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Welcome to our quarterly newsletter for people employing Personal Assistants. The Newsletter is sent to employers every quarter from Connection Support to keep people updated with information relevant to managing their employer responsibilities.

Employer News

Employer's Pension Re-Enrolment for PAs

By law, every employer with at least one member of staff (PA) has legal duties; including enrolling those PAs who are eligible into a workplace pension scheme and contributing towards it.

Every three years employers must put certain staff back into a pension scheme and this is called **re-enrolment**. The re-enrolment is carried out approximately every three years and employers will need to identify if any of their PAs have to re-enrol, or whether they have no staff to re-enrol. Either way, employers will need to complete a **re-declaration of compliance** form to tell the Pension Regulator how they have met their duties.

The Pensions Regulator

Remember, re-enrolment and re-declaration is an employer's legal duty and if you don't act you face fines from the Pension Regulator.

As an employer or an employer's representative you will be the person the Pension Regulator will contact to keep you up to date with what tasks you need to complete and by when. Most employers or employer representatives choose to nominate a Payroll Service as their additional point of contact for the Pension Regulator so they can assist with undertaking their responsibilities and duties with enrolling and managing Pensions for their PAs.

Managing a difficult relationship with a PA

A PA may be someone already known to you such as a family member or friend and where you may have a less formal employer/employee relationship, or someone new and where a relationship is built over time. The majority of employment arrangements with both types of PAs work extremely well for everyone involved but in a few cases the arrangements may unfortunately break down and need to end.

As an employer you will need to ensure you follow correct procedures before ending your contract with your PA and seek advice from your **Employer Insurance Provider** for their guidance with what actions you need to take. Our Employment Support Service can offer help to mediate with difficult discussions with your PA or assist you with actions your insurance provider has advised you to undertake.

GDPR Update – We now have guidance available explaining your responsibilities as an employer under the new Data Protection regulations. This includes an example data protection template letter to give to your PA for them to sign and allow you to keep data about them. Please see our website to for a copy of this, or contact our Helpline.

Keeping your Payroll Service Updated

A Payroll Service can support individual employers with paying their staff wages through Pay as You Earn (PAYE) and with administrating any pension auto-enrolment and contributions.

Please keep your Payroll Service updated with –

- Changes to your PA contracted hours or Pay Rates
- Staff sick leave or other type of statutory leave
- Staff leaving and new staff joining you
- If you are no longer employing your own PAs

Oxfordshire Payroll Service Contact details:

Purple Payroll Service – Tel: **01245 392300** (main switchboard) Email: payments@wearepurple.org.uk

Employment Status Checking with Self-Employed PAs

When recruiting a PA it is your responsibility as the employer to ensure you check you are employing them on the correct employment status. Most employers will be setting up their PA as an ‘employee’ and will do this correctly by registering themselves as an employer with HMRC and setting up their PA on a pay as you earn (PAYE) system.

If buying the services of a **self-employed PA** you will still be responsible for checking their employment status for the work they undertake for you. A PA may be self-employed for other work they do but this will not mean they are self-employed for the work they do for you. The arrangement you have with a self-employed PA should be more of a business arrangement but in many cases due to the personal nature of the arrangement it will be unlikely that the PA will meet the self-employed status and will be viewed by HMRC as being your employee.

It is not against the law for an employer to get an employment status wrong, but if you are seen as being an employer and paying an employee outside of a PAYE system you will be breaking tax law. You may also be at risk of fines and penalties from HMRC due to paying incorrect amounts of tax and national insurance.

Our Employment Advice and Support Service can provide people with a simple **check list** to complete with a PA who is claiming to be self-employed to help you establish their employment status. If after completing the check list you are still not clear if the PA is self-employed we would recommend offering to employ them directly or not progressing with this type of arrangement.

Please contact our **Helpline** if you have further questions with employment status and self-employment as we appreciate this can be quite a complicated area of responsibility for employers or their representatives.