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Self-employed Status

A guide to using Self-employed Carers, Micro Carers, Agencies, Introductory Agencies and Sole Traders

This guide highlights things you must check when employing a Personal Assistant (PA) to ensure they have the correct employment status. It is important to remember employment status is not a choice but is determined by employment law and tax regulations.

Becoming a Direct Payment Recipient (DPR) enables you to decide how, when and where your care and support is provided. This is usually agreed as part of your assessment with a social care practitioner and once eligible to receive a service you will be offered a variety of options of how your outcomes can be met.

There is a degree of responsibility you must accept when receiving Direct Payments regardless of whether you decide to commission the services of an agency, employ a personal assistant, purchase a piece of equipment, or use it in another way.

The fundamental basis of using Direct Payments is to provide you with more autonomy, control, and independence. You, as Direct Payment Recipient, will direct the tasks to be completed and organise cover if the PA cannot work due to sickness or holidays. You are in control!

Some key points to help determine whether a worker is employed or self-employed.

Employed

- Personal Assistant has a contract of employment from start date.
- As an employer you direct the tasks to be completed when, how and what time.



- You will be registered with HMRC as an employer and be responsible for employees PAYE, (you get help with this from your chosen payroll provider).
- As an employer you must arrange cover when your worker is off sick, takes annual leave or other reasons when they cannot work.

Self-employed

- A person runs a business or works for themselves.
- They decide what work to do, when to do it and how. They do not work under any supervision or direction. They can send a substitute of their choice if they cannot work.
- Are responsible for paying their own Tax and NI contributions to HMRC.
- Provide invoices for payment and determine how much they charge.
- Should provide a contract of terms.

When using Direct Payments, you will be offered support and advice and there is a lot of help available to you.

Personal Assistants: are employed by and work for Direct Payment Recipients to undertake tasks directed by the DPR, they are paid via PAYE and have employment rights.

Self-employed carers: can accept or refuse work, can send a substitute person in their place and are in control of any work undertaken and how they undertake the work.

Micro Carers: the type of care and support services that a Micro Carer might offer are (but not limited to) home care services, respite for carers, leisure, and wellbeing activities, help with care, cleaning and other domestic duties, pet care, help with gardening and companionship. They are generally self-employed and supported by Micro Catalysts who support them with their role. A Micro Carer may need to be registered with Care Inspectorate Wales. Always check if they need registration status.

Agencies: there are a variety of agencies that provide domiciliary support to people who require personal care and other support. These agencies should all be registered with Care Inspectorate Wales if they provide hands on care to 4 or more people in the community.

Sole Traders: people work solely for themselves can be classed as a sole trader. They may have people working for them. Some examples of sole traders include builders, plumbers, electricians, painters and decorators, taxi drivers and window cleaners.

As a Direct Payment Recipient, it is recommended you check and obtain agreement from the Local Authority before engaging the services of a self-employed care worker.

Useful Contacts

Each Local Authority will have experienced Direct Payments teams who are there to support you with any queries or information that you need. They will endeavour to provide you with as much help and reassurance as you need, until you feel confident to manage arrangements yourself. But remember, if you need periodic support, or advice the teams are only a phone call/email away.

This guide provides you with basic information on Direct Payments and using Self-employed, Micro Care, Agency or Sole Traders.

For further information please contact your local Direct Payments Support Service.

Blaenau Gwent County Borough Council
Direct Payments Team Office
 e. directpayments@blaenau-gwent.gov.uk

Caerphilly County Borough Council
Direct Payments Team Office
 e. directpayadvisors@caerphilly.gov.uk t. 01495 235522

Monmouthshire County Borough Council
Direct Payments Team
 e. mccdirectpaymentteam@monmouthshire.gov.uk

Newport City Council
Direct Payments Support Team
 e. direct.payments@newport.gov.uk

Torfaen County Borough Council
Independent Living (Direct Payments) Team
 e. independentlivingteam@torfaen.gov.uk

