FACT SHEET – GUIDANCE ON PERSONAL ASSISTANTS

1. With personalisation, future trends are likely to involve less demand for residential care and other traditional models of provision and more demand for personal assistants to meet people’s high, medium and low social care needs.

2. This fact sheet contains useful advice and guidance on the sorts of things you need to consider if you are thinking about becoming a personal assistant or someone who may need the help of a personal assistant.

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1. Information for personal assistants
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acknowledgements

The Council wishes to thank Skills for Care for kind permission to reproduce source material including extracts from:

1. A toolkit for personal assistants
2. Getting Started – A Guide for Personal Assistants commissioned for Manchester City Council by Skills for Care Northwest

Information accurate at time of going to print
Information for personal assistants

Role of the personal assistant

A Personal Assistant is someone who is employed to provide some of the personal and domestic everyday support needed to enable people to lead an independent personal and social life in and from their own home.

The tasks that a personal assistant could be asked to perform a variety of tasks, ranging from domestic and personal care, helping with child care, looking after pets or leisure and social activities.

Whether employed by an agency or directly employed by the person you care for, it is however important that you have a Job Description and a Contract of Employment.

Job Description

Whereas not a legal requirement, a job description will help you to understand your role and what is expected of you and will protect you and your employer should there be any disagreement between the two of you about your work.

Remember to ask for a copy if one was not provided before the interview so you can see what you will be expected to do, whether you are qualified or suited to the role and the personal qualities, qualifications, skills and training you will need to carry out the work.

Make sure you have a copy by the time you start work or are agreeing one as soon as possible after your start date.

The job description does not need to list everything but should cover:

- Tasks to be done
- Skills and attributes needed for the job

Contract of Employment

You have a ‘Contract’ with your employer the moment you start working for them. However, by law, the person who employs you must also provide you with a Written Statement of Particulars (called a Contract of Employment) within two months of your start date.

If you haven’t received a contract within two months of starting work, ask your Employer for one. If you are unable to get one, discuss the situation with your employer’s Direct Payment Advisor (if working directly for the person you care for) or speak to an organisation like ACAS, the Advisory, Conciliation & Arbitration Service whose details are listed below.
The minimum content of a Contract of Employment is as follows:

- pay and hours of work
- holiday entitlement
- sick pay arrangements
- notice periods
- Disciplinary and Grievance Procedures

**Induction, Training and Development**

**Induction**
An important part of starting any new job is making sure that you are given information at the start that will help you to do your job. This starts with Induction, a programme of information, training and work, planned by your employer which will tell you the main things you'll need to know and help to build an effective working relationship between you and the person you care for.

**Training**
You may need some training before you start or very shortly after so that you can carry out your duties. Visit the Skills for Care website for details of some of the training that you might need to undertake; for example, food hygiene courses if you prepare food or manual handling if you do any form of heavy lifting.

**Short Courses you might need to do include (each is generally a day long or half day course):**
- Moving and Handling
- First Aid
- Food Hygiene
- Infection control
- Feeding and Swallowing
- Personal Care, Pressure Care
- Epilepsy training
- Medication
- Health & Safety & Risk Assessments

**Qualifications and Awards**
In addition to any short courses, you might want to consider improving your caring skills through more formal education such as an NVQ (National Vocational Qualification) – shortly to be replaced by the new Qualifications and Credit Framework diploma – see the Skills for Care website for details.

To gain a qualification you must be able to provide evidence of the work you are undertaking and must keep this in a portfolio to show to an assessor. It is therefore important that any learning activity you undertake
whether on the job, training course, qualification or any other activity which supports you to do your job effectively, such as reading policies and procedures, is recorded.

Most assessments for a qualification take place in the workplace; in this case this will be your employer’s home. The assessor will always make an appointment with you and your employer for when they would like to visit for an assessment and will tell you what it is they intend to observe.

Talk to your employer and their Direct Payment Advisor about how they might access funding and who might be able to provide the qualification award/accreditation for you in your area.

**Appraisals**

An appraisal is a meeting between you and your employer to review how you are getting on, openly discuss issues and talk through any training that you might need or want to undertake. Held at set intervals, appraisal meetings usually take place after the first month of your job, then before the end of your probation and finally annually with a review period at the 6-month point each year thereafter.

**Safeguarding**

If you are worried that the person you care for may be being abused, neglected or financially exploited, report it. You can call Haringey Council’s Adult Protection Team on 0208 489 1400 (24hrs). However, remember in an emergency, always dial 999.

**Health & Safety**

There are two ways in which your employer can provide you with basic information about health and safety. Either they display a health and safety poster in their home where you can see it, or they give you a leaflet called Health and Safety Law: What You Should Know.

Health & Safety is however all our responsibility. Ensure therefore that you let your employer know at once if there are any health and safety issues in the workplace.

They must do one of these two things and you should ask them about this if this doesn’t happen. The leaflets and posters are available from the Health & Safety Executive.

If there are over five employees then your employer should have a written Health and Safety Policy.

**Risk Assessments**

Your employer should have carried out some basic risk assessments before you started work.
It is important that these risks assessments are carried out regularly and any actions needed are implemented. Risk Assessments need to cover:

- What the hazards are
- Who might be harmed and how
- What is being done to reduce this risk
- What other things one can do to reduce it further
- How and when this will get done by

**Accidents in the Home**
Your employer doesn’t need to keep a formal accident book if there are fewer than 10 employees however it is a legal requirement that any accidents that happen in the home are recorded.

If the accident is very serious then it needs to be reported to the Health and Safety Executive at their Incident Centre on 0845 300 9923. A serious accident is one whereby the person is seriously hurt, dies or if the accident leads to them being off work for more than three days. If you are not sure then phone the Incident Centre and check.

**Reporting Incidents**
- Date & time of accident
- Name and job title
- Nature of injury
- Place where it happened
- Brief description of the accident
- Date of the report

**Pregnancy**
If you are pregnant it is really important that you inform your employer early on as they might need to put measures in place to ensure your (and the baby’s) well being or carry out a risk assessment depending on the type of work you do (lifting and moving etc).

**Sickness**
When ill, it is important that you inform your employer on the first day you are off sick and each day thereafter. If possible, do so at least 1 hr before your start time on the first day so that your employer can arrange cover.

Check your Contract of Employment but generally-speaking, you can sign a “Self Certification” form from the Post Office for the first seven days but after 7 days you must get a Doctor’s Certificate.
**Sick Pay**
You will need to give these certificates to your employer. If you don’t then you might not receive any Statutory Sick Pay to which you might be entitled. You will need to ask about this. Weekly or monthly timesheets should clearly mark the days you are off sick.

**Holiday Entitlement**
The amount of days you are entitled to changes, so check the Direct Gov website from time to time to make sure you.

**Leave**
You need to give your employer as much notice of leave as possible to help them find suitable cover. You may agree the length of notice required with your employer, but it should at least be double the amount of time you want off – that is a month’s notice for a fortnight’s leave. Your employer should reply within the same time as the intended leave i.e: at least a week before a planned one week’s break.

There might also be times of the year when your employer will not approve leave or where, for example festive seasons where they will be away, where they will require you to take leave. They can do that but ask for a formal agreement that both of you sign. It will help you plan your time off.

**Disciplinary & Dismissal Procedures**
A Disciplinary & Dismissal Procedure is a procedure that your employer must follow if there is an actual or perceived problem with the way you are working. Ask for a copy. This explains the procedure you must follow if you have a grievance against your employer or cannot resolve the issue through sitting down and talking.

**Grievances and Dispute Resolution**
In the first instance try and resolve any issues or problems without resorting to using procedures. Ask for regular meetings with your employer for you both to discuss any problems. Sometimes though there are cases when this is not possible. There is a formal policy and procedure in this situation.

**Types of Disciplinary Procedure**
**Improvement Notice or ‘First Written Warning’**
Issued if the incident is deemed to be minor. Usually this is kept on file for 6 months.
Written warning
Issued if the issue is more serious or there is no improvement in conduct after a formal oral warning. This is usually kept on file for 12 months.

Final written warning
Where there is a failure to improve or change behaviour during the period of a prior formal written warning, or where the infringement is sufficiently serious, the employer can give a final written warning. This is usually kept on file for 12 months.

Dismissal
If the employee’s conduct or performance fails to improve the final step will be to consider dismissal. Whilst your employer can carry out the previous procedure against you, you also have rights.

Employment Tribunals, Unfair Dismissal
If you feel your employer ended your employment unfairly, either because of the reason why you were dismissed, or the process they used, then you may have been unfairly dismissed and might be able to complain to an Employment Tribunal. For details of what constitutes unfair dismissal and useful contacts visit the Direct.gov or ACAS websites.

Money Matters
Your employer has lots of responsibilities to manage their money correctly and there are ways in which you can help. Make sure you get receipts for all expenditure, for example if you are required to go shopping for food. Keep your timesheet records completed and up to date. If required assist your employer with record keeping and writing down expenditure onto a form so that it can be checked.

Financial Administration
It is important that you and your employer keep records of paperwork.

Your employer needs to keep the following records so they might require you to help them set up a simple filing system:
• Cheque book stubs
• Bank statements
• Invoices
• Receipts
• Weekly wage records
Timesheets are very important in terms of ensuring you get paid for the work that you have done and you should make sure that a copy is kept on your file as well as one being sent to the person dealing with payroll.

**Payroll**
*Where the Council is involved,* it is likely that your employer will ask the local authority to deal with payroll so that your taxes and national insurance are paid and kept in order.

**Financial Dos and Don’ts**
Never lend money to your employer, whatever the reason may be. Never borrow money from your employer, however small the amount is. Never agree to take cash out of a bank for your employer if it requires them to reveal their bank PIN to you. Always keep receipts when shopping for your employer. Do not use your own funds to shop for your employer. Ensure you understand when and how you are getting paid. Do not ask for an advance on your wages. Do not ask your employer to help you with your personal financial affairs. There are lots of organisations out there that can help you with information and will be happy to answer questions.

**Pensions**
Unless your employer has more than 5 staff then you will need to make your own pension arrangements.

Your employer will need to complete forms every few weeks for the Local Authority so they can check the expenditure.

**Insurances**

**Employers Liability Insurance and Public Liability Insurance**
If you are self employed, setting yourself up as a sole trader or company, you will need Employers Liability Insurance and Public Liability Insurance.

**Car Insurance**
If you are using your car for transporting your employer, you must make sure that you are properly insured for this type of work as it is not always covered on your normal insurance. See whether your employer to will cover the some or all of the costs.

**Your rights**
The law changes regularly in this area so if this affects you should talk to ACAS to check how things should be done and what your rights are.
Rights to work in the UK

Your right to work in the UK will depend on where you are from. Unless you are a British citizen or a citizen of one of the European Economic Area (EEA) countries, you may need a visa before you travel here. UK to work you may need to apply for permission under the points-based system. For further details, visit the Direct.gov website.

Regulation/registration of personal assistants

In line with current practice, services purchased by direct payment or personal budget users from personal assistants, family members or friends will not be regulated, even if they include personal care.

PA s are also excluded from the vetting and barring scheme for staff working with vulnerable people in England, Wales and Northern Ireland. There is no requirement on those using personal assistants to carry out Criminal records Bureau checks, you may however want to have undergone a CRB check. For more information, visit the CRB website.

Other considerations

Initial Meeting
A checklist of things you might discuss with your potential employer at the initial meeting with them:
• What they like to be called.
• What medication they have to take and when.
• Any religious or cultural rules that they follow.
• Where their equipment/materials are.
• Any parts of their home that is private to them.

It is important that you also make a list of any questions that you might have which you think you might need to know when you first start work.

House Rules
Your employer should let you know about any house rules. You will be working in someone’s home so it is important you understand the way they work and live their lives and fit in with their routines and requirements.
Sources of Further Information and Advice

Getting Started - A Guide for Personal Assistants PDF produced by Manchester City Council (external link)

ACAS
www.acas.org.uk
Tel: 08457 47 47 47
MINICOM: 08456 06 16 00
free, confidential and impartial advice on all employment rights issues

BUSINESS LINK
www.businesslink.gov.uk
Up to date employment information, guidance and advice for businesses.

CITIZEN’S ADVICE BUREAU - HARINGEY
www.haringeycabx.org.uk/ for details of offices and opening hours

CITY & GUILDS
www.city-and-guilds.co.uk
Tel: +44 (0)20 7294 2800
NVQ and Training Provider

CRIMINAL RECORDS BUREAU

Tel: 0870 90 90 811

By Post:
PO Box 110
Liverpool
L69 3EF

By Email: customerservices@crb.gsi.gov.uk

http://www.crb.homeoffice.gov.uk/
an Executive Agency of the Home Office set-up to help organisations make safer recruitment decisions.

DIRECT GOV
www.direct.gov.uk/
Official UK government website offering support and help with a range of training and employment-related matters.
Employing a professional carer or personal assistant
http://www.direct.gov.uk/en/DisabledPeople/HealthAndSupport/ArrangingHealthAndSocialCare/DG_10034395

Details of Holiday Entitlement – The Basics

Details of Statutory Sick pay
http://www.direct.gov.uk/en/MoneyTaxAndBenefits/BenefitsTaxCreditsAndOtherSupport/Illorinjured/DG_10018786

Your responsibilities when employing a professional carer
http://www.direct.gov.uk/en/DisabledPeople/HealthAndSupport/ArrangingHealthAndSocialCare/DG_10034402

Permission to work in the UK

Employment Tribunals, Unfair Dismissal

EDEXCEL
www.edexcel.org.uk

NVQ enquiries 0844 576 0026
Edexcel is a provider of qualifications including NVQs

HEALTH & SAFETY EXECUTIVE
www.hse.gov.uk
Tel: 0845 345 0055
Minicom: 0845 408 9577
Useful guidance from the Health and Safety Executive is responsible for health and safety in Great Britain. A source of leaflets.

Health and Safety Law: What you Know
www.hse.gov.uk/pubns/law.pdf
PERSONAL ASSISTANTS NETWORK
www.panet.org.uk
Tel: 01246 541673
information and guidance for Personal Assistants; People who already employ a PA or would like to become a P.A.

SKILLS FOR CARE
www.skillsforcare.org.uk
Tel: 0113 245171
Useful information regarding qualifications and training opportunities and links for providers and a toolkit for personal assistants.
http://www.skillsforcare.org.uk/entry_to_social_care/recruitment/PAtoolkit.aspx

THE PENSION SERVICE
www.thepensionservice.gov.uk
Tel: 0845 60 60 265
Textphone: 0845 60 60 285
Government Service assisting employers and employees with pension’s information.

THINKCARE
www.thinkcare.co.uk
Details about Care Careers for those working in Social Care

UK HOME CARE AGENCY
http://www.ukhca.co.uk/findcare/
Helpline: 020 8288 5291
Professional association of home care providers from the independent, voluntary, not-for-profit and statutory sectors.

Documentation
1. A sample Job description
2. A sample Contract of Employment
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:
Domestic duties:
Social Duties:

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.)
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 employee 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](http://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.
Information for Users of Personal Assistants

Role of the personal assistant

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The tasks that a personal assistant could be asked to perform a variety of tasks, ranging from domestic and personal care, helping with child care, looking after pets or leisure and social activities.

It is important that your personal assistant has a Job Description and a Contract of Employment.

Job Description

Whereas not a legal requirement, a job description will help your personal assistant to understand their role and what is expected of them and will protect both of you should there be any disagreement between the two of you about their work.

Remember to provide them with a copy if one before the interview so they can see what they will be expected to do, whether they are qualified or suited to the role and the personal qualities, qualifications, skills and training they will need to carry out the work. Make sure they have a copy by the time they start work or are agreeing one with you as soon as possible after their start date.

The job description does not need to list everything but should cover:

* Tasks to be done
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Contract of Employment

Your employee will have a ‘Contract’ with you the moment they start working for you. However, by law, you must also provide them with a Written Statement of Particulars (called a Contract of Employment) within two months of their start date.

If they haven’t received a contract within two months of starting work, you can expect them to ask you for one. If they are unable to get one, they may raise the issue with your Direct Payment Advisor or speak to an organisation like ACAS, the Advisory, Conciliation & Arbitration Service whose details are listed below.
The minimum content of a Contract of Employment is as follows:

- pay and hours of work
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**Recruitment of personal assistants**

You can find a personal assistant through a home care agency (try looking at the United Kingdom Home Care Association website). All home care agencies in England are regulated and inspected by the Care Quality Commission; this guarantees certain minimum standards.

Alternatively, you can find someone yourself by placing an advertisement in your local Jobcentre for free or some other notice board locally (supermarkets, corner shops, voluntary organisations etc).

Job advertisements should be brief and state:

- the type of work involved
- working hours
- rate of pay
- your contact details
- the general area in which you live

For safety reasons, it’s best to give a mobile phone number or box number in your advertisement, rather than your address or home phone number.

**Job interviews**

Once you have received any job applications, select the people you would like to interview for the job. You can ask a friend or relative to attend the interviews, especially if they are taking place in your own home.

Before the interviews, you should prepare a list of questions that cover the key aspects of the job.

**References**

When you have decided who to offer the job to, you are responsible for checking that they are suitable. You should always ask for - and check - at least two references, including one from someone they have cared for previously.
Rights to work in the UK

Your personal assistant’s rights to work in the UK will depend on where they are from. Unless they are a British citizen or a citizen of one of the European Economic Area (EEA) countries, they may need a visa before they travel here or need to apply for permission under the points-based system. For further details, visit the Direct.gov website.

Induction, Training and Development

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Your personal assistant may need some training before they start or very shortly after so that they can carry out their duties. Visit the Skills for Care website for details of some of the training that they might need to undertake; for example, food hygiene courses if they prepare food or manual handling if they do any form of heavy lifting.

Short Courses they might need to do include (each is generally a day long or half day course):
• Moving and Handling
• First Aid
• Food Hygiene
• Infection control
• Feeding and Swallowing
• Personal Care, Pressure Care
• Epilepsy training
• Medication
• Health & Safety & Risk Assessments

Qualifications and Awards
In addition to any short courses, you might want to consider improving your caring skills through more formal education such as an NVQ (National Vocational Qualification) or the new Qualifications and Credit Framework which replaces it – see the Skills for Care website for details.

To gain a qualification your personal assistant must be able to provide evidence of the work they are undertaking and must keep this in a portfolio to show to an assessor. It is therefore important that any learning activity they undertake whether on the job, training
course, qualification or any other activity which supports you to do your job effectively, such as reading policies and procedures, is recorded.

Most assessments for a qualification take place in the workplace; in this case this will be your home. The assessor will always make an appointment with you and your employee for when they would like to visit for an assessment and will tell you what it is they intend to observe.

Talk to your Direct Payment Advisor about how you might access funding and who might be able to provide the qualifications awards in your area.

**Appraisals**
An appraisal is a meeting between you and your employee to review how they are getting on, openly discuss issues and talk through any training that they might need or want to undertake. Held at set intervals, appraisal meetings usually take place after the first month of their job, then before the end of their probation and finally annually with a review period at the 6-month point each year thereafter.

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There are two ways in which you can provide your personal assistant with basic information about health and safety. Either display a health and safety poster in your home where they can see it, or give them a leaflet called Health and Safety Law: What You Should Know.

Health & Safety is however all our responsibility and your employee should let you know at once if there are any health and safety issues in the workplace.

You must do one of these two things. The leaflets and posters are available from the Health & Safety Executive.

If there are over five employees then you should have a written Health and Safety Policy. There is help to do this on the HSE website or you can get a free leaflet from them which tells you what you need to write down.

**Keeping your Personal Assistant**
Losing a personal assistant is sometimes inevitable but can be expensive and disruptive. The main areas to think about are:

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

- Make sure they really know what the job is about before they start. People will leave sooner rather than later if they find out being a personal assistant is not what they thought it was.
- If your personal assistants are happy in their work, and fairly treated, they may not leave even for more money. But, do at least pay them the going rate.
- Giving them good support and development – for example, the right levels of training and supervision - will all help with keeping your personal assistant.
- Think about other things you can do to make working for you a good experience and satisfying job. Be as flexible as you can with your personal assistants needs and preferences for working hours, so long as your needs are met.
- Think about boundaries. 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. You can avoid much conflict with your personal assistant if you are communicating well with each other.

Safeguarding

If you are worried that your personal assistant may be abusing, neglecting or financially exploiting you, report it. You can call Haringey Council’s Adult Protection Team on 0208 489 1400 (24hrs). However, remember in an emergency, always dial 999.

Risk Assessments

You need to consider any risks that might be in the home and ensure your employee is aware of them and any ways of reducing those risks. This should be discussed in your induction meeting. Ideally, you should have carried out some basic risk assessments before your employee started work.

It is important that these risks assessments are carried out regularly and any actions needed are implemented. Risk Assessments need to cover:

- What the hazards are
- Who might be harmed and how
- What is being done to reduce this risk
- What other things one can do to reduce it further
- How and when this will get done by

Accidents in the Home

You do not need to keep a formal accident book if there are fewer than 10 employees however it is a legal requirement that any accidents that happen in the home are recorded.
If the accident is very serious then it needs to be reported to the Health and Safety Executive at their Incident Centre on 0845 300 9923. A serious accident is one whereby the person is seriously hurt, dies or if the accident leads to them being off work for more than three days. If you are not sure then phone the Incident Centre and check.

### Reporting Incidents
- Date & time of accident
- Name and job title
- Nature of injury
- Place where it happened
- Brief description of the accident
- Date of the report

### Pregnancy
If pregnant it is really important that your personal assistant informs you early on as you might need to put measures in place to ensure their (and the baby’s) well being or carry out a risk assessment depending on the type of work they do (lifting and moving etc).

### Sickness
When ill, it is important that your personal assistant tells you on the first day you are off sick and each day thereafter. If possible, they should do so at least 1 hr before their start time on the first day so that you can arrange cover.

Check their Contract of Employment but generally-speaking, they can sign a “Self Certification” form from the Post Office for the first seven days but after 7 days they must get a Doctor’s Certificate.

It is recommended that you keep a separate record of sick leave for each Personal Assistant.

It is also 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.

### Sick Pay
They will need to give these certificates to you. If you don’t then they might not receive any Statutory Sick Pay to which they might be entitled. Weekly or monthly timesheets should clearly mark the days you are off sick.
**Holiday Entitlement**

The amount of days your personal assistant is entitled to changes, so check the Direct Gov website from time to time to make sure you.

**Leave**

Your personal assistant needs to give you as much notice of leave as possible to help you find suitable cover. They may agree the length of notice required with you, but it should at least be double the amount of time they want off – that is a month’s notice for a fortnight’s leave. You should reply within the same time as the intended leave ie: at least a week before a planned one week’s break.

There might also be times of the year when you will not approve leave or where, for example festive seasons where you will be away, where your personal assistant will be required you to take leave. You can do that but produce a formal agreement that both of you sign. It will help you and them plan their time off.

**Dispute Resolution**

You will need to follow a strict legal procedure if there has been a serious breach of trust or concern about your Personal Assistant’s work. You will need therefore to have Disciplinary & Dismissal Procedures and Grievance Procedures in place to help you and the person you employ understand what is expected.

**Disciplinary & Dismissal Procedures**

A Disciplinary & Dismissal Procedure is a procedure that you must follow if there is an actual or perceived problem with the way your personal assistant is working. This explains the procedure you must follow if you have a grievance against your employee or cannot resolve the issue through sitting down and talking. Ensure you provide your personal assistant with a copy.

**Grievances and Dispute Resolution**

In the first instance try and resolve any issues or problems without resorting to using procedures. Ask for regular meetings with your personal assistant for you both to discuss any problems. Sometimes though there are cases when this is not possible. There is a formal policy and procedure in this situation.

**Types of Disciplinary Procedure**

**Improvement Notice or ‘First Written Warning’**

Issued if the incident is deemed to be minor. Usually this is kept on file for 6 months.
Written warning
Issued if the issue is more serious or there is no improvement in conduct after a formal oral warning. This is usually kept on file for 12 months.

Final written warning
Where there is a failure to improve or change behaviour during the period of a prior formal written warning, or where the infringement is sufficiently serious, you can give a final written warning. This is usually kept on file for 12 months.

Dismissal
If the employee’s conduct or performance fails to improve the final step will be to consider dismissal. Whilst you can carry out the previous procedure against your employee, they also have rights.

Employment Tribunals, Unfair Dismissal
If your employee feels you ended their employment unfairly, either because of the reason why they were dismissed, or the process you used, then they may have been unfairly dismissed and might be able to complain to an Employment Tribunal. For details of what constitutes unfair dismissal and useful contacts visit the Direct.gov or ACAS websites.

Money Matters
You have lots of responsibilities to manage your money correctly and there are ways your personal assistant can help. Make sure you get receipts for all expenditure, for example if they are required to go shopping for food for you. Make sure that they keep their timesheet records completed and up to date.

Financial Administration
It is important that you and your employee(s) keep records of paperwork.

You need to keep the following records and might like to ask your personal assistant to help you set up a simple filing system:
• Cheque book stubs
• Bank statements
• Invoices
• Receipts
• Weekly wage records

Timesheets are very important in terms of ensuring your personal assistant gets paid for the work that they have done and you should make sure that a copy is kept on your file as well as one being sent to the person dealing with payroll.
Payroll

Where the Council is involved, it is likely that you will ask the local authority to deal with payroll so that your and employee’s taxes and national insurance are paid and kept in order. If so, you will need to complete forms every few weeks for the Local Authority so they can check the expenditure.

Financial Dos and Don’ts

Never lend money to your employer, whatever the reason may be. Never borrow money from your employer, however small the amount is. Never agree to take cash out of a bank for your employer if it requires them to reveal their bank PIN to you. Always keep receipts when shopping for your employer. Do not use your own funds to shop for your employer. Ensure you understand when and how you are getting paid. Do not ask for an advance on your wages. Do not ask your employer to help you with your personal financial affairs. There are lots of organisations out there that can help you with information and will be happy to answer questions.

Pensions

Unless you employ more than 5 staff then your personal assistant(s) will need to make their own pension arrangements.

Insurances

Employers Liability Insurance and Public Liability Insurance
You will need Employers Liability Insurance and Public Liability Insurance.

Car Insurance
If your personal assistant is using your car for transporting you or you are using your car to transport your employee, you must make sure that you are properly insured for this as it is not always covered on your normal insurance.

Your rights

The law changes regularly in this area so if this affects you should talk to ACAS to check how things should be done and what your/your personal assistant’s rights are.

Regulation/registration of personal assistants
In line with current practice, services purchased by direct payment or personal budget users from personal assistants, family members or friends will not be regulated, even if they include personal care.

PAs are also excluded from the vetting and barring scheme for staff working with vulnerable people in England, Wales and Northern Ireland.

**Police checks**
Individual employers do not have to request a Criminal Records Bureau check on any potential personal assistant but you may still want to do this. You will need to ask Haringey Council’s Adult Protection Team (0202 489 1400) or a local voluntary organisation to make the request for information to the Criminal Records Bureau on your behalf.

**Other considerations**

**Initial Meeting**
A checklist of things you might discuss with your potential employee at the initial meeting with them:
- What you/they like to be called.
- What medication you have to take and when.
- Any religious or cultural rules that you/they follow.
- Where your equipment/ materials are.
- Any parts of your home that is private to you.

It is important that you also make a list of any questions that you might wish to ask your personal assistant about their skills and experience.

**House Rules**
You should let your personal assistant know about any house rules. They will be working in your home so it is important that they understand the way you work and live and fit in with your routines and requirements.
Sources of Further Information and Advice

Getting Started - A Guide for Personal Assistants PDF produced by Manchester City Council (external link)

ACAS
www.acas.org.uk
Tel: 08457 47 47 47
MINICOM: 08456 06 16 00
free, confidential and impartial advice on all employment rights issues

BUSINESS LINK
www.businesslink.gov.uk
Up to date employment information, guidance and advice for businesses.

CITIZEN’S ADVICE BUREAU - HARINGEY
www.haringeycabx.org.uk/ for details of offices and opening hours

CITY & GUILDS
www.city-and-guilds.co.uk
Tel: +44 (0)20 7294 2800
NVQ and Training Provider

CRIMINAL RECORDS BUREAU
Tel: 0870 90 90 811

By Post:
PO Box 110
Liverpool
L69 3EF

By Email: customerservices@crb.gsi.gov.uk

http://www.crb.homeoffice.gov.uk/
an Executive Agency of the Home Office set-up to help organisations make safer recruitment decisions.
DIRECT GOV
www.direct.gov.uk/
Official UK government website offering support and help with a range of training and employment-related matters.

Employing a professional carer or personal assistant

http://www.direct.gov.uk/en/DisabledPeople/HealthAndSupport/ArrangingHealthAndSocialCare/DG_10034395

Details of Holiday Entitlement – The Basics

Permission to work in the UK

Details of Statutory Sick pay
http://www.direct.gov.uk/en/MoneyTaxAndBenefits/BenefitsTaxCreditsAndOtherSupport/Illorinjured/DG_10018786

Your responsibilities when employing a professional carer
http://www.direct.gov.uk/en/DisabledPeople/HealthAndSupport/ArrangingHealthAndSocialCare/DG_10034402

Employment Tribunals, Unfair Dismissal

EDEXCEL
www.edexcel.org.uk

NVQ enquiries 0844 576 0026
Edexcel is a provider of qualifications including NVQs

HEALTH & SAFETY EXECUTIVE
www.hse.gov.uk
Tel: 0845 345 0055
Minicom: 0845 408 9577
Useful guidance from the Health and Safety Executive is responsible for health and safety in Great Britain. A source of leaflets.

Health and Safety Law: What you Know
www.hse.gov.uk/pubns/law.pdf
PERSONAL ASSISTANTS NETWORK  
www.panet.org.uk  
Tel: 01246 541673  
information and guidance for Personal Assistants; People who already employ a PA or would like to become a P.A.

SKILLS FOR CARE  
www.skillsforcare.org.uk  
Tel: 0113 245171  
Useful information regarding qualifications and training opportunities and links for providers and a toolkit for personal assistants.  
http://www.skillsforcare.org.uk/entry_to_social_care/recruitment/PAtoolkit.aspx

THE PENSION SERVICE  
www.thepensionservice.gov.uk  
Tel: 0845 60 60 265  
Textphone: 0845 60 60 285  
Government Service assisting employers and employees with pension's information.

THINKCARE  
www.thinkcare.co.uk  
Details about Care Careers for those working in Social Care

UK HOME CARE AGENCY  
http://www.ukhca.co.uk/findcare/  
Helpline: 020 8288 5291  
Professional association of home care providers from the independent, voluntary, not-for-profit and statutory sectors.

Documentation
1. A sample Job description
2. A sample Contract of Employment
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:
- Domestic duties:
- Social Duties:

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.)
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 employee 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](http://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.