

“we help
people who
employ their
own personal
assistants”

**a toolkit to help people employ their own personal
assistants**

This toolkit was developed by:



This toolkit is supported by:





introduction

This is a toolkit to help small employers like you deal with the basic issues and legalities of employing your own staff, such as:

employing a personal assistant	02
being a good employer	07
getting started	18
keeping your personal assistant	22
sorting out problems	26
additional resources	30

Each section has a list of key questions and tasks, some ‘essentials’ and links to sources of help.

The toolkit also includes templates for some of the most useful bits of paperwork you might need (from page 31).

This guide covers only the minimum knowledge you will need. You can find lots more useful information by following the links in each section.

Many people who employ personal assistants gave up time to help with this toolkit.

Thank you.



employing your personal assistant

key question: Who would be your ideal personal assistant?

key tasks:

- Complete a job description and person specification
- Advertise
- Shortlist
- Interview
- Offer the job
- Do the checks

job description and person specification

Essential - think about:

- the tasks to be done. List all the jobs you will expect your personal assistant to do.
- the skills and personal qualities you are looking for in your personal assistant.
- the type of person you want. Do you want someone with: specific skills, like driving or providing personal care? Specific personal qualities, like a sense of humour, patience or initiative?

Is it important if the person is a man or woman? Be careful here or you could break equal opportunities law. If your personal assistant will be doing intimate personal care you may say that you want someone of the same gender –

you must put this and the reason why in the job advert.

forms – appendix 1

1.1. Sample job description and person specification – [page 32](#).

1.2. Blank job description and person specification – [page 33](#).

advertising for a personal assistant

Essential - think about your options.

Your Direct Payment Advisor should know if there is any money to help you with advertising costs, or with drawing up adverts. There are lots of ways to advertise, here are some ideas:

word of mouth

Do any people you trust know anyone who would be interested? If you employ someone you know well, you will need to think about how this could interfere with the employer/employee relationship. For more on the issue of 'boundaries' see [page 23](#).

local shop

This will reach people who live near you. This can be handy as people may be more flexible and reliable if they don't need transport to reach you. It is also very cheap to put a small advert in a shop.



local newspaper

This will reach a large number of people, so should mean you get more choice. However, it is quite expensive to put in even a small advert.

local college/university

You could advertise for mature students (who won't be going off on long summer breaks).

job centre

The local Job Centre will advertise free for you. They will often help with drawing up an advert and giving you a room to do interviews. If you rely on this method alone you will not reach people already in work, so it might be best to use other methods as well. The following websites carry advertisements for personal assistants:

Penderels Trust:

www.penderelstrust.org.uk

Gumtree: www.gumtree.com

Independent Living Advocacy Essex:

www.ilaessex.com.

the advert

Your advert should be as short as possible, but contain:

- hours of work.
- rate of pay.
- if you want experience and/or qualifications.
- contact details for further information (job description and so on).
- do they need to complete an application form or send a curriculum vitae (CV)?
- closing date for applications.
- whether you expect references and Criminal Records Bureau (CRB) checks. Asking for two references is usual.
- any other essential facts – do they have to be a non-smoker or a driver for example?

Essential - think about the risks.

It is not a good idea to give out your address to people at this stage. Get a friend, your Direct Payment Advisor or the Job Centre (if you've used it) to receive completed applications, or you can set up a PO Box*. The Direct Payments Advisor or Job Centre can also provide a room so that you can do interviews away from home.

*To set up a PO Box go to www.royalmail.com/portal/rm/customerservice2?catId=69800737&mediald=71700716 or call 0845 950 950.



You do not have to get CRB checks done on personal assistants you employ, unless they will have contact with your children, but it is a very good idea! (See the section below on CRB checks for more information.)

forms – appendix 2

- 2.1. Sample job advert – [page 34](#).
- 2.2. Sample application form – [page 35](#).

shortlisting

Essential - stay within the law.

You must make sure your selection criteria are fair and do not discriminate against any candidates. You must also check whether the candidate is able to legally work in the UK. See the section on preventing illegal working on page six.

After the closing date look through the application forms or curriculum vitae (CVs) and decide who you want to interview. You could use the job description and person specification to rate the applications and decide which ones most closely fit the job and the type of person you want.

You can then contact the applicants that best fit the bill and ask them to attend an interview. It is better to have

the interviews away from your home if possible – either at the Job Centre or ask your Direct Payments Advisor if they can provide a room for you.

interviewing

Interviewing is easier if you prepare a list of questions that you want to ask in advance. You can base these questions on the job description. Ask candidates about their work experience, qualifications and why they want to work for you.

It's a good idea to ask a friend or your Direct Payments Advisor to do the interviewing with you. Take a break between interviews and make some notes of the answers to help you remember each candidate and make your decision about who to offer the job to.

Don't rush a decision. If you're not sure, sleep on it, ask for more information, or even re-interview. Re-advertise if you didn't think anyone was good enough.

forms – appendix 3

- 3.1. Interview checklist and sample interview questions – [page 38](#).
- 3.2. Sample letter inviting people for an interview – [page 40](#).
- 3.3. Sample letter telling people they've not got an interview – [page 41](#).



offering the job

Once you have decided who you want to employ, contact them and offer them the job. Tell them that you will first need to check their references and carry out a CRB check (if you are going to). Send a letter to unsuccessful applicants (you don't need to phone them). You should be ready to tell people why they didn't get the job, if they ask.

forms – appendix 4

- 4.1. Sample letter asking for a reference – [page 42](#).
- 4.2. Sample letter offering the job – [page 43](#).
- 4.3. Sample letter turning down an applicant – [page 44](#).

do the checks

checking references

This is the only way you can be sure that the information applicants have provided is correct. It is also good to have the opinion of someone who knows the applicant and knows about their job skills.

requesting a reference in writing

This is the best way to get most information. You can ask specific questions and also send a copy of the job description so you are sure that the

referee (the person giving the reference) understands what the job involves.

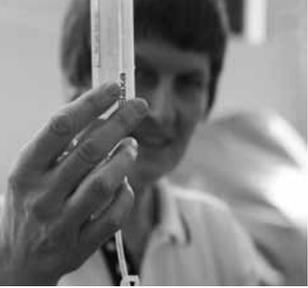
requesting a reference by phone

This is quicker than waiting for letters, and referees may be prepared to say things over the phone that they would not write down. But a quick phone call may not allow the referee to think about what the job involves.

If you are handed a reference by the person you interview or receive one by post, follow it up with a phone call. Most people are genuine, but it has been known for people who have been sacked to steal headed paper and write themselves a reference. You can only be sure that a reference is genuine if you call the last employer and check it out.

CRB checks

Criminal Record Bureau (CRB) checks help you know whether people have criminal convictions. If your personal assistant will be caring for your children or are working unsupervised when there are children in the house then a CRB check is essential. Your direct payment could be refused if a check is not carried out or your local authority believes that a potential employee is unsuitable. Even if there are not children in the house you should think about a CRB check.



Your local authority may require a CRB check, and this is likely to be free. Your Direct Payment Advisor will arrange this or direct you to an organisation that will carry out CRB checks for you. You will not be told what the outcome is, but you will be told if you can employ that person. It is the responsibility of your Local Authority to decide whether a conviction affects the personal assistants ability to do the job.

preventing illegal working

You must also ensure you have paperwork from the person you want to employ to prove they are eligible to work in the UK. You will need to check their documents before they can start, so you will need to think about a suitable start date that will allow time for these checks to be made.

You can find an interactive toolkit to help you check that your personal assistant is entitled to work in the UK at: www.businesslink.gov.uk/bdotg/action/layer?topicId=1079133778&r.l1=1073858787&r.l3=1073981874&r.lc=en&r.t=RESOURCES&r.i=1073791948&r.l2=1079568262&r.s=e or call the Home Office UK border Agency Employers' Helpline on 0845 010 667.

forms – appendix 5

5.1. List of documents to prove the legal right to work in the UK – [page 45](#).



being a good employer

Key question: how can I be a good employer?

Key tasks:

- Agree a contract.
- Decide whether you want to do your own wages or use a payroll scheme.
- Find out about all your legal responsibilities.
- Think about the safety and health of your personal assistant.

contract of employment

Essential - Complete an employment contract.

An employment contract will help you both know where you stand. Once you have got your references and any other checks done (such as CRB), you should send two signed copies of the employment contract to your new PA. They need to return a copy to you, which they have signed.

You can find out more about contracts from Business Link at: www.businesslink.gov.uk/bdotg/action/layer?topicId=1073971494&r.lc=en&r.s=e or call 0845 600 9006 to be put in touch with your local Business Link.

Essential - Keep it up-to-date.

If you make any changes to the contract in the future, you will need to put these changes in writing and both sign it.

Essential - Complete a statement of employment.

Unless you have already included them in your contract, you must also give your personal assistant a written statement of employment particulars within two months of their starting work for you. This must include the following details:

- your name and the name of the personal assistant.
- the job title (e.g. “Personal Assistant”).
- the place of work (your home address).
- the date when the employment began.
- period of notice for both of you*.
- salary and when it is to be paid – weekly or monthly.
- hours of work and holiday entitlement**.
- entitlement to sick leave and sick pay.
- pensions and pension schemes.
- disciplinary and grievance procedures.



* There are laws about the minimum period of notice you can give. Go to www.businesslink.gov.uk/bdotg/action/detail?r.l1=1073858787&r.l3=1074038949&r.lc=en&type=RESOURCES&itemId=1073792628&r.l2=1073876974&r.s=sc or call the Business Link helpline on 0845 600 9006.

** If your health means you need regular treatment in hospital as an in-patient you need to think about how you deal with this in the contract. You may want to advertise the job as an “hours worked” contract, or make it clear that there will be periods (when you are in hospital) when the hours are reduced. See below, under ‘When you are away’.

If you have any questions contact your Direct Payment Advisor. They should also be able to keep you up-to-date with changes in employment law and other requirements.

Business Link has an interactive tool for creating a statement of employment at www.businesslink.gov.uk/bdotg/action/stmtEmpLanding?topicId=1075225309&r.li=1081988944&r.l1=1073858787&r.l3=1073971494&r.lc=en&r.l2=1074428798&r.s=a or call 0845 600 9006 for local help.

Essential - Set a probationary period.

This is a trial period, when you can find out what your new personal assistant is really like. It will give you a chance to get to know them without committing yourself completely. The probationary period allows you to finish things if it's not working out. A probationary period would usually be between three and six months.

The probationary period is two-way. It allows your personal assistant to think about whether they are suited to the job.

It's a good idea to set up regular feedback sessions with your personal assistant during the probationary period. These sessions are sometimes called supervision sessions. Discuss what's working well, and what isn't, and look at any training needs your personal assistant has. See the section on getting started for more on supervision – [page 18](#).



when you are away

Think about what you expect from your personal assistant when you are away. If you go on holiday without them or have to visit hospital regularly as an in-patient, will you still be paying them? If so, will this be their usual wage or a retainer? Your contract with them will need to state this.

It is more difficult if you have an unexpected absence, such as an emergency hospital admission. What happens may depend on your agreement with the local authority if you have a Direct Payment. If you are on an Individual Budget then it is up to you, but you have to act within the law and your contract with your personal assistant.

Independent Living Alternatives (ILA) in London have offered the following advice:

- Can the hospital meet your personal assistance needs? If not, then the personal assistance needs to be funded as part of the Direct Payment/Individual Budget. However, this may require some good advocacy if the stay in hospital is a prolonged one and may require a written statement from the Primary Care Trust (PCT) that they cannot meet the needs.

The following information depends on the nature of your contract of employment with your worker but will give you some ideas to work with:

- If a person goes into hospital and then is not discharged as they go into residential home, for example, then the worker would need to be made redundant. If your personal assistant has worked for you continuously for at least two years you need to provide redundancy pay.
- If a stay in hospital is for a short time then paying the worker may well be easier and cheaper than giving redundancy pay.
- If the worker is only paid for hours worked then it is simple and there is no issue as they do not work and therefore you do not need to pay.
- If you know when you are going into hospital and when you will be discharged then you may want to end a contract and restart it or pay a retainer, but it will depend on what your contract says around the area of not working.

forms – appendix 6

6.1. Sample contract of employment – [page 71](#).



paying your personal assistant

Essential - Decide how you are going to pay your personal assistant.

You can do this yourself or use a payroll provider, such as a local accountant, or a Brokerage service. Doing it yourself is a serious commitment.

doing it yourself

Essential - Contact the Inland Revenue.

If you are doing it yourself you must check whether you need to operate a PAYE (Pay As You Earn) scheme and register as an employer with the tax office (HMRC).

Go to www.hmrc.gov.uk/payee/intro-register.htm or call 0845 607 0143. Text phone 0845 602 1380.

It's your responsibility to decide on the correct employment status of someone who works for you. If you get their employment status wrong you might have to pay extra tax, National Insurance contributions, interest and a penalty.

You can download useful leaflets at www.hmrc.gov.uk/leaflets/es-fs1.pdf and www.hmrc.gov.uk/leaflets/es-fs2.pdf or call HMRC on the numbers above.

If your personal assistant is self-employed and does not make tax payments to the Inland Revenue or National Insurance to the Contributions Agency as required, you could be liable!

using a payroll scheme

Payroll schemes ensure that your personal assistants tax and National Insurance contributions are deducted correctly. They also tell you how much Employer's National Insurance to pay. They will sort out your paperwork and deal with the tax office (HMRC) for you.

The Simplified Deduction Scheme (SDS) and the Pay As You Earn (PAYE) Scheme are the most common.

Ask your Direct Payment Advisor about local payroll providers. You might be able to find local accountants who will do this for you very cheaply. Look in your Yellow Pages, contact a few, and ask what they would charge. Your direct payment should include money to cover payroll costs.



Essential - Pay at least the minimum wage.

You cannot pay your personal assistants less than the minimum wage. The minimum wage changes every year, so call the National Minimum Wage Helpline on 0845 6000 678 for the latest rate or go to www.hmrc.gov.uk/nmw/.

There are rules about how minimum wage is calculated if your personal assistants are on call or sleep in. For example, personal assistants must be paid at least minimum wage while they are on call, but not if they are asleep, or awake and not working, during 'sleeping time'. For more information go to www.direct.gov.uk/en/Employment/Employees/TheNationalMinimumWage/DG_175105 or call the National Minimum Wage helpline on 0845 6000 678.

Your local authority will have standard hourly rates of pay for personal assistants' salaries, which you may want to check – ask your Direct Payment Advisor.

your personal assistants rights

Essential - Stay within the law! Pay special attention to:

sick pay

You must pay statutory sick pay to employees who can't work for four or more days in a row because of physical or mental illness or disablement. But they must have told you they are sick within the terms of their contract, and they must be earning at least £95 per week (in 2009/10). For up to seven days of sickness your personal assistant can self-certificate. You can get a form at www.hmrc.gov.uk/forms/sc2.pdf or phone the HMRC new employees' helpline at 0845 60 70 143.

You must keep some records of sickness by law. You can find the basic form at www.hmrc.gov.uk/forms/ssp2.pdf or call the helpline above.

You can find out more about Statutory Sick Pay from Business Link at www.businesslink.gov.uk/bdotg/action/layer?topicId=1074407226&r.lc=en&r.s=e or download the Tax Office guide at www.hmrc.gov.uk/helpsheets/e14.pdf or call the helpline on 0845 60 70 143.



holidays and pay

All workers are now legally entitled to a minimum of 5.6 weeks' paid annual leave a year – including the eight bank and public holidays. This entitlement is capped at 28 days, so even if they work more than five days a week, they are not entitled to more than 28 days leave. You also do not have to give your personal assistant the bank holidays off, as long as you have said this in their contract.

So, a worker who works five days a week is entitled to 28 days' paid annual leave, including bank holidays; while a worker who works two and a half days a week is entitled to 14 days leave, including bank holidays.

If your personal assistant works part-time in a flexible pattern, it might be easier to calculate their holiday allowance in hours rather than days. So, if your personal assistant works 18 hours a week they are entitled to 100.8 hours leave in total (18 x 5.6) including bank holidays.

Holiday pay must be based on the worker's average pay. If, for example, their normal pay includes additional money for working unsocial hours, so must the holiday pay.

If someone stops working for you, they are entitled to be paid for any leave they haven't taken.

You can download a useful guide from ACAS at www.acas.org.uk/index.aspx?articleid=806 or phone their helpline on 08457 47 47 47, minicom 08456 06 16 00.

working time

You must not ask your personal assistants to work an average of more than 48 hours per week, unless they have given their voluntary consent in writing.

You must also provide correct daily and weekly rest periods. This means your personal assistant is allowed:

- 11 consecutive hours' rest in any 24-hour period.
- a 20 minute rest break if their working day is longer than six hours.
- one day off each week – i.e. one day off out of every seven.

For young people (under 18) the maximum working week is 40 hours, other than in exceptional circumstances. These hours may not be averaged out and there is no opt-out available. If you employ someone in this age group you must also give them:

- a break of 30 minutes every four and a half hours worked.
- a rest period of 12 hours between each working day.
- two days off per week.



Business Link have a useful guide at www.businesslink.gov.uk/bdotg/action/layer?topicId=1074014258&r.lc=en&r.s=e or call 0845 600 9006 for local help.

You must also allow 'reasonable' paid time off to your personal assistants for such things as:

- attending ante-natal appointments,
- for young people, studying or training leading to a relevant qualification.

For some things you must allow your personal assistant unpaid time off. This includes family emergencies, and time to perform public duties like jury service or acting as a school governor.

The Business Link guide is at: www.businesslink.gov.uk/bdotg/action/layer?topicId=1074451710&r.lc=en&r.s=e or call 0845 600 9006 for local help.

You also have to give consideration to requests to work flexibly from employees who:

- are parents of children under 16, or of disabled children under 18.
- have responsibility for caring for adults.

To ask for this your personal assistant must have worked continuously for you, as an employee, for at least 26 weeks.

maternity, paternity and adoption rights

You must grant people's rights to maternity, paternity and adoption leave and pay.

All pregnant employees are entitled to paid time off for ante-natal care and 52 weeks' maternity leave – made up of 26 weeks' ordinary maternity leave and 26 weeks' additional maternity leave.

Fathers and partners (including same-sex and civil partners) may be entitled to two weeks' paternity leave.

Where a child is adopted the position is similar.

Employers can get back most or all of these payments from the income tax and National Insurance contributions they pay.

Business Link guides on all of these issues can be found at www.businesslink.gov.uk/bdotg/action/layer?topicId=1080898273&r.lc=en&r.s=e or call 0845 600 9 006 for local help.



pensions

Think about whether you want to help your personal assistant with their pension.

You do not have to offer a pension scheme, and if you employ fewer than five people you do not have to allow access to a Stakeholder Pension Scheme. You may still choose to do so.

For more information go to www.thepensionsservice.gov.uk/employer/stakeholder-introduction.asp or call the Pension Service on 0845 60 60 265, text phone 0845 60 60 285.

insurance

Essential - Make sure you have the right cover.

It's a good idea to have comprehensive house insurance to cover your property and its contents. You may want to include cover for accidental damage. You should tell your insurers that you are employing people to work in your house. As an employer you have a legal duty to insure against accidents or injury to your staff, or accidents or injury caused by them while they are working for you.

Your policy may already include Employer's Liability Insurance and/or Public Liability Insurance. Check this

carefully and take out extra cover if you need to.

If you receive direct payments, the local authority must include the cost of Employer's Liability Insurance in the amount it gives you.

Your Direct Payment Advisor can give you options for taking out insurance. Some insurers specialise in insurance for personal assistant employers.

If your personal assistant is going to use your car, do they have their own cover, or do you need to sort this out too?

being a fair employer

Essential - Make sure you are not discriminating.

Men and women are entitled to equal pay for work of equal value. Equal pay includes both basic pay and other contractual conditions of employment (e.g. flexibility of hours of work, annual leave allowance).

You must not treat any of your personal assistants unfairly because of their race, nationality, colour, national or ethnic origin, sex, gender reassignment, disability, age, sexual orientation, religion or belief, membership or non-membership of a trade union, or marital or civil partnership status. This is true



for every part of employing someone, from recruitment to dismissal.

As you know, you must be prepared to make reasonable adjustments to enable people with disabilities to work.

The Business Link guide to Equality and Diversity is at www.businesslink.gov.uk/bdotg/action/layer?topicId=1074003268&r.lc=en&r.s=e or call 0845 600 9006 for more help.

Also, you must not treat part-time workers less well than full-time workers in your contracts (unless you can justify it).

For more information go to www.businesslink.gov.uk/bdotg/action/layer?topicId=1080898273&r.lc=en&r.s=e or call 0845 600 9006.

health and safety

Essential - Make working for you safe.

You have a legal responsibility to make sure that your personal assistant remains safe and healthy whilst doing their job. This means that you must:

- carry out some risk assessments on your home, including pets or any animals you keep.

- think about any training your personal assistant needs.
- tell your personal assistant about health and safety.
- record (and possibly report) any accidents that take place in your home.
- take out Employers Liability Insurance.

If you employ more than five people you will need a health and safety policy. The Health and Safety Executive website and helpline has lots of support and free leaflets, including a model policy, which you can find at <http://www.hse.gov.uk/business/policy-statement.pdf> or call the Health & Safety Executive on 0845 345 00 55.

Your Direct Payment Advisor should also have lots of information on health and safety.

forms – appendix 7

7.1. Safety in the Home checklist – [page 50](#).

7.2. Sample Risk Assessment – [page 51](#).



confidentiality

Confidentiality is an important issue for both you and your personal assistant. You will hold confidential information about your personal assistants, and they will know much about you that you wouldn't want passed on. Most of the time you should ask each other before you share any information with anyone else. This should be with informed consent (this means you understand the consequences and have had no pressure put on you). There are some exceptions to this.

Your personal assistant will have access to personal information about you in order to meet your needs and wishes. As it is personal, it is important that you make it clear to your personal assistant exactly who they may share it with and in what circumstances. For example, it is only shared with people who really need to know it, such as other people or organisations who provide you with support; and only if you are not able to give that information yourself. No information should be shared with anyone, even your family or friends, against your wishes.

Sometimes your personal assistant may have to share information about you without your agreement, such as in medical emergencies, or if they thought

you were being abused by someone else.

Your personal assistant would also be obliged to pass on information if you have broken the law or if they believe you intend to break the law.

There is also information you need to hold on your personal assistant (see 'record keeping' below). This should be kept securely so that other people cannot access it.

You should provide your personal assistants with information and/or training so that they understand the importance of confidentiality and how to maintain this in their work.

If a personal assistant breaks a confidence this should be treated as a disciplinary matter.



record keeping

Under the Data Protection Act you have legal duties relating to employee records and what you do with them. Employees are entitled to access certain records and can seek compensation if you breach the act. This means that you should take care when recording and storing information about your staff.

The Tax Office expects you to keep any employment records for three years. Check to see if your Local Authority expects anything more.

The main information you are obliged to keep is hours worked, sick leave, pay rates and accidents. You can find a full list at www.businesslink.gov.uk/bdotg/action/detail?r.l1=1073858787&r.l3=1074448397&r.lc=en&type=RESOURCES&itemId=1074450151&r.l2=1074428798&r.s=sc.

You can find information about your employees' rights to look at their records at www.businesslink.gov.uk/bdotg/action/detail?r.l1=1073858787&r.l3=1074448397&r.lc=en&type=RESOURCES&type=RESOURCE&itemId=1074450580&r.i=1074450151&r.l2=1074428798&r.s=sc or you can call the helpline of the Information Commissioner's Office (ICO) on 08456 30 60 60.



getting started

Key question: What do I do now I have a new personal assistant?

Key tasks:

- Decide what your personal assistant needs to know and how you will tell them (induction).
- Discuss how the job is going (supervision).
- Look at how you will find out what other training they might need (personal development).

induction

Make a list of things you need to tell your new personal assistant on their first day. What do they need to know about the job, and how do they need to carry out their tasks in the best way for you? Think about what is most important – don't overload them on day one.

If personal assistants feel that you are asking them to do something that is risky or that goes against what they have been trained to do, they have the right to say no.

Do take time to think how you can best keep control. Remember that there are power balances in every relationship. The power relationship between you and your personal assistant should remain clear - you are the boss, start

as you mean to go on.

advice from 'being the boss'

Anne Pridmore created the 'Being the Boss' website (www.beingtheboss.co.uk) to address the lack of peer support available to disabled people who employ their own personal assistants.

This is done by sharing information based on the experiences of disabled people who employ their own personal assistants, and by providing a safe forum to discuss/share ideas.

Anne says: "It is very important to appreciate that there is no ONE correct way of working with personal assistants. We all have our different approaches and we must respect and value this. However, we can all learn from and support each other to become better employers and to have a better relationship with our personal assistants."

Referring to induction, Anne says:

"An 'induction' is just a way of introducing a new personal assistant to your way of working. The more effort that you put into getting the induction right, the more successful the relationship with your personal assistant is likely to be.



Anne's advice is:

1) Training before start date:

Where you can afford to do this, have a well established personal assistant on the rota with them and get them to shadow their work.

2) On the first day when they are working on their own:

- Go over the contract again.
- Explain your house rules (if you have any). These may include items such as switching off mobile phones, wearing slippers or indoor shoes, the use of your phone, eating arrangements, etc.
- Explain where things are kept.
- Make time to sit with a cup of coffee/tea with your new personal assistant and explain about tea breaks, etc.
- Explain what might be happening on their next shift if its different than they may expect (meetings, theatre, cinema, etc.)

3) One month after starting (dependent on your probationary period), have a supervision session. Provide the personal assistant with an agenda. Before this is going to happen tell your personal assistant about it so they can prepare as well.

4) One month after this repeat the supervision session, and finally one month after this repeat again and make

sure that what you want from your personal assistant is what you are getting. If you are happy with their work and your six month trial period is complete, tell the personal assistant this.

5) Inform the personal assistant that you will then conduct supervision every three months (or whatever you agree to). If you feel there are issues you are not happy with you can always extend the trial period.

Skills for Care's Common Induction Standards detail what social care workers should know to be a good and safe worker. Skills for Care also recommend that workers show they can meet these standards by the time they have been in the job for 12 weeks. You can find these at www.skillsforcare.org.uk/entry_to_social_care/common_induction_standards/common_induction_standards.aspx.

There is a specific induction for people working with people with learning disabilities. This is at www.skillsforcare.org.uk/entry_to_social_care/learning_disability_induction_award/learning_disability_induction_award.aspx?. There is also information here about other learning disability qualifications.

You can phone Skills for Care on 0113 245 1716.



There are lots of free resources that could help you with induction on the Care Skillsbase website. Go to www.scie-careskillsbase.org.uk and have a look at the 'check skills' section where you will find some activities that you can print off and use with your personal assistant.

supervision

It's a good idea for you to meet with your personal assistant regularly, with some time set aside just to discuss the job. Regular supervision will help you keep control and avoid getting into conflict.

You might want to cover things that need to be improved, things that are working well, training, time-keeping, holiday cover, and so on.

If things are going wrong with your personal assistant give them a clear, agreed opportunity to improve before you resort to disciplinary procedures or decide to end their employment.

external supervision/mediation

This means paying an expert to do the supervision for you. You might want to think about external supervision:

- if it's new to you and you want to get an understanding of supervision.

- to have an impartial person involved if things are going wrong.
- if someone is feeling manipulated or unsure.

If the supervisor is good then they will balance the views of you and your personal assistant so you both see the different perspectives of a situation.

Ask your local Direct Payment Advisor if they know of anyone offering external supervision or mediation from an employer-led perspective (ILA do this in London – see 'additional resources' on [page 30](#)). This could be as a group, with other personal assistant employers, to discuss common issues and problems. This also has the advantage of making it cheaper.

Personal Assistant Net members are offered access to an e-forum for employers where you can share issues, concerns and good ideas with other personal assistant employers. The website is at www.panet.org.uk.

training

Once you have employed your personal assistant you need to think about the training they will need to work with you. Training is to:

- be sure your personal assistant can work safely with you.



- meet the requirements of your insurer.
- help your personal assistant to be good at the job and to develop their skills.
- keep up to date with practice, like new laws and better ways of doing things.
- give your personal assistant confidence and a sense of achievement.

For example, without training you or your personal assistant may make mistakes. If your personal assistant is injured while working they could sue you and if you cannot show how you trained your personal assistant your insurance company may not pay out.

The Picking Your Pathway website was specifically designed to help personal assistant employers think about what training their personal assistants may need. Go to www.panet.org.uk where you will find a link to it. Or you can use the Skills for Care Common Induction Standards – see under induction on [page 19](#).



keeping your personal assistant

Key question: How can I hang on to a good personal assistant?

Key tasks:

- Make sure they really know what the job is about before they start.
- Pay them the going rate.
- Give them good support and development – training and supervision.
- Think about other things you can do to make the job a good one.
- Think about boundaries.

Losing a good personal assistant is not always a bad thing. A good personal assistant may want to move on to progress their career. New people mean new ideas and probably make life more interesting. But if you keep losing personal assistants it's expensive and disruptive, and you will probably want to do something about it.

The main areas to think about are:

- recruitment and selection.
- pay and conditions.
- training and development.
- work-life balance.

make sure they know what the job is

When you are taking people on make sure they have a realistic idea about the job. People will leave sooner rather than later if they find out being a personal assistant is not what they thought it was.

Will your new personal assistant have to get on with other people – your other personal assistants, your family, etc? If so, should these people be involved in choosing your new personal assistant and explaining the job to them?

make sure they are rewarded

If your personal assistants are happy in their work, and fairly treated, they may not leave even for more money. But:

- Make sure you are paying at least the 'going rate' (similar to what other employers are paying).
- Can you offer anything as well as basic pay? Look at pensions, extra holidays, support for training/qualifications and support for flexible working.



give them the support and development they need

A good induction, regular supervision and opportunities for outside training all help with keeping your personal assistant.

Skills for Care have written a guide with advice for buying training called *Training Codes: A guide for individuals buying in training for their own staff*. You can find it at www.skillsforcare.org.uk/qualifications_and_training/caretrainingcodes/caretrainingcodes.aspx, or call 0113 245 1716.

make sure they don't have to make a choice between home and work

Be as flexible as you can with your personal assistants needs and preferences for working hours, so long as your needs are met.

Make sure your personal assistant does not feel the need to work longer hours than necessary.

imagine yourself in their position

- Are there any bits of the work that stress your personal assistant? Is there a way round this?
- Is there any unnecessary form-filling or paperwork for them? People don't like bureaucracy.
- Your home is their workplace. Working conditions are as important to your personal assistant as living conditions are to you.
- Make sure your personal assistant has everything they need to do their work, and to do it well.
- Do not just talk to your personal assistant when things go wrong: ensure they know that they are appreciated and that jobs well done are noticed.
- If your personal assistant is unhappy in their work, do they feel they can tell you?

boundaries

Essential - Think about boundaries and how to keep them.

For many people the relationship between a personal assistant employer and their personal assistant is not like a normal employer/employee relationship. Boundaries are blurred, and the working agreement can be far more relaxed.



The personal assistants that work for you can end up feeling more like friends than employees. This can be a good thing as it means that there is a bit more give and take on both sides.

However, it may also mean that it is more painful if your personal assistant lets you down or leaves. It may result in either you or your personal assistant ending up feeling exploited, as the boundaries are pushed. The informality of the relationship may make this more difficult to deal with. Even if this isn't important to you, it may be to your personal assistant.

When you take on a personal assistant, think about where the boundaries in your relationship are. Think about how you will make this clear, and how you will deal with it if the boundaries are over-stepped. This is a good thing to talk about in supervision.

communicating with your personal assistant

Communication is about passing on information, developing understanding and building relationships. Crucially, it's more about listening than talking.

You can avoid much conflict with your personal assistant if you are communicating well with each other.

Does your personal assistant:

- Understand what their job is?
- Know how to do it well?
- Have plenty of notice about any changes to their work?
- Have a chance to tell you what they want out of the job?

Do you consult with your personal assistant or just tell them? You are the boss, but you must not abuse your power. Try to see things from each others' points of view.

communication methods

People often use different languages or methods of communication.

This can mean that you and your personal assistant have difficulties in understanding each other. As part of their induction, you need to tell your personal assistant about:



- your preferred methods of communication.
- if they need to make use of interpreters, special equipment, visual aids, etc.
- when to seek guidance from your family or other people who know you well.

You may need to think about training for your personal assistant to develop the necessary communication skills. You should not employ a personal assistant unless you and they are confident that you can understand each other, or will be able to after training or instruction.

Care Skillsbase is a free online tool that helps employers manage the communication and number skills of their staff. Have a look at www.scie-careskillsbase.org.uk to see if there is anything that could help you or your personal assistant with communication skills.

principles of effective communication

- Make time. You can't sort everything out at once. Think about using formal supervision.
 - Use good eye-contact.
 - Don't interrupt each other too quickly.
 - Give prompts – nodding, smiling, saying “Mmms”.
- Use open-ended questions. For example, “So what do you think is going well?” instead of, “Do you think you're doing OK?”
 - Communication is a two-way thing. It's not just about exchanging information, but seeing the other person's point of view and accepting their emotions.
 - Reflective listening is important. Show the person you are listening – summarise what they have said, and ask questions to clarify.



sorting out problems

Key question: What happens when things go wrong?

Key tasks:

- Make a plan for when your personal assistant is away.
- Sort out a disciplinary policy.
- Sort out a grievance procedure.
- Know what to do, and who to contact, if you are being abused.
- Take action to make sure your money is secure.

when your personal assistant is away

It's a good idea to have a plan for when your personal assistant is sick or on holiday. You could register with a personal assistant agency, or employ a couple of personal assistants on 'work as and when needed' contracts. Ask your Direct Payments Advisor for contact details for personal assistant agencies in your area.

if you're not happy

Essential - Think about how serious it is.

Sometimes things like poor timekeeping or occasional rudeness can be dealt with by sitting down and having a chat over a cup of coffee. Talk to your

personal assistant if you are not happy – there may be a reason for what has happened that is easily sorted.

When problems don't improve or your personal assistant does something more serious, it is best to follow the correct legal procedure. It might seem obvious to you that they should lose their job but if you don't follow the procedure you might find yourself on the wrong side of the law.

Essential - Have a disciplinary policy that is understood by your personal assistant.

Give your personal assistant a copy of your disciplinary policy with their contract so that you both understand what will happen.

Essential - Get some support from someone in the same situation as you.

You can use support from someone with similar experiences as you to identify what is acceptable in the workplace and what is poor practice. Try local disabled people's organisations, user led organisations, or, in London Independent Living Alternatives (ILA).



National Centre for Independent Living (NCIL) have a directory of local organisations at www.ncil.org.uk/directory.asp. You can contact NCIL by phone on 0207 587 1663 or text 0207 587 1177 or email info@ncil.org.uk.

The ILA website is at www.ilanet.co.uk/ or you can call them on 020 8906 9265 or email PA Services@ILAnet.co.uk.

Or, you can join the PA Net and become a member of the e-forums for personal assistant employers. Go to www.panet.org.uk or phone 01246 555043.

Essential - Consider external mediation. See the section ‘external supervision/mediation’, [page 20](#).

forms – appendix 8

8.1. Sample disciplinary form – [page 52](#).

if your personal assistant is not happy

Essential - Communicate.

Your personal assistant might have problems with the way that you treat or talk to them. You can avoid situations getting worse by making sure you have

regular meetings (supervision) with your personal assistant where you can both bring up any problems you might have. Communication is really important and that goes for both of you.

Essential - Have a grievance procedure that is understood by your personal assistant.

If your personal assistant has a problem that can't be dealt with through supervision they will need to follow a proper procedure. You should give your personal assistant a copy of this procedure with their employment contract.

You can find out lots more about disciplinary and grievance policies and procedures on the Business Link website at www.businesslink.gov.uk/bdotg/action/layer?r.l1=1073858787&topicId=1074207487&r.lc=en&r.s=tl or call their helpline on 0845 600 9006.

forms – appendix 9

9.1. Sample grievance procedure – [page 56](#).



if you are being abused

what is abuse?

It is a violation of a person's human and civil rights by any other person. It may be:

- a single or repeated act.
- physical, verbal, psychological, sexual, institutional, discriminatory or financial.
- an act of neglect or failure to act.

It could include:

- injuries. For example, a slap, being restrained in a chair, or being given too much medication.
- being involved in a sexual act you don't want or didn't agree to, like watching pornography.
- lack of personal care.
- bills not being paid.
- an overly critical or disrespectful personal assistant who may bully or undermine you, or say you are worthless.
- threatening you to get access to your money, or to get you to change your will.
- being stopped from getting to a medical appointment.
- being kept from your usual network of friends, family and community.
- a personal assistant looking after you in a way that is convenient to them, and not you, especially if it makes you ill.

Essential - Tell someone immediately.

This will depend on your local services, but should include:

- the police.
- the Safeguarding Adults Team in your local Social Services department.
- trusted family.
- trusted friend.
- your Direct Payment Advisor.

There is a good directory of people who can help if you are being abused at www.edfwomen.org.uk/abuse13.htm. Most organisations listed help with men as well as women.

looking after your money

do's and don'ts

- Never lend money to your personal assistant or carer, not even a small amount.
- Never borrow money from your personal assistant, for whatever reason.
- Do not ask your personal assistant to use their money to shop for you.
- Do not leave money around the house.
- Never reveal your bank PIN number to anybody.



- Do not allow your personal assistant to become a signatory on your bank or building society account.
- Never advance your personal assistants wages.
- Never get involved with your personal assistants financial affairs.
- Personal assistants should never become the person who signs financial documents on your behalf (appointee).
- Always ask your personal assistant to keep receipts when shopping for you.
- Always be clear and precise about where and how to pay your bills. Not everybody has dealt with household finances before.
- It may be useful to keep a small sum available (say £10) that your personal assistant can access if they need to buy any items or pay small bills, like the window cleaner or milkman.
- If your personal assistant collects your benefits or pension always ensure you know how much is due.



additional resources

organisations

- ACAS (Advisory, Conciliation and Arbitration Service)
Euston Tower, 286 Euston Road, London NW1 3JJ
Tel: 0207 396 0022
www.acas.org.uk
- ARC (Association for Real Change)
ARC House, Marsden Street, Chesterfield, Derbyshire, S40 1JY
Tel: 01246 555043 www.arc.org.uk
- Business Link UK
www.businesslink.gov.uk
- Independent Living Advocacy Essex
Unit 4, Whitelands, Terling Road, Hatfield Peverel, Chelmsford, CM3 2AG
Tel: 01245 380 888
www.ilaessex.com
- Independent Living Alternatives
Trafalgar House, Grenville Place, London NW7 3SA
Tel: 020 8906 9265
www.ilanet.co.uk
- NAAPS
6 The Cotton Exchange, Old Hall Street, Liverpool L3 9LQ
Tel: 0151 227 3499
www.naaps.co.uk

- NCIL (National Centre for Independent Living) 4th Floor, Hampton House, 20 Albert Embankment, London SE1 7TJ
Tel: 0207 587 1663 www.ncil.org.uk
- SCIE (Social Care Institute for Excellence) Goldings House, 2 Hay's Lane London SE1 2HB
Tel: 020 7089 6840 www.scie.org.uk
- Skills for Care
Albion Court, 5 Albion Place, Leeds LS1 6JL
Tel: 0113 245 1716
www.skillsforcare.org.uk

websites

- Being the Boss
www.beingtheboss.co.uk
- Personal Assistant Net
www.panet.org.uk
- PYP www.pyp.org.uk

publications

A guide for people on Direct Payments who wish to employ a personal assistant, Skills for Care South West/Care Learning, 2007.

Getting Started – A guide for Direct Payment Customers, Skills for Care North West / Manchester City Council.

employing personal assistants appendices

appendix 1

- 1.1 Sample job description and person specification 32
- 1.2 Blank job description and person specification 33

appendix 2

- 2.1 Sample job advert 34
- 2.2 Sample application form 35

appendix 3

- 3.1 Interview checklist and sample interview questions 38
- 3.2 Sample letter inviting people for an interview 40
- 3.3 Sample letter telling people they've not got an interview 41

appendix 4

- 4.1 Sample letter asking for a reference 42
- 4.2 Sample letter offering the job 43
- 4.3 Sample letter turning down an applicant 44

appendix 5

- 5.1 List of documents to prove the legal right to work in the UK 45

appendix 6

- 6.1 Sample contract of employment 46

appendix 7

- 7.1 Safety in the Home checklist 50
- 7.2 Sample Risk Assessment 51

appendix 8

- 8.1 Sample Disciplinary Form 52

appendix 9

- 9.1 Sample Grievance Procedure 56

sample job description and person specification

Job title: Personal Assistant (PA)

Reporting to: (Your name)

Location: Home care in the (do not put your address but the area where your home is located) area.

Nature of the job role: To assist with a variety of tasks which will support the employer to live an independent personal and social life.

Main Duties:

Personal duties (add the tasks from your list – see page 2)

Domestic duties (add the tasks from your list – see page 2)

Social Duties (add the tasks from your list – see page 2)

These duties may vary from day to day.

Any other reasonable duties that may be necessary.

Hours of work: (List the days and hours of work – you can add ‘flexible hours to be mutually agreed’ if you choose)

Rate of Pay: (If the hours include evenings, sleepovers or weekends, list the different rates of pay e.g. weekdays - £8.00 per hour, sleepover - £37.80)

Qualifications and Experience:

Essential: (List the essential qualifications and experience you need your employee to have: e.g. driving licence, car and appropriate insurance, knowledge of a particular language or culture, able to swim, nursing qualification.)

Preferred: (List the qualifications and experience you would like your employee to have e.g. computer literate, good communicator, likes dogs, experience of this type of work.)

blank job description and person specification

Job title: Personal Assistant (PA)

Reporting to:

Location:

Nature of the job role:

Main Duties:

Personal duties:

Domestic duties:

Social Duties:

Hours of work:

Rate of Pay:

Qualifications and Experience:

Essential:

Preferred:

sample job adverts

Personal Assistant Required

Personal assistant required to care for a disabled young man in his home from 2.45pm Saturday through to 2.45pm Sunday. Duties to include a sleeping night and a waking night on alternate Saturdays.

Applicants must have held a clean driving licence for at least one year and be over 21 years of age, as duties include driving specialised transport.

The rate of pay will be around £9.00 per hour.

Successful applicants are required to provide an enhanced disclosure. Disclosure expense will be met by employer.

Please write with CV to S. Holmes, PO BOX 221b, London BS 18 E59. Closing date for applications is 3 January 2009.

P/Time Personal Assistant

Personal Assistant to assist 27 year old disabled mother of two with daily tasks. Main duties will include cleaning; ironing; assisting on outings like walking the dog; socialising with children in and out of the home; escorting children to and from school.

Applicant must have experience of dogs and must have sound experience of working with children aged 7 and 8. Knowledge/experience of Fibromyalgia/ME desirable but not essential. Successful applicant will be subject to full CRB check (paid for by employer).

Will work up to 20 hours per week between 8.30am and 6.30pm Mon-Fri with occasional weekend work. Wage to be arranged – will be approx £7.00 per hour.

Please email CV with cover note to a.nother08@btinternet.com or fill in Job Centre application form.

sample job application form

surname (block letters):

other names:

address:

telephone:

education and training

details and results of any examinations taken:

further education (e.g. technical college, evening classes):

any craft or other training:

employment history

1. present employer address:

job title:

duties:

rate of pay:

date employed from:

to:

No approach will be made to your present employer before an offer of employment is made to you.

Please tell me about other jobs you have done and about the skills you used and/or learned in those jobs:

Please tell me why you have applied for this post and give examples of things you have done that make you particularly suited to the job:

Have you ever been convicted of a criminal offence? YES / NO
(declaration subject to the Rehabilitation of Offenders Act 1974)

If you have a disability please tell me about any adjustments I may need to make to assist you at interview:

Please tell me if there are any dates when you will not be available for interview:

I can confirm that to the best of my knowledge the above information is correct. I accept that providing deliberately false information could result in my dismissal.

signature

date

interview checklist and sample interview questions

interview checklist

- Arrange a venue.
- Think about a trial run; interviewing is just as stressful as being interviewed.
- If required, arrange assistance with interviewing.
- List interview questions.
- Plan the length of interview.
- Think about how formal or informal you want to make it.
- Prepare information to conclude the interview

questions

An interview is an exchange of information, therefore, it is important to listen and give the person a chance to speak and ask clear questions.

Don't assume anything, whether in terms of giving or getting information.

interview questions – choose a few from the following list and add your own:

- Do you have any questions about the job description?
- I see that you don't have direct experience of this kind of work, but people often have other experience. For example, some people have members of their family, or friends, or maybe neighbours who are disabled in one way or another. What experience of working with disabled people do you have?
- If you were out with me and someone persisted in ignoring me and spoke only to you, how would you react?
- I will need to tell you how to do things in the way I want them done. How do you think you would cope with this?
- How would you react if you have done something and I want it done again in another way?
- What if I ask you to do something, and you think there is another way to do it that you would prefer – what would you do?
- If we did have a difference of opinion, how do you think you would deal with this?

- What qualities and experience do you have that you think would make you a good personal assistant?
- Would you be interested if there is any training available?
- Have you been on any relevant training courses? If so, what and when?
- Would you be prepared to consider being called on at short notice to do more than your usual hours, e.g. if another personal assistant goes off sick?
- What shifts would you prefer, e.g. days, nights or a mixture?
- What are your hobbies/interests?
- Do you have a car? Would you be prepared to use it for work?
- Would you be prepared to consider part-time or relief work?
- Any questions you'd like to ask me?

If you have pets you might want to mention them. Some people have allergies and could not work with pets.

If relevant you should ask why they are leaving, or have left, their current or last job. You should mention any other things you enjoy doing such as gardening, socialising and ask if the personal assistant would be prepared to do this as part of their job.

concluding the interview

You should also explain the following:

- Pay and conditions and any rota system you have worked out in advance.
- Contract of employment.
- When/how they will hear if they have been successful or not.
- That you will take up references for them before appointment.
- Tell them that if they are successful relevant Criminal Records Bureau (CRB) checks may be carried out before they can start work. Ask the Direct Payment Support Service for clarification.

sample letter inviting people for an interview

Your name
c/o Direct Payment Advisor / Job Centre / PO Box*

Date

Name of applicant

Address of applicant

Dear *(applicant's name)*

Personal Assistant position

Further to your application for the position of Personal Assistant, I would be delighted if you could attend an interview on *(date)* at *(time)* at *(address)*.

Please write to the above address to confirm that you are able to attend.

(You may want to include a map for the location of the interview.)

(If you are paying people's interview expenses put the details here.)

I look forward to seeing you.

Yours sincerely,

(Your name)

* Use the return address you used for applications (see page 3), not your own address

sample letter telling people they've not got an interview

Your name
c/o Direct Payment Advisor / Job Centre / PO Box*

Date

Name of applicant

Address of applicant

Dear *(applicant's name)*

Personal Assistant position

Further to your application for the position of Personal Assistant, I regret to inform you that you have not been selected for interview on this occasion.

Thank you for your interest and taking the time to apply for the position.

Yours sincerely,

(Your name)

* Use the return address you used for applications (see page 3), not your own address

sample letter asking for a reference

Your Name
C/o Direct Payment Advisor / Job Centre / PO Box*

Date

Name of Referee
Address of Referee

Dear *(referee's name)*

RE: *(employee's name)*

The above named has applied for a position of Personal Assistant and has given your name as a referee.

I would be grateful if you would be kind enough to answer the following questions, along with any relevant additional comments that you may care to offer, and return in the enclosed stamped addressed envelope.

- Has this person experience relating to the enclosed job description within their current role with you?
- How reliable has this person been whilst working for you?
- What periods of sick leave has this person had and what were the reasons?

May I take this opportunity to thank you for your co-operation and assure you that this information will be treated in the strictest confidence.

Yours sincerely,

(Your name)

* Use the return address you used for applications (see page 3), not your own address

sample letter offering the job

Your name
c/o Direct Payment Advisor / Job Centre / PO Box*

Date

Name of Applicant

Address of Applicant

Dear *(applicant's name)*

Offer of employment

Further to your recent interview, I am pleased to be able to confirm the following offer of employment, subject to satisfactory references.

job title	Personal Assistant
hours of work	<i>(insert hours of work)</i>
annual leave	<i>(insert number of days/hours)</i>
probationary period	<i>(insert number of weeks)</i>
salary	<i>(insert salary)</i>
start date	<i>(insert start)</i>

I would be grateful if you could confirm your acceptance in writing or by phone.

Yours sincerely,

(Your name)

* Use the return address you used for applications (see page 3), not your own address

sample letter turning down an applicant

Your Name
C/o Direct Payment Advisor / Job Centre / PO Box*

Date

Name of Interviewee
Address of Interviewee

Dear *(interviewee's name)*

With regards to the interview held on *(date)* for the position of Personal Assistant, I regret to inform you that you have not been successful on this occasion.

(If you are offering people feedback on why they didn't get the job, say so here and give details as to how they can contact you.)

Thank you for taking the time to make your application and attend the interview and I hope you find a suitable position in the near future.

Yours sincerely,

(Your name)

* Use the return address you used for applications (see page 3), not your own address

list of documents to prove the legal right to work in the UK

working in the UK – document checklist

To prove they are eligible to work in the UK, workers need to provide one of the following documents:

- A pay slip from previous employment in the United Kingdom.
- A P60 or a P45.
- A National Insurance card.
- A British or European passport.
- A Birth Certificate confirming that they were born in the UK or the Republic of Ireland.
- A letter from the Home Office confirming that they have a legal right to work in the United Kingdom.

sample contract of employment

statement of main terms and conditions of employment

Employer's name:

Employee's name:

Date of commencement of employment:

Main place of work: *(insert your address)*

Job title: Personal Assistant

Duties and responsibilities:

As set out in the job description. The employer may require you to carry out other reasonable duties as required.

Probationary period:

There will be a probationary period of (**usually three months*). At the end of this period the position will be reviewed and if satisfactory the continuation of your employment will be confirmed. During the probationary period either party can terminate employment by giving one week's notice.

Hours of work:

Your hours of work will be

(Insert number of hours) weekday hours

(Insert number of hours) weekend hours

(Insert number of sleepovers if required) sleepover(s)

There is a need for the employee to be flexible and these hours may be changed as required according to the employer's needs. Under these circumstances, where hours need to be changed or additional hours worked, the employer will give as much notice as possible.

Lateness:

If you are going to be more than 10 minutes late you are required to contact the employer as soon as possible but at the very latest 30 minutes before you are due to start work

Salary:

As an hourly paid employee, your salary will be £(*insert weekday hourly rate before NIC or Tax deductions*) for weekdays, £(*insert weekend hourly rate before National Insurance Contributions and Tax deductions*) for weekends and bank holidays and £(*insert rate for sleepover before National Insurance Contributions and Tax deductions*) for sleepovers. Your salary is payable (*insert either monthly or weekly*) and will be paid on (*insert date of salary payment. If monthly it could be the third working day of the month or last Friday in the month for example. If weekly insert day of payment*) by (*insert direct payment into your bank/cheque/cash*).

The employer will deduct National Insurance and Income Tax as required by law. The employer may also deduct any overpayment of wages or holiday entitlement.

Pensions:

There is no pension scheme available with employer's contributions however if you are eligible you may be offered access to a Stakeholder Pension scheme.

Time sheets:

You will be required to complete a (*insert either monthly / weekly depending on payment of salary*) signed time sheet and submit this to the employer on (*insert day of the month or week giving time to work out wages or send to payroll agency to ensure wages can be paid on the given date*).

Holiday entitlement:

The holiday year is from (*insert holiday year – usually either 1st January – 31st December or 1st April – 31st March*). Your holiday entitlement must be taken during this period. Payment will not be made for any unused holiday and these cannot be taken into the next holiday period.

The full amount of your holiday entitlement is (*insert number of weeks and days – 5.6 days is the minimum legal requirement*) per year pro-rata per completed months employment. One week being the equivalent of weekly hours worked.

Bank holidays may be booked as holidays or will be paid at the weekend rate.

Holidays must be agreed with the employer at least (insert how many weeks – four weeks is usual) in advance. You may not take more than (insert number of days – 10 days is the usual) working days consecutively without the employer's prior written consent.

Should you leave employment and you have exceeded your holiday entitlement then this will be deducted from your final pay packet. If holiday entitlement is owed you will be paid for the outstanding entitlement.

(Take out if this is not appropriate) If it is agreed that you will accompany your employer on holidays as part of the required support, this time will be counted as working hours and you will not be expected to use your holiday entitlement.

Sick leave:

If you are ill and unable to attend work you should inform your employer as soon as possible to enable other arrangements to be made.

You will be entitled to Statutory Sick Pay (SSP) on production of an Employee's Statement of Sickness (form SC2) which must be completed for sick leave of more than three days or a medical certificate for sick leave of more than seven days. These forms must be sent directly to your employer.

Termination of employment:

During the probationary period either party requires one week's notice.

Up to two years of continuous employment you will be given one week's notice.

After two years continuous service you will be given one additional week's notice for each completed year up to a maximum of 12 weeks' notice.

After satisfactory completion of your probationary period you are required to give *(insert one month or four weeks')* notice in writing irrespective of length of service.

The employer reserves the right to pay your basic salary in lieu of notice instead of requesting that you work your notice period. In these circumstances you may not be employed by any other person or company whilst receiving pay in lieu of notice.

The employer reserves the right to dismiss you without notice in cases of serious breach of the terms of your employment, gross misconduct or gross negligence by you.

Confidentiality:

All information regarding the employer, the employer's family and the employer's domestic or personal circumstances is strictly confidential and cannot be discussed with a third party without the Employer's specific permission, or in an emergency situation.

The employer will hold personal information about you as personnel records. The employer will abide by the Data Protection act and disclose this information only to the relevant third parties e.g. HM Revenue and Customs.

Grievance procedure:

If you have a grievance you should comply with the grievance procedure. For more information contact ACAS on 08457 47 47 47 or see their Grievance procedure guidance on www.acas.gov.uk/index.aspx?articleid=820

Disciplinary procedures:

Minor problems will be dealt with and resolved informally.

In cases of more serious problems, depending on the seriousness of the breach of terms and conditions of contract or conduct and performances of your duties, one of the following disciplinary actions may be taken.

- A verbal warning which will be confirmed to you in writing and recorded in your personnel file for a period of (*six months is usual, but you must specify*).
- A first written warning, which will be confirmed to you in writing and recorded in your personnel file for a period of (*12 months is usual, but you must specify*).
- A final warning which would be confirmed to you in writing advising that further misconduct could lead to dismissal and recorded in your personnel file for a period of (*12 months is usual, but you must specify*).

Dismissal:

In case of gross misconduct there will be no period of notice given. If you are in your probationary period or first year of employment, only one warning is required before dismissal.

Before any of these actions are taken you will receive a letter setting out the details of the alleged misconduct and inviting you to a meeting to discuss the matter. You will have the right to be accompanied to the meeting by a work colleague or a trade union representative. After the meeting you will be informed if any further action will be taken. You have the right to appeal but must do so within 10 working days of receipt of the notification of the decision.

sample safety in the home checklist

safety in the home checklist

Checklist procedure:

- The checklist should be completed annually.
- The checklist will also require completion each time there is a change to the environment.

Name:

Home address:

Date checklist complete:

	satisfactory yes/no	comments / actions required
Are doorways clear of obstacles?		
Do staircases have clear and easy access at all times?		
Are there any loose carpets on floors or staircases?		
Are there any overloaded sockets?		
Is there adequate ventilation?		
Is the heating adequate and controllable?		
Is lighting adequate?		
Is there any equipment that does not function properly?		
Any trailing or damaged flexes?		
Any damaged sockets?		
Does your personal assistant use visual display equipment?		
Do you have suitable and accessible fire-fighting equipment?		
Has it been serviced within the last year?		
Does your personal assistant have adequate space to complete their work?		
Will your PA have to excessively stretch or bend to complete tasks?		
Do you and your personal assistant have all the emergency contact numbers you require?		

Signed:

Step 1
What are the hazards?

- Spot hazards by:
- Looking at your 'safety in the home' checklist.
 - Visiting the 'your industry' area of the HSE website or calling the HSE infoline.
 - Calling the Workplace Health Connect AdviceLine or visiting their website.
 - Checking manufacturer's instructions
 - Contacting your Direct Payment Support Service.

Step 2
Who might be harmed and how?

- Identify possible people. Remember:
- some workers have particular needs.
 - people who may not be in your home all the time.
 - visitors.
 - think about how your work affects others present.
- See how the hazard could cause harm.

Step 3
What are you already doing? What further action is necessary?

- List what is already in place to reduce the likelihood of harm or make any harm less serious
- You need to make sure that you have reduced risks 'so far as is practicable'. List what more needs to be done.

Step 4
How will you put the assessment into action?

- Remember to prioritise. Deal with those hazards that are high-risk and have serious consequences first.

sample risk assessment

Step 5

Review date:

- Review your assessment to make sure you are still improving, or at least not sliding back.
- If there is a significant change in your home, remember to check your risk assessment and, where necessary, amend it.

sample disciplinary form

1. Purpose of the policy

The aim of this policy is to support good conduct and performance. This policy sets out the action which will be taken when disciplinary rules are breached.

(Guidance Notes 1: The purpose should remind people that the policy is not designed as a dismissal procedure, but as a means of encouraging personal assistants to meet a good standard.)

2. Principles

If you are subject to disciplinary action:

- the procedure is designed to establish the facts quickly and to deal consistently with disciplinary issues. No disciplinary action will be taken until the matter has been fully investigated.
- at every stage you will be advised of the nature of the complaint, be given the opportunity to state your case, and to be represented or accompanied by an advocate of your choice (this could be a fellow employee, a union representative or a friend).
- you will not be dismissed for a first breach of discipline except in the case of gross misconduct, when the penalty will normally be dismissal without notice and without pay in lieu of notice.
- you have a right to appeal against any disciplinary action taken against you.

(Guidance Notes 2: Employers often lose at employment tribunals because they did not comply with the procedure – so always follow the procedure.)

3. Informal discussions

Before taking formal disciplinary action, I will make every effort to resolve the matter by informal discussions with you. Only where this fails to bring about the desired improvement will the formal disciplinary procedure be implemented.

(Guidance Notes 3: Make sure that personal assistants understand the difference between a routine complaint and action taken under the policy.)

4. First warning

If your conduct or performance is unsatisfactory, you will be given a written warning. This warning will be recorded, but disregarded after (X) months of satisfactory work. You will be informed that a final written warning may be considered if there is no sustained satisfactory improvement or change. (Where the first offence is serious, for example because it is having a serious harmful effect, I may move directly to a final written warning.)

(Guidance Notes 4: It can be unfair to keep details of warnings on an employee's file indefinitely. Unless a warning is for a very serious matter, it should be disregarded after, say, six months to a year. The written warning should accurately record the warning given at the disciplinary interview. Do not write the warning before the interview.)

5. Final written warning

If the offence is serious, or there is no improvement in standards, or if a further offence of a similar kind occurs, a final written warning will be given. This will include the reason for the warning and a note that if no improvement results within (X) months, you will be dismissed.

(Guidance Notes 5: The warning should state clearly that dismissal will result from a failure to comply. Except in cases of gross misconduct employees should receive notice or payment in lieu.)

6. Statutory discipline and dismissal procedure

If you face dismissal the minimum statutory procedure will be followed. This involves:

- step one: a written note to you setting out the allegation and the basis for it.
- step two: a meeting to consider and discuss the allegation.
- step three: a right of appeal including an appeal meeting.

You will be reminded of your right to be accompanied by an advocate.

7. Gross misconduct

If, after investigation, it is confirmed that you have committed an offence of the following nature, the normal consequence will be dismissal without notice or payment in lieu of notice:

theft, damage to property, fraud, incapacity for work due to being under the influence of alcohol or illegal drugs, physical violence, bullying and gross insubordination.

(Note: the list is not exhaustive)

While the alleged gross misconduct is being investigated, you may be suspended, during which time you will be paid your normal pay rate. Any decision to dismiss you will be taken by me only after full investigation.

8. Appeals

If you wish to appeal against any disciplinary decision you must appeal in writing within five working days of the decision being communicated to you. Someone who was not involved in the original disciplinary action will hear the appeal and decide the case as impartially as possible. *(Note: You will need to think in advance who this might be, for example - the local advocacy agency/Independent Living Advisor/Direct Payment Support Service/User Led Organisation, etc.)*

(Guidance Notes 6: Operating the disciplinary procedure. The ACAS Advisory handbook – Discipline and grievances at work gives some useful information. You can download this as www.acas.org.uk/index.aspx?articleid=890 or order it from 08456 06 16 00.)

In brief, before taking disciplinary action using the procedure, you will need to be certain that:

- the matter cannot be resolved through informal counselling,
- you have investigated the matter fully,
- your PA is told that they will be interviewed and have the right to be accompanied by a fellow employee, friend or a trade union official of their choice.

At the disciplinary interview, make sure that:

- the employee concerned knows the details of the allegation.
- he or she has the opportunity to put across his or her side of the matter.
- any disciplinary measure is appropriate to the circumstances.

If a warning is given, it should tell the employee:

- the level of improvement required.
- the date by which it is to be achieved.
- what will happen if it is not.
- how to appeal.

sample grievance procedure

1. Introduction

This policy is to help resolve grievances that you have, relating to your employment, as quickly and as fairly as possible.

2. Informal discussions

If you have a grievance about your employment you should discuss it informally with me. I hope that most concerns will be resolved in this way.

3. Statutory grievance procedure

If you feel that the matter has not been resolved through informal discussions, you should raise it formally. You should follow the procedure below. Under the statutory grievance procedure:

Step 1: You must inform me of your grievance in writing.

Step 2: I will invite you to a meeting to discuss the grievance and notify you in writing of the decision. You have the right to be accompanied by a representative at all grievance meetings. This could be another employee, a union representative or a friend for example.

Step 3: You will be given the right to appeal against the decision.

4. Appeals

If you wish to appeal against any decision you must appeal in writing within five working days of the decision being communicated to you. Someone who was not involved in the original grievance will hear the appeal and decide the case as impartially as possible. *(Note: You will need to think in advance who this might be, for example – the local advocacy agency/Independent Living Advisor/Direct Payment Support Service/User Led Organisation, etc.)*

acknowledgements

ACAS (Advisory, Conciliation and Arbitration Service) www.acas.org.uk

ARC (Association for Real Change) www.arc.org.uk

Being the Boss www.beingtheboss.co.uk

Business Link UK www.businesslink.gov.uk

EDF www.edfwomen.org.uk

NAAPS www.naaps.co.uk

NCIL (National Centre for Independent Living) www.ncil.org.uk

PA Net (Personal Assistants Network) www.panet.org.uk

SCIE (Social Care Institute for Excellence) www.scie.org.uk

Skills for Care www.skillsforcare.org.uk

Our special thanks to the following people who took time to read and comment on the pack:

Mrs D Betts, Mr Cosgrove, Linda Dickinson, Dee Frost, Pauline Heslop, Sue Jackson, Tracey Jannaway, Carol Jones, Sarah Kent, Terence McNeilly, Lynn Paterson, Christine Redshaw, David Rolph, Mrs P Sherriff.

Skills for Care
Albion Court
5 Albion Place
Leeds
LS1 6JL

telephone 0113 245 1716
fax 0113 243 6417
email info@skillsforcare.org.uk
web www.skillsforcare.org.uk

© Skills for Care 2009