

Adult Social Care

A guide to employer's roles and responsibilities



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BARNSELY
Metropolitan Borough Council

If you hire a Personal Assistant using your direct payment, you will be their legal employer. This means you have some important responsibilities, including:

- > Paying taxes and National Insurance.**
- > Making sure they get at least the National Minimum Wage.**
- > Providing a pension, sick pay and annual leave.**
- > Registering as an employer with the HMRC (the tax authority).**
- > Checking their background, including criminal records (DBS check) and confirming their right to work in the UK.**

When hiring, you need to follow employment laws



This means:

- > Writing a job description and advertisement.**
- > Choosing candidates, conducting interviews and reference checks.**
- > Giving your staff a written employment contract with details like wages, hours, leave entitlements and sick pay.**

Your insurance company or Skills for Care can help you with this.

As an employer, your staff must receive proper instruction, information, training and supervision. Basic training should cover:

- > Moving and handling.
- > First aid.
- > Infection control.
- > Food hygiene.
- > Administering medication.
- > Health and safety.



You might also consider specialised courses like dementia awareness, autism and diabetes.

We offer a range of learning opportunities for Personal Assistants. Our **Self-Directed Support team** can advise you on how you can access these training opportunities.

It's your responsibility to make sure all employees are adequately trained and keep records to confirm their training is up to date and relevant to their role.

Before hiring anyone, you must have Employer's Liability Insurance by law. This insurance covers legal costs and compensation. The premium for this insurance is covered by your direct payment or personal budget. You're responsible for making sure premiums are paid on time.

Your insurance policy also gives you access to 24-hour employment support and advice. You can choose your own insurance provider but if you would like advice in making this choice, please contact our Self-Directed Support team.

Making sure someone is eligible to work in the UK

Before hiring anyone, you will need to carry out document checks to confirm they have the right to work in this country. Failure to do so may result in fines. For detailed guidelines, please refer to [gov.uk/legal-right-work-uk](https://www.gov.uk/legal-right-work-uk).

A Disclosure and Barring Service (DBS) criminal record check must be completed for any employee working in social care, including Personal Assistants.

This must be completed before they start their contract of employment and identifies people who are barred from working with children or vulnerable people. Our Self-Directed Support team will complete the DBS check on your behalf.

When you hire someone for the first time, you need to register as an employer with the HMRC if the following applies:

- The person's earnings reach specific amounts.
- You offer them employee benefits.
- They have another job or receive a pension.

Most likely, you'll need to register as an employer. You can learn more about who needs to register and how to do it at [hmrc.gov.uk/payerti/getting-started/register](https://www.hmrc.gov.uk/payerti/getting-started/register).

Pay

As an employer, you have to deduct PAYE tax and National Insurance from your employee's wages. Track any deductions and report payroll details to the HMRC.



Payments need to be made to the HMRC by set deadlines, or you may face penalties and interest. Using a payroll service can simplify this process, and you can cover the service charges from your direct payments account. Visit [gov.uk/pay-for-employers](https://www.gov.uk/pay-for-employers) for more details.

Health and safety is crucial to maintaining a safe workplace to prevent employee injuries. Conduct risk assessments and provide necessary equipment for their safety. Responsibilities include:

- Informing your PA about health and fire safety.
- Documenting accidents occurring on your premises.
- Obtaining Employers' Liability Insurance.



If you employ more than five people, you must have a health and safety policy in place. Visit the [hse.gov.uk/simple-health-safety/index](https://www.hse.gov.uk/simple-health-safety/index) for more information.

Employers must maintain accurate and current records. The HMRC provides guidelines on the necessary records to keep, which you can read at [gov.uk/pay-for-employers/keeping-records](https://www.gov.uk/pay-for-employers/keeping-records). We may request related documents to make sure they align with your support plan.

It's also recommended that you provide a care log book for PA's to sign in/out and add daily tasks. This will help provide information for any reviews or assessments by our Adult Social Care team.

As an employer, you might need to dismiss an employee if they break their contract or if there are issues at work. This is called a grievance.

It could be for serious misconduct or other disciplinary reasons. You're accountable for any fines related to employment issues, like redundancy payments. It's your job to handle these situations, but you can get help and advice from your insurance provider.

Employers must understand their rights and responsibilities regarding their staff.

You can seek advice and support through:

> HMRC

The HMRC offers information and tools on wages, payments and taxation. Visit [gov.uk/employing-staff](https://www.gov.uk/employing-staff).

> Skills for Care

Skills for Care provide various resources and guidance, including a toolkit for employing Personal Assistants. You can scan this QR code for more information.



For a hard copy of the toolkit, email marketing@skillsforcare.org.uk.

> ACAS

The Advisory, Conciliation and Arbitration Service (ACAS) provides free advice and support to employers. They have lots of information and advice on their website [acas.org.uk](https://www.acas.org.uk) or call them for free on **0800 015 0152**.

> Our Self-Directed Support team

Please contact your allocated worker or the daily duty worker on **01226 772425** or email SDS@barnsley.gov.uk.



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