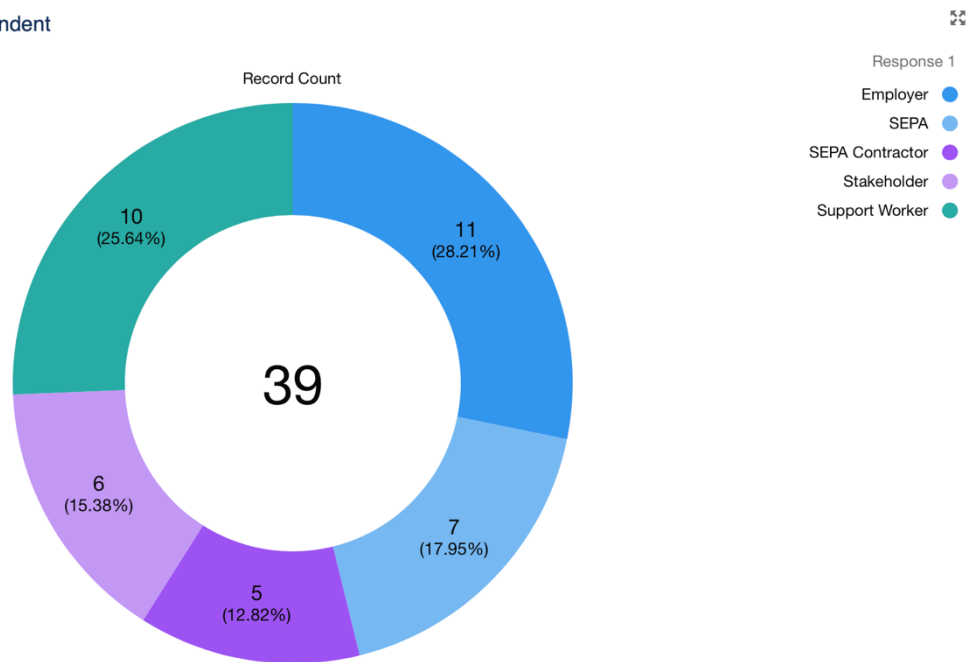


# Self-employed Personal Assistants

SDSS carried out a survey of self-employed Personal Assistants (PA), those who contract them and other key stakeholders (including Independent Support and Local authority staff). Overall, the survey was completed by 39 respondents.

Chart: Survey Respondent's role

Survey Q&A by Respondent



[View Report \(Survey Q&A by Respondent\)](#)

The breakdown of respondents is as follows:

- 11 Employers,
- 7 Self-employed PAs,
- 5 Self-employed contractors,
- 6 Stakeholders,
- 10 identified as other support workers.

We've outlined the key themes and comments below.

## Self-employed PAs

We asked the self-employed contractors why they set up as self-employed. Of the seven self-employed PAs, five stated that they were already self-employed from other and previous work, one stated that it was because of flexibility and one stated that they could maximise their income. One respondent who was already self-employed and preferred the flexibility, also stated that the supported person didn't want to be an employer.

*"I combine being employed by a care company with my own self employed business. This enables me to get experience working with certain clients with specific health conditions. It also gives me access to information and training opportunities. Predominately I will be remaining self employed. The nature of my business, short term engagements, means self employment is the best option."*

*“Tried blending self-employed and employed but preferred the flexibility for myself and client so dropped the employed work.”*

When asked about the advantages of being a self-employed PA, respondents said the following:

*“It offers flexibility, I can combine the role with other roles, I can take time off when I want, I can manage my own time.”*

*“I can offer better rates and more flexibility.”*

*“Complete package working with the client and family. This offers a different dynamic.”*

*“Better income, I don't take holidays, so works out better that way.”*

*“I am able to offer a very flexible service where I can respond quickly to changing client needs and requirements. It also means that I can fit my work around the rest of my life quite easily.”*

*“I can choose what clients I want to work with and they have different needs. I can get to know my clients better. My clients get to know me better through consistency and we build a rapport. I can also support their family.”*

All self-employed PA respondents were happy with their current arrangements and only two stated that being self-employed was not a permanent arrangement. Pay was a consideration for moving from self-employed to employed: *“If I got paid my self-worth”*.

### Contracting with a self-employed Personal Assistant

When asked what influenced their decision to contract with a self-employed PA, rather than employ a PA directly, the majority of respondents (nine) stated that they carried out their own research, four had conversations with social work practitioners, four talked with friends and family, three accessed independent support and two talked directly to PAs.

80% of those who contract with a self-employed PA also stated that they explored the advantages and disadvantages of being an employer and of contracting with a self-employed PA.

We asked both those who directly employ PAs and those who contract with self-employed PAs how their support arrangement makes them feel, and both groups said that they either mostly or always had better choice and control, were more comfortable and their needs are better served. This suggests that respondents are currently comfortable with their arrangements, and it works for them, whether that be as an employer or by contracting support.

### Benefits

When asked about the benefits of being a self-employed PA and of contacting with one, it is clear to see that Flexibility is a recurring theme. As mentioned by respondents when asked why they set up as self-employed, flexibility is also identified as a benefit by both self-employed PAs and contractors.

Other benefits identified can be seen in the table below.

<b>Self-employed</b>	<b>Contractor</b>
Flexibility	Flexibility
Paid your worth	Less paperwork
Works with other jobs	Peace of mind
Deeper connection to clients	Don't have to pay a payroll provider
	No employer related costs e.g. sick leave, maternity

	Control over who you contracted
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### Disadvantages

Contractors stated a number of disadvantages to contracting with a self-employed PA. Key themes include the lack of clarity and guidance, and efficient training. It was interesting to see the response from a respondent who said: “The difficulty is not with the PAs themselves. The difficulty has been in convincing, cajoling, and myth-busting with local authorities. The barriers and hurdles that already stressed people are having to deal with in order to get even four hours of care from their chosen SE PA, is not acceptable.” This is something we’ve heard through multiple networks and discussions with SDSS members.

<b>Disadvantages of contracting a self-employed PA</b>
Guidance unclear
Responsibility for the self-employed to pay their tax etc still lies with contractor. Penalties from HMRC
No back up if sick or cancelled
Not bound by employment law
Lack of clarity around costs / hidden costs
May not have required training
Less control over what is done and when
Less security

### Additional charges

When asked, most self-employed PA respondents said they didn’t charge for any extra costs for their work. The self-employed PA respondents, and other respondents who said they knew of self-employed PAs who charged for extra costs, stated that self-employed PAs had a higher hourly rate due to cost of travel for example. This is concerning especially for those in rural areas, and with some respondents also stating that additional costs are not paid for from their SDS budget.

*“There may be additional expenditure which would be paid privately.”*

*“These costs are often not covered by the direct payment.”*

### Difficulties being accepted as a self-employed PA

When asked whether there had been any difficulties with being accepted as a self-employed PA, only one self-employed PA respondent said they had difficulties:

*“Accessing CPD training is difficult. Reluctance from local HSPC to support self-employed.”*

Other respondents shared what they knew about the difficulties of being accepted as a self-employed PA in their local authorities. Concerns from local authorities seem to be connected to the employment status of self-employed PAs and issues with HMRC.

*“Some people see self-employed PAs as cash in hand. Also, status is not checked and often they're not registered as self-employed.”*

*“In other Local Authorities and certain organisations, the self-employed status has not been recognised.”*

*“Role of agencies introducing self-employed PAs. Employment status not clear.”*

*“Many local authorities will not allow funding to be used for self employment. Our service users may be concerned that they could potentially be leaving themselves vulnerable to HMRC issues.”*

*“In my authority area we currently do not allow the use of DP monies to purchase support from Self Employed PAs without confirmation from HMRC that they have been assessed by HMRC (not self-assessment) as meeting the self-employed criteria. Self-employed PAs report difficulties getting HMRC to case assess their work activities.”*

*“This varies, but in fact in Argyll and Bute and Highland we are so desperate for any kind of social care worker, self-employed folk may be granted permission to work too readily and without the budget holder having had the risks of these arrangements discussed with them.”*

*“A lack of understanding of self-employment and what it means. Misinformation being passed to clients about them being responsible for the SE PAs tax and NI contributions (which is untrue). Being compared to a plumber causing a leak and not fixing it? SE people being told that they must register with SSSC, nursing registers, or other regulatory bodies when SE individuals are not able to be registered with these organisations and then being told by the Local Authority that they are not sufficiently 'qualified' or 'equipped' to provide a service. These are only some examples from many.”*

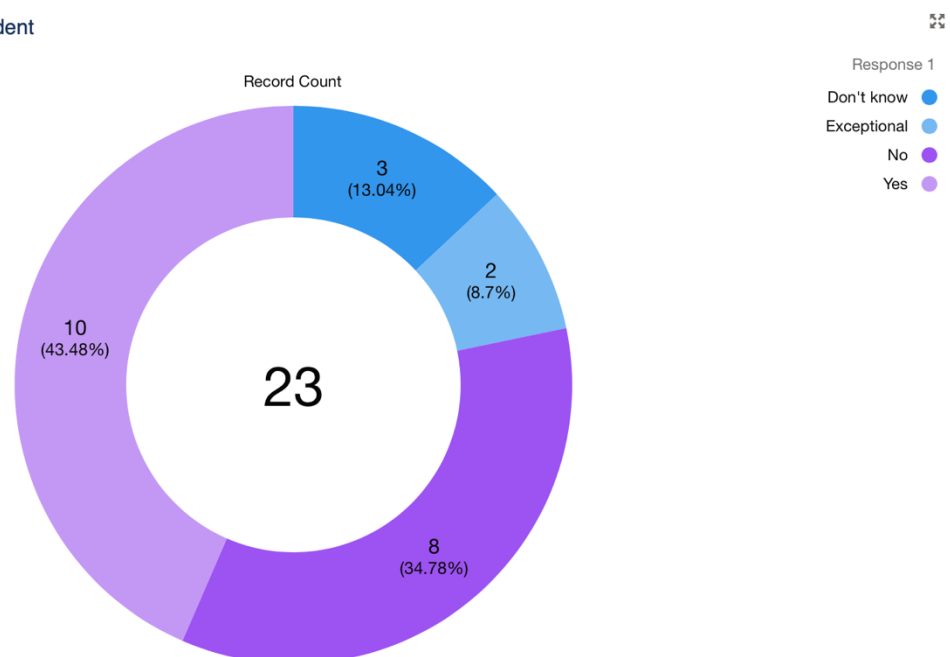
One respondent also shared that their local authority (Ayrshire) “do not feel that self-employed PA's underpin the values of SDS, with regards to the person having choice and control.”

## Risks

When asked if they were aware of risks an arrangement with a self-employed PA has, most respondents said they were aware of risks. Many were concerned with staff turnover and how a self-employed PA can resign without being held to a notice period. Lack of cover when the PA is sick or has an emergency is also mentioned.

Chart: Are you aware of any risks your arrangement has? (SE PAs, contactors, employers, employees)

Survey Q&A by Respondent



[View Report \(Survey Q&A by Respondent\)](#)

Regarding employment:

*"If PA resigns there may be a delay in employing someone new. You need to ensure you employ someone you can get on with."*

*"If PA leaves, then at this time difficult to recruit another PA."*

*"Employment law"*

*"Difficult to get cover. Holidays can usually be covered by existing team, if we get enough notice, but sickness and other emergency leave is very problematic and I (daughter) often end up covering shifts myself, and my health isn't so good."*

*"Legal requirements for insurance and rules to letting people go etc."*

Regarding Contracting

*"I can be without my PA if they have an emergency."*

*"They are not always clear on costs. Some do not realise they are responsible for own training and replacement care."*

General

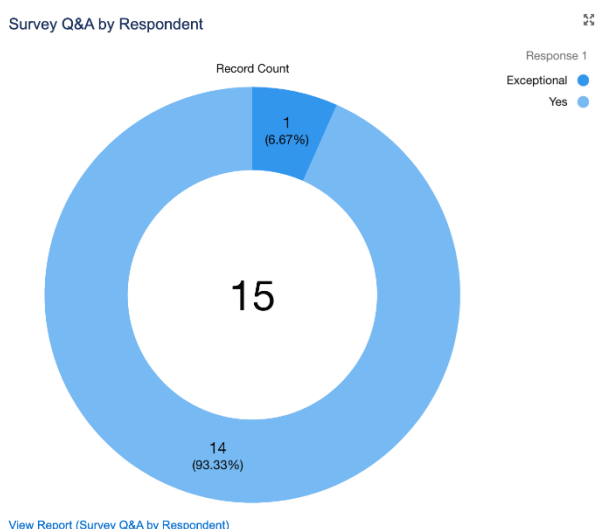
*"Cannot register with care Scotland."*

*"SSSC is not available to PAs."*

*"Delivery of service is not monitored."*

It is interesting to hear from one participant who said there is "no more risk than when contracting the services of any self-employed professional. Most self-employed people will do the extra mile as its their name, reputation and future business that will be harmed if they do not perform as per the agreed contract. When both parties understand the expectations and responsibilities it works well."

Chart: Are you aware of risks? (support workers and other stakeholders)



## Support for Personal Assistants

When asked what support they'd like to see for PAs, SSSC registration, training and recognition were key themes. Other comments included self-employment and HMRC guidance, peer support, places to advertise, better pay and clear communication.

*"Registration with SSSC - at moment as individual cannot access this."*

*"A forum or platform for information on training and job opportunities."*

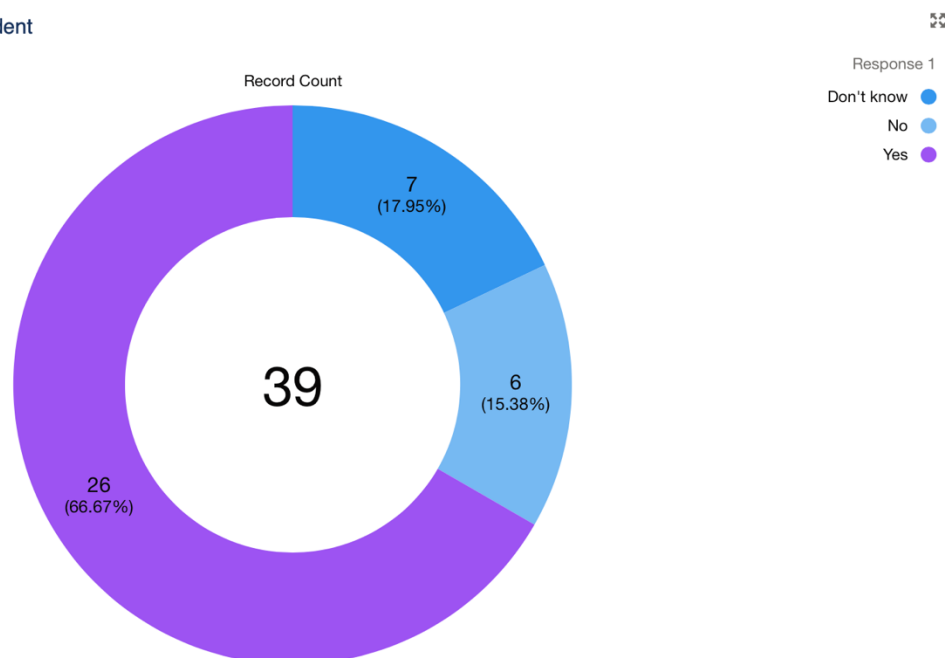
*"An independent body where they can find all the answers they may have instead of going to several for different things."*

*"Appropriate and affordable training"*

## Registration

Chart: Would support a register for self-employed PAs? (SE PAs, contactors, employers, employees)

Survey Q&A by Respondent



[View Report \(Survey Q&A by Respondent\)](#)

The majority (26) of respondents stated that they would support a register for self-employed PAs – six said no and seven were unsure. The six who said no were a mixture of two self-employed PAs, a SEPA contractor, an employer and two stakeholders. The seven who did not know were similarly a mixture but included also four support workers.

All self-employed PA respondents stated that they would voluntarily register to be supported in their role. Training and development was the main reason for this, followed by job opportunities, quality assurance and financial incentives.

There is a mixture of feelings towards a register for PAs:

*"I think a register is essential, as there is currently no governing body and it would offer the individual and their families some reassurance and it would offer a good support system for PAs."*

*"I would love the PA register to become a reality and each local authority could have someone in their SDS team to deal with the strategic and operational side of this."*

*"Gives assurance and comfort to recipient."*

*"I think it helps to formalise the position of self-employed PAs, rather than have ad hoc arrangements - however it might scare some people off, or create a 'black market' type situation."*

*"I believe this would put off clients from contracting self-employed PAs. My PA should be private to me yet the NHS and other organisations demand to know information about my PA to which they are not entitled."*

*"Not to be made mandatory"*

*"Registration or regulation is not a bad thing as long as people realise that this means increased costs for the SE person and for their clients. This is not just in terms of registrations costs, but the administrative tasks associated with being approved and maintaining registration. These are costs which, most often, do not add value to the hands-on service provided."*

### Local Authorities and self-employed PAs

When asked if their local authority permits the use of a Direct Payment to contract with a self-employed PA, the majority of respondents (23) said yes, ten were unsure, three said no and three said only in exceptional circumstances.

### Issues to explore / food for thought

The following responses maybe useful context for considering future work in understanding the culture around the use of self-employed PAs.

*"There needs to be a level playing field and equal opportunities for PAs."*

*"The burden of managing a 24/7 package demands much more support than is available."*

*"Would like more flexibility with SDS."*

*"Feel should be able to use funding more flexibly to purchase items which will assist disabled people to live more comfortably."*

*"Perhaps a specific role, e.g. PA for a person requiring 50% assistance, or requiring 75% assistance, or 100% assistance could be part of a register. There are so many people who are categorised as PA's when they are companions, Home Helps, etc. This may assist in creating professional pathways for training, a professional status, clarity for people engaging care and commissioning bodies. I see the greatest challenge in establishing a cast iron Quality Assurance system."*

*"Most PAs are not self-employed. Carers/cared for require extensive support in how to employ someone and their responsibilities."*

*"In 2019 in Perth & Kinross we had 363 Personal Assistants and 162 Self-employed Carers."*

*"Work needs to be done with HMRC if self-employed PAs are to play a bigger role in social care provision."*

*"We had no choice but to arrange a PA after our care company advised they could no longer provide care due to staff shortages. The PA we have offers a different level of care, a more experienced engaging and compassionate experience."*

*"This is a complex issue, while we want to protect people from potential difficulties with HMRC and employment law issues you don't want to make it difficult for people to use this as an option when it is the most appropriate for them. Perhaps the self-employed work force in social care are not*

*Personal Assistants in the traditional sense that we understand where you as the employer decide on duties, hours of work, rate of pay and crucially who is carrying these duties means that they are in fact an employee " Personal Assistant" and a self-employed social care worker is not?"*

*"Concern about shortage of suitable PAs, given general shortage in the sector."*

*"When I contract a self-employed PA, they work for me, yet NHS always think they can bypass talking to me and speak directly to my PA. This is disgraceful behaviour and ableism at its worst."*

*"There are also implications for the power relationship to shift from the SU to the PA should the later be deemed self-employed."*

*"Better recognised pay would help."*

*"I think clients benefit from me being self-employed. They get consistency and it's up to me if I want to support them in other matters."*

*"Being in charge of the PA's and running the whole package, I feel we as an employer should get paid for this job. We are saving the council a lot of money by cutting out a care company."*

*"I like having PAs and I like having self directed payments but I don't think I use the self directed payments enough for other things, because I do not know what else I can use it for!"*

*"I think as long as you establish that the person is really self employed and you can work cooperatively with you that is what matters."*

*"Impossible to get staff at the moment - need to be able to pay them a decent wage!"*