

Direct Payments Factsheet – Employing People Legally



Legislation came into force in February 2008 that requires you, as an employer, to make basic checks with **every person you are considering employing** to confirm that they can legally work in the United Kingdom.

The law says that you must do some document checks and failure to do this may result in a fine.

We recommend that you have advice and support from Ideal For All to do this.

If you want to manage this yourself instead, the Home Office document 'Full guide for employers on preventing illegal working in the UK' will provide you with guidance. You can get this from the Home Office helpline - 0300 123 4699.

You must complete these checks before anyone starts working for you. You can offer them employment once the checks are completed and you are satisfied they can work in the United Kingdom. You must not employ anyone who is not legally able to work in the United Kingdom.

You need to know that using a self-employed Personal Assistant may not be straightforward. HMRC (HM Revenue & Customs) have advised that they would consider almost all Personal Assistants to be employed rather than self-employed for tax purposes. We suggest you seek further advice from Ideal For All before proceeding with this option and refer to our factsheet entitled "Employing a Personal Assistant".

If you use a registered domiciliary care agency this law does not apply to you. Ideal For All recommend that you ask the agency if they carry out these employment checks.

Who to contact

Adult Social Care - Tel: 01902 551199

Disabled Children and Young Person's Team - Tel: 01902 550911

Direct Payments Team - Tel: 01902 551292 or 01902 551294
Civic Centre
St Peter's Square
Wolverhampton
WV1 1RT

Email: Direct.payments@wolverhampton.gov.uk

Ideal For All - Tel: 0121 558 5555 Email: info@idealforall.co.uk