

Policy Circular

Document No 06/03

Owner: Strategy & Communications Directorate

Subject: National Minimum Wage

Version: 8 of 8

Last Amended: October 2010

Date Reviewed: October 2010

Next Review: September 2012

Please note: From 17 June 2010 the ILF is closed to new applications.

1.0 Background

The national minimum wage regulations became law on 1st April 1999 making it illegal for an employer to pay any less than the statutory agreed figure.

This applies to all UK employers irrespective of the size of the business. The Inland Revenue and the contributions agency enforce the regulations.

The set rates are for gross pay. i.e. to include any employee tax and NI contributions.

Non-compliance with the law can ultimately result in a fine for the employer.

It is not possible for an employee to agree to be paid less than the minimum wage, either verbally or in writing, as this would still be considered to be an offence committed by the employer.

Independent Living Fund

Equinox House, Island Business Quarter, City Link, Nottingham NG2 4LA

Tel: 0845 601 8815 or 0115 945 0700, Fax: 0115 945 0945, Textphone: 0845 601 8816

Email: funds@ilf.org.uk, Website: www.dwp.gov.uk/ilf

2.0 Policy

The funds should ensure National Minimum Wage rates are applied to all new and revised offers where appropriate. Details of current rates and who these apply to can be found on the [direct.gov website](#).

Self employed workers do not have to earn the National Minimum Wage.

2.1 Night support

The NMW must be paid for every hour of work actually provided during the night however it does not necessarily need to be paid during night periods when work is not be provided, so for example when a PA is resting or sleeping. However this may be different depending on the type of contract that a PA has.

It is the responsibility of the ILF user to ascertain when the NMW should be paid for their individual PA. If an approach is made to the ILF to pay an extra amount of money to comply with NMW regulations for a night period the ILF may need to consider allowing extra monies to be paid-particularly if legal advice has been obtained to indicate this is required.

Further information about the national minimum wage can be found on www.direct.gov.uk

3.0 Source

HMRC Website
Direct.gov Website
Business link Website
Trustees meeting 09/06/10

4.0 History Date Reviewed

26 August 2004
17 October 2005
4 October 2006
1 October 2007

17 September 2008
01 October 2009
10 June 2010
21 September 2010
12 October 2010

Equality Impact Assessment

Screening Template

This preliminary impact assessment form is to help you screen your policy, project, function or new service. It should help you consider whether a full Equality Impact Assessment is required by looking at whether there is a potential negative or positive impact on any of the equality groups, if there is an opportunity to promote equality, and whether further data is needed.

Title of policy, project, function or service:

National Minimum Wage Policy

Short description of aims and objectives

The policy sets out the ILF approach to paying the minimum wage for users employing PAs

Thinking about each group below, does (or could) the policy, project, service or function have an impact on members of each equality group? If so, how?

Equality Group	Yes – negatively	Yes – positively	Unclear	No impact
Age	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Disability	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Race	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Gender	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Transgender	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Sexual orientation	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Religion or belief	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Socio-economic groups	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

What information or research has been considered in judging these impacts?

National Minimum Wage regulations

You should consider a full Equality Impact Assessment (EIA) if:

- (a) you feel one or more equality groups will be negatively impacted by the policy, project or service, or
- (b) there is an opportunity to promote equality and eradicate discrimination.

You may also consider further research if it is unclear, at this stage, what the impact may be.

Based on your findings, is a full EIA required?

Yes

No

Please provide a short summary of your decision-making below:

The ILF will pay at least the minimum wage to any PA directly employed by a user. Where the minimum wage increases and the ILF is not approached for an increase this increase will be applied automatically at the next reassessment. Any exceptions to this (ie self employed people) are in line with the NMW regulations.

In addition to this the ILF can pay a rate above the national minimum if requested to do so, having due regard to local variations in the cost of care.

There is no evidence that this policy discriminates against any of the equality groups.

Notes:

- The completed EIA Screening Template should be sent to Jon Duckworth, User Liaison Manager for approval by the Equality Impact Assessment Board (EIAB).
- We will contact you with any comments or queries about the completed form.

**This form was
completed by:**

Helen Janes
