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Welcome to our May Employer Newsletter sent every quarter to help employers keep updated with information relevant to managing their responsibilities.

## Employer News

### Increasing Pay Rate to minimum Wage level

If the amount of Direct Payment available is not sufficient for an employer to pay to the minimum wage level, please contact your local Social Services department to get this resolved as a matter of urgency.

#### **As an employer, what do I need to do?**

Employers should always check that their PA is being paid at least minimum wage and increase their PA's hourly pay rate as necessary. The minimum wage usually increases every year and it's illegal for employers to pay less than this amount.

#### **What are the risks if I don't take action?**

The penalty for an employer's failure to pay the national minimum wage is 200% of the total underpayment for all workers specified in the HMRC notice of underpayment, up to a maximum of £20,000 for each employee

### Statutory Sick Pay (SSP) Guidance

When your PA is off sick, they may be eligible for Statutory Sick Pay (SSP), which is **£94.25** a week for up to 28 weeks. To qualify for this the PA needs to have been sick for 4 or more days in a row (including non-working days/weekends) and on average earn at least £118 a week.

### When a PA is not entitled to SSP or their SSP has been paid to the maximum 28 weeks

As an employer you have a legal duty to ensure you complete and sign a **SSPI form** giving the reason why your PA has no entitlement to SSP and give this to them. The PA can use this form to claim alternative benefits if they choose to. The Payroll Service will partially complete this form with the relevant payroll reference numbers before sending it to you for you to complete and sign.

### Self-certification

If your PA is off work for 7 days or less, they do not need to give you a fit note or other proof of sickness from a medical professional. When they return to work, you can ask them to confirm they've been off sick. This is called 'self-certification' and you and your PA can agree on how they should do this. They might need to fill in a form or send details of you by email.

### Sick leave and holiday

Statutory holiday entitlement is built up (accrued) while your PA is off work sick (no matter how long they're off for). Any holiday entitlement not used because of illness can be carried over into the next leave year. If your PA is ill just before or during their holiday, they can take it as sick leave instead. Your PA can ask to take their paid holiday for the time they're off sick and they might do this if they do not qualify for statutory sick pay.

For further advice or access to relevant forms and templates, please contact our **Helpline Tel: 01908 363425**.

## Employer Responsibilities

As an employer, or someone representing you, there will be responsibilities which need to be undertaken to comply with the law. Although assistance is available to help guide employers with what needs to be done, ultimately employers continue to be responsible for ensuring their duties are carried out and these can include

1. The day-to-day work of your PAs and the tasks they undertake for you and sorting out alternative support when your PA is unavailable to work
2. Ensuring your Employers Liability Insurance is in place and kept up to date
3. Keeping your PAs safe and well whilst working for you in your home or outside of it.
4. Encourage and allow your PA to take the annual leave and keep a record how much is being taken

If you do have questions about your role as an employer and the duties you need to undertake you can contact our **Direct Payment & Employer Helpline Tel: 01908 363425**. The Helpline is open Monday, Wednesday and Friday 10am – 1pm (answer phone facility available)

## Payroll Service Update

Our payroll team would like to express their thanks to employers who have adapted quickly and positively to our new timesheet process. We have received lots of positive feedback saying how much easier it is for you to inform us of the work your PAs have completed for you.

Just a final reminder that from 1<sup>st</sup> July 2019 you will need to ensure you complete the new timesheet summary or send us an email showing the hours your PA has worked for the month

**THANK YOU**

### Payroll Service Contact details:

Connection Support SDS

BPSI Centre, E Block EAL 2  
Bletchley Park  
Bletchley MK3 6EB

**Tel:** 01908- 363428

**Email:**

[sdspayroll@connectionsupport.org.uk](mailto:sdspayroll@connectionsupport.org.uk)

Please remember to send in your PAs hours to our Payroll team at least **7-9 working days** before their pay day. Unfortunately we can no longer guarantee that the wages will be processed in time for the pay month if received later than the deadline for sending these.

### **IMPORTANT REMINDER - Submitting Declarations and Re-Declarations of Compliance for Automatic Enrolment**

This is an important reminder for employers to act on their new legal duties with work based pensions. Some employers now have their declaration deadlines fast approaching and have not yet given consent to our Payroll Service to act on their behalf with undertaking their declaration of compliance and pension auto-enrolment. This may result the Pension Regulator imposing fines to employers for not undertaking this legal duty on time.

You may have been asked to nominate an additional contact to support you to your automatic enrolment duties. If you are using our Payroll Service, please check you have sent our Payroll Service a completed consent form nominating Maisie Lau (Payroll Officer) as your additional contact and enable us to act on your behalf to meet your legal duties with your PA's pensions.

Please contact the Payroll Service if you require further advice or require a consent form to be sent to you.