



Havering
LONDON BOROUGH



**Personal
Assistants Guide
for Service Users
2023**

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1. Introduction

If you need help at home, you can get support from a personal assistant. This is someone that you employ to support you with the things you need. If you have a direct payment from the Council, you can use this to employ a personal assistant. The Council holds a list of accredited personal assistants working in the borough and can support you in finding the right assistant. All personal assistants on the Council's list meet professional standards covering the Promotion of Service Users' Rights, Confidentiality, Independence and Risk Assessment. If you receive a different type of support from the Council and would like to switch to a personal assistant, you can contact the Council to do this.

2. What is a personal assistant?

A personal assistant (PA) (sometimes referred to as a Carer or a support worker) is employed by people who need social care, either because of their age or disability, to enable them to live as independently as possible.

Personal assistants carry out a wide range of tasks as required by the employer, including support such as washing and getting dressed, cooking, feeding and supporting people to go out and about so they have greater independence and the ability to live their lives more fully.

3. What is the role of a personal assistant?

A personal assistant helps the individual they are working for to continue to live independently but assisting them with everyday tasks. This can include:

- Assistance with shopping
- Assistance with household tasks
- Assistance with personal care (including bathing and getting dressed)
- Assistance with gaining access to community resources such as libraries, community activities and leisure facilities

A personal assistant understands that each individual is different and that their support will help to widen the choices available and increase the control that service users have over their life.



4. Recruiting a personal assistant

Havering Council has an accredited list of personal assistants to choose from. However, if you prefer to recruit your own PA, the PA Coordinator can provide advice and guidance with recruitment, including the drafting and placement of advertisements and arranging interviews.

If you employ a personal assistant from Havering's accredited list, references will already be received. If you recruit a PA yourself, you must obtain references from two people who know the applicant well. You must also undertake a Disclosure and Barring Services (DBS) check on any prospective employees. All personal assistant that support children under 18 require an enhanced DBS, this includes private personal assistants and relatives. You can contact the PA Coordinator for support in doing this.

Although you do not need an Equal Opportunities Policy in place, you must not (by law) discriminate based on race, sex, disability, age, religious belief, sexual orientation or gender reassignment.



5. Employing a personal assistant

You cannot employ any close relative or partner who lives with you without exceptional circumstances and prior permission from Havering Council. You can apply for an exceptional circumstance waiver with your social worker if you have one. This is only agreed upon when there is no other way of providing the required care.

You should ensure that any individual you employ is legally entitled to work in the United Kingdom, and have gathered copies of relevant documents to prove this.

Before offering employment, you must take out the employer's liability insurance. Havering Council will meet the cost of an appropriate policy and can assist with this at the start of the direct payment. The cost of your yearly renewals are included in your direct payment.

It is best practice to create a job description, and any offer of employment should be made in writing and subject to satisfactory references. It is recommended to include a probationary period, and the recruit should receive an employment contract within eight weeks of starting the position. Remember, you can only ask someone to work up to 48 hours per week, the national time regulations limit.

6. Employee rights

All employees are entitled to 28 days paid holiday a year. The cost of holiday pay and cover is included within your direct payment. All employees are entitled to statutory sick pay and maternity pay. You can contact your Payroll Provider for further advice in calculating how much holiday and sick pay your employee is entitled to.

Disabled employees have special rights; if you have a reason to believe that one of your employees is or has become disabled, you should seek advice. Pregnant employees also have special legal rights. You cannot refuse someone a job or dismiss them because they are pregnant. If one of your employees becomes pregnant, contact your payroll provider or HMRC. Your employer liability insurance provider will be able to provide legal and employment advice. You should not dismiss an employee without first speaking with your employer liability insurance provider.



7. Responsibilities as an employer

You are liable to Her Majesty Revenue and Customs (HMRC) for deductions of any income tax, employee national insurance, and any employer's national insurance contributions due. These deductions must be held back from gross pay and paid to HMRC as required. The cost of tax and National Insurance contributions are included in your Direct Payments, and your payroll provider can help you do the sums.

All employees have legal rights relating to grievance and disciplinary procedures. If you fail to follow the correct procedure you could be taken to an employment tribunal and have to pay compensation. If you are faced with a potential grievance, disciplinary or redundancy situation you should contact your employer liability insurance provider for legal/employment advice before taking action. Although you are not strictly bound by the Health and Safety at Work Act,

when employing someone in your home, you remain bound by a general duty of care. For more guidance on employing someone to work in your home visit:

FISH INSURANCE

0333 331 3770

Mark Bates – Premier Care Insurance

01476 512912

advice@ilgsupport.com

8. Paying your personal assistant

You must pay at least the national minimum wage per hour before tax. The pay rates that Havering recommends are much higher than this and will be covered by your direct payments for the number of hours specified. Contingency cover is also included within the direct payment to cover expenses should your PA be off work.

You should ask your PA to complete a daily timesheet to record hours worked and get them to sign in. You should keep a copy of these to avoid any potential disputes. You should not pay any worker in cash, and it is against Havering Council's Policy for you to do so.

You can use a payroll service to pay your PA, and the Council has a list for you to choose from. The cost of a payroll provider can be met within the scope of your direct payment allowance. The payroll service will calculate any necessary deductions and print a pay slip for you to give to your employees, as this is a legal requirement. This must provide details of hours worked, pay rates, and tax details. If you wish, you can operate your own payroll; however, you must contact HMRC to register as an employer. You can do this by contacting them via 0300 200 3211 or registering via the link below.

[Register as an employer - GOV.UK \(www.gov.uk\)](https://www.gov.uk)

9. Buying services from an agency

You can buy the support you need from any provider who can meet your needs. All care agencies and providers of residential respite care must be registered with the Care Quality Commission (CQC) and should be able to produce a Certificate of Registration.

As a general rule, Direct Payments are not used to pay for services provided by care agencies as Havering has an active homecare framework in place. If a Service User wishes to receive a service from a care agency to meet a need that has been included in their Care and Support Plan, the Service User can do so, but if they choose to purchase a more expensive service than the value of their direct payment, then they will have to top up the difference or purchase less. Havering Council are not obliged to fund particular costs associated with or directly responsible for commissioning any provider or service that the Service User chooses to purchase with their direct payment.

The provider you use will produce an invoice in return for which you pay for services from the prepaid card portal or through a payroll provider if you have or use one. You can also call prepaid financial services to request a transfer from your prepaid account. You must keep a copy of all invoices you receive for your records, as the Council can ask for this at any time.

For further information and / or advice, please email PersonalAssistants@haverling.gov.uk