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Welcome to our 6th Employer Newsletter sent to employers to help them keep updated with information relevant to managing their responsibilities.

Employer News

Government Advice for EU citizens after Brexit - If you employ a PA who is an EU citizen, they may need apply for a 'Settled Status' to ensure they can continue to legally work for you. All EU citizens living in the UK will need to have either a Pre-Settled Status or a full Settled Status in place before December 2020. EU citizens are eligible to apply to the **EU Settlement Scheme** to complete either the electronic application process, or use an alternative route. The EU Settlement Scheme is free to apply and applicants only need to complete three key steps:

1. prove their identity;
2. show that that they live in the UK;
3. declare any criminal convictions.

If your employee has lived in the UK for five years or more, they can apply for full Settled Status now. If they have lived in the UK for fewer than five years, don't worry – they can simply apply for pre-settled status initially and then once you have been here for five years you can apply for settled status. As an employer it's crucial that you ensure your PAs who are EU Citizens are aware of the scheme, and encourage those who can apply to do so in good time.

Your PA can find more information about how to apply by going onto the Government website <https://www.gov.uk/eusettdstatus>.

Self Employed or Employed PA Facts

FACT 1 - It is *your* responsibility as the person paying the PA to correctly decide their 'status' (that is, whether they are employed or, less commonly, self-employed) based on the specific working arrangements between you.

FACT 2 - In general, most PAs will be employees (unless they work through their own limited company or are paid and managed by an agency).

FACT3 - You cannot just pick a status because it is either better for you or because the PA wants to be self-employed or because the PA states they are self-employed for the work they do for others. Tax law can override what either you or your PA intended

Although HMRC are likely to be sympathetic in care and support employer cases, having them enquire into your affairs can be intrusive, lengthy and stressful, and the consequences of getting a

status wrong can be expensive, especially when you consider HMRC can usually go back four years (more, if they think you have been 'careless'). It's also unlikely you will be able to use the Direct Payment money to pay any penalties imposed on you for not undertaking your responsibilities in this area.

Key areas to consider with employment status checking:

- **Mutuality of obligation:** You may rely on your PA to help you with day-to-day living, so they will probably work regular and set hours and not have the ability to turn down work.
- **Control:** Given that care needs are usually very specific and you will have your own care plan, it is unlikely that a PA will have a great degree of control over what work is carried out and how. Indeed, they would be at risk of negligence if a care plan had been agreed and they deviated from it without prior agreement/good reason.
- **Substitution:** By virtue of the very personal nature of your relationship with your PA, it may not be appropriate for them to be able to send someone else in their place.
- **Provision of own equipment:** This may well not be appropriate or necessary as you may have all the necessary equipment in your own home for your personal use, as it is likely that much will be in the form of adaptations fitted within the property – lifts/hoists, etc.

If you have questions with checking someone's employment status please contact our **Helpline**, **Tel: 01908-363425** Email sdshelpline@connectionsupport.org.uk . The Helpline is open Monday, Wednesday and Friday 10am – 1pm (answer phone facility available)

Payroll Service Update

Wage payments – errors with wages tend to be rare but when they do happen it's very important that we are notified of these so we can help resolve things.

Your PA's are responsible for ensuring they check their payslip and notify their employer immediately if they feel they have not been paid correctly. We are unable to investigate payment errors after a period of 4 weeks unless there are exceptional circumstances. In these situations an administration charge will be applied.

Timesheet Summary - Please remember to send in your PAs hours to our Payroll team at least **7-9 working days** before the date they are due to be paid. Unfortunately we cannot guarantee that wages will be able to be processed if a timesheet summary is received later than the deadline for sending these.

Changes to Timesheet Summary - the Payroll Service has to work within the timeframes imposed by HMRC and as such is unable to process requests for changes to Timesheet Summaries once the submission date has passed. If the date has passed, employers will need to re-submit these changes with the next month's Timesheet Summary.

Payroll Service Contact details:

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