



Self Directed Support

moray

Employer Information



moray
council

Role of the SDS Team

- Assist you with the start-up of your direct payment;
- Provide you with information regarding your responsibilities of being an employer;
- Support you with employment law and accessing employment law specialists;
- Support you with engaging with agencies/providers/payroll companies/employers liability insurance;
- Support you with your record keeping in relation to your direct payment;
- Assist you with any issues regarding recruitment (where you have been unable to manage this independently);
- Support you with interviews and booking venues;
- Assist with any relationship issues between yourself and your employees;
- Support and assist with any issues that may arise during the time you are in receipt of a direct payment; and
- Carry out the financial review on your package annually.

Role of your Social Worker

- Your social worker will carry out the initial information visit to discuss the options of SDS that are available to you;
- Your social worker will inform you of your indicative budget;
- Your social worker will work in collaboration with you to devise your support plan which will specify your outcomes and the amount of support you require;
- Your social worker will notify the SDS team should you choose to progress with a direct payment – a representative from the SDS team would then make contact with you to arrange a visit once the appropriate referral has been made;
- If your plan is not working for you, please contact your social worker to discuss alternative arrangements; and
- Your social worker will review your support plan as and when required.

Please note that it is only your social worker who can amend your support plan and the level of support you will receive. The SDS team cannot make any changes in relation to your budget and hours you are entitled to receive unless authorised by your social worker. Should you feel any anxieties in relation to the care you are receiving, please contact your social worker who can support you in the first instance.

You should receive a copy of your support plan from your social worker, if you have not received this, please contact them to advise and a copy should be provided to you.

Role of the Employer

- The employer is responsible for any recruitment of Personal Assistants;
- The employer must ensure that the hours being claimed on the timesheet are accurate and in accordance with the support plan;
- The employer is responsible for ensuring that they have a work based pension scheme in accordance with the pensions regulator (your chosen payroll provider can assist you with this);
- It is the responsibility of the employer to arrange for any holiday/sick cover in the first instance, however if all avenues have been exhausted please contact your direct payment co-ordinator who may be able to assist.
- Advise the SDS Team should any member of staff require training;
- Ensure that all staff have contracts (please notify the SDS Team should you require contracts to be drawn up);
- Ensure your employers liability insurance is renewed on an annual basis;
- Ensure that your Personal Assistants are working in a safe working environment in accordance with health and safety guidelines; and
- To seek references and carry out PVG checks if required (your direct payment co-ordinator can support you with this if required).

Please note whether you operate a managed or an unmanaged account, you will still be responsible for the money within the account and will ultimately be held accountable for how this money is spent.

Recruitment

In the first instance, the employer should refer to the PA Pathfinder website which can be found at www.supportinmoray.co.uk to advertise for Personal Assistants if they do not have someone they would like to employ in mind. Your co-ordinator can support you in uploading any information onto this website if you are unable to do so yourself.

Other successful methods for recruitment have been through the use of:

- Placing adverts in local shops, GP surgeries etc; and
- Advertising on Facebook and or Gumtree.

It is the responsibility of the employer to advertise and recruit for staff in the first instance. However, if none of the above methods are successful then please contact your direct payment co-ordinator for assistance.

Please note that Personal Assistants are employed by yourselves and should direct any queries relating to their post to you in the first instance. Should you have any queries regarding their concerns, please contact the SDS Team on 01343 563420.

Option 1 – Timesheets

- Timesheets should be completed by each individual Personal Assistant. The timesheet should detail the hours that they have worked over the period of the month. These will be kept on file for a three year period.
- Timesheets must be signed by the employer of the package before being submitted to the payroll provider.
- Timesheets should be completed from the 1st – 30th/31st of each month. If the 1st of the month falls on a Wednesday for example, please ensure this is made clear on the timesheet.
- Timesheets must be submitted to the payroll provider by the 21st of each month.
 - As timesheets are submitted prior to the end of the month, the remaining days must be an estimate of the hours that will be worked.
 - Hours incorporated on the previous months timesheet that are not worked need to be detailed in the notes section of the following months timesheet to allow these hours to be deducted from the Personal Assistant's wages.
 - Should the Personal Assistant work over the estimated hours, the additional hours should be detailed in the notes section of the following months timesheet to ensure they are paid correctly.
- Annual Leave should be recorded in the relevant column to ensure your payroll provider can accurately work out each Personal Assistant's annual leave entitlement.
- Should your Personal Assistant be off work sick, this should be recorded in the relevant section of the timesheet. In the instance where you are provided with a doctor's sick note, please ensure you forward this to your payroll provider.
- Please note that there are two separate timesheets which can be used – there is a generic timesheet which will be appropriate for most individuals and there is also a timesheet which includes space to record overnight hours. An example of each timesheet has been included for your reference. Should you need any additional timesheets, please contact the SDS Team on 01343 563420 and these will be sent out to you.

Generic Timesheet

Employing a Personal Assistant - Timesheet

Payroll period from ____ / ____ / ____ to ____ / ____ / ____

Employer Name: _____ Employee Name: _____ Hourly Rate: £ _____

Week Beginning:	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday	Annual Leave	Total Hours Each Week
Date:									
Date:									
Date:									
Date:									
Date:									
Please indicate any dates that your employee has been off sick during this period:	Total Hours Worked:								
Notes:	Total Hours Annual Leave:								

Overnights Timesheet

Employing a Personal Assistant - Timesheet (to include overnights)

Payroll period from ____ / ____ / ____ to ____ / ____ / ____

Employer Name: _____ Employee Name: _____ Hourly Rate: £ _____

Week Beginning:	Shift	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday	Total Hours Each Week	Annual leave	
										Day hours	Sleep over
Date:	Day hours										
	Sleep over										
Date:	Day hours										
	Sleep over										
Date:	Day hours										
	Sleep over										
Date:	Day hours										
	Sleep over										
Date:	Day hours										
	Sleep over										
Please indicate any dates that your employee has been off sick during this period (please submit sick note where applicable):									Total Hours		
									Day hours		
Notes:									Sleep over		
									Total Hrs A/L		
									Day hours		
									Sleep over		
Employer's Signature.....						Date					
Employee's Signature.....						Date.....					

Option 1 – Self Employed Carers

Personal Assistants in certain instances may meet the criteria to become self-employed. A self-employed Personal Assistant works for themselves and usually for more than one client (working for only one person clearly indicates that they are an employee). To be self-employed they will:

- Run a business as a self-employed individual;
- Be registered as a business for tax purposes with HMRC;
- Produce invoices for the services that they provide to you;
- Be responsible for their own tax and national insurance deductions;
- Have their own liability insurance;
- Provide any major pieces of equipment that is required for them to do their job (i.e. lifting equipment);
- Show you their terms and conditions of service and produce a contract for you to sign (including a complaints procedure);
- Provide cover if they are sick or on holiday;
- Not receive any holiday pay or sick pay from yourself;
- Provide evidence of a PVG check;
- Be responsible for sourcing and funding their own training; and
- Provide you with references.

Please be aware that it is your responsibility to check that your Personal Assistant is registered as a business with HMRC. We recommend that you contact the tax office (www.hmrc.gov.uk) to confirm their registration and ensure that the work that your PA is undertaking meets the self-employed criteria. They can confirm this in writing for your records. For further information please contact the HMRC self-employment registration hotline on 0845 9154515.

Option 1 – Protecting Vulnerable Groups (PVG) Checks

Protecting Vulnerable Groups (PVG) is a membership scheme which is in place to protect people.

It is essential that any individual working within a caring capacity has an up to date PVG check. Moray Council would recommend that every Personal Assistant has been subject to a PVG check prior to commencing employment. However, it is at the employers discretion should they wish to start them prior to their PVG being returned. Moray Council will pay for any new/updated PVG check's as required.

A Guide to Completing PVG Applications (both new PVG applications and Existing PVG members applications:

- Personal Assistants to complete Sections A, B and C.
- Employer to complete Sections G and H.

Please send any completed PVG forms to your payroll provider. Should you require any PVG forms, please contact your Direct Payment Co-ordinator.

Option 1 – Contract and Agreement

Moray Council Direct Payment Agreement

The SDS Team will provide you with a Letter of Agreement during the initial visit. You will be asked to sign this letter to confirm that you are agreeing to spend your direct payment monies appropriately, in agreement with your support plan. You are agreeing to retain any receipts or any proof of purchases and submit these on request for a financial review to be undertaken.

Contract of Employment

As an employer, it is your legal duty to ensure that your Personal Assistant is issued with a contract within three months of commencing their employment. You will receive an Independent Living Contract Checklist from your Direct Payment Co-ordinator to be completed. This form should be returned to the SDS Team who will forward this information onto Peninsula (employment law specialists) who will draft a contract for you. You will receive two copies of the contract. Please check the contract to ensure there are no errors. You should keep one copy of the contract for your records and give the other copy to your Personal Assistant.

Independent Living Contract Checklist

Moray Council Independent Living contract checklist

Please complete the information below and return to:

Self Directed Support, Council Offices, 10 High Street, Elgin, IV30 1BX

We will arrange for the draft statement of main terms to be completed and sent back to you for you to check prior to issue to the employee.

Date request sent to Peninsula:

Fish Code: FIS033

Client Policy Number:

Employer's Telephone Number:

Employer's Email Address:

Delivery method to client: Post to client with a copy emailed to jenny.macindeor@moray.gov.uk

Client name	
Employers name	
Employers address	
Employees full name	
Start date	
Job title	
Place of work	
Hours of Work	
No of hours worked per day/week	
Hourly Rate of Pay	
PVG number	

Whilst Peninsula Business Services Ltd has taken care in drafting the statement of main terms of employment, we cannot be held responsible for inaccurate information provided or any losses which may occur.

ES Version 1 – 23/02/11

Option 1 – Frequently Asked Questions

Can I purchase short breaks?

Yes. Short breaks can include breaks in a residential home, respite only units (ie. specialist guest houses), breaks in the home of another individual or family who have been specially recruited, breaks at home through a support worker or holiday type breaks.

Who can manage the direct payment?

Yourself, if you feel capable or you could appoint a representative to manage it on your behalf ie. a family member, friend etc. If an individual is deemed not to have capacity by their GP, a direct payment can only be managed by a Power of Attorney (POA) or guardian.

How accountable will individuals be for the use of the money?

As you will have worked in collaboration with your social worker to determine the support you require as outlined in your support plan, it is the responsibility of the individual managing the direct payment to ensure that the money is being spent appropriately. They will be ultimately be held accountable.

Will SDS affect my benefits?

No – receiving money for support does not affect an individual's benefits.

How do I work out my Personal Assistant's holiday entitlement?

Each PA's holiday entitlement will be dependent on their contracted number of hours. You will not be expected to work this out independently. Please contact your Payroll Provider for assistance.

What happens if it is not working for me?

Should you feel that any of the options of SDS are not working for you, please contact your social worker who can review your package at any time to ensure that your support works for you.

Further information can be found at: www.selfdirectedsupportscotland.org.uk or alternatively you can contact a member of the SDS team on 01343 563420.

Option 1 – Frequently Asked Questions continued..

If I have a self-employed PA who goes to an employment tribunal claiming I was the employer and I have dismissed them unfairly, what would happen?

The tribunal would decide if the Personal Assistant was your employee and if they decide that this is the case and they have been unfairly dismissed, you could be fined up to £58,000.00. Therefore, we strongly recommend that you check the employment status of your Personal Assistant prior to them starting work.

If HMRC decide I have wrongly been paying a Personal Assistant as self-employed when they should have been employed by myself, what would happen?

If HMRC judges determine that you should have been the employer, it is possible that you could be required to pay all the tax and national insurance that should have been paid for over this period which could equate to as much as 50p for every £1.00 you have paid.