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and Public Safety**

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AN ROINN

**Sláinte, Seirbhísí Sóisialta
agus Sábháilteachta Poiblí**

MÁNNYSTRIE O

**Poustie, Resydènter Heisin
an Fowk Siccar**

A GUIDE TO RECEIVING **DIRECT PAYMENTS**

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1. ABOUT THIS GUIDE

This guide offers advice and information if you are getting Direct Payments or thinking about asking for or accepting Direct Payments.

While it should answer many of the general questions you may have it does not cover every aspect of Direct Payments. You should, therefore, still check the information for yourself, particularly about any legal issues. You will find useful information on where you can go for extra help in *Appendix B*.

You can find more detailed advice on Direct Payments in the Guidance issued by the Department of Health, Social Services and Public Safety. This is available from the address shown in *Appendix B*.

The addresses and telephone numbers of local Health and Social Care Trusts are shown in *Appendix C*.

2. GETTING DIRECT PAYMENTS

What are Direct Payments?

If you are assessed as needing personal social services, for example, a home help or a place in a day care centre, you may instead be able to get a cash payment from your local Health and Social Care Trust so that you can arrange the service for yourself. This is known as a Direct Payment.

Why would I want Direct Payments?

Direct Payments could allow you to make more of the decisions that affect your life and may help you to live a more independent lifestyle.

If you get Direct Payments you can decide how your needs will be met, by whom and at what time. You are in control. You could, for example, employ someone directly, or you could contract with an agency - or with someone who is self-employed - to provide you with the service you need.

For example, if you need help to get out of bed and get dressed in the morning you may find that, due to other commitments, the home help employed by the Trust is unable to come at the time you would like. By accepting Direct Payments you could arrange for someone to come at the times you specify, so enabling you to get up at a time more convenient to you.

Who can get Direct Payments?

If you are assessed as needing personal social services by the Trust you may be able to get Direct Payments instead. Direct Payments are available to:

- Disabled people over 16;
- Older people who receive services from the Trust;
- Disabled parents;
- Parents of disabled children;
- Carers over 16 for services to meet their own needs;
- People affected by mental illness.

The Trust can only offer you Direct Payments if it is satisfied that you are able and willing to manage Direct Payments, with help if needed. You cannot get Direct Payments for:

- health services, for example, community nursing, speech and language therapy, or chiropody; or
- services provided by other organisations such as the Housing Executive.

If I get Direct Payments, can I still get payments from the Independent Living Funds?

Yes. Your eligibility for payments from either the Independent Living (Extension) Fund or the Independent Living (1993) Fund is not affected by any help you get from the Trust, whether in the form of services, Direct Payments, or a combination of both.

Will Direct Payments affect my other income?

No. Direct Payments will be ignored in working out your entitlement to any income related social security benefits, such as Income Support, Job Seekers Allowance (income related), Tax Credits, Disability Working Allowance or Housing Benefit.

They will also be ignored in child support maintenance calculations and HM Revenue & Customs will not regard Direct Payments as part of your taxable income.

3. ASSESSMENT OF NEED

What is my first step?

Ask the Trust whether Direct Payments may be a possibility for you. If you are already getting personal social services or if you have been in contact with social services before, it will probably be best to start by asking the person you usually speak to, for example, your social worker, care manager, or key worker.

If you have not had contact with your local Trust before, you will find addresses and telephone numbers of the local Trusts in *Appendix C*. Simply phone the Trust and say that you would like an assessment of your needs to be carried out.

What if the Trust has not previously assessed my needs?

To be considered for Direct Payments you need to have an assessment. This means working out what support you need. An initial assessment will be carried out to establish your basic needs. A further comprehensive assessment involving input from a range of professionals may be required if your needs are complex and substantial. Carers can also ask for a separate assessment of their needs.

You may find it helpful to keep a diary for a week before the assessment, recording what you do, how long it takes, and what help you get, for example, from a carer, as well as what you would like to be able to do if you had the necessary help. Think too about

needs that may not arise every week. You may be asked to complete a form before the assessment to say what you think you need help with. Keeping a diary can help to ensure that all your needs are taken into account although the Trust may not be able to offer you assistance with everything you identify.

You might find it helpful to get advice from a friend or relative or from a local support group such as Centre for Independent Living, to help you to prepare for your assessment. The Trust may be able to suggest groups for you to contact, or you may wish to contact one of the organisations listed in *Appendix B*.

What if the Trust has assessed my needs before but has not arranged services for me?

If the Trust concluded that you do not need personal social services, then it cannot offer you Direct Payments. If you think your needs or circumstances have changed, you should ask the Trust for a new assessment.

If the Trust offered you services but you turned this offer down, it may be prepared to consider offering Direct Payments instead. Ask the Trust about this. Direct Payments can only be made to clients if the Trust has agreed to provide services to meet need.

4. RECEIVING DIRECT PAYMENTS

If I am entitled to personal social services, am I automatically entitled to Direct Payments?

The Trust has a duty to offer you Direct Payments if it is satisfied that you meet the criteria and have requested Direct Payments. It is not an automatic right but if you disagree with the Trust's decision you can make a complaint. Each Trust has leaflets available on how to make a complaint.

If the Trust offers me Direct Payments, can I refuse?

Yes. The Trust cannot give you Direct Payments without your consent. If the Trust has agreed to provide social services, and you do not want Direct Payments, you will receive services instead.

If you accept Direct Payments and then change your mind you can stop at any time. Contact the Trust to ask them to stop making Direct Payments and arrange services instead.

If you refuse or withdraw your consent to Direct Payments, this alone should not prevent you from getting them in the future. However, the Trust may take this into consideration if you ask for Direct Payments again later.

If the Trust offers me Direct Payments, what do I need to consider?

Don't rush into a decision to accept Direct Payments. Ask questions if you feel you don't have enough information to decide. You may wish to ask the Trust to put you in touch with someone already getting Direct Payments who can give you more information.

By accepting Direct Payments you will be taking on certain responsibilities. For example, it will be your responsibility to arrange the services you need, to sort out any problems with the service and to account for the way you use the money. While this may seem a daunting task at first, there will be help to guide you through the steps you need to take and to help you sort out any difficulties especially in the early stages. There are many sources of support and advice available too.

What if I can't manage Direct Payments myself?

You can get help to manage Direct Payments if you need it. Talk to your social worker, care manager or key worker about what help you think you might need to manage a Direct Payment.

Independent advice (e.g. from Centre for Independent Living) can also be sought. You may find it helpful to talk to someone else who is supported to manage their Direct Payment.

Will the Trust give me enough money to meet my needs?

Within the resources available to it, the Trust should give you enough money so that you can make adequate arrangements to meet your assessed needs, including any normal additional costs or responsibilities you may have as an employer.

The Trust has a responsibility to secure value for money. Therefore it may not be prepared to pay the full cost of the particular method of buying services which you choose, if your needs can be met equally well for less cost. For example, it may not be prepared to cover the charges of the particular agency you prefer if another agency charges less for an adequate service.

People getting some personal social services, for example, a home help may be asked to pay towards the cost of the service. If you get Direct Payments for any personal social services treated in this way you may have to contribute to the cost of that care. If this happens any charges will be deducted before you get the Direct Payment. The way the Trust decides how much you have to contribute will be the same way that it decides how much to charge people who receive services.

If you think the money you are offered is not enough, you do not have to accept it. You can appeal under the Trust Complaints Procedure about the amount offered. You will need to discuss with the Trust what will happen while your appeal is being dealt with. You can accept the Direct Payments if you wish in the meantime

without affecting the outcome of your appeal. If you are not prepared to accept the amount that is offered while your appeal is being considered, you can choose to have services instead.

How will I get the money?

The Trust will make payments in advance into your bank account. It is recommended that users open a bank account, with a cheque writing facility, specifically for these payments. If you have a bank account for the Independent Living Fund, it is possible to use that account. In any case the Trust must have access to bank statements that show transactions relating to the Direct Payment.

What do I need to do before I start receiving Direct Payments?

Before Direct Payments start you should discuss and agree the following points with the Trust:

- what services the Direct Payments are meant to cover;
- the value of Direct Payments you will receive;
- will you be expected to contribute and if so, how much to the cost of your care;
- how you intend to use the money to arrange the services to meet your needs;
- whether you need help to manage your Direct Payment, and where you can get help;
- what the money may and may not be spent on, and how much flexibility will be allowed;

- what changes in the way you arrange your services the Trust would expect to agree in advance;
- back-up arrangements to cover emergencies;
- how much will the total amount of the Direct Payment be each month;
- how often and in what form payments will be made;
- the information you will need to give the Trust about how the money is spent;
- the arrangements the Trust proposes for monitoring;
- any conditions attached to the Direct Payment;
- the date when your arrangements will next be reviewed;
- the circumstances in which the Trust will consider discontinuing Direct Payments;
- the period of notice the Trust will give you if it decides to discontinue Direct Payments, and the circumstances in which it would stop payments immediately;
- how any outstanding commitments will be handled if Direct Payments are discontinued;
- the circumstances in which the Trust would seek repayment.

5. USING DIRECT PAYMENTS

What can Direct Payments be used for?

You will have to use the money to meet your assessed needs, and the Trust will explain what the money can and cannot be spent on.

You will also need to discuss with the Trust how much flexibility you have. For example, the Trust would normally expect you to agree in advance any changes in the way you spend the money but there may be changes you can make without talking to the Trust first.

There are a number of ways you can use Direct Payments to meet your needs. These include:

- employing your own staff (see Part 5);
- contracting with people who are self employed (see Part 6); or
- buying the service from an agency (see Part 7).
- If you prefer to get personal social services to meet some of your needs, the Trust may agree to offer you a combination of Direct Payments and services.

Can I pay for residential care with my Direct Payment?

You will be able to use Direct Payments for occasional short periods of residential care if the Trust agrees this is what you need. Direct Payments are intended to help support independent living, so you cannot use them to pay for permanent residential accommodation.

Who can I employ?

- Anyone who is eligible to work in Northern Ireland
- Direct Payments are not intended to replace existing support networks within families and communities. For this reason, only in exceptional circumstances can you use Direct Payments to buy a service from:
 - your spouse or partner;
 - anyone who lives in the same household as you (unless that person is someone you have specifically recruited to be a live-in employee).

You should discuss your situation with the Trust if you think that any person you would like to employ, or buy services from, might fall into one of these categories.

6. BECOMING AN EMPLOYER

What do I need to know about employing my own staff?

If you employ your own staff, you will have legal responsibilities. While it is your own responsibility to ensure that you know about, and comply with, these responsibilities you may find it useful to seek help from a local support organisation or one of the organisations listed in *Appendix B*.

How do I find people to employ?

The first step is to decide what kind of person you want and how many people you need, drawing on the Trust's assessment of your needs and what the Trust has said you may spend Direct Payments on.

Start by preparing a list of the tasks you want your employees to do, then ask yourself what skills and personal qualities they will need to do those tasks properly. For example, if part of the job is to enable you to get out and about, you may need someone who can drive. If you think you will need more than one person, you might also consider whether they all need to have all these skills and qualities. You will also need to think about what hours you would expect them to work.

When you have decided on the skills and personal qualities you are looking for, you need to decide how to go about finding the right

people. You might find someone by asking around amongst your friends and neighbours, if they're interested or would know someone. You could put a notice in a public place, such as a local Post Office, shop or college of further education, or advertise in a newspaper or in the Jobcentre. Advertising in Jobs and Benefits/Jobcentre Offices is free, but there is likely to be a charge for placing a notice in a shop window or in a newspaper.

Local organisations may also have newsletters in which you can advertise. If you are placing an advertisement, you will need to describe briefly what the job involves, for how many hours per week, what kind of person you are looking for, the rate of pay, and give a contact number or address. You may prefer not to give your own address or telephone number at this stage, for security reasons. Your local Trust or a local organisation for disabled people may allow you to use their address. It is also possible to arrange with the Post Office to set up a P.O. Box, or to make use of a newspaper box number.

How do I decide how much to pay people?

You may be able to ask people who are already employing people using Direct Payments how much they pay, or look at advertisements for similar jobs. You can also discuss rates of pay with your Trust. How much you can afford to pay will of course depend on the value of the Direct Payments you receive, but the amount should be enough to enable you to pay for the service you have been assessed as needing. If you cannot recruit anyone at

the pay rates you are able to offer you should discuss this with the Trust.

You may need to offer different rates of pay for different bits of the job. For example, you may find that you need to offer higher rates for evenings or weekends. Or you might have to pay more if you need someone with particular skills for some parts of the job, for example, driving.

The Government introduced a statutory national minimum wage from 1 April 1999. Further details about the national minimum wage can be obtained by telephoning 0845 6000 678 or the Labour Relations Agency will be able to help (the address and telephone number is in *Appendix B*).

Do I need to prepare a job description?

A job description will help you to set out clearly what the job requires. It will help you to think through what sort of person you are looking for and to explain to applicants what the job involves. It will also be a record of what you expect from your employees and could be useful if any difficulties arise.

The job description should list the tasks your employee will be expected to do, how often they are needed and the likely variations, and anything else you will expect of your employee (for example, punctuality, confidentiality). It may be helpful to start with a brief overview of the purpose of the job and how you expect your

employees to fit into your life. You could use your care plan to help write a list of the main tasks. You will need to take care to leave sufficient flexibility to allow you to ask your employees to perform reasonable tasks which contribute to the overall purpose of the job as and when they arise, even if they are not specifically listed in the job description.

What information should I ask applicants to provide?

To help you decide whom to invite for interview, you will need to ask for information which will help you to form a judgement about the applicant. You may decide to ask applicants to complete an application form, or just to send a letter saying why they want the job, accompanied by an outline of their employment history. If you are short of time, you may prefer to ask a standard set of questions on the telephone. The fuller a picture of the applicant you can obtain at this stage, the easier it will be to decide whom to interview.

You might want to ask:

- for details of experience, training and employment history;
- when the applicant is able to work and when he or she is able to start;
- why the applicant is interested in working for you.

You should ask:

- ✓ if the applicant has any criminal convictions;
- ✓ for references, particularly from current and most recent employers, and check those references before offering anyone a job.

How do I go about interviewing?

Go through the applications you receive, comparing them with your list of the skills and personal qualities you are looking for. Decide which of the applicants you will interview and arrange dates for the interviews. You might find it helpful to ask someone else to help you with this choice and with the interviews.

For security reasons you may not want to hold interviews in your own home. The Trust or a local disability organisation may be able to give you use of a room.

Think through before the interviews the questions you will need to ask to find out more about the candidates. It may be helpful to begin the interview with an explanation of what the job involves, to ensure that the applicant has understood the advertisement and to provide additional information. Aim to give the candidates a chance to talk, so that you can see what they are like. Give them an opportunity to ask any questions they may have.

When you come to choose between the candidates, you will need to consider whether they will be able to do the job, and whether you are likely to be able to get along with them.

Will I need a contract with my employee(s)?

A contract of employment exists as soon as your employee starts work. By starting work your employee demonstrates that he or she has accepted the terms and conditions you have offered. The contract does not have to be in writing. Its terms can be written, agreed verbally, implied, or a mixture of all three. Written details, whether in the form of a contract or statutory written statement, ensure that both you and your employee have the same understanding about the terms on which your employee is employed, and may be helpful if any disagreements arise.

Regardless of whether they have been given a written contract of employment, most employees are entitled to receive a written statement of the main particulars of their employment. The Department for Employment and Learning booklet ER2 *“Written Statement of Employment Particulars”* gives more information.

How can I get the best from my staff?

It will help if you make it clear from the start the standards you expect. Be prepared to discuss with your employees how you like things done and listen and respond to any difficulties, questions or suggestions they may have. Tell your employees when they are doing well.

Tell your employee straight away if you are not satisfied with any aspect of their work. If the problem continues, you may need to consider giving them a formal warning that an improvement must be made. You are the employer, and you have the power to dismiss them if their work is persistently unsatisfactory.

Before taking any disciplinary action you may find it helpful to seek advice on the procedures to be followed. The Labour Relations Agency has a very useful booklet entitled "*Disciplinary Practice and Procedures in Employment, Codes of Practice.*"

In order to get the best from your staff you may wish to consider training needs they may have. If you think for example, that training on lifting and handling techniques, or basic hygiene would be useful then speak to your local Trust.

If I employ staff, what legal responsibilities might I have?

You will find a summary of the type of responsibilities you are likely to have in *Appendix A*. Every effort has been made to ensure that this information is accurate at the time of publication, but you are strongly advised to check it yourself. You will also find details in *Appendix B* of how to obtain the booklets mentioned and how to get in touch with organisations that can give you authoritative advice.

Contracting With Someone Who Is Self- Employed

If the person you employ says that they would like to be self-employed and you are not sure whether this is correct you should contact your local Tax Office or HM Revenue & Customs (National Insurance Contributions) Office for advice.

Self-employment is not a matter of choice but depends on the contractual arrangements between you and the worker: that is, the terms on which you engaged him or her. A variety of different factors play a part in the judgement of whether or not someone is self-employed, such as the degree of control you have over the way the work is done. HM Revenue & Customs produces a leaflet IR56 entitled *“Employed or Self Employed? A Guide for Tax and National Insurance”*, which will help you.

If the person is not self-employed, you will be regarded as his or her employer, with all the associated obligations. Someone who is genuinely self-employed will make their own arrangements for paying their own tax and National Insurance contributions. In these circumstances you will have no responsibility for paying these. If you are in doubt about whether someone is employed or self-employed, ask for help as advised above and operate PAYE and pay National Insurance Contributions in the meantime as if the person was an employee of yours.

Contracting with an Agency

There are many agencies which provide care services. Buying services from an agency means that you do not employ directly the people who provide your care, and you do not have the responsibilities of an employer. Instead, you have a contract with the agency.

The Trust may be able to provide names of agencies in your area which provide the kinds of services you need. You may also be able to find out about agencies from other people who receive Direct Payments, your GP or District Nurse, libraries, local voluntary organisations or Citizen's Advice Bureaux (CAB), or by looking in the Yellow Pages.

Before contacting an agency, it is important to be clear in your own mind what help you are looking for. Start by preparing a list of the tasks you are expecting agency staff to do, just as you would if you were recruiting your own staff. Then think about what is most important to you about the way those tasks are done. This will help you prepare questions to ask agencies you are considering so as to identify the one that best meets your needs.

If possible contact more than one agency before committing yourself. Remember that you are the customer. If one agency is not prepared to meet your requirements, you may be able to find another that will.

You might find it helpful to ask some of the following questions before making a decision:

- What services are available?
- What charges will be made?
- Is the price all inclusive, or are there any extras, for example, VAT, National Insurance or travelling expenses?
- Is there a minimum service that has to be bought?
- Can I choose the person who provides my care?
- Can I expect to see the same person on a regular basis?
- What if the regular person is sick or on holiday?
- Can the organisation be contacted at all times when care is being provided?
- How can I contact the out of hours emergency service?
- Is there any additional charge?
- How can I complain about the service I receive?
- What obligations will I have if I cancel the service?
- Does the organisation have full professional and Employer's liability insurance?
- Does the organisation work to a recognised code of practice?
- How are agency staff recruited? Are they required to give references? What training are they given?

Employment agencies are required to meet certain minimum standards designed to protect their workers and those hiring them. Details can be obtained from the Department for Employment and Learning, Adelaide House, 39-49 Adelaide Street, Belfast BT2 4FD, Telephone 028 9025 7777.

7. DEALING WITH ISSUES THAT ARISE

What happens in an emergency?

Whatever arrangements you make, there may be times when they break down. For example, your personal assistant may be taken ill and unable to work. You will need to make back-up arrangements to provide cover if this happens. You might arrange this with an agency, or with off-duty or former employees. You will need to discuss with the Trust what arrangements it expects you to make to prepare for unexpected events like this.

The Trust may be prepared to give you extra money to enable you to buy services in an emergency.

If something happens which your back-up arrangements cannot cope with, you should not be left without the services you need. The Trust has a responsibility to step in if it is not satisfied that your needs are being met by your own arrangements using the Direct Payments. Contact the Trust as soon as you realise you will need help.

Having to contact the Trust in an emergency does not mean you are managing the Direct Payments wrongly. It is impossible to plan for every situation that may arise and almost everyone needs help at one time or another. Contacting the Trust in this way should not mean that you will be taken off Direct Payments, but the Trust may wish to talk to you again about your arrangements for emergencies.

What if my needs change?

Get in touch with the Trust as soon as possible and ask for your needs to be reassessed.

What if I don't need to spend all the money?

If you don't need to buy services for a short period, for example, if you are in hospital or if you need less than usual because your condition improves, tell the Trust as soon as possible as it may need to adjust your Direct Payments.

Do not spend your Direct Payments on something else. The Trust has the power to require you to repay any money which you do not spend on meeting your assessed needs.

Will I need to keep records?

Yes. The money you get in Direct Payments is for services to meet your personal social services needs. It remains public money and the Trust will ask you to account for how you use it.

You will be told what records you need to keep and what information you will be expected to provide. For example, you will be asked to keep timesheets signed by your staff recording the hours they have worked, or receipts for services purchased from agencies. You will also be asked to set up a separate bank account (that has a cheque book) for your Direct Payments, so that the

money you get from the Trust can be identified separately from your own personal finances.

You will probably find it easier to keep records as you go along, rather than leaving completion of any forms until they have to be returned.

Will the Trust check how I use the Direct Payments?

Yes. The arrangements you make using your Direct Payments will be reviewed in the same way as if you received services.

The Trust will have to satisfy itself that the needs for which it is giving you Direct Payments are being met. It will also have to check whether your needs or circumstances have changed. The Trust should tell you how it will go about this. This may involve someone visiting you in your home.

What happens if I get into difficulties with Direct Payments?

Tell the Trust as soon as possible. If your needs are not being met, the Trust may have a responsibility to step in and help you. It might do this by arranging services directly, or it might give you some extra help to enable you to carry on with Direct Payments.

If you do not spend the money on the service for which it is intended, or if you spend it in a way which does not meet any conditions set by the Trust, then the Trust could require you to repay some or all of the money.

If you decide not to carry on with Direct Payments, then the Trust will arrange services instead.

If the Trust does not think you can manage Direct Payments any more, it will discuss the matter with you and advise. It might decide to stop giving you the money and arrange services instead. The Trust should involve you in any decisions that are being made about your care, and ensure that you know what is decided.

What can I do if I am not happy with the service?

If you are not happy with any action or decision of the Trust you should, in the first instance, contact the person you normally speak to, for example your social worker, care manager or key worker. If you remain dissatisfied, you can complain using the Trust Complaints Procedure. The Trust will be able to explain how to make a complaint and how it will be dealt with.

If you are not happy with the service being provided by an agency or by an individual employed by you, you should complain to the agency or take it up with the person concerned. You may find that an independent mediator could help solve the problem.

If your complaint concerns an agency, the **Department for Employment and Learning** may also be able to help. They can be contacted on Belfast **028 9025 7777**.

Where can I get further advice?

Appendix B lists some organisations that may be able to give you further advice and information and tells you where you can get the various Government publications mentioned in this Guide.

EMPLOYING STAFF

This appendix deals with the type of responsibilities you are likely to have if you employ your own staff. Every effort has been made to ensure that this information is accurate at the time of publication, but you are strongly advised to check it yourself. You will also find details in *Appendix B* of how to obtain the booklets mentioned and how to get in touch with organisations which can give you authoritative advice.

Written statement of employment particulars

Most employees who are employed for one month or more must receive, within the first two months, a written statement of the main employment particulars, including information about their pay, holidays, notice and disciplinary procedures. Department for Employment and Learning booklet ER2, *“Written Statement of Employment Particulars”*, gives more detailed information.

Fair and unfair dismissal

Legislation gives most employees the right not to be dismissed unfairly, subject to a general qualifying period of two year’s continuous employment with their employer. For further information see Department for Employment and Learning booklet ER15 *“Rights to Notice and Reasons for Dismissal”*; ER1 *“Individual Rights of Employees”*; or ER13 *“Unfairly Dismissed?”*

Period of notice

Someone who has been employed continuously for one month or more and less than 2 years is entitled to at least one week's notice of termination of employment. After two years' continuous employment, this rises to two weeks' notice. An additional week's notice is required for each completed year of continuous service after that, up to a maximum of 12 weeks. The contract of employment may specify a longer period of notice than these statutory periods. See Department for Employment and Learning booklet ER15, *"Rights to Notice and Reasons for Dismissal"*.

Tax

By law, you must operate Pay as You Earn (PAYE) (this will be appropriate depending on how much your employee earns) on the pay of your employees.

When you take on your first employee, you must contact the New Employer Helpline who will send you a New Employer's Starter Pack, designed to meet your specific needs. Call the New Employer Helpline on 0845 6070 143.

Lines are open Monday to Friday - 8am to 8pm and Saturday and Sunday 8am to 4pm and all calls are charged at local rate.

HM Revenue & Customs also produces form P16 (1997), a *"Simplified Deduction Scheme"* designed specifically for domestic employees, which you may find helpful.

Additional assistance is available by calling in person at HM Revenue & Customs Enquiry Centre in Beaufort House, 31 Wellington Place, Belfast or any local HM Revenue & Customs Office.

The usual opening hours are 9.00 - 5.00 Monday to Friday (Belfast only 8.30 - 5.00 Monday to Friday and Saturday 9.30 - 3.30) and although appointments may be made, they are not necessary.

If you contract with someone who is self-employed, that person is responsible for meeting his or her own tax obligations: you do not have to operate PAYE on his or her pay. You will find more information about contracting with someone who is self-employed in Part 6 of this guide. If there is any doubt about the tax status of the worker, you should contact HM Revenue & Customs for advice.

National Insurance Contributions

As an employer, you must pay National Insurance contributions for employees aged 16 years or over whose earnings reach or exceed a prescribed minimum level. You will also have to deduct employee's contributions from the pay of anyone you take on. Your local HM Revenue & Customs Office can give you copies of "*Day to Day Payroll*" E13 which will explain how the contributions are calculated and how you should pay them.

Statutory Sick Pay

If an employee is sick for four consecutive days or more, they may be entitled to Statutory Sick Pay from you. More details are in *“Day to Day Payroll”* E13. This can be obtained from your local HM Revenue & Customs Office.

Maternity

Your employee has certain rights if she becomes pregnant. For example, she is entitled to take time off work for ante-natal care, to 26 weeks maternity leave, and perhaps to Statutory Maternity Pay from you. Full details of the maternity provisions and SMP are in the HM Revenue & Customs booklet *“Pay and Time Off For Parents”* (E15) and in *“Day to Day Payroll”* (E13) both of which are available from your local HM Revenue & Customs Office.

Paternity and Adoption

You can get information about pay and leave for parents from leaflet E15 *“Pay and Time Off For Parents”* available from HM Revenue & Customs.

Redundancy

Employees with at least 2 years' continuous service since the age of 18 are entitled to a redundancy payment. Further information is contained in The Department for Employment and Learning booklet ER3, *“Redundancy Payments”*.

Enquiries about redundancy payments should be made to:

Redundancy Payments Branch,
Department for Employment and Learning
Adelaide House,
39-49 Adelaide Street,
Belfast
BT2 8FD

A free helpline is available on 0800 585811.

Phone 02890 257580 for leaflet. All leaflets are available on the Department for Employment and Learning website:

<http://www.delni.gov.uk/index.cfm/area/library/site/ERLegislation/Directory/67>

Equal opportunities

Generally jobs must be open to all regardless of religion, political opinion, colour, race, nationality, ethnic or national origin, sex, marital status or sexual orientation, unless the reason for discrimination arises from a genuine requirement for the job.

However the **Sex Discrimination (NI) Order 1976, the Fair Employment Acts and the Race Relations (Northern Ireland) Order** do not apply to private households.

The following leaflets are available from the **Equality Commission**:

Sexual orientation discrimination law in Northern Ireland -A short guide. ISBN 1-903941-60-1

Sex discrimination and equal pay in Northern Ireland - A short guide. (Revised Ed) ISBN 1-903941-08-3

Religious belief and political opinion discrimination law in NI - A short guide (Revised Ed) ISBN 1-903941-07-5

Racial discrimination law in Northern Ireland - A short guide (Revised Ed) ISBN 1-903941-10-5

Disability discrimination in Northern Ireland - A short Guide (Revised Ed) ISBN 1-903941-09-1

For further information contact the **Equality Commission** at:

Equality House

7 - 9 Shaftesbury Square,

Belfast,

BT2 7DP

Telephone : 028 90 500600

Textphone : 028 90 500589

Fax : 028 90 248687

Email : information@equalityni.org

Unions

Employees have the right to belong or not to belong to a trade union.

Insurance

You are required to take out Public and Employer's Liability Insurance to cover you against liability for an employee's injury or disease. Speak to your care manager who will give you advice on this. Contact the **Health and Safety Executive** on Belfast 028 9024 3249 for more information.

Health and Safety

Legislation and good practice require that employers take all reasonable measures to make sure that the people they employ are not put at risk of being injured or become ill as a result of their employment.

However, if you contract with an agency, then the agency as the employer of the person providing the service will usually have the main responsibility for safeguarding the health and safety of that person. Should you wish to seek advice on good practice you should speak to your local Trust or you can contact the **Health and Safety Executive for Northern Ireland** on Belfast 028 9024 3249.

Useful advice and information is also provided on the Health and Safety Executive for Northern Ireland website: www.hseni.gov.uk.

FURTHER INFORMATION

The primary source of information, advice and support for people getting Direct Payments is the local **Health and Social Care Trust**. You will find details of how to contact your Trust in *Appendix C* or under “Health Trusts” in the Business Section of the Phone Book.

The Trust will be able to give you details of any local support organisations and any courses or training available for people getting Direct Payments.

The **Centre for Independent Living - Belfast** is a useful source of information and expertise. It is an organisation of disabled people which aims to promote the philosophy of independent living and raise awareness about Direct Payments as an option for disabled people to achieve independence.

The **Centre for Independent Living, Belfast** can be contacted at:

61 Duncairn Gardens,

Belfast, BT15 2GB,

Telephone 02890 875001

Fax 02890 875002

Textphone 02890 875003,

e-mail cilbelfast@nicva.org.

Website www.cilbelfast.org

Useful Publications

National Centre for Independent Living's leaflet

Everything You Need to Know About Getting and Using Direct Payments

To order, please contact

National Centre for Independent Living

4th Floor

Hampton House

20 Albert Embankment

London

SE1 7TJ

Telephone 020 7587 1663

Text phone 0207 587 1177

Other Sources of Help

HM Revenue & Customs Business Support Teams

Ballymena	028 2563 3030
Banbridge	028 4062 1651
Belfast	028 9053 2755
Coleraine	028 7032 2086
Craigavon	028 3831 2016
Enniskillen	028 6634 4514
Lisburn	028 9260 6081
Londonderry	028 7130 5123
Newry	028 3025 5576

If you have been an employer for 2 years or more you can also phone the **Employers Helpline** on 08457 143 143. The service is open from 8.00 am - 8.00 pm to help with general enquiries about Pay as You Earn (PAYE), National Insurance and VAT registration. Calls are charged at local rates.

The Labour Relations Agency also provides information services for employers on a wide range of employment matters through its general enquiry points on Belfast 028 9032 1442 or Londonderry 028 7126 9639. The Agency also produces a number of helpful publications and details of these can be obtained from:

The Labour Relations Agency

2-8 Gordon Street,

Belfast BT1 2LG,

Telephone 028 9032 1442,

Fax: 028 9033 0827

e-mail: info@lra.org.uk

Website www.lra.org.uk

HEALTH AND SOCIAL CARE TRUSTS

Belfast HSC Trust

Knockbracken Healthcare Park

Saintfield Road

BELFAST

BT8 8BH

Telephone 028 9096 0000

Northern HSC Trust

The Cottage

5 Greenmount Avenue

BALLYMENA

BT43 6DA

Telephone 0845 601 2333

Southern HSC Trust

College of Nursing

Craigavon Area Hospital

68 Lurgan Road

Portadown

BT63 5QQ

Telephone 028 3833 4444

South Eastern HSC Trust

Ulster Hospital

Upper Newtownards Road

Dundonald

Belfast

BT16 1RH

Telephone 028 9055 3100

Western HSC Trust

Altnagelvin Hospital Site

Glenshane Road

Londonderry

BT47 6SB

Telephone 028 7134 5171

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Telephone: 028 9052 2205 Textphone: 028 9052 7668

This document is also available
on the Department's website:
www.dhsspsni.gov.uk

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