



There are a number of things to consider when deciding how to meet your support needs through your personal budget. If you require one-to-one support then you could arrange for a personal assistant through a home care (domiciliary) care agency, you could employ a personal assistant yourself or you could hire a self employed personal assistant.

A personal assistant can assist you with a number of tasks that support your independence including: help with personal care, going shopping, escorting you to leisure facilities or helping with correspondence.

Employing a personal assistant through an agency

If you employ someone through an agency, then the agency will be the employer and all responsibilities will be with them. The agency will be responsible for payroll, sickness pay, holiday pay and performance issues.

The advantage of employing through an agency is that they will be able to provide cover if your personal assistant is off sick or taking a holiday.

The disadvantage is you may be sent different staff rather than building a relationship with just one person. Also the rates may vary between agencies

and maybe higher than employing someone directly.

Employing a personal assistant yourself

The advantage of employing someone directly is that they usually work solely for you and you have greater choice and control over who undertakes the work.

There are many things you need to consider if you choose to employ your own personal assistant (PA).

If you chose to employ your staff directly then you will become the employer and you will need to deal with the following matters with your employee:

- Tax/National Insurance
- Employer Liability Insurance Cover
- Criminal Record Check (CRB)
- Contract of Employment

Tip:

“Carefully decide which employment option is best for you”

The Self Directed Support Team will provide you with additional information that cover these areas.

Employing close relatives

Close relatives are not normally allowed to be employed using your personal budget, these include:

- A husband, wife or partner
- A close relative who you live with, (or their spouse or partner).

If you have any questions about this, or you think that there are exceptional reasons why you should be allowed to employ a close relative then contact the Self Directed Support team to discuss this.

Employing young people

A young person who is above compulsory school age (a child is of compulsory school age until they are 16 and until the final Friday in June of the school year in which they turn 16) and not in full time education are classed as adults and can therefore be employed as a personal assistant like any other adult.

A 16 or 17 year old still in full time education can work within the following restrictions:

- No more than eight hours a day or more than 40 hours a week
- A 30 minute break must be taken if over four and a half hours are worked
- At least two days off from paid employment a week must be taken
- There is no variation between term time and school holidays. The young person may work longer hours only when an adult is not available to do the work and the work is necessary for the continuity of support.
- Overseas students: allowed to work up to 20 hours per week term time and 40 hours per week during holidays only on student visa.

Employing a personal assistant who is self employed

If you decide to employ someone who is self-employed they will need to arrange their own tax and National Insurance (NI) contributions. They must provide you with an invoice at the end of every pay period.

An advantage of a self-employed person is that you do not have to sort out their payroll, pay their sickness or holiday pay.

You will need to ask to see evidence of their self employed status from the Tax Office such as a self-employed registration certificate, otherwise you could be liable for their payments. Keep a copy on file and also get the employee to sign a statement that says they are responsible for paying their tax and national insurance.

HM Revenue and Customs IR56 leaflet can help you to find out if someone is employed or self employed. You can get this from your local Tax Office or from their website: www.hmrc.gov.uk

