

EMPLOYING A PERSONAL ASSISTANT



**A guide to
employing a
personal assistant**

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What is a personal assistant?

Personal assistants (PAs) are employed to support people who have social care or health needs to promote their wellbeing and continue to live as independently as possible in their home.

PAs can be employed by a family member or representative, when the person they are supporting does not have the physical or mental capacity to be the employer. People employing the PAs are often referred to as an individual employer.

Employing a PA comes with responsibility, and it 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.

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 an additional language or good timekeeping.
- Qualifications, such a manual handling or a driving licence.

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 to appointments on time.
- Occasional tasks, such as collecting your prescription when its ready
- Potential tasks, such as things you usually do for yourself but would need help with if you became unwell.

Please be aware if you receive a direct payment you can only use the money to pay a PA for tasks agreed in your wellbeing agreement (formerly known as an independence 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 when the PA is on holiday or sick. Do you need a back up PA to cover sickness and holiday?
- How much notice of extra hours could you give them?

Where will they be working?

- What will be their regular place of work?
- What might be occasional places of work, such as a place of worship or your local pub?



Your job advert

To be able to complete and submit an advert for a PA firstly you will need to register on the Isle of Wight PA Noticeboard:

isleofwight.panoticeboard.org.uk

Placing an advert on the PA Noticeboard

There are several ways to place an advert:

- You create your own account and place advert on PA Noticeboard.
- A family member or friend helps you with this process.
- Your social worker can make a referral on your behalf to our two brokers.
- You can contact the PA market team for advice and support.

Once the advert is published on the noticeboard PAs will only be able to see your name and the job role that has been written by yourself or a representative. Your personal information will not be shared.

The PAs will then respond to your advert via the email address that you or your representative has provided. You can email them back to arrange an interview.

Interviews

Set the dates and times

We recommend 30 minutes for each interview – give yourself a break between the interviews.

Choose a venue

A neutral place is good. You may want to choose to meet in a quiet café or library.

Interview questions

Think about what you need to know and write your questions down. You may 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 to you, how would you react?

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

Do you have a PA that could cover if you were sick or going on holiday?

Listen carefully to the answers and make notes to help you decide later. Set a date for responding to applicants, and tell them they will hear from you soon.

Making a choice

Think about how you will use the interview answers to choose your PA; it is important to choose the PA that you most feel comfortable with.

Offering the job

Ask for references; they help you check that your new PA has been honest about their background. We recommend that you contact the referees directly even if the PA has given you a copy of their written reference.

The PA market team can request references on your behalf if you require.

Signing the contract

A contract or service agreement is an essential way to protect both you and your new PA from any misunderstandings or disagreements. The law says you **must** provide a written contract within two months of the employees start date.

Please contact the PA Market team (pa.market@iow.gov.uk) if you require a template contract (PAYE) or service agreement (self-employed).

Disagreements

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

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

If a more serious issue arises, or the problem does not improve, you will need follow the appropriate employment law. We can help you with this.

You may wish to consider involving a mediator. This is someone whose job is helping people work out their problems together. Please contact the PA market team for help.

Abuse

Certain things are beyond a disagreement or a disciplinary issue, and expert help is available in this situation from our safeguarding team.

Contact adult social care on 01983 814980 (Outside office hours call 01983 821105) or email: abusereporting@iow.gov.uk. You do not need to be an adult social care service user to contact us.

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

- Being over 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 is convenient to them, rather than to you.
- 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, or 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 somebody immediately if you are being abused. This could be the police, our safeguarding team, a trusted friend or a family member or a health and social care professional.

Paying your PA

Employing a PA cannot be cash in hand job, if you are in receipt of a direct payment you will need to use your prepaid card to set up payments for your PA.

If your budget is going to be managed by the direct payment support service at the Isle of Wight Council they will make payments to your PA on your behalf.

If your PA is going to be working on a self-employed basis they will be required to submit invoices to yourself or the direct payment support service for payment: iowmanagedproviders@iow.gov.uk

If your PA is going to be working on a PAYE basis you may want to consider a payroll service to take care of all the wages and paperwork involved in paying your PA. Please contact the PA market team for further advice on this at: pa.market@iow.gov.uk

Contact us

The Isle of Wight PA noticeboard is part of the adult social care service at the Isle of Wight Council. We have information, advice and support for anyone at any stage of recruiting a PA.

Our hours are:

9am to 5pm, Monday to Thursday.

9am to 4.30pm, Friday.

Telephone: 01983 823340

Email: pa.market@iow.gov.uk

Website: isleofwight.panoticeboard.org.uk

Frequently asked questions

Can a personal assistant choose to be self-employed or employed?

This is the choice of the personal assistant.

What happens if my PA is ill?

As an employer you are responsible to pay statutory sick pay if the PA works on a PAYE Basis, the details of which should be included in the employment contract. However, if the PA is self-employed this will not apply. You should consider arranging having a second PA in place to cover sickness and planned holidays.

What is my responsibility for health and safety as an employer?

It is your responsibility as an employer to make sure that the working environment is safe to work in.

Will I have to pay travel costs?

No, you do not pay your PA to travel to the workplace, however, if you decide to go on a day out or a special trip, you will be responsible to pay the PA the relevant travel costs and retain the receipt.

Am I responsible for paying pension contributions on behalf of the PA?

Yes, you have a legal duty as an employer to help your employee save for retirement if they work on a PAYE basis. You will not have to do this if the PA is self-employed,

Can I employ more than one PA?

Yes, it is good practice to have a second known PA arranged who can cover in emergency situations such as sickness and holidays etc.

What do I do if I have a problem with my PA?

You should first of all decide how serious the problem is. In the first instance you should chat to your PA to try and resolve your concerns. If it becomes more serious you should follow the correct disciplinary procedure.

Will I have to pay tax and national insurance for my PA?

Yes, if they are employed directly by you and work on a PAYE basis. Some employers use a wages/payroll agency/bureau to sort out your pay every month. You will not have to do this if the PA is self-employed.

How easy is it to find a PA?

You may be able to find a PA through word of mouth or by using the Isle of Wight PA Noticeboard. Further advice can be gained from the PA market team (tel: 01983 823340) or visit: isleofwight.panoticeboard.org.uk

How much do I pay my PA?

You must pay at least the minimum wage which changes every year. If there is a direct payment in place you may want to check your wellbeing agreement (formerly known as an Independence plan) to establish the rate.

Who pays my PA?

If you are in receipt of a direct payment, you can pay the PA directly. If the direct payment support service is managing your direct payment the PA will need to submit invoices for payment to: directpaymentsupportservice@iow.gov.uk

If you are a self-funder you will need to arrange payment directly with the PA.

Will you have to give your PA a payslip?

Yes, by law you must receive give your PA a payslip if they work on a PAYE Basis. You do not have to provide a pay slip if your PA is self-employed.

How much holiday pay will you have to pay your PA?

You will only pay holiday if your PA works on a PAYE basis. The amount of holiday pay depends on the number of hours your PA works. Use the holiday calculator to work out what your PA is entitled to: www.gov.uk/calculate-your-holiday-entitlement

Useful information, websites and contacts

Advisory, Conciliation and Arbitration Service (ACAS)

ACAS aim to improve organisations and working life through better employment relations. They help with employment relations by supplying up-to-date information, independent advice and high quality training, and work with employers and employees to solve problems and improve performance.

Tel: 0300 123 1100

www.acas.org.uk

Crimestoppers

This independent charity helps to find criminals and help solve crimes. They believe that people and their communities have the right to live without crime and without the fear of crime. They run an anonymous phone line that you can call to pass on information about crime.

Tel: 0800 555111

www.crimestoppers-uk.org

HM Revenue and Customs (HMRC)

HMRC deal with taxes. They have information about the laws that will apply in your situation.

Tel: 0300 200 3300

8am to 8pm Monday to Friday.

8am to 4pm, Saturday.

www.gov.uk/government/organisations/hm-revenue-customs

Health and Safety Executive (HSE)

HSE's job is to prevent people being killed, injured or made ill by work.

www.hse.gov.uk

Mencap whistleblowing helpline

Free (although call charges may apply) service for people working in health and social care who witness wrongdoing and are unsure whether or how to raise their concern.

Tel: 08000 724 725

Email: enquiries@wbhelpline.org.uk

www.wbhelpline.org.uk

National minimum wage helpline

Help and advice for employees and employers on the rules of the national minimum wage. They also deal with complaints from workers who are being paid below the threshold.

Tel: 0300 123 1100

www.acas.org.uk

Skills for Care

Skills for Care is the employer-led workforce development body for adult social care in England. They work with employers across England to make sure people have the right skills and values to deliver high quality care.

Home of the National Skills Academy for Social Care, they offer workforce learning and development support, and practical resources from entry level right through to those in leadership and management roles.

By working with employers and sharing best practice, they help raise quality and standards across the whole sector and ensure dignity and respect are at the heart of service delivery.

Tel: 0113 245 1716

9am to 5pm, Monday to Friday.

www.skillsforcare.org.uk

Further information and support for PAs is available at:

www.skillsforcare.org.uk/iepahub

The pensions regulator

This organisation has information for employers about work-based pension schemes for employees as well as information about automatic enrolment.

Tel: 0845 600 1011

Email: customersupport@autoenrol.tpr.gov.uk

www.thepensionsregulator.gov.uk

Stop Hate UK

A charity that provides independent and confidential support to people affected by hate crime.

Tel: 0113 293 5100

Email: info@stophateuk.org

www.stophateuk.org

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If you have difficulty understanding this document, please contact us on 01983 823340 and we will do our best to help you.

