

Having a Personal Assistant: Your Toolkit



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Introduction to Purple

Who are Purple?

Purple is the preferred provider for Personal Assistant (PA) employment support services for the referral organisation. Purple can provide payment services and Employment Advice and Guidance (EAG), including support with recruitment and retention of PAs.

Purple is the successor organisation to **ecdP** (Essex Coalition of Disabled People). Purple is a new organisation, with a new corporate team, and fresh vision: to change the conversation on disability from one of disadvantage, to one of value. Purple provides new and innovative support services to disabled people as well as an offer to businesses to support them to become disability confident. You can find out more about Purple here: www.wearepurple.org.uk.

Dependent on where you live, Purple can support our Customers with:

- Employment Advice and Guidance
- Advice and Guidance around using care agencies and day services
- Purple Match - Personal Assistant Register and recruiting
- Payroll serv and Purchase Ledger (Invoice Only)

As well as delivering the service via more traditional means, Purple will provide a range of self-serve and digital options, including a portal via which Customers will be able to submit timesheets and invoices, view their account statements and download useful documents and forms. This portal will also provide a conversation hub for peer support and advice, as well as a live chat feature enabling real time support in an alternative format to telephone calls and providing an out of hours service.

Our Employment Advice and Guidance Service

Employing PAs can improve your independence significantly – you can choose who you want to support you, the tasks they need to do and when you need them. Purple know that it can also be quite daunting, but good information and advice can really make a positive difference.

We have produced a toolkit to help you on your journey with recruiting, supporting and keeping PAs. The toolkit provides you with information and acts as a reference document. We have tried to make the toolkit as practical as possible and not use any jargon. The aim is to provide you with all the information you need to directly employ your own staff to provide care and support services, whether this support is funded through a Direct Payment (DP), a Personal Health Budget (PHB) or private funds. Example templates at the end of this toolkit may be useful when recruiting and managing your PAs.

We know sometimes people like to speak with our EAG/SP Officers and this toolkit is not about replacing that service – but hopefully complementing it, giving you the confidence to make the most of your role as an Employer. Although, the thought of being someone's Employer can be a daunting prospect, it can also be very simple and effective. This toolkit also aims to support you to think about the responsibilities of being an Employer, including legal obligations, how to advertise, recruit and interview potential PAs and what to do when they are working for you.

Compliments and Complaints

At Purple, we are always keen to improve the service we provide to our Customers. Should you have any feedback, positive or negative, we would like to hear from you – please speak to your EAG/SP Officer. For more serious matters, we also have a formal Complaints and Compliments Policy and Procedures in place this is available on our website – <https://wearepurple.org.uk/direct-payment-support/> - or you can request this from your EAG/SP Officer.

Your EAG/SP Officer

You should have signed a Customer Agreement which sets out the respective rights and responsibilities of the staff and Management of Purple and you, as a Customer, and includes the contact details for your EAG/SP Officer but for ease of reference this is stated below:

Name:

Telephone: 01245

Email: @wearepurple.org.uk

Post to Purple:

- Ivan Peck House, 1 Russell Way, Chelmsford, CM1 3AA
- Unit X99, Stirling House, Cambridge Innovation Park, Denny End Road, Cambridge, CB25 9PB
- Leicester Business Centre, Unit F, 111 Ross Walk, Leicester, LE4 5HH

Payments Team: 01245 392300, Option 1 - essexpayroll@wearepurple.org.uk
- phbpayroll@wearepurple.org.uk
- thurrockpayroll@wearepurple.org.uk

Invoice Team: 01245 392300, Option 1 - essexinvoices@wearepurple.org.uk
- phbinvoices@wearepurple.org.uk
- thurrockinvoices@wearepurple.org.uk

Purple will try to keep the 'Having a Personal Assistant Toolkit' up to date and current. It is ultimately the Employer's responsibility to make sure they keep up to date with any changes in employment law that will affect them employing their own Personal Assistants.

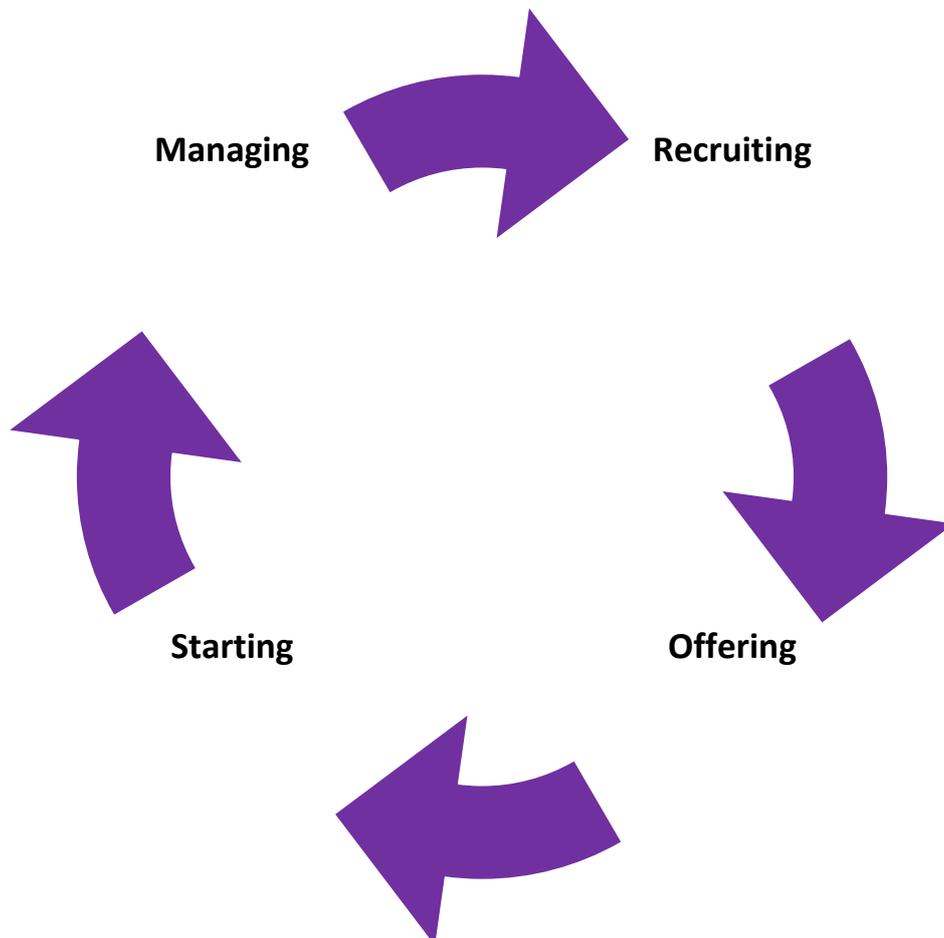
Why should I employ a PA?

Employing a PA can bring many benefits to you as the Employer. By employing a PA, you can lead your life how you would like to and experience the increased ability to make your own choices. Some other common benefits include:

- Increased flexibility – you can choose who works for you and when they work
- You decide what their tasks are
- You decide when they carry out these tasks

Top Tip

A good idea is to speak to someone who already employs a PA.
Use their experience to provide you with 'real life' information and guidance.



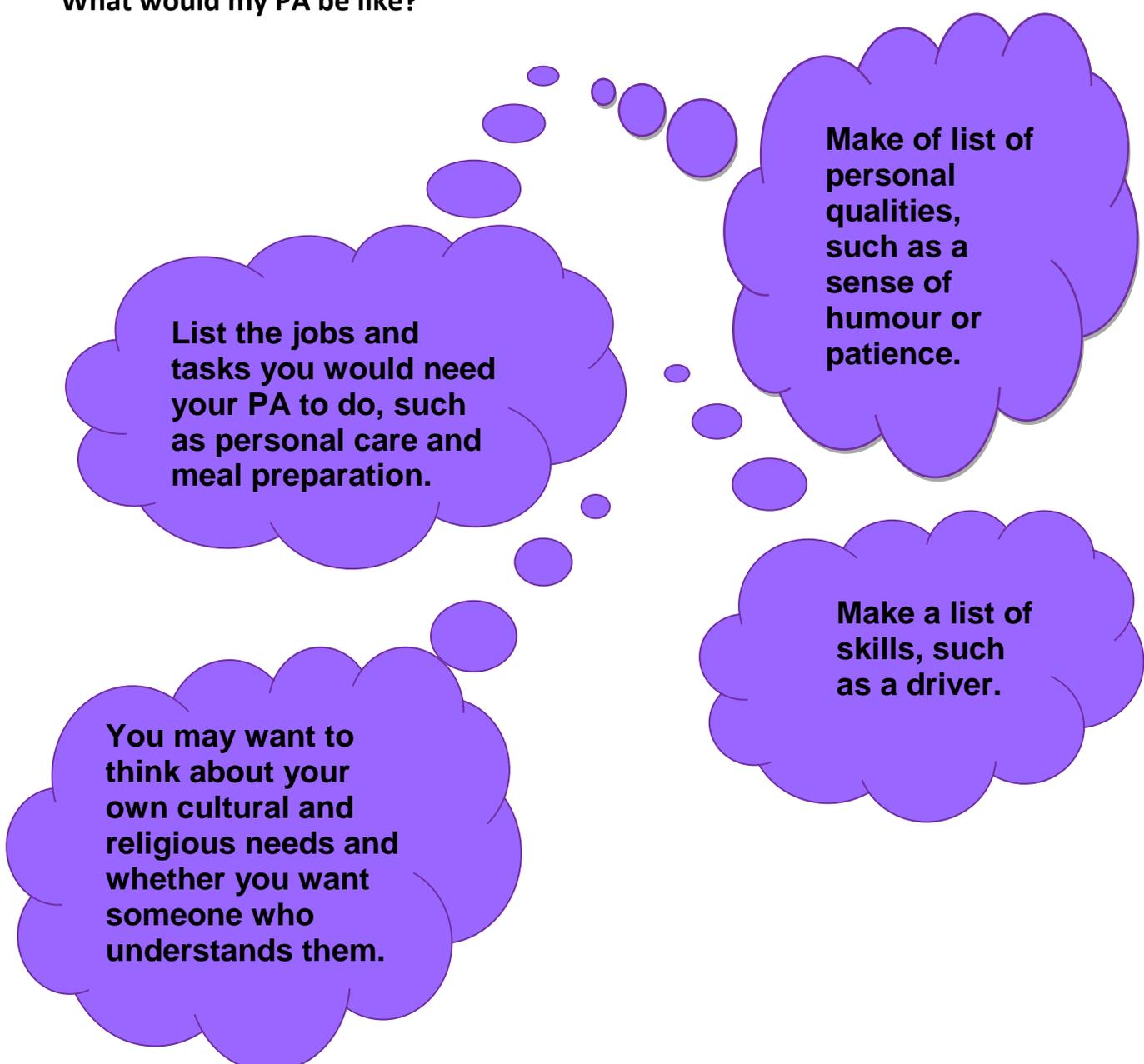
Example templates at the end of this toolkit may be useful when recruiting and managing your PA.

How do I recruit a PA?

Stage 1: Job Description

It is a good idea to create a Job Description. This is a list of tasks you would like your PA to do. This can also include a 'Person Specification' which lists the experience, skills and qualities you are looking for your PA to have. If your PA will be providing personal care then you are able to specify if you are looking to employ a man or woman specifically, however, you must state this along with the reasons why in the Job Description and Job Advert. There is an example Job Description in this toolkit. Purple can provide an 'easy read' version if needed.

What would my PA be like?



List the jobs and tasks you would need your PA to do, such as personal care and meal preparation.

Make a list of personal qualities, such as a sense of humour or patience.

You may want to think about your own cultural and religious needs and whether you want someone who understands them.

Make a list of skills, such as a driver.

How do I write an advert for a PA?

Step 1: Job Advert

A Job Advert template is available in the Appendix of this toolkit but when advertising for a PA it is helpful to include the following information:

Location

The general location where the role is based.

Rate per hour/week

It is up to you to decide how much your PA will get paid, although Purple can support you. You will need to pay at least the National Minimum Wage. It is recommended that you do not pay your PA the full rate agreed by the referral organisation. Further information is available in the next section of this toolkit.

Step 2: Job Description

Hours (type of work/main duties)

This includes days and times you need your PA and a brief overview of the type of work you want them to do.

Top Tip

If your advert specifies a gender, make sure that you state why. For example, you may require personal care and prefer to employ someone of the same gender as you.

Experience or qualifications

Say whether you would like someone who has specific experience or qualifications to meet your needs. Do you want them to complete an application or CV or both?

Top Tip

It is always useful to include extra information and be very specific about what you are looking for.

Disclosure and Barring Service (DBS) check

Does your PA have a subscription to the Update Service? Their DBS check is then transferable between Employers which cuts costs and reduces time. If not, and they cannot provide a paper copy of a recent DBS check certificate, you will need to apply. Purple have a DBS Checking Service to assist you – please contact 01245 392300 – dbs@wearepurple.org.uk - for more information about the service and administration costs.

Top Tip

Asking for a DBS check helps to establish if applicants have criminal records.

References

State in the advert that you will ask for references. It is considered good practice to ask for two.

Closing date for applications

A minimum of two weeks is typical. Pick a date that suits you but also allows people enough time to see the advert, respond and apply.

Contact details

Provide some contact details about how they can contact you. Organisations such as Find a Job or Purple may be able to accept applications on your behalf if you do not want to give out your own personal contact details. Alternatively, you could set up a PO Box and have the applications sent there, but a fee will be charged for this service. Please see address book for Royal Mail details.

Where do I advertise for a PA?

There are various ways to advertise for a PA and our EAG/SP Officers are always here to offer employment advice and guidance about advertising for a PA.

Here are a few other suggestions to help with finding PAs:

- **Word of Mouth** - Who may be interested in being your PA? Ask at supported activities you access, such as day centres and schools.
- **Find a Job** - Free advertising is available online with Universal Jobmatch. Find a Job may also know of any local job clubs or community resources – go in and speak to an adviser.
- **Local Support Organisations** - As well as the staff at these organisations being a potential workforce, there may be job boards for you to advertise in their facilities or online.
- **Adult Learners** - Local colleges and universities may advertise online or in their facilities to mature students and adult learners on part-time courses.
- **On-line** - There are on-line sites where you can advertise, such as Gumtree, but check first to see if there are fees involved.
- **Social Media** - If you have a Facebook account you may wish to let your friends know you're looking for a PA but check your privacy settings on any status updates first.
- **Local Shop** - This can be useful to reach people who live near you and it is a very cheap way to advertise.
- **Local Newspaper** - This can reach a wide audience and often has a high number of responses but can also be expensive. Ask your EAG/SP Officer if there are any pre-agreed rates for Employers.

Personal Assistant Registers

These registers are lists of Personal Assistants that are advertising their services. They can also be used by individual Employers who are looking to hire a Personal Assistant. The PA register operated by Purple is called Purple Match. Purple Match Self-Serve may not be available in your area currently or there may be a charge to use Purple Match, please speak with your EAG/SP Officer. Purple Match Self-Serve is not supported by EAG/SP Officers, it is solely for the use of Employers/Employees and Purple do not check the details of subscribers.

Purple Match Self-Serve can be found at <https://wearepurple.org.uk/purplematch2/>.

Step 3: Interviewing

Who do I choose to interview?

After the closing date, have a look through the CVs/applications you have received and decide who best fits the Job Description, who has the relevant experience you want, and generally who would you like to find out more about.

You need to make sure this process of selection needs to be fair and you do not discriminate against anyone on the grounds of age, race, gender and sexual orientation etc.

Top Tip

See the ACAS website for more information and to download a useful booklet on delivering equality and diversity.

How and where should I conduct the interview?

Remember, it is always better to have interviews in a public place with a quiet space, away from your home if possible, such as a café or local library. Why not bring someone like a friend, relative or advocate to the interview with you. This ensures you have another opinion and they can ask questions you might have forgotten.

Interview questions

Prepare a list of questions to ask candidates based on the Job Description. Ask questions about previous work experience, qualifications and why they want to work for you. We can supply a template for interviewing PAs that you can change and edit to ensure you are asking questions relevant to the role you are hiring for.

Step 4: Offering

Take your time to decide, remember it is your decision and your decision only. Do not let others sway your decision. You can re-interview, ask for more information or, if no-one meets your criteria, you can advertise again.

Once you have decided who you are going to employ, you should contact them and offer them the job subject to satisfactory references. You will also need to write to them confirming the job offer. We can supply a template for this letter.

If your PA is not subscribed to the DBS Update service or cannot provide a recent DBS check certificate, you should carry out an **enhanced DBS check**. You will need to allow enough time to complete this before setting a start date. Purple can support you with completing/processing these checks. Most applications for a DBS check take between 2-4 weeks to process.

As an Employer, you will have a duty to prevent **illegal working**. Therefore, you must carry out certain checks to ensure that potential Employees have a right to work in the United Kingdom. These checks must be carried out for ALL staff, regardless of their nationality. You can do this by using the Employer checking service on the GOV.UK website - <https://www.gov.uk/check-job-applicant-right-to-work>. Please contact your Purple EAG/SP Officer if you have any questions.

What needs to happen between offering the job and the PAs start date?

Contracts

Each PA you employ should have a Contract of Employment, giving details of the Employee's rights, responsibilities and duties. Once you are sure who you want to employ and have completed all the necessary checks, you and your Employee should each sign both copies, then you should each keep one. A template Contract of Employment is available in the Appendix of this toolkit. For your reassurance, this has been reviewed by a legal representative, however the Code of Conduct is for you to alter to your individual needs and requirements as an Employer.

Working hours, time and breaks

This will include the hours you want your PA to work.

Remember, your PA must have regular rest periods in addition to holiday entitlement. Your PA is allowed:

- A minimum of 11 consecutive hours in a row rest in any 24-hour period
- A minimum of a 20-minute break if they are working longer than 6 hours
- A minimum of 1 day off each week, which is 1 day off out of every 7

Your PA should also not work more than 48 hours each week. You can ask your PA to sign a disclaimer stating that they are happy to work more than this in extreme circumstances but working more than 48 hours each week should not be the 'norm'.

Top Tip

See the ACAS website for more information and to download a useful booklet on working hours.

Rate of pay

It is up to you to decide how much your PA will get paid, although Purple can support you. It is recommended that you do not pay your PA the full rate agreed by the referral organisation.

The difference between the rate agreed by the referral organisation and the rate that you pay your PA will cover holiday pay, Employer's National Insurance and pension contributions (if applicable). There may also be a need to retain some funds to pay for redundancy and next year's Employer's Liability Insurance. Your PA is entitled to holiday pay and you may need to employ another person to cover whilst they are on annual leave. This means that you will be paying two people at once and it's important to have enough funds available for this.

Your PA should be paid at least the National Minimum Wage (NMW) - see www.gov.uk website for all current and future rates. The current 'going rate' for PAs in your area may be higher and paying this rate can help to retain your staff.

These are the current rates for the National Living Wage and the National Minimum Wage and the rates change every April.

Year	23 and over	21 to 22	18 to 20	Under 18	Apprentice
From April 2021	£8.91	£8.36	£6.56	£4.62	£4.30

You may decide on an initial rate of pay and increase the rate on successful completion of a probationary period. This should be included in costings, negotiated with your PA and added to their contract, and still be within the indicated hourly or weekly rate agreed by the referral organisation.

When paying your PA, you can either manage this yourself or use a payroll provider such as Purple – this may already have been indicated by the referral organisation.

Sickness pay

You are required to pay Statutory Sick Pay (SSP) to any Employee who is unable to work four or more days in a row (including non-working days) due to physical or mental illness or disablement. However, they must have told you that they are sick within the terms of their contract.

From April 2021, your employee must be earning an average of £120.00 per week before tax to be eligible for SSP. If your Employee is eligible for SSP, this is £95.85 a week, for up to 28 weeks. SSP may not be included within your budget therefore if it is required you will need to contact the referral organisation for this extra payment.

Linked periods of sickness - <https://www.gov.uk/statutory-sick-pay/eligibility>

If you have regular periods of sickness, they may count as 'linked'.

The Employee is no longer eligible for SSP if they have a continuous series of linked periods that lasts more than 3 years.

To be linked, the periods must:

- last 4 or more days each
- be 8 weeks or less apart

Holiday pay

Your PA is legally entitled to a minimum of 5.6 weeks of annual leave per year pro rata (this is inclusive of Bank Holidays). If your PA works part-time or flexible hours, you may find it easier to calculate their holiday allowance in hours. For example, if your PA works 10 hours per week, they are entitled to 56 hours of annual leave in total (including the Bank Holidays). If using Payment Services from Purple, your Payment Services Account Manager can assist you with this if you have any questions.

Purple have created a template for tracking and logging annual leave to help with your PAs receiving correct annual leave each year – see page 24. Your PAs can only claim payment for holiday for days they do not work. Purple are not able to process holiday payments alongside salary payment for the same period. Your PAs should be advised at the start of their employment that they need to take their annual leave, or they will lose it at the end of the leave year.

Top Tip

See the GOV.UK website for a holiday entitlement calculation tool.

Maternity leave

If your PA has been employed by you for at least 26 weeks when she tells you she is pregnant, it is likely that you will need to pay her maternity pay. If you are using a company such as Purple, you will need to check with your provider what her entitlement is, and she will need to give you her MATB1 form.

Employees can take up to 52 weeks for Statutory Maternity Pay (SMP), however only 39 weeks are payable. For the first six weeks, it is paid at 90 percent of the average weekly earnings. The following 33 weeks will be paid at the SMP rate or 90 per cent of the average weekly earnings, whichever is the lower. The SMP rate from April 2021 is £151.20 per week.

Paternity leave

If your Employee's partner is having a baby, they are entitled to two weeks paid leave. This must be taken in one go, cannot start before the child is born and you should be given at least 28 days of notice of their intent to take paternity leave.

Statutory Paternity Pay (SPP) for eligible Employees is either £151.20 a week or 90% of their average weekly earnings (whichever is lower). Tax and National Insurance need to be deducted.

Adoption pay

Statutory Adoption Pay (SAP) for Employees is:

- 90% of their gross average weekly earnings for the first 6 weeks
- £151.20 a week or 90% of their average weekly earnings (whichever is lower) for the next 33 weeks

Tax and National Insurance need to be deducted.

Employer's National Insurance

Employer's NI is different to the NI paid by Employees. The Employer's NI is paid at 13.8% on payments above £184 per week.

Redundancy pay

Employees will normally be entitled to statutory redundancy pay if they have been working for an Employer for two years or more.

Employees will receive:

- half a week's pay for each full year they were under 22
- one week's pay for each full year they were 22 or older, but under 41
- one and half week's pay for each full year they were 41 or older

Length of service is capped at 20 years.

Weekly pay is capped at £538. The maximum amount of statutory redundancy pay is £16,140, however if your claim is before April 2021 this amount may be less.

For most referral organisations, you need to budget for redundancy pay. Ask your EAG/SP Officer to do a wage calculation if required.

You may have redundancy payment cover within your Employer's Liability Insurance – please check your policy as not all include this.

Pensions

By law all Employers must provide a Pension Scheme for their Employees. There are specific rules for different types of workers but if your Employee is over 22 and earns above £10,000 each year you will need to have a Pension Scheme and make contributions towards your Employee's pension. Employees can opt out, but this must be in writing. Employees earning less than this amount have a right to join a scheme if they request it. You can get further information on pensions and your obligations from the Pension Regulator's website – <https://www.thepensionsregulator.gov.uk/en/employers>.

Confidentiality

You should stress the importance of confidentiality for you and your PA. You will hold information that is confidential about your PA and they will know information about you. When handling or sharing your PAs personal information you need to follow the law, such as the General Data Protection Regulation (GDPR). This includes explaining why you need it, only asking for what you need, treating it as confidential, protecting it and making sure nobody has access to it who should not. Most of the time, when you share your PAs personal information with organisations or professionals, you should ensure that this is only done with the PAs consent by asking for their permission beforehand, unless you are required to do so by law.

Reasonable adjustments

Employers must take positive steps to remove the barriers your PA faces because of their disability. This is to ensure the same service is received, as far as possible, as someone who's not disabled. The Equality Act 2010 calls this the duty to make reasonable adjustments. Adjustments only should be made if it's reasonable to do so. What's a reasonable thing to ask for depends on things like the PAs disability, how practicable the changes are, if the change asked for would overcome the disadvantage the Employee experiences, the size of the organisation, how much money and resources are available, the cost of making the changes and if any changes have already been made.

Health and Safety

As an Employer, you have a legal responsibility to ensure that your PA remains safe and healthy whilst they are working for you. This includes:

- Providing any training your PA may need
- Carrying out some risk assessments in your home (including any pets you have)
- Keeping a record of any accidents that take place in your home
- Ensuring you have Employer's Liability Insurance

Training

The PAs you choose to employ may need specific training to meet your needs. If you are unable to identify a training provider, or the training is clinical, then the EAG/SP Officer can assist you with raising this with the referral organisation. If training costs have not already been agreed by the

referral organisation, ask the EAG/SP Officer if costs are included in your Direct Payment or Personal Health Budget before arranging training for your PAs.

Top Tip

You may be able to apply for funding from Skills for Care to cover the full cost of care-related training for both you as an individual Employer and your PAs – see their website.

Self-employed Personal Assistants and Micro Enterprises

Employment via a DP/PHB does not avoid existing regulations regarding a person's employment status. HMRC advise that employment status is established by the particular terms and conditions under which a person works. A PA could be self-employed if they look after their Customer in the PAs own home, they have more than one Customer, they have a business structure in place and are responsible for the success or failure of that business. However, where the PA provides the care in the Customer's own home they are likely to be an employee of the Customer.

Use this service to find out if a worker should be classed as employed or self-employed for tax purposes - <https://www.gov.uk/guidance/check-employment-status-for-tax>.

If you use a self-employed person, you are NOT an Employer therefore you are contracting a person for a service. It is your responsibility to make sure the self-employed person meets the criteria.

Self-employed persons:

- Have a separate self-employed Service Contract
- Need to have their own Public Liability Insurance
- Supply their own equipment that they require to complete their work, such as gloves and aprons
- Are responsible for their own training
- State what their hourly or weekly rates are
- If they are unable to work, they should supply a replacement person, although you do not have to accept this person
- Do not get holiday pay or statutory sick pay
- Are responsible for their Income Tax and National Insurance contributions
- Should supply a Self-employed Registration Number
- Should submit invoices in a suitable format, subject to the current HMRC rules, for self-employed persons
- Are responsible to obtain and fund their own DBS check

For further information, relevant documentation and support contact your EAG/SP Officer.

Top Tip

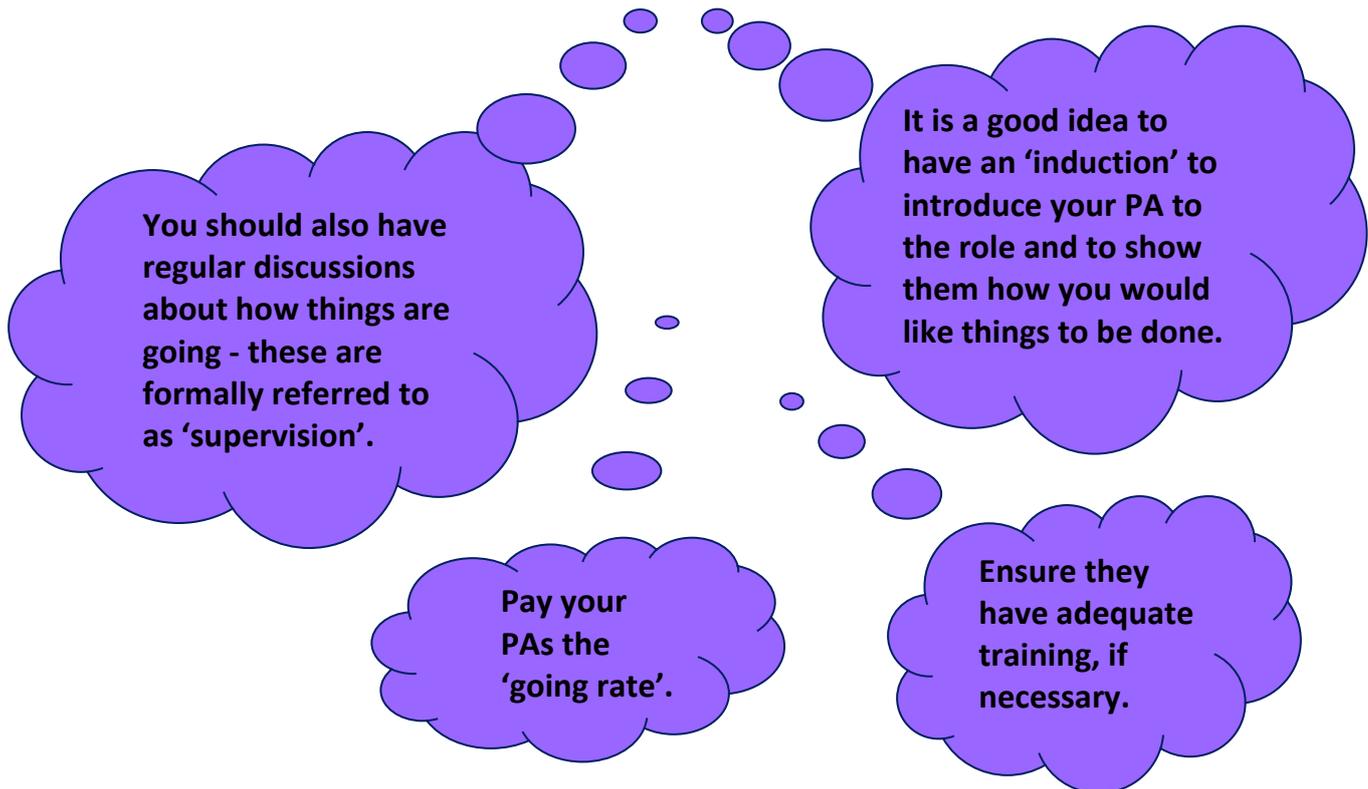
See the GOV.UK website for additional information –

<https://www.gov.uk/employment-status/selfemployed-contractor>

Find out a person's employment status –

<https://www.gov.uk/government/organisations/hm-revenue-customs/contact/status-customer-service-team>

How can I be a good Employer?



Induction

It is a good idea to hold an induction on your PAs first day of work. You may want to go over the contract again, explain any house rules you may have, ie taking shoes off; and explain the routine and types of things you would be doing so that your PA can get a better understanding of their role. It is also a good idea to inform your staff where the stop-cock and fuse box are!

Supervision

Supervision sessions also help to maintain the Employee/Employer relationship. This is an opportunity for you both to raise any concerns or worries and to discuss whether the PA is doing everything in a way that meets or exceeds your needs. Try to give constructive feedback and praise, to make the PA feel valued. This should take place regularly, for example, every three months. It does not have to be formal, but it is important to keep good communication with your PA.

Top Tips

Provide support and development - Regular supervisions and reviews will help retain your PA.

- **Communicate** - Try to be on the same page when directing your PAs. Be clear and precise about what you want to achieve with their support. Remember, your PA needs to know what you want them to do, so tell them!
- **Set clear boundaries and guidelines** - Keep in mind that your PA is your Employee.
 - **Reward your PA** – Your PAs need to feel supported and appreciated, try to recognise when jobs are done well.
- **Be flexible** - Make sure they do not have to choose between home and work.

What if things go wrong?

It can be hard to think about things going wrong. However, it is good to have a plan of how to deal with problems.

If I am not happy

Things to consider:

1. Talk to your PA about any concerns such as timekeeping or occasional rudeness as sometimes this can be easily resolved.

Or

2. When the situation does not improve, or your PA does something more serious, it is best to follow legal procedures.

Have a disciplinary policy which is understood by your PA and which is included in their contract.

3. Get support – You may want to talk to someone who has gone through the same experience as you or perhaps think about having external mediation to help resolve problems.

Safeguarding

Abuse is a violation of a person's human and civil rights by any other person and is never acceptable. If you suspect abuse of any kind you should tell someone immediately.

This may be: A single or repeated act, a physical, verbal, psychological, sexual, institutional, discriminatory or financial, or an act of neglect or failure to act.

Some examples may include: Lack of personal care, being stopped to attend a medical appointment, injuries, threatening to get access to your money or Will, being kept from your usual network of family and friends etc.

If you have questions about safeguarding or feel that you or someone else is being abused, you can speak to any of the following people;

- The Police on 101 (or 999 in an emergency)
- The Local Authority Safeguarding Team
- A trusted family or friend
- Your family Doctor
- A local support organisation

For contact details, separate safeguarding guidance is available for your area. The most important thing to remember is to talk to someone about your concerns – you can always contact your EAG/SP Officer.

If my PA is not happy

Things to consider:

- Communication and patience
- Supervisions and meetings
- Grievance procedure

If your PA is planning to leave, they need to give you notice, which should be stated in your contract. You may also want to consider a handover, from the leaving PA to the starting PA, to ensure a smooth transition.

Having a back-up PA

It is recommended that you have a back-up PA to take over from your usual PA if ever they cannot assist you. As well as resigning, it may be that they become ill or suffer bereavement, or just go on holiday. Whatever the reason, it is important to have someone in mind if ever your PA is absent.

This is also called having a contingency plan. This plan aims to make life easier if your PA suddenly isn't available. Therefore, it is a good idea to employ at least two PAs on a 'work when needed' or 'zero hours' contract for this situation. Alternatively, you could contract the services of a self-employed person on a 'zero hours' basis or instruct an agency. This contingency plan will be in your Support Plan, if this service has been provided by Purple. If support planning and/or costings, have been conducted by the referral organisation, please speak to the EAG/SP Officer about your contingency plan.

It is also a good idea to plan for when you are on holiday or being admitted to hospital and consider how this will affect your PA. They may be able to take their holiday to coincide with this. Of course, there may be times you are sick, and this cannot be planned for, try to give your PAs reasonable notice. If your care and support needs significantly change, such as an extended stay in hospital, get in contact with your EAG/SP Officer to discuss support available to you to manage your PAs in the interim and next steps.

Address Book

Here are a few useful contacts to have in your address book:

ACAS (Advisory, Conciliation and Arbitration Service)

Provides free and impartial information and advice to Employers and Employees on all aspects of workplace relations and employment law – online helpline.

www.acas.org.uk Telephone: 0300 123 1100 Relay UK: 18001 0300 123 1100

Association for Real Change (ARC)

Represents service providers in the learning disability sector to improve the quality of life for people who have a learning disability by supporting anyone who is involved in the planning or delivery of support and services.

www.arcuk.org.uk Telephone: 01246 555043

Being the Boss

Addressing the lack of peer support available to disabled people who employ PAs by sharing information based on the experiences of disabled people who employ PAs and by providing a safe forum to discuss/share ideas.

www.beingtheboss.co.uk Telephone: 07872 038370 Email: mail@beingtheboss.co.uk

Civil Mediation Council

The recognised authority in the country for all matters related to civil, commercial, workplace and other non-family mediation – ‘find a mediator’ search.

www.civilmediation.org Telephone: 07841 017905

Care Quality Commission (CQC)

Independent regulator of all health and social care services in England – ‘find a provider’ search.

www.cqc.org.uk Telephone: 03000 616161

Citizens Advice Bureau (CAB)

UK network of independent charities that give free, confidential information and advice to assist people with money, legal, consumer and other problems – ‘find your local CAB’ search.

www.citizensadvice.org.uk

Crimestoppers

Independent charity helping law enforcement to locate criminals and help solve crimes – facility to report crimes anonymously.

www.crimestoppers-uk.org Telephone: 0800 555111

Disability Law Service

Fighting injustice for disabled people.

www.dls.org.uk/ Telephone: 0207 791 9800 Email: advice@dls.org.uk

Disability Rights UK

Leading authority on social security benefits for disabled people.

www.disabilityrightsuk.org Telephone: 0330 995 0400

GOV.UK

The place to find government services and information.

www.gov.uk

HMRC

UK's tax, payments and customs authority – online tools available to help Employers.

www.hmrc.gov.uk Telephone: 0300 200 3300

NYAS (National Youth Advocacy Service)

Telephone: 0808 808 1001

Email: help@nyas.net

Legal Services Telephone: 0151 649 8700

Email: legal@nyas.net

Pensions Regulator

Information and guidance on work-based Defined Benefit and Defined Contribution schemes plus new pension rules and auto enrolment.

www.thepensionsregulator.gov.uk Telephone: 0345 600 1011

Royal Mail

UK's leading postal service company – providing a PO Box service.

www.royalmail.com Telephone: 0345 774 0740

Skills for Care

Practical tools and support to help adult Social Care organisations and individual Employers in England.

www.skillsforcare.org.uk Telephone: 0113 241 1275 Email: information.team@skillsforcare.org.uk

Stop Hate UK

UK's leading organisation working to challenge all forms of Hate Crime and discrimination.

www.stophateuk.org Telephone: 0800 138 1625

The Law Society

The representative body for solicitors in England and Wales – – 'find a solicitor' search.

www.lawsociety.org.uk Telephone: 0207 242 1222

Employer's Liability Insurance

When you first receive a Direct Payment or Personal Health Budget, you may receive a start-up cost on top of your normal funding. This one-off payment is to pay for Employer's Liability Insurance, DBS (if required) and, if applicable, advertising costs. You may not be given funds to cover these costs for subsequent years – your EAG/SP Officer can discuss with you any one-off or ongoing payments agreed with your referral organisation.

Further instructions and main providers

Independent living / home insurance plans

As an Employer, you are legally required to have Employer and Public Liability Insurance to cover you against liability for an Employee's injury and will probably require a more comprehensive policy tailored to your need as an Employer. We recommend the higher level of cover which includes legal costs, tribunals and redundancy payments.

Some providers also have an Employment Law Helpline that you can access for free.

We do not recommend which provider you choose for your cover although we can assist you in making the choice. We do recommend, however, that you contact the organisations to discuss your specific requirements as an Employer to ensure you have the right policy to meet your needs. For example, you'll need to check if the cover includes insurance if your PAs will be supporting you with medication administration or other interventions such as PEG feeds.

The contact details for the four main providers are:

Fish Insurance: www.fishinsurance.co.uk
(offer Purple Customers a reduced rate) Freephone: 0333 331 3990

Premier Care Insurance/Mark Bates: Telephone: 0845 838 4709

Surewise: www.surewise.com
Telephone: 01268 200 020

When you have made your choice of provider, if Purple manage your funds, you may either pay for this upfront and receive a reimbursement or ask the provider to invoice Purple:

Purple
Ivan Peck House
1 Russell Way
Chelmsford CM1 3AA

Email: essexinvoices@wearepurple.org.uk
phbinvoices@wearepurple.org.uk
thurrockinvoices@wearepurple.org.uk

Telephone: 01245 392300, Option 1

Sample Job Description

JOB TITLE Personal Assistant (Care)

LOCATION [insert usual place of work – not full address]

JOB SUMMARY To provide support in personal, domestic, social and related matters as requested by [insert Customer's name] and/or the appointee.

REQUIREMENTS

- Assist with personal care as instructed in a sensitive and dignified manner
- Maintain the domestic environment to the required standard, with regard to health, safety and hygiene
- If required, assist in the preparation of meals (and food shopping)
- It is important that you wear clothing and footwear appropriate to the tasks involved, eg flat shoes and clothes which permit freedom of movement
- If required, supervise and/or assist in the administration of prescribed medication
- Undergo relevant training for professional development (and be paid the time taken for this)
- Support with day-to-day and recreational activities and health appointments that may include driving and/or accompanying

RESPONSIBILITIES

- Maintain timesheets, keeping them complete, up to date and correct and assist or submit these to the payroll provider to scheduled deadlines, if required
- To arrive for work at the agreed time and give notification if you are going to be late
- Establish a close working relationship on a one-to-one basis and discuss and resolve problems as they arise
- Be open in communication and maintain means of contact as required
- Respect privacy and maintain a constant professional approach
- Preserve my / named other's dignity and support me / him / her in maintaining independence in my / his / her chosen lifestyle at all times
- Respect my / named other's possessions and equipment and gain my / named other's consent for the use of equipment, eg telephone, television, computer

Needs can vary on a daily basis; therefore, duties and tasks may alter accordingly. You are reasonably expected to perform duties of a similar or related nature to those outlined above.

As some personal care is involved, I would feel more comfortable with a female carer. This advert complies with the Sex Discrimination Act (1975) Section 7 (2b).

If there are to be significant changes to your Job Description, I reserve the right to give you not less than one month's notice in writing of these, and you will be deemed to have accepted them unless you notify me of your objection in writing before the end of the notice period.

Note: This is an example Job Description for you to alter to your individual support needs. Please see 'Step 1: Job Description' guidance in the 'How do I employ a PA?' section of the toolkit.

Sample Job Advert

Job title: Personal Assistant (Care) – [carer/ live-in carer / escort / cover]

Location: [insert usual place of work – not full address]

Rate of pay: £ per hour/week

Hours: hours per week / live-in carer

Pattern of working: [insert days and times]

Job Description:

Personal Assistant needed to support a [man/woman/child] with [physical/learning] difficulties to [live independently / access the community / access employment].

[I / My mother/father/son/daughter] needs support with [tasks/duties].

ie Needs to be a driver / Have use of your own car.

Breaks / food / expenses / mileage to be discussed, if invited to interview.

Additional hours may become available, so I am/we are looking for someone who is flexible.

Experience or qualifications:

Any offers are subject to a DBS check, receipt of two references and checking the legal right to live and work in the UK.

As some personal care is involved, I would feel more comfortable with a female carer. This advert complies with the Sex Discrimination Act (1975) Section 7 (2b).

Please apply via [Find a Job / Gumtree / email / PO Box] with your CV attached. If you are successful, [I / we] will contact you by telephone first to discuss the position before arranging an interview.

Closing date:

Note: This is an example job advert for you to alter to your individual support needs. Please see 'Step 2: Job Advert' guidance in the 'How do I employ a PA?' section of the toolkit.

Contract of Employment

EMPLOYER:.....

ADDRESS:.....

.....

EMPLOYEE:.....

ADDRESS:.....

.....

Email:

Date of Employment:

Please note:

Sudden changes to the allocation of funds which pays for your employment are possible. This could have an impact on your employment. Due notice of any change in circumstances will be notified as soon as possible. Employment with previous employers does not count as part of your continuous period of employment.

Job Title:

.....

Normal Place of Employment:

.....

Due to the nature of this employment, it may be required that you work at other locations with or without your Employer in order to meet their needs.

Role & Responsibilities: The role is defined in the attached Job Description. However, due to the nature of the work and changes to impairment related needs, these may vary.

Normal Working Hours.....Per Week

Please note that flexibility is a requirement of the post and is expected. There may be a requirement on some occasions when the Employer needs you to change your working times or provide extra cover time. This will be by mutual consent wherever possible and will be in accordance with Working Time Directives.

Pay: Current pay rates are £..... Per Hour.

Payments will be made monthly in arrears (wage advances will not be provided). Where appropriate, tax and National Insurance contributions will be deducted from your wages in line with current regulations.

The Employee must complete and submit accurate timesheets containing details of hours worked to the Employer for authorisation. Late submission of timesheets to the payroll provider will result in payment being delayed.

Probationary Period: The post is offered subject to satisfactory references and completion of a six month probationary period. During this period, either party can terminate this contract by giving one week's notice. At the Employer's discretion a payment may be made, instead of requiring the Employee to work the notice period.

Sickness: If the Employee is unable to come to work because of illness, they must let the Employer know as soon as possible so that other arrangements can be made. Payment for sick leave will be Statutory Sick Pay which will be provided according to current regulations. There is no contractual right to additional payment above Statutory Sick Pay in respect of periods of absence due to sickness or incapacity. Please telephone as soon as you realise there is a possibility that you might not be in due to ill-health. If you get the answerphone please leave a message. This is important as alternative cover arrangements may need to be put in place.

If the Employee is off sick for more than three days, then they must complete a form SC2 (Employee's Statement of Sickness) and submit this to the Employer.

The Employee will be required to provide a Medical Certificate if the Employee is absent through sickness for more than seven days. For the purposes of the Statutory Sick Pay Scheme the agreed qualifying days are Monday to Sunday.

Due to the nature of the post, if the Employee is sick for three weeks in any six month period, the Employer will reserve the right to review the contract and seek medical advice from the Employee's Doctor to determine the prognosis for the illness. In the event the Employer decides it is necessary to terminate this contract, you will be entitled to the appropriate notice (see Termination of Contract).

Paid Holiday Entitlement

The Employee is entitled to 5.6 weeks paid holiday per annum including Bank Holidays (pro rata to each completed month's employment). Thus an Employee starting or finishing work before the end of the holiday year (April to March) will be entitled to 1/12th of the holiday entitlement for each whole month of work completed.

A holiday week is the equivalent of the number of hours/days normally contracted to be worked per week. Written agreement is needed before contracting holiday arrangements.

In the event of the termination of this contract by either party any excess annual leave taken in relation to the period worked will be reclaimed by way of deduction from final salary or, should insufficient final salary funds exist, by separate payment to the Employer by the Employee.

At the discretion of the Employer you may be required to either take holiday in notice period or be paid in lieu of holiday.

There may be a need for some or all of the Annual Leave holiday period to be taken at times that coincide when the Employer does not require the Employee's support due to their own leave or other circumstances. When this applies the Employer will discuss these requirements with the Employee in advance and negotiate such occasions with them

Public Holidays/Bank Holidays

If your working day falls on a Bank Holiday or Public Holiday, you will be expected to work unless you book that day off as annual leave at least four weeks in advance.

Contract Termination

Employer:

After the Employee has successfully completed their probationary period, the Employer will give them the following written notice of termination of their employment.

One week's notice if they have continuously been employed for one month or more, for up to two years and thereafter; one week's notice for each completed year of employment up to a maximum of twelve weeks notice.

Employee:

The Employee must give the Employer four weeks written notice when they want to terminate their employment.

In the event of any serious breach by the Employee of the terms of employment or in the event of gross misconduct or negligence, the Employee will be suspended immediately with pay, whilst the matter is investigated following the disciplinary procedure.

The Employer reserves the right to pay your basic salary in lieu of notice instead of requesting that the Employee works their notice period.

Pension:

There are specific rules for different types of workers, but if the Employee is over 22 and earns above £10,000 each year the Employer will need to have a pension scheme and make contributions towards the Employee's pension. Employees earning less than this amount have a right to join a scheme if they request it.

Confidentiality and Security:

The Employee must respect the Employer's right of privacy (and that of their family) and maintain a professional approach at all times. Any information gained during their employment is strictly confidential and should not be discussed with or divulged to any third party without the prior written authorisation of the Employer or as a requirement by law.

Punctuality:

Because of the nature of the work, it is essential that the Employee arrives at the agreed time. If you are likely to be delayed by more than ten minutes, please contact your Employer. Please do not arrive more than ten minutes earlier than the agreed time.

Code of Conduct

When assisting the Employer, the Employee should:

- Respect the Employer's home. The Employee will be expected to leave things as they found them.
- Treat items of equipment with care. If uncertain how to use any equipment, please ask. If the Employee accidentally breaks or damages any property, it is their responsibility to notify the Employer immediately.
- Not knowingly or deliberately put at risk the safety and health of any person. The Employee must inform the Employer or others of any health or other matter that could put either of them at risk.
- Arrive at work in a fit state. The Employee must be able to perform the agreed tasks.
- Turn mobile phone off while working.
- Not smoke in the place of employment.

Any breach of the above Code of Conduct will be treated seriously and may result in termination of this contract with due notice.

Disciplinary Procedure

A disciplinary procedure covering unsatisfactory work and gross misconduct is attached.

Grievance Procedure

It is the responsibility of the Employee to raise any grievance with the Employer immediately and in writing.

The Employer will invite the Employee to at least one meeting to discuss the grievance with the Employee as soon as possible and must take all reasonable steps to attend such a meeting.

Once this meeting has concluded (and allowing reasonable time for the facts to be reviewed) the Employer will inform the Employee of the decision in response to the grievance raised and will notify the Employee of the right of appeal against the decision if they are not satisfied with the outcome.

If the Employee wishes to appeal the decision they must inform the Employer in writing and will be invited to attend a further meeting which they must take all reasonable steps to attend. After this meeting (which may or may not include an independent party) the Employer will inform the Employee of the final decision.

Personal Possessions

Any such items brought into the workplace will remain the Employee's responsibility and no liability will attach to the Employer for any loss or damage incurred.

DISCIPLINARY PROCEDURE

The Disciplinary Procedure in operation:

This procedure applies to both the Employee's conduct and to the performance of the Employee's duties at work. Minor problems can be dealt with informally, and where possible this will be the first step before the disciplinary procedure begins. In cases of a more serious nature, the Employer may conduct an investigation. The Employer may suspend the Employee on full pay during the course of such an investigation, but investigatory suspension will not be considered as a disciplinary sanction. If the Employer considers that it is necessary to take formal action the following procedure will apply.

Part 1: The Employer will set out in writing the alleged conduct or other circumstances, that have lead the Employer to contemplate taking disciplinary action against the Employee.

The Employer will send a copy of the statement to the Employee and invite them to attend a meeting to discuss the matter.

Part 2: The meeting will take place before any disciplinary action is taken. The Employee must take all reasonable steps to attend the meeting. The Employee may be accompanied by a work colleague, trade union representative or other person of their choice at the meeting.

After the meeting, the Employer must inform the Employee of the decision, stating the stage of any disciplinary action to be taken (dependent upon seriousness). The Employee will be notified of their right to appeal against the decision if not satisfied with it.

RIGHT OF APPEAL

Part 3: If the Employee wishes to appeal they must do so in writing within ten working days of notification of the decision.

The Employer will set up a second meeting and invite the Employee to attend the meeting.

The Employee must take all reasonable steps to attend the meeting. They may be accompanied by a work colleague, trade union representative or other person of their choice.

The appeal meeting may take place after any dismissal or disciplinary action takes effect.

After the appeal meeting the Employee will be informed of the Employer's final decision. The Employer will attempt to ensure that each stage of the procedure is completed without unreasonable delay and that the timing and location of meetings is reasonable to both parties.

ACTION UNDER THE DISCIPLINARY PROCEDURE

Warnings

Formal warnings will be given if it is considered that disciplinary action is necessary. A warning will be issued by your Employer in the following stages:

Stage 1 – Recorded Verbal Warning

Stage 2 – Written Warning

Stage 3 – Final Written Warning

Where there are ongoing complaints (whether or not of the same nature) or insufficient improvement, warnings will generally progress through the above three warning stages.

However, if a disciplinary matter occurs which the Employer considers sufficiently serious, the Employer may apply any warning stage considered appropriate in the circumstances.

In each case the warning will state:

- The stage of the warning
- The precise nature of the complaint(s)
- The improvement required from the Employee and the timeframe in which the improvement must be made
- The likely consequences of further instances of the complaint

The warning will remain in effect for twelve months.

You will be advised your right of appeal in each instance as is described above.

Suspension: The Employer may impose disciplinary suspension without pay to a maximum of one working week.

Unless specifically agreed in writing by the Employer, the suspension will not result in warnings being effective.

You will be advised of your right of appeal.

Dismissal

If the Employee fails to meet the standards required following a Stage 3 Final Written Warning or there is a gross misconduct and/or gross incompetence, dismissal will normally result. The Employee will be provided with written reasons for dismissal which will also inform them of the right of appeal. In the event of gross misconduct or gross incompetence the Employee will be informed of the complaint(s) against them and the procedures as set out in paragraph 1 will be followed. If, after such procedures have been complied with, the Employer concludes the behaviour or performance amounts to gross misconduct or gross incompetence the Employee may be dismissed with immediate effect and without notice.

Please note that the Employer reserves the right to apply disciplinary procedures at any stage if the Employee's conduct or performance warrants action whether or not the Employer has progressed through all the available disciplinary warnings.

Gross Misconduct

Gross misconduct includes matters relating to serious breaches of the Employer's policy. The following is a non-exhaustive list of examples which are normally regarded as gross misconduct:

- Theft, fraud, deliberate falsification of records, reports or expense
- Fighting, assault on another person
- Deliberate damage to property of the Employer or of a third party
- Being under the influence of drugs or alcohol
- Negligence which causes or could cause significant loss, damage or injury or other serious consequences (for example criminal or civil liability or damage to the Employer's reputation)
- A serious act of insubordination
- Wilful or reckless failure to follow the safety rules of the Employer
- Harassment or discrimination on the grounds of sex, race or disability
- Misuse of the Employer's information systems, associated data, copyright, software and the telecommunications network
- Disclosure of confidential information
- Refusal or persistent failure to carry out working instructions or the Employer's rules and procedures

Health and Safety and Gross Misconduct

For Health and Safety reasons, the following is a non-exhaustive list of disciplinary offences which are normally liable to end in summary dismissal:

- Coming to work and/or being under the influence of alcohol
- Taking any illegal drug (whether or not at work)
- Being under the influence of any drug at work which seriously impairs your performance
- Failing to report to the Employer any medical condition or medication/drug taken (whether prescribed or not) which could interfere with your ability to perform your work competently and safely.

**I have read the above statement of conditions of employment.
I understand the conditions and agree to abide by them.**

Signature: (EMPLOYEE)

Name:

Date:

Signature: (EMPLOYER)

Name:

Date: