

Employing a Personal Assistant for your Child  
Using a Personal Budget:

A Parent's Guide

Trafford Council



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## **Introduction to Personal Assistants**

Trafford Council provides parents of children with disabilities payments to buy short breaks, known as a Personal Budget. This money is to be used to meet your child's identified short break needs. Personal Budgets give you greater control over your child's support arrangements, and support independence. They give you choice over how you receive support, and who provides it. You can make arrangements to employ someone directly as a Personal Assistant (PA). You may employ someone you already know, or advertise to find a suitable person.

Personal Budgets offer independence, control, choice and flexibility.

However, when you choose to employ people you take on significant responsibilities. You must think about all the aspects of employing your own staff to ensure you are a good employer.

You have been given this handbook as you are considering or have employed somebody to act as a Personal Assistant for your child. This handbook should be read in conjunction with the Skill for Care 'Employing Personal Assistants Toolkit' found at:

<http://www.skillsforcare.org.uk/Employing-your-own-care-and-support/Being-an-employer/Being-an-employer.aspx>

We hope that you find this handbook useful.

This is a guide put together by the Complex and Additional Needs Team. The team can support you as much as possible but it is important to remember that you are the legal employer, and ultimately responsible.

To contact the Complex and Additional Needs Team: 0161 912 2060

## **1: Using a Personal Assistant**

### Your Child's Support and Care Package

To receive a Personal Budget a Social Care Reviewing Officer or a Social Worker will help you and your child complete an assessment, allowing you to identify your child's short break needs. The outcome of the assessment will determine the amount of Personal Budget funding you will receive to enable you to meet your child's support needs.

If you decide to employ a Personal Assistant, you will be an employer. It is important that you understand what this means and the legal responsibilities it entails.

### Change in circumstances

If your support needs change or you feel that your Personal Budget is no longer meeting your needs, you can request a re-assessment. If you have a Social Worker currently supporting you, you can speak to them, or alternatively you can contact the Complex and Additional Needs Team on: 0161 912 2060.

### Personal Budget Support

There are a number of organisations that provide information and support to employers and employees:

#### ACAS

An excellent resource of information, guides and documents regarding employment rights and responsibilities. They provide information, advice, training, conciliation and other services for employers and employees to help prevent or resolve workplace problems.

[www.acas.org.uk](http://www.acas.org.uk)

*Skills for Care*

Skills for Care provide practical tools and support to help social care organisations in England recruit, develop and lead their workforce.

They became the home of the National Skills Academy for Social Care in 2014.

<http://www.skillsforcare.org.uk/home.aspx>

They also host an Information Hub which brings together a number of resources for employers and PA's. In particular they provide an 'employing personal assistants toolkit' guide which contains the most recent employment law and guidance:

<http://www.skillsforcare.org.uk/Employing-your-own-care-and-support/Information-hub.aspx>

#### *Trafford Carers Centre*

Trafford Carers centre provide support and assessment of carers and their family.

[www.traffordcarerscentre.org.uk](http://www.traffordcarerscentre.org.uk)

#### *Trafford Centre for Independent Living (CIL)*

Supporting disabled people

[www.trafforddisability.org](http://www.trafforddisability.org)

## **2: Employing a Personal Assistant**

For an up to date guide to employing a Personal Assistant please see the Skills for Care website at:

<http://www.skillsforcare.org.uk/Recruitment-retention/Employing-your-own-care-and-support/Employing-your-own-care-and-support.aspx>

### **Recruitment**

When recruiting you will need to consider the following:

- The type of person you want
- How and where to advertise
- Interviewing for staff
- How to select the best candidate
- Disclosure and Barring service (DBS)
- References

### **Deciding the type of person you want**

Deciding on the type of person you want will depend on the job you are employing them to do. There may be specific skills involved such as driving or providing personal care, or there may be personal qualities that are important to you, e.g. a sense of humour.

Try listing all the tasks that will need to be done and then decide what kind of person is needed. For example:

Are there a lot of repetitive tasks, which will require patience?

Will you expect the people to be able to think for themselves, so that some initiative is needed?

Is the sex of the person important?

Be careful with this latter point or you could be in breach of the Equalities Act 2010 You need to provide a legally justifiable reason why the gender of the PA is important in the job description. If you prove that the sex of the person is important for the job, e.g. you have a daughter and wish to have a woman provide personal care tasks this is OK, but you cannot otherwise simply specify a preference. This would be against the law.

### Job Description

Let the applicant know exactly what the job involves, and what qualities and skills are needed to do it.

When you do employ someone it becomes part of the employment contract.

You can use it as a training aid, ticking off each item as your employee learns it.

Sometimes difficulties arise with an employee – e.g. they do not do what they are supposed to do – you can refer them back to the job description which should help clear the matter up.

A job description sets out clearly what is required of the employee, and can be used both when recruiting and once your employee has started work. We would strongly recommend that you have one for each of your employees.

Keep the job description as short as possible but include:

- The days and hours of work
- Rate of pay
- If you want experience or qualifications
- That you require references and a DBS check
- Tasks required
- Skills and personality required

- General location e.g.: Stretford, Altrincham
- Any other essential facts

### Person Specification

This is your opportunity to decide what skills and experience you would like the Personal Assistant to have. Should they be able to use PECS or sign language for example.

### Advertising for a Personal Assistant

Once you have written a job description, you then need to decide how you are going to find the right people. There are many ways of doing this; some are more successful than others and some are more expensive than others.

#### *Word of mouth*

Knowing someone you would like to work for you is obviously the best way of recruiting, but another similar way is to ask people you trust if they know anyone who would be interested.

#### *Websites*

Increasingly, organisations and individuals are using the internet to sell services. The Local Offer may have organisations that can help you find Personal Assistants such as:

Penderals Trust: a database of local Personal Assistantants

Gumtree: a 'classified ads' website

Indeed: a online jobs board

#### *Local Post Office or shop*

This has the advantage of reaching people who live locally. It is also fairly cheap to put a small advert in the shop.

#### *Newspaper*

Those recipients who have advertised for their Personal Assistants in local papers have had

good results, providing many good quality candidates. The drawback is that it is quite expensive to put in even a small advert.

For security reasons it is important not to give out your address to people at this stage.

It is a good idea to ask applicants to complete an application form so you can find out more information about them. Based upon these you can then choose who you want to interview.

An example application form can be found at:

[www.acas.org.uk](http://www.acas.org.uk)

### Shortlisting and Interviews

You must make sure how you select who you want to interview is fair and you do not discriminate against anyone. You are strongly advised to check the ACAS website for details on fair selection criteria and the Equality Act.

It is a good idea to ask someone to assist you with interviewing.

When you have short listed some potential Personal Assistants you then need to interview them to find out more about them. We encourage people to interview candidates away from your home environment, but appreciate that this is not always possible. Interviews generally take between 20 – 30 minutes. You should also leave sometime between them to have a break, and discuss your impressions.

Remember that at the interview you want to:

- ✓ Find out if the person is suitable for the job.
- ✓ Get extra information about their skills and experiences.
- ✓ Find out more about them, what they think, and how they will cope with situations.



Find out why they are interested in the job.

You also have to explain what the job entails. Explain to applicants about the hours you want them to work, and find out if they can work on bank holidays, etc.

Do not offer the job to any candidate until you have interviewed everyone, as there may be a better applicant later on. The most important thing is that you find an interview process that you find comfortable.

### General tips

Be prepared to go into detail about your personal requirements at the interview stage, and to answer any questions they have. Asking applicants to read the Job Description will help to make it clear what is expected of them.

Explain your child's needs– outline a 'typical day' and the type of work that they would be expected to do as detailed in the job description.

Before the interview you should prepare a set of questions to ask each applicant. You should ask all the applicants the same questions in roughly the same order, and devise a way of scoring the answers you get (maybe 0-5 depending on how well they answer). Interviewing like this will give everyone an equal chance, and enable you to select the best person for the job.

Remember that you are unable to ask questions about an applicant's health.

### References

When you have chosen a Personal Assistant, before you employ them you should ask to see some references. This is very important because it is the only way you can be sure that the information they have provided is correct. It is also valuable to have the opinion of another

person who already knows the applicant, and about their suitability for the job.

#### Requesting a reference in writing

Asking for a written reference is the best way of getting the 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 telephone

Simply contacting the referee by telephone may seem like a quicker way of checking if someone is suitable. Referees may also be prepared to say things over the phone that they would not write down. On the other hand, a quick telephone call may not allow the referee to think about what the job involves.

#### Disclosure and Barring Service (DBS)

Disclosure and Barring Service (DBS) checks have been introduced to enable social care employers such as yourself to ensure that the people who are providing care do not have prior convictions which might indicate that they are unsuitable for a caring position. It is your responsibility to make sure the person you employ is a suitable person to work with children. To do this you must make sure that an Enhanced Disclosure check is carried out on any prospective employee via the Disclosure and Barring Service (DBS).

The personal budget will be refused if an Enhanced DBS is not carried out, or we have reasons to believe that a potential employee is unsuitable.

A DBS check is a thorough criminal records check. You should carry out a DBS check even if you know the person you want to employ.

Current guidance on DBS can be found at:

[www.gov.uk/government/organisations/disclosure-and-barring-service](http://www.gov.uk/government/organisations/disclosure-and-barring-service)

### Applying for the DBS check

You cannot apply for the Enhanced DBS check yourself. Instead you will have to use an 'umbrella body' that is authorised to access checks, like your local authority. They will give you an application form or a link to the Disclosure and Barring online DBS service. You should ask your employee to complete the DBS application form then they take it to Trafford Town Hall, along with certain documents proving their identity. These documents will be checked by a member of council staff and the DBS application lodged. This will incur a £10 charge in addition to the cost of the DBS which is included in the personal budget.

To arrange a meeting with a DBS checker please contact:

Cal Aston or Donna Jones on 0161 912 2000

When the check has been completed the results of the DBS check will be sent to the person you wish to employ, not to you. This means you will need to ask them to show you their DBS disclosure certificate.

Not all criminal records make a person unsuitable for a Personal Assistant position. However, it is important to understand the nature of the conviction and its relevance to the post applied for.

We recommend that Personal Assistants use the Disclosure and Barring Service (DBS) Update Service which lets applicants keep their DBS certificates up to date online and allows employers to check a certificate online. It can be found at:

<https://www.gov.uk/dbs-update-service>

### OFSTED registration

Your PA must register with OFSTED if the Personal Budget is being used to provide care to a child under 8 for more than 2 hours a day unless the care is taking place in the child's own home or in the PA's home between the hours of 6pm and 2am.

If the Personal Assistant is providing overnight care for your child in their own home and your child is under 8 then the PA must be registered with OFSTED.

Your Personal Assistant is committing a criminal offence if they fail to register.

Information can be found at:

<https://www.gov.uk/government/publications/become-a-registered-early-years-or-childcare-provider-in-england>

### **3: Safeguarding Children**

#### **What Is Abuse?**

Abuse is any behavior towards a person that deliberately or unknowingly causes him or her harm, endangers their life or violates their human and civil rights. It concerns the misuse of power, trust, respect, control and/or authority. Abuse may be a single or repeated act over time. Abuse, may be perpetrated by an individual, a group or an organisation. Abuse can occur in any relationship and may be physical, sexual, emotional or neglect.

#### **Forms of Abuse**

*Physical* - This includes hitting, slapping, pushing, rough handling, inappropriate use of restraint and other techniques or treatments, withdrawal of care or treatment, misuse of medication.

*Sexual* - Indecent exposure or being forced/coerced to participate or witness a sexual activity of any kind.

*Emotional/psychological* - Humiliation, threats / harassment, intimidation, swearing, shouting, deprivation of individual rights to privacy/choice/ information, lack of mental stimulation.

*Neglect* - Failure to provide adequate care for daily living, whether intentional or unintentional. This includes nutrition, appropriate levels of hygiene, adequate heating, inappropriate administration of medication. It also covers not intervening to prevent harm to a vulnerable child considered not to have sufficient capacity to appreciate risk.

## **Safeguarding Children Procedure**

If a person is in immediate danger and/or requires medical assistance Ring 999

If you think that a child or young person is being abused, mistreated or if you have concerns about the safety or welfare of a child, you should speak to someone immediately.

Please contact Trafford Council's MARAT team who will be able to advise you of the steps you should take.

### **Contact details**

During office hours: 0161 912 5125

Outside office hours (Emergency Duty Team): 0161 912 2020

Fax: 0161 912 5056

Text phone: 0161 912 2102

Email: [marat@trafford.gov.uk](mailto:marat@trafford.gov.uk)

### **Who can contact MARAT?**

Anyone can contact MARAT, including but not limited to parents, carers, young people, professionals and family members.

## **Pants**

The NSPCC have provided a useful guide for parents called PANTS. Please see the NSPCC webpage at:

<https://www.nspcc.org.uk/preventing-abuse/keeping-children-safe/underwear-rule/>

### **The Underwear Rule**

Help keep your child safe – join thousands of parents talking PANTS.

Teach your child the Underwear Rule and help protect them from abuse. It's a simple way that parents can help keep children safe from sexual abuse – without using scary words or even mentioning sex.

Our simple guides [for parents \(PDF\)](#) and [for children \(PDF\)](#) will help you talk **PANTS** with your child. We've also got guides for children and parents with learning disabilities, with autism and in different languages, as well as [guidance for foster carers \(PDF\)](#) – scroll down the page to find your Underwear Rule guide, or share with friends on [Facebook](#) and tell your [Twitter](#) followers.

Talk PANTS and you've got it covered

PANTS is a really easy way for you to explain the Underwear Rule to your child:

**Privates are private**

**Always remember your body belongs to you**

**No means no**

**Talk about secrets that upset you**

**Speak up, someone can help**

## **Privates are private**



Be clear with your child that the parts of their body covered by underwear are private.

Explain to your child that no one should ask to see or touch their private parts or ask them to look at or touch anyone else's.

Sometimes doctors, nurses or family members might have to. Explain that this is OK, but that those people should always explain why, and ask your child if it's OK first.

## **Always remember your body belongs to you**



Let your child know their body belongs to them, and no one else.

No one has the right to make them do anything that makes them feel uncomfortable. And if anyone tries, tell your child they have the right to say no.

Remind your child that they can always talk to you about anything which worries or upsets them.

## **No means no**



Make sure your child understands that they have the right to say "no" to unwanted touch – even to a family member or someone they know or love.

This shows that they're in control of their body and their feelings should be respected.

If a child feels confident to say no to their own family, they are more likely to say no to others.

## Talk about secrets that upset you



Explain the differences between 'good' and 'bad' secrets.

Phrases like "it's our little secret" are an abuser's way of making a child feel worried, or scared to tell someone what is happening to them.

Good secrets can be things like surprise parties or presents for other people.

Bad secrets make you feel sad, worried or frightened.

Your child needs to feel able to speak up about secrets that worry them and confident that saying something won't get them into trouble.

Telling a secret will never hurt or worry anybody in your family or someone you know and love.

## Speak up, someone can help



Tell your child that if they ever feel sad, anxious or frightened they should talk to an adult they trust.

This doesn't have to be a family member. It can also be a teacher or a friend's parent – or even [ChildLine](#).

Remind them that whatever the problem, it's not their fault and they will never get into trouble for speaking up.

#### **4: Employer's Requirements**

We advise that employers read the The Skills for Care 'Information Hub' at:

<http://www.skillsforcare.org.uk/Employing-your-own-care-and-support/Information-hub.aspx>

and the Skills for Care 'Employing Personal Assistants Toolkit' at

<http://www.employingpersonalassistants.co.uk/>

#### **Tax and National Insurance**

The money you receive is from the public purse, and you are accountable for spending it solely for the purpose for which it was given, i.e. for the purchase of your child's care which is outlined in your Care Support Plan (CSP).

You should therefore keep simple but accurate records of the money you receive and spend.

This money is not counted as income for tax purposes.

**As an employer you are responsible for managing your relationship with HMRC.**

**It is a legal requirement that you register with HMRC as an employer.**

You must make sure that your PA pays the correct Tax and National Insurance. You cannot pay your PA in cash; it needs to be by cheque, pre-payment card or BACS system. You must also provide you PA with pay slips which can be calculated by a payroll company in most cases.

When a PA starts to work for you they must either provide a P45 or complete a P46 form. This will ensure that they pay the correct amount of Tax and National insurance.

**Remember, you are responsible for ensuring that Income Tax and National Insurance are paid on behalf of your PA.**

Additionally as an employer you have to pay National Insurance contributions for your employee if their earnings exceed the NI threshold. Your payroll company will be able to advise you of this or you can find the up-to date information on the website:

**[www.hmrc.gov.uk](http://www.hmrc.gov.uk)**

If you use a payroll or accountant they will let you know when payments need to be made.

#### Preventing illegal working

The law on preventing illegal working is set out in sections 15 to 25 of the Immigration, Asylum and Nationality Act 2006 (known as the 2006 Act). It requires all employers in the United Kingdom to make basic document checks on every person they intend to employ.

The current regulations can be found at:

<https://www.gov.uk/legal-right-work-uk>

By making these checks, employers can be sure they will not break the law by employing illegal workers. It is important to remember that the population of the United Kingdom is ethnically diverse. Most people from ethnic minorities are British Citizens and most non-British Citizens from ethnic minorities are entitled to work here.

#### Wages

When you come onto the Personal Budget scheme you will be given an amount of money, which will cover an hourly rate for your Personal Assistants.

If a Personal Assistant sleeps over then an agreed set rate can be paid, outside the National Minimum wage. However, if the person is called to perform duties, then the National

Minimum Wage should be paid.

To keep up to date with the national minimum wages, please visit the ACAS website.

[www.acas.org.uk](http://www.acas.org.uk)

Your payroll company will also be able to advise you of the current rates.

### Pensions

There is now a requirement that employers ensure that the correct pension contributions are made by employers and employees. Your liability for your Personal Assistants pension is dependent upon the hours worked. The requirements can be complex so please see the the ACAS and the .GOV website for current information.

### Annual Leave

It is a legal requirement that all staff you employ are entitled to the equivalent of 5 weeks and 3 days paid annual leave per year. This is pro rata to the amount of days or hours they work each week. A calculation will be provided on your child's Care Support Plan of the amount of paid holiday leave your PA is entitled to.

For further information regarding holiday pay / entitlement, including advice on particular cases, you should contact ACAS. If you use a payroll or accountancy service they will also be able to help you.

### Insurance

As an employer you have a legal duty to insure against accidents or injury to your staff, or accidents or injury caused by them whilst they are in your employment.

When employing a Personal Assistant you must take out Employers Liability Insurance. This

will insure you against your Personal Assistant having an accident or becoming ill whilst working for you.

**Your chosen insurance policy must include Legal Cover.**

The insurance policy can be purchased using the Personal Budget.

Car Insurance

If your Personal Assistant is to use your car, you must confirm with your insurance company that your cover is adequate. If your Personal Assistant uses their own car, they must take out business insurance. Your personal budget cannot cover the cost of this.

Health and Safety

As an employer you have to act legally, and it is important to ensure that you are a fair employer and follow guidelines of best practice. There is a lot of support and advice available to help you do this.

As an employer you must ensure that the environment your employees are working in is safe. An example of a '*Health and Safety Risk Assessment*' can be found in the Skills for Care Personal Assistant toolkit and should be completed with your Personal Assistant.

Take time to sit down together, and look at Health and Safety risks there may be in your home, and in the tasks that you are asking them to do.

Training

If you feel that your Personal Assistant would benefit from training please contact the Trafford Centre for Independent Living (CIL) who will inform you what training is available.

## **5: Managing a Personal Budget**

Managing a Personal Assistant using a Personal Budget can be a complex administrative task requiring adherence to employment, tax and safeguarding legislation. It is strongly advised that a payroll company or other organisation supports you in managing your child's budget.

### **Payroll Company**

There are several ways of managing your Personal Budget. Some people manage the funds themselves with the use of a payroll service. The payroll company will calculate any tax and NI contributions you need to pay.

- ✓ You must register your PA details with the payroll company to set up a PAYE scheme.
- ✓ You must wait for the payroll company to send you a wage slip before paying your PA. This will tell you the correct net amount to pay.
- ✓ You must not withdraw cash. This is because the funding will be regularly audited.

### **Accountant**

If you need support administrating your Personal Budget funds you could use an accountancy service to assist you. Financial assistance may be available using your Personal Budget funds to purchase an accountant service.

The accountant will open a bank account on your behalf and will make payments for you. You are still responsible for ensuring the funds are only used for services identified on the Care Support Plan which has been agreed with your Social Care Reviewing Officer or Social Worker.

### **Third Party Organisations**

You may need further support from a third party organisation who can manage the Personal Budget on your behalf. The organisations will work with you to ensure that you have as much control over your care as possible. There are several companies who offer this kind of

service in the Trafford area and their details can be found on the Local Offer

[www.trafforddirectory.co.uk](http://www.trafforddirectory.co.uk)

Each company offers a slightly different service. You can contact them directly to find out more.

### Personal Budget Audits

Your Personal Budget account will be audited by Trafford Council regularly throughout the year. This audit will compare the record of spending against the Care Support Plan. It may be undertaken automatically if you use a pre-payment card. This enables us to highlight and help you resolve any problems or discrepancies that may have arisen.

Our audit officers can visit to explain how to complete the audit paperwork if required.

## **6: Being a Good Employer**

### **Induction**

Induction is a programme of information, training and work, planned by you, which tells your Personal Assistant the main things they need to know about the job role. An induction programme helps you start to build an effective working relationship with a Personal Assistant. It should never be delegated to family or friends, although you may want them to be with you.

How you organise each induction will be influenced by the experience, attitudes and needs of your Personal Assistant. As well as including practical tasks, you might want to explain to a Personal Assistant the kind of lifestyle you have, and what attitudes and approach you expect them to adopt when working for you.

Many problems can be avoided if you make it clear to your Personal Assistant right from the start of your working relationship what their job involves, how they should do their tasks, when they should do them and what they should not do.

Personal Assistants are not mind readers. It is up to you to tell them what they need to know. If you do not plan how you will do this, a Personal Assistant can end up confused, and your relationship with them may get off to a bad start.

Induction also provides you with opportunity to get to know a bit more about your Personal Assistant, what they like, their ideas, what drives them to do the job and so on. Take time now and it will pay off in the future.

### **Probationary Periods - Why have a Probationary Period?**

When you employ a Personal Assistant, having a period of time to find out what a person is 'really like', before taking them on as a permanent member of staff is a good idea.

No matter how careful you are when you recruit a new Personal Assistant, the only way to

find out what it will be like to work with them is to take them on for a trial period. This will give you a chance to get to know them, without committing yourself completely. The probationary period allows you to give a shorter period of notice and should allow you to terminate a new Personal Assistant's employment more easily, if things are not working out.

It is important that the probationary period is long enough to allow you to really find out what the person is like. A six month probationary period is a good amount of time to allow any difficulties to become apparent.

The probationary period is two-way since it allows your Personal Assistant to give you a shorter period of notice. This can happen if they find that they are not suited to the job in some way.

### Contracts of Employment

When you employ a Personal Assistant you need to provide them with a contract of employment. This is a written contract where one copy is given to the PA, and one kept by you as the employer. A contract will help you both know where you stand. Contracts need to be signed by both the employer and the employee within two months of the employment commencing.

It is essential that the contract is kept up to date. Any changes will need to be agreed by the employee, and both parties will need to sign the new contract.

Copies of contracts of employment can be found at the ACAS website or in the Skills for Care 'Information Hub':

<http://www.skillsforcare.org.uk/Employing-your-own-care-and-support/Information-hub.aspx>

### The contract needs to include:

- ✓ Your name and the name of the Personal Assistant
- ✓ The place of work
- ✓ The date employment began
- ✓ Period of notice for both of you
- ✓ Salary and when it is to be paid
- ✓ Hours of work
- ✓ Sick leave and Annual leave entitlements
- ✓ Disciplinary and grievance procedure
- ✓ Probationary period.

### Appraisals

It's a good idea to meet with your Personal Assistant regularly to discuss their role. Regular supervision will help to keep clear boundaries between you and your employee. .

First Appraisal – After the first month or so, you should review the performance of your Personal Assistant with them. Don't avoid supervisions, as this also gives your Personal Assistant the opportunity to raise any issues and deal with them in a constructive way rather than let bad practice continue.

On the other hand, don't wait for the appraisal meeting if a problem arises, deal with it as soon as possible.

Appraisals are important, and you should prepare thoroughly for these meetings by making a checklist of what you want to say. If your Personal Assistant is working a probationary or trial period, you may want to use this first appraisal meeting to confirm their employment, extend their probationary period, or inform them that you are ending their employment. When you carry out an appraisal try and find a quiet place where you are not likely to be interrupted.

### Employer/Employee Relationship

A PA may decide they want to move on and progress with their career or might need to leave for personal reasons. This will bring the opportunity for change and new ideas, which can be exciting. However if Personal Assistants keep leaving it will be expensive and disruptive to you. Communicating well with your PA, and having clear boundaries, will help to keep the relationship healthy and work for both of you.

When you employ a new PA, make sure they know exactly what the job entails and what you expect of them.

### Set clear boundaries

When you take on a PA think about the boundaries and how you want the relationship to be. Think about things such as:

How much you share with your PA about your personal life.

How will you communicate to each other to arrange work?

What is the process if they are off ill?

How often will you have appraisals with your PA?

How to be friendly with your PA without blurring the boundaries of your employer/employee relationship.

### Keep clear boundaries

You should think carefully about becoming friends with your PA's on social network websites such as Facebook or socialising together outside of their working hours. This could blur the boundaries and cause difficulties further down the line, especially if any issues arise. People often think that this is unlikely to happen, but it is always a possibility.

## **7: Dealing With Difficulties**

If your circumstances change or you feel that your Personal Budget is no longer meeting your needs, you may need a reassessment. Contact your Social Worker or Social Care Reviewing Officer on 0161 912 2060.

If you are having difficulties managing your Personal Budget please let us know and we can support you.

### **Ending work as a Personal Assistant**

There are many reasons why the Employer and Employee relationship may end. Once an assistant has been hired, it is impossible to project how long they will stay. Some PA's work in the role for many years and others may leave much sooner for a variety of reason. Ending the relationship well is important so that both parties can move on without any ill feeling.

It is important to remember that your PA has rights arising from their employment contract and under Employment Law. You cannot simply ask them to leave without good reason. An important element of being a good employer is to know when, and how, to end the employment relationship properly and lawfully. If you do not end the employment appropriately, you may be taken to an Employment Tribunal.

Employment rules are regularly being updated so please refer to the ACAS website or your insurance company's legal cover for current guidelines

### **When a Personal Assistant is not happy**

Good communication and a positive working relationship can help make the relationship work well but if your PA has told you they are not happy or you sense that they are not, you need to sit down and discuss this with them. If at the end of the meeting one of you feels that the relationship is not working out you may want to consider ending the employment. Sometimes there can be a mutual agreement that things are not working and both parties are happy to end the working relationship.

### When a Personal Assistant resigns

Whatever the reason when a PA has resigned it is important to hold a meeting also known as an exit interview to find out why they are leaving and agree the amount of notice time that needs to be worked. In the meeting you can also discuss what has worked well and correct any problems which can help end the relationship on a positive note.

### When you as the employer are not happy

If you are feeling dissatisfied with your child's PA it's important that you speak to them about your concerns and feelings. Be clear what it is you are unhappy with and inform your PA of this in a sensitive manner. Ask them how they are finding things and then work out together an action plan of what to do from here onwards. You may want to set goals and ask your PA to make certain changes. This can be reviewed at a later date to see if things have improved.

### If your PA has committed gross misconduct or is performing poorly.

If your PA has let you down or has done something you are not happy with, you need to address this with them as soon as possible. Depending on the severity or their actions will depend on how it is addressed and what action you decide to take. If your PA has carried out something that comes under gross misconduct you will need to follow the correct disciplinary guidelines.

### Misconduct

Misconduct includes any breach of the Employer's rules, regulations and procedures and any other conduct which is considered by the Employer to be unreasonable or antisocial.

Poor performance is where the Employer is not satisfied with the Employee's performance or capability, assessed by reference to the Employee's skill, aptitude, physical and mental qualities.

## Gross Misconduct

This can be defined as dangerous or negligent behavior and may include such things as theft or fraud, physical violence, gross negligence, incapacity due to alcohol or illegal drugs, and serious insubordination.

Instant dismissal, (or summary dismissal or dismissal without notice), should only be considered in cases of gross misconduct. However, fair disciplinary procedures for both misconduct and gross misconduct must still be followed in line with employee rights.

An act of gross misconduct is considered to be serious enough to overturn the contract between employer and employee, therefore justifying a dismissal.

Even in these cases however it is still essential that the employer follows a fair procedure with regards to disciplinary action. Failing to establish the facts before taking action and holding a meeting with the employee, and denying the employee the right to appeal is highly likely to be considered unfair at an employment tribunal and lead to a claim against the employer.

Please see ACAS website for further information.

<http://www.acas.org.uk/index.aspx?articleid=3905>

## Disciplinary & Capability Rules

These are the procedures that should be followed when dealing with disputes and poor behaviour. They should be explained clearly and included in your child's Personal Assistant's written statement of their Terms and Conditions of Employment.

ACAS provide information on managing disciplinary and grievance issues at:

[www.acas.org.uk](http://www.acas.org.uk)

Your child's Personal Assistant should know from the start that you will use these procedures if it is necessary, but also that they have the right to raise grievances with you.

