PA Noticeboard Factsheet

Employing a Personal Assistant (PA)

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The PA Noticeboard is a free online platform for PAs seeking jobs and individuals looking to hire PAs. It offers resources and templates for recruitment, and you can create job adverts. Visit [www.portsmouth.panoticeboard.org.uk](http://www.portsmouth.panoticeboard.org.uk) for more information.

# DBS Checks

The Disclosure and Barring service (DBS) checks police records and issues a DBS certificate stating any relevant criminal records.

Please contact the PA Noticeboard when you have chosen a PA so we can organise a DBS check, this can usually be completed within 48 hours.

# Contract of Employment

A contract must be completed before employment begins to ensure both parties understand expectations from the start. This is a legal requirement and must be issued on the first day of work. The contract should outline the specific tasks the PA is expected to perform. A template contract is available on the website.

# Training

Portsmouth City Council and Flourish offer free social care courses for Personal Assistants and Employers, with over 100 eLearning courses available.

PAs registered on the PA Noticeboard must complete online training to become accredited.

1. **Health & Safety**

As an employer, you must ensure your PA's health and safety at work.

This includes:

* Conducting home risk assessments, including for pets.
* Providing necessary training.
* Informing your PA about health and fire safety.
* Recording and possibly reporting any home accidents.
* Taking out employer's liability insurance.

If you employ 5 or more PAs, you need a health and safety policy. Visit [www.hse.gov.uk](http://www.hse.gov.uk) for guidance and a model policy. PAs are considered frontline workers and can access flu vaccinations.

1. **Insurance**

You must have Employers' Liability Insurance from the date you become an employer. Some insurers offer access to a legal advice helpline to support you with employment queries.

# Payroll

You may need to register as an employer with HMRC and operate a PAYE (Pay As You Earn) scheme. This includes maintaining accurate payroll records and ensuring compliance with tax and employment regulations. Alternatively, you may choose to appoint a payroll provider to manage these responsibilities on your behalf.

You can find detailed guidance on setting up and managing payroll on the GOV.UK website: [PAYE and payroll for employers: Introduction to PAYE - GOV.UK](https://www.gov.uk/paye-for-employers)

1. **Your responsibilities**

**Record Keeping**: Track working hours, holidays, and sick leave. Submit records for auditing when requested and ensure compliance with the Working Time Regulations 1998.

**Payroll**: Ensure compliance with payroll requirements and issue payslips as per the Minimum Wage Act 1998.

**Auto Enrolment:** Under the Pensions Act 2008, you must auto-enrol eligible employees into a pension scheme and contribute to it.

**Privacy Notice:** You are legally responsible for providing a privacy notice (a template will be provided) and for keeping your PA’s data secure in accordance with the notice.

**Health & Safety**: Maintain records of accidents, injuries, diseases, and dangerous occurrences.

**Right to Work:**Do not employ a PA without the right to work in the UK. Conduct checks, verify, and keep copies of original identification.

**Contract Updates**: Update employment contracts as needed.

**PA's Other Income:**Ensure your PA declares their wages to the relevant authorities.

You must also keep records of:

* **Personal Details**: Full name, address, and National Insurance number of the PA.
* **Tax Information**: National Insurance and PAYE details for HMRC.
* **Employment Dates**: Start and end dates of employment.
* **Sick Leave**: Record paid sickness and Statutory Sick Pay.

For detailed information on your employment responsibilities, visit the Skills for Care website [www.skillsforcare.org.uk](http://www.skillsforcare.org.uk) or call them on 0113 245 1716.

# Rate of Pay

You are legally required to pay at least the National Minimum Wage, which typically changes every April. You can check the current rates on the Gov UK website: [www.gov.uk/national-minimum-wage-rates](http://www.gov.uk/national-minimum-wage-rates)

# Wage slips

The payslip must include:

* **Gross Earnings**: Before tax
* **Deductions**: Details of tax, national insurance, student loans, etc.
* **Net Pay**: Wages after deductions
* **Date**

#  Holiday Pay

Workers are legally entitled to a minimum of 5.6 weeks of paid holiday per year, capped at 28 days.

You must inform your PA of their holiday entitlement, and when the holiday year starts and ends (for example: 1st April - 31st March). Include this information in the employment contract.

Clarify how bank holidays will be treated and the process for agreeing on time off. Holiday must be taken as leave, not as extra pay, except when employment ends.

In the first year, holiday entitlement is cumulative, meaning your PA earns one-twelfth of their annual entitlement each month. Unused holiday is lost at the end of the holiday year and cannot be carried over. Payment in lieu is only possible when employment ends.

Casual workers must end their employment at the end of each cycle to receive holiday pay in lieu.

For help calculating holiday allowance, you can contact ACAS for support or use an online calculator: [**www.gov.uk/holiday-entitlement-rights**](http://www.gov.uk/holiday-entitlement-rights)

1. **Notice periods**

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

* At least one week if employed between one month and 2 years.
* One week per year if employed between 2 and 12 years.
* 12 weeks if employed for 12 years or more.

In addition to statutory redundancy pay, you should either pay your employee through their notice period or pay in lieu of notice, depending on the circumstances.

1. **Redundancy**

You will need to ensure that money is set aside for the potential cost of redundancy when your employee leaves. Some insurance policies can cover 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. **Budgeting**

It's important to ensure you have enough money set aside to cover all the costs of employing a PA. This includes their wages, Employer’s Liability Insurance, and any additional expenses such as cover for sickness or holidays. You may also need to budget for Employer’s National Insurance contributions if your PA earns above the threshold. Planning ahead helps avoid unexpected costs and ensures you can meet your responsibilities as an employer.

# 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 can cover each other.

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. **PA statutory rights & entitlements**

It is important to remember that your PA(s) have rights and entitlements which are laid down in law. All employees are entitled to be treated fairly and respectfully.

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| **AUTOMATIC RIGHT** | **WHAT IT MEANS TO YOU** |
| Not to suffer unlawful discrimination | You must not discriminate based on race, gender, colour, ethnicity, religion, beliefs, age, disability, background or marital status |
| Equal pay | Pay PAs equally for equal work, unless justified by differences in roles or performance. |
| National Minimum Wage | www.gov.uk/national-minimum-wage-rate |
| Itemised payslip showing deductions | Payroll service will produce this |
| Breaks and rest periods | Workers over 18 are usually entitled to 3 types of break, rest breaks at work, daily rest and weekly rest.[www.gov.uk/rest-breaks-work](http://www.gov.uk/rest-breaks-work) |
| Maximum Working hours | The Working Time Regulations 1998 sets rules for maximum working hours. [www.gov.uk/maximum-weekly-working-hours](http://www.gov.uk/maximum-weekly-working-hours) |
| Paid holidays (Including cover PAs) | 5.6 weeks holiday a year (including bank holidays), pro rata if part time [www.gov.uk/calculate-your-holiday-entitlement](https://www.gov.uk/calculate-your-holiday-entitlement)  |
| Access to personal data | Your PA has a right of access to any information you keep about them or their employment |
| Statutory sick pay | Eligibility and current rates can be found at <www.gov.uk/statutory-sick-pay/overview> |

In addition, there are statutory rights:

|  |  |  |
| --- | --- | --- |
| **EMPLOYEE’S STATUTORY RIGHT** |  | **WHAT IT MEANS TO YOU** |
| Time off for dependents |  | Your PA is entitled to time off for a family (or dependent, s) emergency or if they need care |
| Time off for ante-natal care |  | You must allow your PA time off to attend ante-natal appointments |
| Maternity leave |  | Your PA is entitled to maternity leave and statutory maternity pay. <www.gov.uk/maternity-pay-leave/overview> |
| Paternity leave |  | Fathers are entitled to leave on statutory paternity pay and additional leave. <http://www.gov.uk/paternity-pay-leave/overview> |

There are also statutory rights linked to how long your PA has been working for you:

|  |  |
| --- | --- |
| **STATUTORY RIGHT** | **WHAT IT MEANS TO YOU** |
| Terms of employment | You must provide a statement of terms of employment within the first month  |
| Contract of employment | You must provide a written contract of employment within the first 2 months |
| Notice of dismissal and/or redundancy | This is dependent on length of service and details are covered in the provided template contract |

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