

# Direct Payments for care in North Somerset

## Fact sheet 2

### Using a direct payment to employ a Personal Assistant (PA)

A direct payment (also called a DP) is a sum of money from the council to use to arrange and pay for your care and support.

The aim is to give you greater flexibility, more choice and control over the support you get. If you get a direct payment, you can decide how your needs will be met, by whom, and when. A direct payment can be used to employ a personal assistant, an agency or other services that will meet your outcomes. You can also use a combination of any of the options.

This fact sheet explains how to use your direct payment if you choose to employ a personal assistant. Many people choose to use their direct payment to employ a personal assistant (PA) as it gives them more choice and control over who provides their care and support. A PA is someone you employ, so you can choose the person that is right for you.

*‘Direct payments for me is about personal autonomy and the ability to know who is going to be assisting me on a daily basis both in the home and in my workplace. I find people who I believe I can have a good rapport with and working relationship on both sides.’*

Direct payment recipient



A personal assistant can be employed directly by yourself as employer/employee, or you can purchase the services of a self-employed PA.

The direct payment support team can advise you on how to find a PA.

### **Self-employed PA's**

If a PA is self-employed, they will provide, or intend to provide, a service for more than one person. They must be registered with HM Revenue and Customs and have the appropriate liability insurance cover. It is the responsibility of the self-employed person to keep their insurance cover up to date and they should produce annual evidence of this to you.

We strongly advise that you also ask the person for evidence of their Disclosure and Barring Service (DBS) check.

<https://www.gov.uk/government/organisations/disclosure-and-barring-service>

You should obtain a contract detailing their terms and conditions e.g. the hourly rate they will charge and how much notice they require for cancellation. You should always ensure that the self-employed worker provides you with a typed invoice each period, detailing the dates, hours and cost of care they have provided. Please make sure you keep a copy of all invoices for audit purposes.

### **Employing your own PA**

The council's Direct Payment Support Team will provide you with all the information and advice you need to decide if this is the right option for you. If you choose to employ a PA, they will support you in the process of getting arrangements in place.

You can also find more information here:

[Individualemployers\(skillsforcare.org.uk\)](http://individualemployers.skillsforcare.org.uk)

## Your responsibilities as an employer

If you want to use your direct payment to employ a PA you will have the responsibilities of being an employer.

This includes:

- obtaining employer's liability insurance
- recruiting the PA
- confirming the PA has the right to work in the UK
- ensuring they receive any training required
- paying employer's National Insurance contributions
- providing them with paid annual leave
- providing them with sick pay
- making alternative arrangements for your support if they are on sick leave
- making alternative arrangements when they are on annual leave

You will be required to show evidence of obtaining personal liability insurance and paying National Insurance contributions.

The council would also expect that you would obtain a Disclosure and Barring Scheme (DBS) check on the PA. You must do so if there are children in your household.

If you choose to employ a PA you can have help to manage their payment. A payroll service will pay your staff and ensure that the correct tax and national insurance deductions are made.

This may sound daunting, but the direct payment support service will be able to support you.

If you are considering employing family or friends as your PA please see fact sheet 5 – Using your direct payment to employ family and friends.

## Limits on number of working hours

There is a limit as to the number of hours a person can be employed to provide care. The council will support up to a 48-hour maximum working week as per the government's working time directive. For example, if someone has a direct payment to purchase 70 hours' support per week then more than at least two people would be needed to provide that amount of support. For more information, please see <https://www.gov.uk/maximum-weekly-working-hours>

## How to find a PA

You may already know someone who you would like to employ as your PA, if not the DP Support Team can point you to resources such as directories of PA's. It is then your choice which you use, depending on their availability.

North Somerset Council has a PA register where you can search for a PA or add your request for a PA at [Find a Personal Assistant | North Somerset Online Directory \(n-somerset.gov.uk\)](https://www.n-somerset.gov.uk/find-a-personal-assistant)

You may consider using social media, local paper, word of mouth etc.

## Using a PA costing more than your direct payment

We advise using a PA which meets your identified support needs within the amount of your direct payment. However, if you decide that you wish to proceed with having a direct payment to employ a PA costing more than your direct payment amount, then you would be required to pay the difference in cost yourself.

For example, if your direct payment is £150 per week but the PA you want charges you £250 per week you would need to pay the difference of £100 per week out of your own money, this is in addition to your assessed financial contribution. Think carefully about the financial commitment involved before you do this to ensure that it is affordable in the long term.

## **If you are unable to find a PA**

If you are unable to find a PA or are unable to find a PA within the amount of your direct payment then please tell the DP support team or your social worker as soon as possible. They can work with you to find a solution, so you are not left without the support you need.

## **How to contact North Somerset social services:**

Care connect is the first point of contact for all social services adult care general enquiries.

### **Care Connect**

Town Hall  
Walliscotte Grove Road  
Weston-super-Mare  
BS23 1UJ

Telephone: 01275 888 801  
email: [careconnect@n-somerset.gov.uk](mailto:careconnect@n-somerset.gov.uk)

Council documents can be made available in large print, audio, easy read and other formats. Documents on our website can also be emailed to you as plain text files. Help is also available for people who require council information in languages other than English. Contact [Jennifer.monks@n-somerset.gov.uk](mailto:Jennifer.monks@n-somerset.gov.uk)