

## Good news from CIL...!

We are very pleased to announce the opening of our office in the Northern Health and Social Care Trust area (formerly covered by Homefirst and Causeway Trusts). Martha McWilliams took up her post as Independent Living Adviser at the end of April and is based in Magherafelt (contact details page 4).

This means that we now have four offices providing support services throughout Northern Ireland. This is an important milestone for CIL towards our aim of ensuring everyone has access to the support they need to achieve their independent living choices.

## Bad news from ILF



CIL is very concerned about the recent announcement of cut-backs in the Independent Living Fund, which will undoubtedly have a detrimental effect upon many local disabled people.

Changes to take effect from 1 July 2008 include:

- Increase in the Trust weekly contribution from £200 to £320.
- Funding will only apply from the date the offer is accepted.
- Priority will be given to people who work for more than 16 hours per week.

The likely result of this will be to deny many people the additional support they need to lead independent lives. This is made worse by the fact that it comes at a time when Trusts are strapped for cash and may not be in a position to pick up the shortfall. These changes have been introduced without any consultation and contradict the messages from the government about giving people choice and control.

## Tax & NIC rates update



The Tax and National Insurance Contributions rates for the current year 2008-09 are as follows: The tax-free allowance has been raised to **£105** for people under 65 (£175 for people over 65). The Lower Earnings Limit is **£90** per week. Above this limit, you will need to register with the Inland Revenue and your workers will be entitled to Statutory Sick and Maternity Pay, if applicable.

In addition, the 10% rate has been abolished and the basic tax rate has been lowered from 22% to 20%.

In response to widespread public concern about the disadvantage caused to people on lower income by the abolition of the 10% rate, the government has raised personal tax allowances. This means that the threshold at which tax and NIC must be paid rises to **£116** per week.

These measures will take effect in September and will be backdated to April 2008.

## Training update



In April 2008, CIL ran a short series of workshops on the various aspects of employing Personal Assistants. The theme of the first workshop, which included a useful contribution from the Labour Relations Agency, was recruiting and managing staff. This included setting terms and conditions, employment rights, job contracts etc.

The second workshop examined issues around managing budgets, dealing with tax and National Insurance and keeping records, this time with valuable input from the Inland Revenue.

The final workshop looked at general aspects of employer/employee relations including good working practices, assertiveness, staff training and back-up arrangements.

At the end of the training we looked at future training needs and two issues were identified:

- further assertiveness training for Direct Payments users.
- disability equality training for Personal Assistants.

In response to this, we are in the process of developing modules to cover these issues and would be very keen to gauge the level of interest.

We will circulate details of this training later but in the meantime, please contact us if you would be interested in coming to a workshop on assertiveness or sending any of your employees for disability equality training.

## Fish Insurance Policy



Fish Insurance Company has updated its liability insurance policy for people employing Personal Assistants.

There are now two levels of cover available. **Basic Cover** includes Public Liability and Employers Liability insurance. This meets your legal requirement and covers your worker for accident or injury as well as injury to a third party.

In addition to the above, the **Full Cover** version of the policy includes Personal Accident cover for the employer and the cost of employment tribunal defence fees, awards and compensation.

The cost of the Basic Cover policy is £76.65 per year for one person receiving support while the Full Cover costs £134.00 per year.

The Basic policy is adequate for the purpose of employing Personal Assistants. It is for you to decide if you want to pay for the Full policy. You should check with your Trust or ILF to find out which of the two policies they are prepared to pay for.

# Frequently Asked Questions



## **Q. Are my PA's employees or self-employed?**

**A.** It is unusual though not impossible for your PA to be self-employed in the work they do for you. Whether someone is self-employed or not can be a complex issue. Broadly speaking, if you can answer 'Yes' to the following questions, it will usually mean an individual is self-employed: Do they have the final say in when and how your support is provided?

- Are they free to hire other people on their own terms to do the work they have taken on?

Remember, having a salaried job means the individual is employed in that job, but legally they can be self-employed at the same time.

If you can answer 'Yes' to the following questions, the individual is probably employed:

- Does the individual have to do the work rather than hire someone else to do it for them?
- Do they work set hours, or a given number of hours a week or month?
- Do they work at your premises or at a place or places you decide?

## **Q. Must I give my employee a reference?**

**A.** You have no legal duty to give your PA a reference. Since you do not have to give one at all, you can, if you decide to give one, control the terms under which it is given. You may impose restrictions on its use, for example by making it clear that it is confidential to the new employer and may not be shown to the employee. If you do provide a reference, it must not be factually incorrect, or misleading. Failure to provide a truthful reference may mean that you could become to be liable either to your former employee, or their future employer.

## **Q. Are my workers entitled to Bank or Public Holidays?**

**A.** They are not entitled to Bank or Public Holidays unless you have agreed it in their Terms and Conditions. Otherwise, if they take these days off, it will be deducted from their annual leave entitlement which is currently 4.8 weeks.

## Your CIL Needs You



Centre for Independent Living - Belfast is a membership organisation, run by and for disabled people. CIL is very keen to encourage disabled people to join us as members. As a member, you will be able to contribute to the work of CIL and have a say in its future direction. Membership will allow you to share your own experience of independence.

In the coming months we are planning to make contact with disabled people who might be interested in getting involved at some level.

We would really like to hear from you. We'll be in touch...!

### CIL News

We hope you have enjoyed reading this Newsletter. If there is anything that you would like us to cover in future editions, please feel free to let us know.

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