

# Individual Employer Employed PA Factsheet

This factsheet is for people who employ PAs. They are often referred to as Individual Employers.

The purpose is to help people understand their employment responsibilities and to remain compliant with employment law to best support themselves and their PAs.

Please note – If you are contracting a self-employed Personal Assistant (SEPA) or Micro-Provider please see our separate guide covering this type of arrangement. The link is [here](#).

Individual employers can be funded by a Direct Payment from adult social care, their local NHS integrated care board (ICB), children's social care or they can self-fund.

## 1. What it means to be an Individual Employer

An Individual Employer could be the person needing social care and support; or it could be their parent or carer. Employing PAs can give people who rely on care and support;

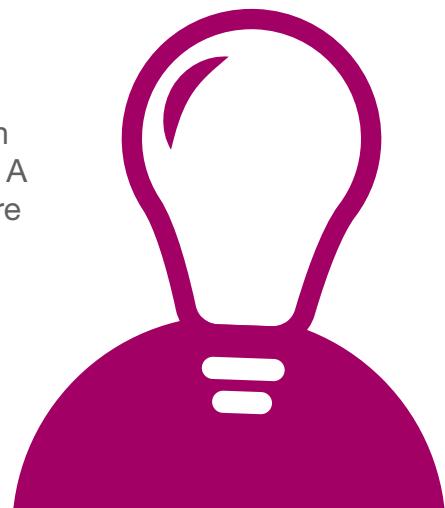
- more control, choice, and independence over their care arrangements in accordance with the agreed care plan - you decide on when, where and how personalised and consistent care needs are delivered. Employing PAs, instead of a care agency is often a great option for people who want more consistent and flexible support. Care agencies can come with more administrative challenges and staff rotation.
- the ability to be more flexible and creative while managing their support - you decide what is a set routine and what flexibility there is in daily life needs,
- an opportunity to forge trusting relationships with their PA(s) while receiving consistent levels of support,
- communicate what your needs and likes are. As an individual employer you might communicate your preferences or it could be your parent or carer, or it may be that you convey this as trust and relationship develops, or as the PA gets to know you they may understand what you would like.



## 2. What responsibilities an Individual Employer has

We have listed some of the key responsibilities associated with employing PAs below. You should:

- Register as an employer with HMRC. Payroll providers can manage this on your behalf. Contact your local council Direct Payments team as they often have lists of approved payroll providers. Or they may be able to provide details of local support services to help you.
  - [Register as an employer](#)
- Take on Employers' liability insurance. This is a legal obligation and must be obtained if you employ PAs. The insurance will need renewing every year.
  - [Employer's Liability Insurance](#)
- Consider insurance policies specifically designed for IEs which include a range of useful insurance covers and legal guidance (see below for more detail).
  - Contact your local council Direct Payments team as they often have lists of approved Social Care employer's insurance providers such as
    - <https://markbatesltd.com/individual-employers>
    - <https://www.fishinsurance.co.uk/carer-employer/>
    - <https://www.surewise.com/>
- Issue a contract of employment to your PA. A contract must be issued on day one of employment. Contact your local council Direct Payments team as they often have lists of approved Direct Payment Support Services to help with employment contracts. Or they may be able to provide details of local support services to help you. Also, there are several templates available via Skills for Care and social care employer insurance legal helplines etc.
  - Skills for Care have sample templates including [PA contract](#)
- Comply with National Minimum Wage (NMW) and Working Time Regulations (WTR).
  - [National Minimum Wage](#)
  - [Working Time Regulations](#)
- Auto-enrol an eligible PA into a pension scheme – this can be managed by your payroll provider. Pension contributions are included in your Direct Payment if funded by your Local Authority or NHS Integrated Care Board.
  - [Workplace Pensions](#)
- Check a PAs right to work in the UK.
  - Check your employees [Right to Work in the UK](#)
- Ask for a Disclosure and Barring Service (DBS) criminal records check. Your local council Direct Payments team will be able to help.
  - [DBS Check](#)
- Ask for and check references. Send a copy of the job description so the referee can consider the role. Written references are best. A phone call may not allow the referee to think about the role before replying.



- Maintain a safe work environment. Talk with your PA about safely supporting you. Provide training to your PA about working safely. Make sure you risk assess your home for your PA's safety.
  - Watch this video about [health and safety](#) in the home as a workplace.
  - Watch this video about [moving and assisting](#) for good health and safety.
- Manage your PAs personal data ensuring your PA's data is protected and only shared where appropriate. Provide a privacy notice to your staff detailing how their personal data is managed.
  - Keeping your [PAs personal data safe](#)

### 3. The support for individual employers is available from

- **Direct Payment (DP) Support Services** – In most areas there is a local DP support service commissioned by the Local Council and/or the NHS Integrated Care Board. This service will provide information, advice and guidance to manage employment responsibilities.
- **Payroll services** - They can reduce stress by taking on pay related tasks such as handling tax, pay, and pensions.
- **Insurance companies / legal advice lines** - They provide a range of telephone and email-based support covering, employment law, health & safety support and managing disputes.
  - Please note – advice should be sought at the earliest opportunity to comply with terms of legal expenses cover.
- **Employer support** – this can be from Direct Payment Support Services and / or your Local Council. You'll need to check what is available in your area. If you are managing a Personal Health Budget (PHB) that is self-funded, additional support may be available from NHS and Integrated Care Board (ICB) organisations.

Please note - There are variable levels of support available from local councils and/or NHS Integrated Care Boards and other support services which means that the experience is inconsistent and more challenging in different parts of the country.

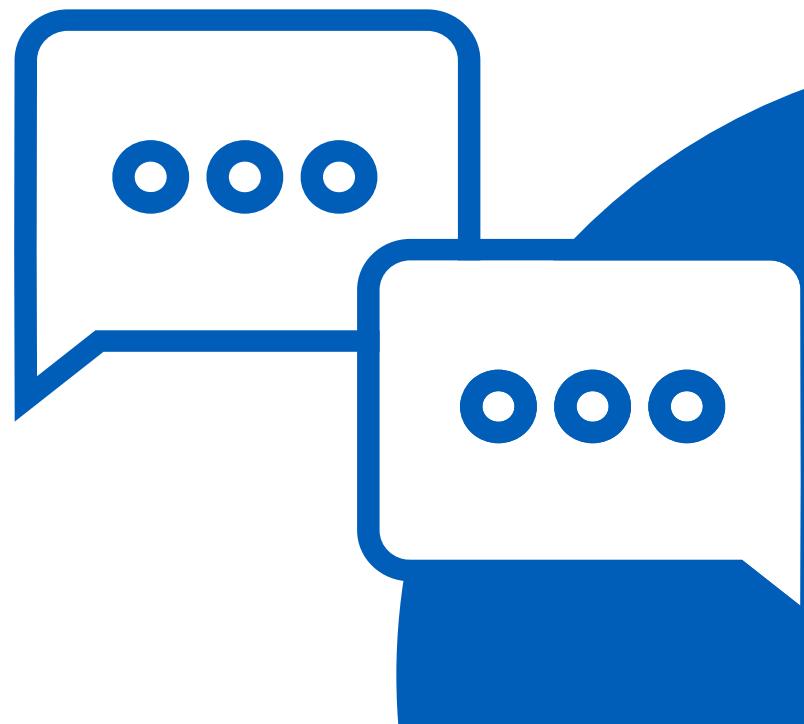
You may find this [Jargon Buster](#) useful to understand key words used in social care.



## 4. What the barriers are of being an Individual Employer

Being an individual employer can present with barriers for several reasons. For example:

- IEs are an employer under UK law and must comply with employment law from recruitment throughout the employment.
  - [Employment Law](#)
- Finding a PA that matches you as a person through a recruitment process. Not all people wanting to be a PA are cut out to be a PA.
  - Your local council may have a list of PAs you can advertise to. Alternatively, search out local or regional organisations which hold lists of PAs such as
    - <https://sheffieldparegister.org.uk/>
    - <https://papool.co.uk/>
  - [Values based recruitment](#) will help ensure you both have the same values
  - Skills for Care's [Employing PAs Toolkit](#) provides information and templates for a range of administrative tasks.
- Your PA may not have the appropriate skills needed to provide your care and support needs. You may need information about how to be a good employer.
  - Skills for Care's [User Led Organisations funded training hub](#) provides information about free to access training for IEs and all PAs
  - Consider what ongoing [learning and development](#) needs your PA may have.
- Administrative tasks and the additional responsibility of being an employer can feel overwhelming. Knowing where, when and how to seek support is something other local IEs can help you with. Find for yourself an IE peer support network.
  - Contact your local council Direct Payments team or local User Led or Disabled People's Organisations. They may run or know of IE peer support groups.
- Finding your PA to a PA peer support network. This is a useful professional and social support but may not be what your PA wants to be part of.
  - Skills for Care has started a [national peer support network for PAs](#).



## 5. What an Individual Employer needs to think about regarding good PA relationships

Individual employers can build trusting, safe and effective relationships with their PA or PAs through effective communication and maintaining boundaries.

- Before you PA starts, consider the implied conditions of employment and what this means for an employer, e.g., always act in good faith.
  - [Before your PA starts](#)
- There is potential for emotional strain if the relationship with a PA becomes difficult. Acting in good faith underpins fair disciplinary procedures, transparent communication and ethical conduct at all times.
  - [Sorting out problems](#)
- Setting clear boundaries while maintaining respectful, friendly communication. Your PA might be a friend or relative, but they are also your employee. IEs must not deliberately mislead or act dishonestly in dealing with employees. Agree how you will work together.
  - [A way of agreeing how we will work together- a guide for individual employers and personal assistants](#)
- Set ground rules clearly, especially with multiple PAs. Make sure you share ground rules for yourself too. This helps with avoiding inappropriate behaviours, for example lending or borrowing money. Avoid actions that make it impossible for the employee to perform their role effectively, e.g., removing key responsibilities without consultation or support. Avoid situations where the PA changes an agreed plan without consultation.
  - Watch these videos to hear from other individual employers about their experiences of employing PAs. [www.skillsforcare.org.uk/Recruitment-support/Support-individual-employers-PAs/Individual-employers/Hear-from-other-individual-employers.aspx](http://www.skillsforcare.org.uk/Recruitment-support/Support-individual-employers-PAs/Individual-employers/Hear-from-other-individual-employers.aspx)
- It can take time for a PA to get to know you as an employer. They may be used to different level of support needs with other employers and need time to adjust to you.
  - Watch these videos to hear directly from personal assistants about their role – to give you an idea of how to get you know your PA [www.skillsforcare.org.uk/Recruitment-support/Support-individual-employers-PAs/Personal-Assistant/Hear-from-personal-assistants.aspx](http://www.skillsforcare.org.uk/Recruitment-support/Support-individual-employers-PAs/Personal-Assistant/Hear-from-personal-assistants.aspx)
- Consider how you will manage and develop your PA.
  - [Managing and Developing your PA](#)
- Provide your PA with information about yourself, what matters to you. Ask your PA about themselves and what matters to them. Be creative find a way to communicate and have fun. Go for a walk and talk or create visuals like a storyboard to describe how best to work with you.

## 6. Top Tips for new Individual Employers

All employers have to keep records and carry out admin tasks.

- Good record-keeping can make all the difference when becoming an individual employer. Using shared paper or electronic diaries / calendars to keep organised is a great way to manage work patterns and managing staff availability such as annual leave.
  - Using a day-per-page diary is a really good way to maintain clear records in one place. You can use your Direct Payment to pay for your diary.
- Keeping basic written records from day one such as notes from one to one meetings with your PA will enable you to for example refer back to agreed actions.
  - Make sure you record the date and time and who was present.
- Timely carrying out of admin tasks help maintain good working relationships. Set reminders for regular payroll deadlines and annual insurance renewals.
  - Colour coordinate sticky notes in your paper diary, so you know which is a reminder for payroll.
  - Electronic diaries or Apps can send notifications or alerts when a task is due.
  - A spreadsheet tracker can help keep up with tasks.
- Create routines to help you manage tasks for example build a day into your weekly or monthly routine to pay PA invoices.
  - Watch these recordings to see what works for an IE and a PA in managing admin tasks. Add in link once ready.

