

1. Taking on a personal assistant

You may be looking for a personal assistant (PA) to help you live independently at home and to support you with things like cooking, shopping, medical tasks, personal care and getting around. There are many different ways to find a PA. This factsheet gives you a brief overview of the things to think about when looking for a PA.

Options for taking on a PA

There are different ways of getting a PA. Depending on which part of the UK you live in and your income and circumstances, you may:

- Have one provided by your Local Authority
- Ask a care agency to find you a suitable carer
- Choose and take on a PA of your own.

The last option gives you more choice and control over who cares for you and what tasks they do, but it also means you might become an employer.

We explain the responsibilities you will have as an employer later in this factsheet.

Paying for your PA

The Government have different systems that have been set up to help people live independently. Most of these systems provide money that people can use to take on a PA directly. However, if you have a lot of savings or a high level of income, you may not qualify for any Government help and so you may have to pay for your PA from your own money.

The help available to you also depends on where in the UK you live. You should contact your Local Authority or Council and ask for an assessment from the social care department to assess your needs.

You can find out more about each of the different systems on our specialist website: www.disabilitytaxguide.org.uk/independent-living



Finding your PA

If you decide you want to choose and take on your own PA, the first thing you will need to do is find the right PA. You will need to think about exactly what help you need and write a job description. This should include any particular qualifications your PA must have, such as administering medication or a full driving licence. It is also useful to include an estimate of the number of hours and days you will need the person to work.

You can advertise the job in your local Jobcentre for free. Local shops and voluntary organisations may also have noticeboards for advertisements. Once you have received some applications, you can select the people you would like to interview for the job. You should prepare a list of questions that cover the key aspects of the job to make sure you find the right person. When you have decided who to offer the job to, you should ask for at least two references, including one from someone they have cared for previously.

You will find more advice and signposting to resources to help you recruit a PA, on our website: www.disabilitytaxguide.org.uk

Becoming an employer

Taking on a PA may mean you become their employer. This can be the case regardless of whether you employ someone for a few hours a week or full-time.

As an employer you will have certain responsibilities. For example:

- Dealing with tax and National Insurance contributions (NIC) as well as making any student loan deductions, under the Pay As You Earn (PAYE) system
- Complying with employment law and National Minimum/Living Wage law
- Satisfying yourself that the person you employ has a right to work in the UK
- Deciding whether you need to obtain a criminal record bureau (CRB) check
- Making sure you provide a safe environment for the employee to work in (complying with health and safety law)
- Providing training for your staff
- Providing any protective clothing they might need
- Making sure they get the right rest breaks, holidays and time off for illness, pregnancy, paternity leave or adoption leave as well as making the right statutory payments during these periods of leave
- Providing the appropriate notice period when terminating a contract
- Putting in place an appropriate dispute process to deal with situations when things go wrong

See our factsheet **'Registering as an employer'** for more on becoming an employer.

This all might sound daunting, but our factsheets and the information on www.disabilitytaxguide.org.uk will help you meet your responsibilities as an employer.

Tax employment status

There are two types of employment status for tax law – employee and self-employed. You will have to decide the status of your PA.

You cannot just choose one or the other because you prefer it or because your PA prefers it.

You must follow guidance from HM Revenue & Customs (HMRC) which looks at the relationship you have with your PA when deciding whether they are employed or self-employed.

See our factsheet **'Tax employment status'** for guidance on the differences between employees and the self-employed and how to decide between the two.



Paying your PA

If your PA is an employee, then in order to pay their wages you will need to run a payroll. A payroll is just a way of paying your worker correctly, making the correct calculations for things such as tax and NIC and reporting the information to HMRC.

You might already know you want to get someone else such as an accountant or payroll company to run your payroll for you. Or you might like to keep control of things and do it yourself. Either way it will be your responsibility to ensure that it is done correctly.

See our factsheet **'Choosing your filing method'** to help you make the choice.

Real Time Information

In 2013, HMRC introduced a new system for reporting PAYE payroll information called Real Time Information (RTI). RTI requires electronic filing of information in most cases, however, as someone employing a PA, you may be able to make paper returns rather than having to use a computer to send the information electronically. Our factsheets **'RTI'** and **'Paper filer employers'** explain more about each option to help you decide which is more suitable for you.

'Pay' for tax and NIC

You will need your employee's tax code and National Insurance category letter to work out how much Income Tax and NIC to deduct from their pay each pay day (and as employers may also have to make a contribution, how much employer's NIC you owe). You will need to understand what constitutes 'pay' for these purposes and what does not.

Different tax and NIC procedures apply to expenses and benefits that you provide to employees and you will probably have to report them to HMRC separately at the end of the tax year (and make a one-off payment of NIC on the value of them). You may even have to do this in respect of 'benefits' that might not seem like benefits in the ordinary, natural meaning of the word, to either you or your employee.

This might sound complicated but our factsheet 'Pay for tax and NIC' gives you a basic introduction to how it works.

You can find more information on our website: www.disabilitytaxguide.org.uk

Pensions and Payments

You must give your employee a pay statement – or payslip – at or before the time they are paid showing all the deductions and the purposes for which they are made. There are monthly or quarterly deadlines for paying tax and NIC deductions to HMRC.

Deductions may now include pension contributions under the auto enrolment programme.

We look at all of these issues in our factsheets 'Auto enrolment' and 'Payments'.



Final thoughts

There is some basic information on GOV.UK about becoming an employer:

<https://www.gov.uk/employing-staff>

ACAS also have 'A guide for new employers'. This is not specific to employers of PAs but nevertheless, contains some useful general information on the administration involved in being an employer:

<http://www.acas.org.uk/media/pdf/l/l/j/>

[Acas A Guide For New Employers January 2015.pdf](#)

In our factsheet 'Getting more help' you will find useful admin information and we give you some more pointers on where to go for further support and guidance.

The factsheets in this series (*in the suggested order of reading*):

1. Taking on a personal assistant · 2. Tax employment status · 3. Registering as an employer · 4. Choosing your filing method · 5. RTI · 6. Paper filer employers · 7. 'Pay' for tax and NIC · 8. Auto enrolment · 9. Payments · 10. Getting more help

You can download the other factsheets and an introductory guide from our website:

www.disabilitytaxguide.org.uk/about/resources

This factsheet is intended to provide general information only and does not constitute advice. Before taking any action, you should get appropriate immigration, benefit or tax advice from a professional adviser which is based on your particular circumstances. We have done our best to ensure that the information in this factsheet is up to date as of April 2016. You can read our full disclaimer on our website: www.litr.org.uk/legal.