



Employing personal assistants handbook

Employing a personal assistant handbook

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Introduction

This handbook is for you if you:

- are thinking of employing your own Personal Assistant (PA),
- have decided you definitely want to employ a PA,
- already employ a PA (rather than using an agency).

You could be an adult with support needs, or you may care for a child or adult with support needs. This information applies whether you are hiring one PA or more than one PA.

The handbook has been co-produced with people who employ their own PAs and the Individual Employer and PA Group.

A quick look through this handbook might leave you raring to get going and get things organised, but on the other hand...

- it might make you surprised at the amount of information in it,
- it might make you think you won't be able to sort it all out.

Please don't worry and please don't give up. We've given you this handbook because there are lots of things we need to tell you if you decide to employ a PA. The pack will tell you what needs to be done, and how it should be done, if you are going to become an employer.

At first it might seem daunting, but it needn't be as there are many people and organisations that can help and advise you. Employing a PA doesn't mean you have to organise everything yourself, nor does it mean you have lots more responsibility. You don't have to make all the decisions yourself or deal with lots of extra paperwork.

Remember, you are in control so you can do just as much (or as little) as you want to as long as you (or someone you choose) can use this handbook to follow the correct procedures.

You can decide how your PA or PAs will support you, help you and work with you. There are lots of benefits to employing PAs. It offers flexibility, it allows you to be more independent and you can decide how you want to be supported.

There are also some great places and resources offering coaching and mentoring support (See page 30)

As well as this handbook, a great starting point for information and advice is the comprehensive Skills for Care Employing Personal Assistants Toolkit (website:

www.skillsforcare.org.uk/Recruitment-retention/Employing-your-own-care-and-support/Employing-your-own-care-and-support.aspx, or call them on 0113 245 1716).

The handbook is organised into two parts.

- **Part 1:** Things you need to know and need to do as an employer.
- **Part 2:** Frequently asked questions.

Some information in this handbook only applies if you receive or your child or young person receives support and/or a Direct Payment from the Council. This information will be in a box to help you know what does or doesn't apply to your situation.

For many of the topics covered you will find examples and blank forms you can download on our website:

www.sheffield.gov.uk/employingpas. You can find a list of all these resources in part 3. If you want to receive these resources in an email or in print please contact the Council (see page 33).

This edition of the handbook was produced in October 2016, and will be revised in October 2017. As we get feedback and support people to employ a PA we update the information in the handbook. Details of the updates are available from the Council website:

www.sheffield.gov.uk/employingpas.

Good luck, you can do it!

Part 1: Things you need to know and do as an employer

This part of the handbook explains the tasks you should think about when you want to employ a PA or more than one PA.

You can use the information from each of the parts in this handbook as a guide to help you to recruit your PAs.

The key purpose of this pack is to help make sure you are able to recruit the right PA for you. This is to make sure that you understand your role and responsibility as an employer, or if you are a PA that you understand your role and rights as an employee.

Finding someone to be your PA

As an employer you have responsibilities and obligations that you need to follow to make sure you and your PA are protected and safe. This part of the handbook has information on these responsibilities.

You'll need to complete the steps below to recruit and employ your PA. We strongly recommend that you get expert advice before recruiting any employees. At the end of Part 1 there is a list of organisations and resources that can provide information and advice to help you.

In some circumstances it is possible to employ a family member who does not live in the same household as your PA. There is more guidance on this in the Council factsheet called Managing your Direct Payment. **www.sheffield.gov.uk/factsheet**

7 steps to employing a PA

1. Complete a job description and person specification

- You will need to provide a job description with a list of tasks you want your PA to do. This shows the type of person you want and what you want them to do.
- You may also want to think about the sort of skills or personal qualities the PA will need to do the job properly. For instance, do you need your PA to drive?
- It may be helpful to look at the information from your assessment questionnaire or support plan which describes what your eligible care and support needs are. The list of tasks you need support with could be used as a job description.
- You also need to provide a contract or terms and conditions of employment saying the standards you expect from your PA including what you will do as their employer. This is something that is required by law but it's also a useful way of clarifying what you want your PA or PAs to support you with.
- You also need to provide grievance and disciplinary procedures.

Employing a PA for your child, children or young person

If you're employing a PA for your child, children or young person there are a few things to think about as well as the list above.

It is important that your child, children or young person enjoys their time with their PA so ask them what they would like to do with their PA.

Consider the pattern of hours and degree of flexibility you would like their PA to have.

Consider the level of supervision your child, children or young person will require both within the home and on outings. Will their PA need to do a Risk Assessment?

Remember: expenses, activity costs and mileage are not included in the Direct Payment and should be met by yourself, so plan activities according to your budget.

Once you have written your Job Description and Contract you can discuss them with your child, children or young person's PA.

Discussing these documents with them will make sure the roles and expectations are clear and prevent any misunderstandings.

2. Advertise

As a general rule the Council doesn't fund advertising costs for a PA, as we expect you to use resources like Jobcentre Plus.

Options you should consider:

- **Word of mouth** - you may know someone who you trust, and who would be interested in being your PA. Do think about how your relationship may be affected if you became their employer.
- **Jobcentre Plus** – they will advertise your job for free and will often help you to write your advert. You can request this from the .GOV.UK website at: **www.gov.uk/advertise-job**. Or call Jobcentre Plus on 0345 606 0234.
- **Online** – some websites offer free advertisements, like Gumtree: **www.gumtree.com**, FreeAds: **www.freeads.co.uk** and Jobsite: **www.jobsite.co.uk**.

If you are looking for a PA for your child, children or young person you could ask at their school or clubs or in your network of friends and colleagues. As well as the list above you could also advertise at:

- Your child's school (Teaching Assistants can often be PAs)
- University (students often look for PA work to complement their study)

Think about how you want to advertise and where the best place would be to reach the type of PA you're looking for. Think about activities you like to do. You might be able to advertise where like-minded people visit, for example the gym or pool or snooker hall. Also check any local PA registers.

Keep it short but include essential information, such as what qualities or skills you are looking for. Also include:

- hours of work or shift patterns.
- the rate of pay.
- area of the city.
- what the job involves.
- contact details.
- **We do not recommend that you include your address in your advert.**

3. Shortlisting

Out of the people that apply:

- choose people that fit closely with the job and type of person you want.
- stay within the law. Equal opportunities law says you cannot discriminate against someone because of their race, religion, gender, sexual orientation, age or disability.

4. Preparing for the interviews

To help you decide who you want to employ you will need to interview the applicants. You may want to ask someone to be with you or help you. You will need to:

- decide on where the interviews will be held.
- prepare the questions.
- keep notes of people's answers.
- plan the length of the interview.

You may wish to practice your interview techniques with a friend.

→→→ Download example questions:

www.sheffield.gov.uk/employingpas

You will need to prepare the following information to include in the interview:

- pay and conditions and any rota system you have worked out in advance.
- terms and conditions of employment.
- when/how people will hear if they have been successful or not.

5. At the interviews

- Make a record of what each applicant says to each question.
- Ask them if they are flexible or have other commitments.
- Ask them whether they have a current satisfactory enhanced Disclosure and Barring Service (DBS) Certificate, if required.
- Tell them that if they are successful relevant DBS checks may be carried out before they can start work.
- Ask them if they have any gaps in employment history and, if necessary, ask them to explain why they weren't working.
- Ask them if they have ever been dismissed from previous employment or been investigated as part of a safeguarding concern.

- Ask them if they have any questions or want to say anything.
- Tell them that you will take up references for them before appointment.
- Tell them how you will let them know your decision, and how you will check their references.

6. Offering the job

- Take time to make your decision, as it's important to get the right person. You may want to re-advertise if you haven't been able to find the right person.
- Contact the person and offer them the job.
- Explain that the offer is subject to any necessary checks including references and DBS check.

7. Do the checks

- Check the person's paperwork to prove they are allowed to work in the UK. Detailed guidance on the right to work in the UK is available from the .GOV.UK website, at **www.gov.uk/legal-right-work-uk** or call the Employer Helpline on 0300 123 4699. The service provides a checklist of the documents you should check, and a form for the employer checking service from the Home Office. You must keep evidence to prove the person is allowed to work in the UK.
- Get references from previous employers and check them carefully.
- Make sure they have a current satisfactory enhanced Disclosure and Barring Service (DBS) check if required.
- If your PA has a current DBS certificate from their current employer, they can work using this providing they also attend a Sheffield City Council DBS appointment with HR Connect.
- The PA will need to contact HR Connect on 0114 2734299 (Option 5) in order to make an appointment. The Local Authority covers the cost for this service.

Being a good employer: Terms and conditions of employment

Agree a contract or terms and conditions of employment

This should include:

- the rate of pay and when the PA gets paid.
- holiday entitlement (including arrangements for public holidays).
- a probationary period (a length of time to trial your PA).
- a code of conduct (the expected standard of behaviour from your PA, which includes respect for you, your home and possessions).

You will need to have procedures that you or your PA may use to resolve concerns. These are formally called disciplinary and grievance procedures. These procedures should either be explained in the terms and conditions document, or you should have separate documents to explain how concerns will be resolved. This is something that is required by law.

You should also include in your contract:

- what the PA should do if they are sick
- how they should give you notice if they want to quit
- Pension options
- date their employment begins
- the hours of work
- the place of work
- how the contract can be changed and making your PA redundant.

→→→ Download an example contract:

www.sheffield.gov.uk/employingpas.

You will need to make sure that you give your PA or PAs their contract or terms and conditions document before the end of two months from the date they started employment with you.

Paying Personal Assistants

Direct Payments. If you are eligible for support from the Council and choose to employ a PA, you will receive a Direct Payment. You can find more information on this in our Managing your Direct Payment factsheet (details of our Factsheets are on page 33 of the Handbook).

Payroll Services and HMRC. If you employ a PA you need to make sure that you tell Her Majesty's Revenue and Customs (HMRC) (at www.gov.uk/new-employee). It's your responsibility to deduct tax and National Insurance from your PA's wages and pay this to HMRC. It is also likely that you will have to pay National Insurance contributions.

A Payroll Service will help you to pay your PA, meet your tax and National Insurance requirements and maintain your records. The Council can advise and pay a Payroll Service for you. We expect the cost of this service to be from around £170 per year. Examples of payroll companies you can use are listed in the Sheffield Directory (www.sheffielddirectory.org.uk).

If you choose to and can manage your payroll yourself, you can find out more about this from HMRC (at www.gov.uk/browse/employing-people/payroll) or from resources such as the factsheets at www.disabilitytaxguide.org.uk. If you don't use a payroll service, we recommend that you take employment legal advice. You can find out more about employment legal advice in the useful links to organisations and resources section at the end of Part 1 of this handbook and in Part 2.

Wages. You will need to pay at least the minimum wage which is set by law (at the time of writing this is £6.70 per hour for people aged 21 and over). You can find out more about the minimum wage at www.gov.uk/national-minimum-wage-rates. From April 2016, the government introduced a new mandatory National Living Wage (NLW) for workers aged 25 and above, initially set at £7.20. You can find out more about the NLW at www.gov.uk.

Normally the Council would treat rates of pay over £8 per hour as enhanced rate of pay, and this level of pay would need to be justified.

You should pay your PA their normal rate if they work at weekends or bank holidays.

Hourly rates are agreed as a gross cost. This means that a PA's tax, National Insurance contributions and any contribution they want to make towards a pension are included in the hourly rate. Employer on-costs such as employer's National Insurance contributions, employer's pension's contributions and holiday cover are not included in the hourly rate and will be funded additionally.

Travel. You should not pay your PA for the cost of their travel to your home. When your PA helps you to go to activities and services in your Care and Support Plan you should pay for the petrol used at the Her Majesty's Revenue and Customs (HMRC) approved rates, currently 45 pence per mile for the first 10,000 miles, and 12 pence per mile after that. Where you need to pay for petrol, this should be included as a cost in your Care and Support Plan.

You can find out more about HMRC's approved rates for mileage at **www.gov.uk/expenses-and-benefits-business-travel-mileage/rules-for-tax**.

In the unlikely event that your PA doesn't start work from a regular or fixed place (for example, you frequently need your PA to start work or end work from different locations each day), it is possible that the additional time your PA spends travelling may be treated as working time. If this is the case you may have to give your PA additional rest breaks to comply with the law. We recommend that you take employment legal advice if you and your PA have agreed an arrangement where they start or end work from various locations, or if you are considering having this type of arrangement with your PA.

Working at night. If your contract with your PA includes them working at night, you need to be clear whether they are working 'sleeping' or 'waking' nights.

- 'Sleeping nights' are nights where your PA sleeps in your home and is available if you need them, but is not disturbed more than 3 times during the night or for longer than 1 hour in total. If you pay your PA a fixed rate for a 'sleeping night' rather than an hourly rate, then you need to make sure that their total wages (this is the total wage in a period, divided by the total number of hours worked for that period) is at least minimum wage.
- 'Waking nights' are when your PA is expected to be awake and also doing something productive like washing/ironing, quiet cleaning, or cooking. Waking nights should be paid at the usual hourly rate.

Payslips. Your PA has the right to know how often they will be paid, how much they will be paid, and how they will be paid, either by cheque or into a bank account. **You should not pay your PA in cash.** You must also make sure they get a written pay

statement when they are paid. This is known as a payslip and it explains what has been paid and what deductions have been made, such as tax or National Insurance.

→→→ Download blank timesheet/payslip:
www.sheffield.gov.uk/employingpas

See page 30 of this handbook for more details about information and advice from other organisations.

Statutory Pay. Employment law says you must look after the best interests of your PA, which includes paying Statutory Sick Pay (SSP) when your PA is off sick (provided that your PA is not self-employed). Your PA may also be entitled to Statutory Maternity Pay (SMP), Statutory Paternity Pay (SPP) or Statutory Adoption Pay (SAP). You can get information about reclaiming Statutory Maternity, Paternity, Adoption and Shared Parental Pay at **www.gov.uk/recover-statutory-payments/reclaiming**. You can also check with when selecting a payroll provider if they help you arrange Statutory Maternity Pay (SMP), Statutory Paternity Pay (SPP) or Statutory Adoption Pay (SAP).

Your PA may want to be self-employed. HMRC has strict rules about what self-employed is, so HMRC decides whether the PA is self-employed for tax purposes, but the PA may be treated differently under employment law so we recommend taking advice on this issue.

Check this with the PA by asking for their Unique Tax Reference Number. This confirms they are registered with the HMRC and therefore responsible for their own tax, National Insurance and they will have their own Employee's Liability Insurance.

If they don't have either insurance or a Unique Tax Reference Number then tell them that for tax purposes you will have to pay them as your employee rather than a self-employed worker, unless they can change their status with HMRC and purchase insurance.

You can use HMRC's online Employment Status Indicator tool to identify whether someone is self-employed or employed - **www.gov.uk/guidance/employment-status-indicator**.

Pensions. The law on workplace pensions has changed. All employers are now legally required to provide and make payments into a pension for certain staff. This is called automatic enrolment. If you use a payroll provider they should be able to help you with this process.

If you employ your PA directly, you will only need to automatically enrol them if they meet certain criteria, which are based on their age and how much you pay them. Every employer however will need to complete an online form called a Declaration of Compliance telling the Pensions Regulator whether you have eligible staff or not. The law is the same whether you use a Direct Payment from the Council, the NHS, or if you fund your own care and support.

The roll out of these changes will be done in stages over the next three years; the Pensions Regulator will write to you and tell you when you will need to enrol your eligible staff based on information they receive from HMRC.

The Council will cover the additional employer costs of pension contributions. Either contact us directly or ask your payroll provider or money manager to contact us to amend your Direct Payment to cover these costs. Further information can be found at: **www.thepensionsregulator.gov.uk/employers.aspx**

If you have any further questions contact the Council at **pa_pensions@sheffield.gov.uk**
or by post at
Personal Assistant Pensions Support c/o Liam Toner
33 Love Street, Sheffield, S3 8NW

Holiday or annual leave allowances

If your PA is not self-employed, they have the right to paid holiday. This means that you have to make sure you allow your PA holiday time away from their work. They must be paid at the normal rates for this time.

There are laws about the minimum paid holiday you should give your PA. You need to make sure you keep up to date about what these entitlements are.

Holiday time starts to build up from the day your PA starts. Currently a person should get a minimum of 5.6 weeks of their normal working week, capped at 28 days maximum. You can find out more about calculating holiday or annual leave allowances on the HMRC website **www.gov.uk/holiday-entitlement-rights/calculate-leave-entitlement**.

You can control when your PA takes their holiday time. If there are times when you know you won't need their support you can ask them to take holiday at this time, but you must make sure this is written into the contract.

You must make sure your PA takes their holiday each year. They cannot be paid for this time instead. They must be paid at their normal rate when on holiday.

Your PA may request holiday time and you can decide if it is okay for them to have the time off. If you don't agree to the request then you must have a reason and explain this to your PA. For example this might be when the PA or person who would provide cover is unavailable. If your PA leaves their job they are entitled to be paid for any holiday they have not taken. Similarly, if your PA leaves and has taken more holiday time than they had built up (accrued) to their leaving date you can deduct this off their final wage. You should clearly explain this in the contract or terms and conditions.

Bank holiday entitlement

There is no entitlement in law to bank or public holidays, so a PA who works on bank or public holidays has no automatic entitlement to an enhanced rate of pay.

If you do not want your PA to work on bank or public holidays you can arrange for them to take paid holiday from work. This must be taken from their holiday entitlement as described above.

Remember, there is a lot of help available to you to work all this out. You don't have to do it by yourself!

For the latest government information:

www.gov.uk/browse/working/time-off or call ACAS, the Advisory, Conciliation & Arbitration Service, on 0300 123 1100.

Health and Safety

Think about the health and safety of your PA. The law says you must take out Employers' Liability Insurance if you are employing someone. You can take out a specific policy, or talk to your insurance provider about adding to your existing personal and household insurance. You need a Public Liability Insurance policy to the minimum value of £2 million, and Employers' Liability Insurance to the minimum value of £5 million.

Funding will be included in your Direct Payment for you to renew your Employer's Liability Insurance policy each year. Insurance should cost in the region of £85 per year, except in exceptional circumstances. Enhanced cover for redundancy may be required after a PA has been in post for two years.

You have a responsibility to take all reasonable steps to manage the health and safety of your PA. You need to keep your PA safe while they are working, making sure they are safe when carrying out tasks like lifting and handling. You will have to carry out a risk assessment to work out how to keep your PA safe. You must do this assessment again if your PA tells you, or you otherwise discover, she is pregnant.

Disability Sheffield provides training on health and safety related areas (details on page 31). You can download a copy of the Employer and PA Learning and Development Directory 2015-16 at **www.sheffield.gov.uk/caresupport/professionals-providers/wdt/courses**. You should make a note of any accidents your PA has at work.

The Health and Safety Executive can provide more information about what is expected of employers in relation to health and safety (www.hse.gov.uk).

→→→ Download advice on safety in the home checklist and risk assessment: **www.sheffield.gov.uk/employingpas**.

Record Keeping

Under the Data Protection Act 1998 you have legal duties relating to employee records. Take care when recording and storing information about your PA for yourself.

You must treat a PA's personal information with care, including personal information people give in their job application. Information you no longer require (like application forms for people that did not get the job) should be shredded, burned or otherwise destroyed carefully. Financial records must be kept for 6 years.

Personal details of your PA should be kept in a secure place. You'll find more details in the Information Commissioner's quick start guide: call 0303 123 1113 or go to their website: **ico.org.uk/for-organisations/guide-to-data-protection/employment**.

Confidentiality

You should provide your PA with information and/or training so they understand the importance of confidentiality and how to maintain this in their work. The Health and Care Professions Council (HCPC) toolkit has good advice: call the HCPC on 0845 300 6184 or download the toolkit from their website: **www.hpc-uk.org/assets/documents/100023F1GuidanceonconfidentialityFINAL.pdf**

You may want to include information in your contract that says that if your PA does not keep information confidential then you may take them through disciplinary procedures. There are some things that your PA must tell others about, such as if they suspect somebody is being abused. They are protected from any action being taken against them if they do this.

Using a Service Provider

You may decide that you do not wish to employ a PA directly but instead use your personal budget, if you receive one, to buy in support from a service provider. This means that you don't have to have the responsibilities of being an employer yourself. The service provider can be the employer of any support workers you have. You should have a contract with the provider and be able to arrange your support directly with them.

Before choosing your service provider you may want to think about what you need support with or what type of help you're looking for. It may also help for you to think about the times you need support or what sort of person you would like to provide your support.

Always contact more than one provider organisation and check what they can offer before you make a decision. Remember, you are the customer. Here are some examples of questions you may want to ask.

- How do you make sure your staff provide a high standard of support?
- How much say do I have when deciding what time the worker comes?
- How much flexibility can I have around changing the times I want my call?
- Do you carry out DBS checks on your workers?
- Can I expect to have the same workers on a regular basis?
- What training do you provide to the workers?
- If my usual carer is off ill, will you provide back-up cover at short notice?
- Will you provide same gender carers if I would prefer this?
- Do you charge administrative charges and if so how much are they?
- Will your carers administer my medication if I would prefer this?
- What rates do you charge on:
 - bank holidays?
 - half hour calls?
 - night support?

Working together

Once you have chosen your PA think about how you will work together. The law requires employers to provide their staff with instruction, information, training and supervision. Think about what your PA needs to know and any information or training they might need to do their job. You'll find information and links to organisations you can use at the end of this handbook.

Decide what your PA needs to know when they start working for you and how you will tell them (such as an induction)

This is the start of an effective working relationship with your PA. They could shadow an existing PA (agree whether this is paid or unpaid). You can draw up a first day checklist. Re-visit the contract and job description with your PA. Be clear on what you will teach/show them and any other forms of training.

Discuss how the job is going (supervision)

This needs to start from the beginning as part of the probationary period. Meet frequently to discuss the job, such as what is going well, what needs improving.

You could pay for an organisation to provide external supervision. Yearly appraisals help you and your PA to identify any learning and development needs.

Look at how you will find out what other training they might need (personal development)

Look at the job description and risk assessments. Take into account your responsibilities as an employer.

Your PA might want access to short training courses or a professional qualification. Record all types of learning on a learning passport.

The Personal Assistant Skills Passport

A Skills Passport is a record of your PA's skills and training achievements. It helps to show what your PA knows and understands about their job, and helps them to develop their skills and record evidence of their learning. It is a really excellent way for you and your PA to develop their skills and abilities.

See part 4 for a blank Skills Passport and guidance on how to use it

Keeping your Personal Assistant

Make sure your PA knows what the job is really about before they start, and that they have the right skills to help you.

Losing your PA is expensive and disruptive, so make sure you think about:

- pay and conditions (safe working environment, having access to the right equipment).
- training and development.
- providing your PA a good work and life balance.

Think about the boundaries of your relationship so you are not so familiar that you will struggle to talk to them about difficult issues or problems. Make it clear what you do and do not expect from your PA.

Give them good support and development – training and supervision

To make sure your PA is safe in their role and to make sure they can offer the right level of support to suit you, you may feel it is appropriate to provide them with some training. As opinions change with time and as people can forget information you may feel you need to offer refresher training to your staff even when they have attended similar training previously.

As an employer you may also wish to access training yourself.

- You can get guidance from local Social Care Services Workforce Development Unit. Go to the Council website for more information: **www.sheffield.gov.uk/employingpas.gov.uk**.
- Skills for Care website have lists giving written guidance.

Think about the things you can do to make the job a good one

You have an on-going responsibility to make sure your PAs are safe and happy.

- Make sure working conditions are good and safe.
- Make sure they have all the knowledge, skill and equipment and resources to do the job.
- Communicate – listen and talk – not just when things go wrong.
- Discuss how you like things done – praise them when they are doing well.

Sorting out problems

Sickness and holiday cover

You need to think about what you'll do if your PA is off sick or on holiday. You could:

- Use other PAs.
- Identify agency cover.
- Ask a friend or family member for support.

Have a disciplinary and grievance policy (resolving problems)

Make sure your PA understands this policy as your PA may have problems with how you treat them or talk to them.

You will be able to deal with most problems by talking it through but you will need a procedure to follow if things change or a serious incident occurs.

Disciplinary and grievance issues

When you are an employer and you have a person working for you as a PA there could be times when they talk to you about a concern. This could be a possible problem that has occurred, or they could have a complaint about something that has happened during their working time.

As their employer there could also be times when you feel that the conduct of your PA and the behaviours they are showing at work are not acceptable and you wish to address it with them.

If this happens to you the best way to approach this is to try and resolve it informally. Many potential disciplinary or grievance issues can be resolved informally and a quiet word is often all that is required. However, where an issue cannot be resolved informally then it may be pursued formally and this procedure is set out in a disciplinary and a grievance policy. Make sure your PA understands this policy.

For more information about this visit the ACAS website:

www.acas.gov.uk

Keeping safe

Whichever way you choose to arrange your support it is important to think about how you might keep yourself safe. It is important for you to think about how to protect yourself when your support is up and running.

- Make sure you have the right cover under your insurance. If you employ a PA you must have Employer's Liability Insurance, or if you expect your PA to drive your car or to take you out in their car make sure they are properly insured.
- If you don't feel you are being supported in the right way then it is okay for you to say so. If you find this difficult then talk to the Council and they can make sure you receive the right advice or help.

Know what to do, and who to contact, if you are, or believe you are, being abused

- Abuse is any action that harms another person. It includes physical, sexual, psychological, financial abuse or a combination of these.
- If your PA or whoever supports you has concerns about your safety then under safeguarding rules they have a responsibility to report their concerns.
- If you feel you're being abused tell someone immediately. This could be the police, the Council, direct payments advisor or trusted friend or family member.

More information can be found at [**www.sheffield.gov.uk/abuse**](http://www.sheffield.gov.uk/abuse)

Take action to make sure your money is secure

Important things to remember.

- Keep a record and receipt of all transactions with your PA.
- **Don't give your PA access to your bank accounts or pass responsibility for your accounts to your PA.**
- Don't pay wages to your PA in cash.
- Don't agree to pay your PA an advance of their wages.
- Don't lend money to your PA, and don't borrow money from them.
- Try not to leave money or personal information lying about that could easily be seen by others.
- If you require your PA to go to the shop for you then make sure you ask them to get a receipt.

Changing the contract/redundancy

If your Care and Support Plan changes you may need to change the contract you have with your PA. You may want to discuss with your PA having a clause in the contract of employment that confirms the PA agrees to certain changes in the contract of employment where the change becomes necessary because of changes in your Care and Support Plan. Your contract should describe how you may have to change the number of hours they work, and how you may have to make them redundant.

→→→ Download example contract:
www.sheffield.gov.uk/employingpas.

Making your PA redundant

Your PA has a right to be told the reasons why you are making them redundant, so you should arrange to meet with them to discuss your reasons.

Your PA may be entitled to redundancy pay and redundancy notice, so check the latest government information for the statutory entitlements. Currently if your PA is an employee and at the time of redundancy your PA has worked for you for 2 years or more, they are entitled to a redundancy payment:

- half a week's pay for each full year they were under 22 years of age.
- 1 week's pay for each full year they were 22 or older, but under 41.
- 1 and half week's pay for each full year they were 41 or older.

The current limit on the value of a full week's pay is £380. There's a redundancy calculator you can use on the .GOV.UK website (see link on next page).

Redundancy pay should be paid from your Direct Payment account.

If there is not enough money in your Direct Payment account you need to take the following steps to claim the money needed:

- 1) Approach the insurer who provided your Employer's Liability Insurance and see whether redundancy pay was covered by your insurance policy. If it was, find out how to make a claim and they will pay it in full (no need to proceed to step 2).
- 2) If redundancy was not covered by your insurance policy, you will need a letter confirming this in writing from the insurer. You will need to submit that letter plus final statements for the Direct Payment account to the Council's Customer Accounts Team (Direct Payments Financial Monitoring: **dpuaudits@sheffield.gov.uk** or call 0114 273 5397) as evidence of the shortfall in funds.
- 3) Once the evidence has been received by the Council, a request can be made to the social work team for the shortfall in funds to be paid.

Your PA has a right to a notice period – the time from when you tell them you are making them redundant to their last day at work. The current statutory redundancy notice periods are:

- at least 1 weeks' notice if employed between 1 month and 2 years.
- 1 weeks' notice for each year if employed between 2 and 12 years.
- 12 weeks' notice if employed for 12 years or more.

If you agree with your PA that they can stop working for you before the end of the notice period you must pay them in lieu of notice.

If you have employed your PA for 2 years or more you should allow them time off for job hunting. Regardless of the amount of time they take each week you only have to pay them 40% of that week's pay. For example if your PA usually works 5 days a week, and takes 1 day off, or 4 days off, in a week during their notice period, you would have to pay them two days' pay that week.

Ask your payroll service if they can help you with redundancy. You can also get detailed advice at the .GOV.UK website:

www.gov.uk/redundant-your-rights. You can also call ACAS, the Advisory, Conciliation & Arbitration Service, on 0300 123 1100 as they can help you calculate redundancy and advise you about making someone redundant/being made redundant.

Information/advice from other organisations

These organisations provide information and advice you may find useful. As well as this handbook a great starting point is the comprehensive **Skills for Care** Employing PAs Toolkit (www.skillsforcare.org.uk/employingpas, or call them on 0113 245 1716). You can also apply to Skills for Care for funding to pay for training you or your PA needs.

You can also get support from **PERS**, a charity that has received Big Lottery funding to provide free support to disabled people employing personal assistants and other care staff. PERS has a telephone helpline and provides training and support around employment. You can call them (01924 428 030) or email them (admin@pers.org.uk) for advice, or visit their website for a wide range of employment related advice (www.pers.org.uk).

■ **Employment terms and conditions** (like pay, holidays, and sickness)

- The GOV.UK website:
 - working: www.gov.uk/browse/working.
 - business: www.gov.uk/business.
- Advisory, Conciliation and Arbitration Service (ACAS):
www.acas.org.uk/index.aspx?articleid=4663
Call 0300 123 1100.
- Home Office Border Agency:
www.gov.uk/government/organisations/uk-visas-and-immigration.
Call 020 7035 4848.

■ Data Protection

- Information Commissioner's quick guide for employers: **ico.org.uk/for_organisations/data_protection/topic_guides/employment**.

Call 0303 123 1113

■ Health and Safety

- The Health and Safety Executive: **www.hse.gov.uk**.

■ Taxes, Benefits, Pensions

- HM Revenue & Customs (HMRC): **www.gov.uk/hmrc**.

Call 0300 200 3200.

- The Low Incomes Tax Reform Group have set up the Disability Tax Guide website to help advisers, individuals, social workers and user-led organisations comply with tax and National Insurance obligations: **www.disabilitytaxguide.org.uk**
- Money Advice Service for free, impartial and independent financial information and advice: **www.moneyadviceservice.org.uk** call 0300 500 500. To arrange a local face to face appointment call 0333 321 3434.

■ Training and personal development

- Skills for Care: www.skillsforcare.org.uk. Call 0113 245 1716.
- Edexcel: www.edexcel.org.uk. Call 0844 576 0045.
- City & Guilds: www.city-and-guilds.co.uk. Call 0844 543 0000.
- Disability Sheffield: **www.disabilitysheffield.org.uk**. Call 0114 253 6750
- Sheffield City Council: **www.sheffield.gov.uk/caresupport/professionals-providers/wdt/courses**

■ Local voluntary and community organisations

- For a comprehensive list of voluntary and community organisations visit the **Sheffield Directory** website: **www.sheffielddirectory.org.uk**.
- **Age UK Sheffield:** **www.ageuk.org.uk/sheffield**, call 0114 250 2850
- **Alzheimer's Society:** **www.alzheimers.org.uk**, call 0114 276 8414
- **Disability Sheffield:** **www.disabilitysheffield.org.uk**, call 0114 253 6750
- **Sheffield Mencap:** **www.sheffieldmencap.org.uk**, call 0114 276 7757

Examples and blank documents

These examples and blank documents are all available from our website: **www.sheffield.gov.uk/employingpas**

- | | |
|---------------------------------------|--------------------------------------|
| • Job description | • Content for contract of employment |
| • Job adverts | • Discipline policy |
| • Job application form | • Grievance procedure |
| • Letter inviting person to interview | • Payslip |
| • Interview questions | • Timesheet |
| • Preparing for interviews checklist | • Leave record |
| • Job reference letter/form | • Safety at home checklist |
| • Letter offering the job | • Risk assessment |

Contact the Council

The Council has a range of factsheets about care and support in Sheffield. Factsheets can be downloaded from our website:

www.sheffield.gov.uk/factsheets.

- Example Assessment Questionnaire, Care and Support Plan and Review Questionnaire
- Getting care and support
- Support for carers
- Independent Advocacy
- Prevention and Reablement
- Planning and organising your care and support
- Help with travel
- Paying towards your care and support at home
- Paying towards your care in a residential or nursing home
- Deferred Payments
- Managing your Direct Payment
- Reviewing your care and support
- Ordinary residence
- Children's transition to adult care and support services
- Managing your finances

Information can also be provided in alternative formats and other languages on request.

If you have a question about this handbook, want a printed copy to be sent to you, or want to speak to someone you can contact:

- **Adults/Older People:**

Email the Adult Access Team **adultaccess@sheffield.gov.uk**.

Write to the team at Howden House, Sheffield S1 2SH.

Call on 0114 2734567 and choose option 5, then option 2.

- **Learning Disabilities:**
Email the Community Learning Disabilities Team
CLDTBusinessSupport@sheffield.gcsx.gov.uk
Write to the team at 33 Love Street, Sheffield, S3 8NW.
Call on 0114 226 2900.
- **Mental Health:**
Contact your GP for a referral to a Community Mental Health Team.
- **Children's Services:**
Email Children and Young People's Disabilities Service
CYPF-LDD-GCSX@sheffield.gcsx.gov.uk
Write to the team at Level 6, Moorfoot Building, S1 4PL
Call on 0114 273 5368.
- **Health:**
Email the Continuing Healthcare team
YHCS.ContinuingCareSheffield@nhs.net
Call on 0114 305 1700.
Find information on their website **www.sheffieldccg.nhs.uk**
Write to the team at NHS Sheffield CCG, 722 Prince of Wales Road, Sheffield, S9 4EU.

The information in this Handbook and online is intended to provide only general information and guidance. Although we make our best efforts to ensure the contents are accurate and up to date at the time of writing, we cannot and do not guarantee this.

Document Reference: SCC-C&S-6 Produced: October 2016. To be revised: October 2017.
