employee starts work
- ✓ their main place of work (usually your home address)
- ✓ their job title (usually personal assistant)
- ✓ their duties and responsibilities, as set out in the job description
- ✓ details of any trial period
- ✓ their hours of work and hourly rate.
- ✓ what happens if you need to change their hours
- ✓ how and when they will be paid.
- ✓ how much paid holiday they will have, and how they can take it
- ✓ what happens if the PA's work or behaviour is not satisfactory
- ✓ how the contract can be ended
- ✓ confidentiality requirements for information you hold about each other
- ✓ your requirements if the PA:
  - ✓ will be late for work
  - ✓ is sick and can't work
  - ✓ wants to take a holiday
  - ✓ wants to raise a problem

**Contact us for our contract template**

**The law says:**

You **must** take care to keep your employee safe – for example, by checking for risks, making sure they know what to do in case of fire, and keeping a record of any accidents.

You **must** have employer's liability insurance, and depending on the role you may also need public liability insurance. Your home insurance may cover accidental damage, and accidents or injury caused by your employee.

You **must** keep up-to-date records of information such as tax and National Insurance payments, timesheets and holidays, payslips and paid sick leave.

Get in touch for more details.

**Settling in**

Make a list of things you need your PA to know about, or to learn how to do. Think about how you'll know when each thing can be crossed off. This will be a reminder for you, a guide for your PA and a record you can both keep.

It's a good idea to arrange regular meetings to discuss how things are going. Have a standard list of things to talk about. Write down what you agreed, and sign and keep a copy each.

Think about the kind of relationship you want to have with your new PA so that you can make it clear from the beginning. What are the unspoken rules about behaviour and conversation that you would expect your PA to follow? For example, do you enjoy a friendly chat but don't want to hear about their personal life? It can feel like nit-picking, but it's much easier to say "I'd prefer to keep our conversations professional" the first time it comes up, than later.

**Money**

These tips aren't about whether or not you trust your PA, but about protecting both of you from misunderstandings later.

- If your PA does any shopping for you, insist they always bring you the receipt for your records. Never ask them to use their own money. You might decide to keep a small amount of money available for urgent, unexpected things – consider agreeing in advance what it can be spent on, and make sure your PA keeps a record of what it's used for and when.
- If your PA helps you with your bills, be very clear on how you want them to be paid and make sure you keep records of when they have been paid.
- Never lend money to your PA or borrow money from them. Never agree to pay your PA's wages in advance for any reason. Your PA should never sign financial documents on your behalf, have control of your bank or building society accounts, or have your bank PIN number.

**Disagreements**

If either of you aren't happy with something, it's important to deal with it as soon as possible.

Smaller things like poor timekeeping or one-off rudeness can usually be dealt with by having a chat over a cup of tea. Talk to your PA about why it isn't acceptable and what they need to do instead. Ask them if there's a reason it's happening, and if you can do anything to help.

If it's a more serious issue, or the problem doesn't improve, you will need to follow your contract, and the appropriate employment law. We can help.

You may wish to consider involving a mediator. This is someone whose job is helping people work out their problems together. Again, contact us.

Come along to a peer support session. Talking something through with other employers, or even other PAs, in confidence, can help make sure you've considered all sides, and know all your options. Contact us for details.



### Tips from other employers

“Establish clearly what you're looking for from the PA, and what the PA will do and won't do.”

Eileen W.

“Write a clear set of dos and don'ts and instructions.”

Nuzhat N.

## Abuse

Certain things are beyond a disagreement, or a disciplinary issue, and expert help is available in these situations from our safeguarding team. Contact the adult social care helpdesk on 023 9268 0810. You don't need to be an adult social care service user to contact us.

Abuse can be physical, verbal, psychological, sexual, institutional, discriminatory, or financial in nature.

### Support is available if you experience anything like the examples below:

- Being overly critical, rude or disrespectful. Bullying or undermining you or treating you as worthless.
- Threatening, manipulating, or sweet-talking you to get access to your money, or getting you to change your will.
- Stopping you from getting to a medical appointment or taking your medication, or not giving you the personal care you need.
- Looking after you in a way that's convenient to them, rather than to you – especially if it makes you ill.
- Keeping you away from, or trying to turn you against, your friends, family or community.
- Injuring you or making you ill by hitting you, restraining you or giving you too much, too little, or the wrong medication.

- Any sexual situation you don't want to be in, even if you are not physically involved, such as watching pornography.



### Tell someone

If you're being abused you should tell someone immediately. This could be the police, our safeguarding team, a trusted friend or member of your family or another health and social care professional.

Find contact details on the back of this document.

## Payment

The information below only applies if you are your PA's employer. (If they're self-employed please contact us for information.)

Employing a PA cannot be a “cash in hand” job. You must keep good records and follow the law.

You **must** register as an employer with HMRC – the organisation that deals with tax and National Insurance.

You **must** pay tax and National Insurance on behalf of your PA. This will be taken from the hourly rate written in your contract.

You **may** need to pay student loan or pension contributions on behalf of your PA if they apply.

For each of these, you **must** keep a record of when and how much you paid.

You **must** give your PA a payslip each time you pay them. You **must** include:

- **gross pay** – the full amount they earned. This is calculated as their hourly rate, times the hours they worked. If you have paid any overtime, tips or bonuses these must also be included.
- **fixed deductions** – payments that stay the same every time, such as union membership fees.
- **variable deductions** – payments that can change each time, such as tax and National Insurance.

- **net pay** – the amount you actually give your PA after you have paid things like tax and National Insurance on their behalf. It is their gross pay minus their fixed and variable deductions.

Your PA **must** give you their National Insurance number. If they don't know their number, it may be on payslips or a P60 or P45 form from a previous employer. If they have not worked before, they will need to speak to Jobcentre Plus or HMRC to get their number.

You **must** find out the right tax code for your PA. If they have a P45 from their previous job, the information you need will be on this. If they don't have a P45, they can use HMRC's "new starter checklist" to give you all the information you need. Contact HMRC using the details on the back of this document.



### Getting help

You could use a payroll service to take care of all the maths and paperwork involved in paying your PA. Most charge for this. Ask us for details. A managed account service can provide further support. Contact us for details.

Or you could hire an accountant, or ask for help from a user-led organisation. Contact us for details of local user-led organisations.

In your PA's job description, you could include a duty to help you with this kind of paperwork. If you have a team of PA's, you could give one some responsibility for managing the others.

## Contact us

The PA Noticeboard is part of the adult social care service at Portsmouth City Council. We have information, advice and support for anyone at any stage of hiring a personal assistant. Our hours are 9am–5pm Mon to Thu, 9am–4.30pm Fri.

- **023 9243 7896** (local rate)
- **pa.noticeboard@portsmouthcc.gov.uk**
- **www.portsmouthpan.co.uk**

## More info

### Peer support sessions

If you want to talk through a decision with another employer, or find out what they did in a similar situation, come along to a peer support session. Your PA is also welcome to come along and meet other PAs. They're monthly at Landport Community Centre. Ask us for details.

### Adult social care

The adult social care service at the council helps people to live the life they want to lead. For information, advice or an assessment of your care and support needs call **023 9268 0810** (local rate).

Opening hours are:  
8.30am–5pm Monday to Thursday  
8.30am–4.30pm Friday

### Independent living advice line

Disability Rights UK is a national charity. Their helpline can give information and advice on things like direct payments, employing personal assistants, funding from social services, and appealing the decisions of social services. Call **0300 555 1525** (national rate), Mon to Thu 9am–1pm.

### HMRC

Her Majesty's Revenue and Customs deals with taxes. They have information about the laws that will apply in your situation. Call **0300 200 3311** (national rate), 8am–8pm Mon to Fri, 8am–4pm Sat.

### Advice Portsmouth

For information on benefits, debt, housing, employment or family law. Pop in to Focus Point, 116 Kingston Crescent, Portsmouth, PO2 8AL or call **023 9279 4340** (local rate). Open Mon to Wed 9am–5pm, Thu 1pm–7.30pm, Fri 9am–4.30pm.

### Skills for Care

Skills for Care support all employers in social care – including individual employers like you. They give information, advice and training. Call **0113 241 1275** (local rate), 9am–5pm weekdays.

### Disability information and advice line

The DIAL provides information and advice on all aspects of living with a disability. Call **023 9282 4853** (local rate).



You can get this information in large print, Braille, audio or in another language by calling 023 9243 7896