PA Noticeboard

Employing a Personal Assistant factsheet

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21. **Personal Assistant (PA) Noticeboard**

You can register as an employer on the PA Noticeboard and create an advert to find an employed PA.

The PA Noticeboard will check your advert before publishing. Once published you will have access to the PA profiles on the Noticeboard and you can contact PAs directly and /or wait for PAs to contact you directly in response to your advert.

The PA's profile can't be published until they have been accredited.

Accredited PAs must send evidence of any credentials declared on the profile, they must also complete basic training and agree to a code of conduct and have a DBS check once they are offered work.

The PA Noticeboard contains plenty of helpful information and templates to assist you with the recruitment process.

# Training for you and your PA

Grey Matter Learning is an award-winning eLearning provider in the social care sector. They are a recognised Skills for Care ‘Centre of Excellence’.

PAs can access over 100 free social care eLearning courses, all in one place!

Portsmouth City Council have partnered with Grey Matter Learning to provide fully funded social care courses for Personal Assistants and Employers. Please contact the PA Noticeboard team if you would like to access training opportunities.

PAs won’t be accredited to the PA Noticeboard (so they won’t be able to put a profile up) until they have completed the following courses:

1. PPE (Covid 19) Essentials
2. First Aid Skills
3. Health & Safety
4. **DBS Checks**

A DBS check is carried out on PAs applying to work with vulnerable adults or children. The Disclosure and Barring service checks police records and issues a DBS certificate stating any relevant criminal records.

Please contact the PA Noticeboard when a suitable PA has been found so we can organise a DBS check for you, this can usually be completed within 48 hours.

DBS checks can only be carried out if the PA or employer resides in Portsmouth.

Funding for an employed PA's DBS check (registered on the PA Noticeboard) is covered by Portsmouth City Council.

1. **Health & Safety**

You have a legal responsibility to make sure that your PA remains safe and healthy whilst doing their job.

As an employer you must:

* Carry out risk assessments on your home, including around any pets you keep.
* Think about any training your PA needs.
* Tell your PA about health and safety, including fire safety.
* Record (and possibly report) any accidents that take place in your home.
* Take out employer's liability insurance.

If you employ 5 or more PAs you will need a health and safety policy.

Visit [www.hse.gov.uk](http://www.hse.gov.uk) for free guidance and support, including a model policy.

You have a legal responsibility to make sure that your PA remains safe and healthy whilst doing their work. You should complete this [Sample safety in the home checklist (skillsforcare.org.uk)](https://www.skillsforcare.org.uk/Documents/Recruitment-and-retention/Employing-your-own-care-and-support/Toolkit/PDF/Templates/Sample-safety-in-the-home-checklist.pdf) annually and when there is a change to the working environment.

Please also note that PAs are considered front line so can access Flu vaccinations.

1. **Employers' Liability Insurance**

It is a legal requirement to have Employers' Liability Insurance.

It is not compulsory to take out Public Liability Insurance, which covers employers for claims made against them by members of the public or other businesses.

Some insurers offer a legal advice service to assist you in your role as an employer, this can be used for anything from calculating holiday entitlement to support with disciplinary procedures.

1. **Your responsibilities as an Employer**

You are responsible as the employer and you will need to be mindful of when action needs to be taken.

For example:

* You must keep an accurate record of the hours that your PA works, including holiday and sickness. If possible record the hours somewhere visible for your PA, to prevent any potential disputes.
* You must be able to manage your own payroll or use a payroll provider, but if self-managing the payroll, you must familiarise yourself with the legal responsibilities (see end of factsheet for links to more detail on this)
* You must keep a record of your PA's holiday entitlement
* You should be able to manage the process of a disciplinary/grievance procedure if needed.
* You can contact ACAS or a legal advice service with your insurer if you need employment advice and support.

# Staff Employment Records

Anybody employing staff directly will be expected to keep the following records:

* full name of staff
* address of staff
* National Insurance number of staff
* National Insurance and PAYE information to HMRC (payroll can manage this)
* date employment commenced and ceased
* for most workers it is advisable to keep records of individual hours worked to enable averaging over a period to meet the requirements of the Working Time Regulations 1998
* holidays (for the Working Time Regulations 1998)
* pay, to ensure the requirements of the Minimum Wage Act 1998 are being met, and to meet the statutory requirement that workers are issued with pay statements (a payroll service can manage this)
* paid sickness (more than four days) and Statutory Sick Pay
* accidents, injuries, diseases and dangerous occurrences.

More information is available from the Skills for Care website (see end of factsheet)

# Right to Work

The law says you must make basic document checks with every person you are considering employing to confirm they can legally work in the United Kingdom and you must not employ anyone who is not legally able to work in the United Kingdom.

You will need to see evidence that your PA has the right to work in the UK, by viewing their original passport. If they can't show you their passport to prove they are a British Citizen you will need to visit [www.gov.uk/view-right-to-work](http://www.gov.uk/view-right-to-work) and complete the steps to check they have a right to work in the UK.

# Rate of Pay

# Legally you must pay at least the National Minimum Wage.

# Visit [www.gov.uk/national-minimum-wage-rates](http://www.gov.uk/national-minimum-wage-rates) for the current rates.

# Wage slips

The wage slip must include: -

* gross earnings (before tax)
* information regarding deductions (e.g. tax, national insurance, student loans)
* Net Pay (wages after deductions)
* date

If wages are paid in different ways then the details of the different pay methods and the amount of each part payment must be included.

# Working Time Regulations

The law on working time (The Working Time Regulations 1998) sets rules for:

* the maximum weekly working hours, and how someone can work more hours if they choose
* rest during the working day, week and year.
* young workers' maximum working hours and rest breaks
* night work
* special arrangements when there's an emergency or if someone is not able to take their rest
* holiday entitlement

You can access more information about this on the ACAS website: [www.acas.org.uk/working-time-rules](http://www.acas.org.uk/working-time-rules)

#  Holiday Pay

Workers are legally entitled to a minimum of 5.6 weeks paid holiday a year. The statutory paid holiday entitlement is capped at 28 days.

You need to tell your PA how much holiday they are entitled to each year and advise them when the holiday year starts and ends (for example 1st April - 31st March). This information will need to be included in the employment contract.

It is good to be clear about things like how bank holidays will be treated and the process for agreeing time off. The holiday entitlement has to be taken as leave rather than receiving extra payment unless the employment ends.

Holiday is cumulative in the first year so your PA will need to build up their entitlement on a monthly basis and they will only get one twelfth of their annual entitlement per month.

Any Holiday not taken is lost at the end of the holiday year, it can't be carried over and payment in lieu (receiving payment instead of taking the holiday and being paid for it) is only possible when the employment ends.

A casual worker would need to end their employment when each cycle of employment ends and the holiday would then be paid in lieu.

You can work out the holiday allowance by using an online calculator at: [**www.gov.uk/holiday-entitlement-rights**](http://www.gov.uk/holiday-entitlement-rights) or you can contact ACAS for support.

#  Contingency Plan

It's a good idea to have a contingency plan for when your PA is unable to work, either a cover PA or a team of PAs who are able to cover each other.

# Payroll and Auto Enrolment

If you use a payroll provider, they can manage all aspects of your payroll including Auto Enrolment and they will work with HMRC on your behalf.

If you choose to manage your own payroll you will need to assess your employees for Auto Enrolment either send a declaration of compliance or set up a pension scheme.

You will have ongoing duties with Auto Enrolment as an employer and you will need to assess every new employee.

You must make yourself aware of your responsibilities of submitting information to HMRC for all your employees correctly and on time and you

will need to run checks to ensure that your employees have the right to work in the UK which you will need to see evidence of.

You can contact the Pensions Regulator for guidance and tools to help meet your duties for Auto Enrolment and their contact details are at the bottom of this factsheet.

# Contract of Employment

A contract will need to be drawn up before employment commences, to ensure both parties have an understanding of what is expected from the outset. This is a legal requirement and must be issued on the first day of work. The contract should describe the specific tasks that the PA is expected to carry out and can even include softer issues as to how they would like to be spoken to or cared for.

Employers that are funded by a Direct Payment will be provided with a template contract at their introductory session.

Employers that are not being funded by a Direct Payment can access a template contract [here](../../../../Documents/Employment%20contract%20for%20self%20funding%20clients.pdf)

#  Benefits

You should explain to your PA that they must by law declare their wages to the Department of Work and Pensions, the Pension Service, Housing Benefit and HM Revenue & Customs where appropriate.

1. **Redundancy**

You will need to ensure that money is set aside for the potential cost of redundancy, but some insurance policies can cover for this so check what your policy covers.

To be eligible for redundancy payment, an individual must:

* be an employee working under a contract of employment
* have at least 2 years’ continuous service
* have been dismissed, laid off or put on short-time working - those who opted for early retirement don’t qualify

You must make the payment when you dismiss the employee, or soon after.

A redundant employee also has the right to a written statement setting out the amount of redundancy payment and how you worked it out.

1. **Notice periods**

You must provide a notice period before the employment ends. The statutory redundancy notice periods are:

* at least one week’s notice if employed between one month and 2 years
* one week’s notice for each year if employed between 2 and 12 years
* 12 weeks’ notice if employed for 12 years or more

As well as statutory redundancy pay, you should either, pay your employee through their notice period or pay your employee in lieu of notice depending on the circumstances.

1. **Taking your employee on holiday**

It is important to get legal advice in advance of any holiday you take where your PA accompanies you. This is to ensure you are meeting your responsibilities as an employer in terms of the employment contract, health and safety, annual leave entitlement etc.

1. **Help and Support**

**Advisory Conciliation and Arbitration Service (ACAS)**

Provide information, advice, training, conciliation and other services for employers and employees to help prevent or resolve workplace problems.

Free advice is available from:

Telephone 0300 123 1100

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

**Pensions Regulator**

The Pensions Regulator, PO Box 332, Darlington, DL1 9PS

Telephone 0345 600 1011 <http://www.thepensionsregulator.gov.uk/en/employers>

**Skills for Care**

Telephone 0113 245 1716

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

**Mark Bates Independent Living (Home Employment) Insurance**

<https://markbatesltd.com/products/home-employment-insurance>

Telephone: 01476 514478

**Fish (Protect) Insurance**

<https://www.fishinsurance.co.uk/products/carer-and-personal-assistant-insurance/>

Telephone: 0333 331 3900