

Self Employed Personal Assistants

Direct Payments Factsheet



hello

This pamphlet tells you about Self Employed Personal Assistants and Direct Payments. You might need some help with it.

Easier to read guide

What is a self-employed Personal Assistant (PA)



You can use your direct payment to pay a Personal Assistant to help you meet your needs.



You may want to pay a self-employed Personal Assistant

This means:

When you pay them you don't need to take off tax, national insurance or pension.

They should be doing this themselves.

You don't pay them holiday pay.

They don't need to have an employment contract with you.

They should show you their terms and conditions.

They should give you a contract to sign.

They will set their own fees.

They will send you an invoice for their fees.

They must have their own Liability insurance.



They will have their own DBS check.



They should have any equipment they need to do their job.

They will organise and pay for their own training

They should organise cover when they go away.

Are there any risks?

If someone is employed or self employed this is called their status.



You must check the PA's status is correct.

This is important for tax, employment law and pension.

If you get a PA's status wrong there could be serious consequences.

It is important to remember Kent County Council cannot pay any liabilities.

How can I check my PA's status



If your PA say they are or you treat them as self-employed you can check their status:

On the HMRC website
www.gov.uk/employment-status/employee

HMRC online status tool
<http://tools.hmrc.gov.uk/esi/screen/ESI/en-GB/summary?user=guest>



Ring HMRC on 0300 123 2326

You can ring the Pension Regulator Helpline on: 0345 600 1011

You can ring the ACAS helpline on: 0300 123 1100

Or you can ring the employment helpline provided by your insurance company.



If you get a PA's status wrong there could be serious consequences.



Frequently Asked Questions

My PA already works for someone else self-employed. Does this mean they will be self-employed when they work for me?

No.

Someone can be self-employed in one job and an employee in another.

You will need to check their status.



My PA only works for me. Are they self-employed?

This suggests that your PA is an employee, not self-employed. You need to check their status.



What does the HMRC look at when deciding if someone is employed or self-employed?

You can find out more on the HMRC website.

These are some of the things they look at:



- They work regularly
- They do a minimum number of hours work
- A manager is responsible for their workload
- They cannot send someone else to do their work
- The business deducts tax and National Insurance from their wages
- They get paid holiday
- They get Statutory Sick Pay, maternity or paternity pay
- They can join the business pension scheme
- The business employment procedures apply to them
- Their contract has redundancy procedures
- The business provides the equipment so they can do their job
- They only work for the business, or if they have another job it is completely different from their work for the business
- Their contract or letters about their job uses words like 'employer' and 'employee'.





My PA lives in and was introduced to me by an agency which charges me a monthly fee.

I have a different PA every few weeks, which is arranged by the agency.

They have said my PA is self-employed. What steps should I do?

You should do the same as above to make sure it is okay to treat your PA as self-employed.

You should also check they are covered by valid insurance and have a valid DBS check.

More guidance is available from the ACAS helpline on: 0300 123 1100.



What to do next

If you want more information speak to your Case/Care Manager.

Or contact the Direct Payments Support Team on: 03000 413 600

Email: direct.payments@kent.gov.uk

Or speak to your Direct payments Worker



This publication is available in alternative formats and can be explained in a range of languages.

Please ask you care/case manager for details or call 03000 41 61 61