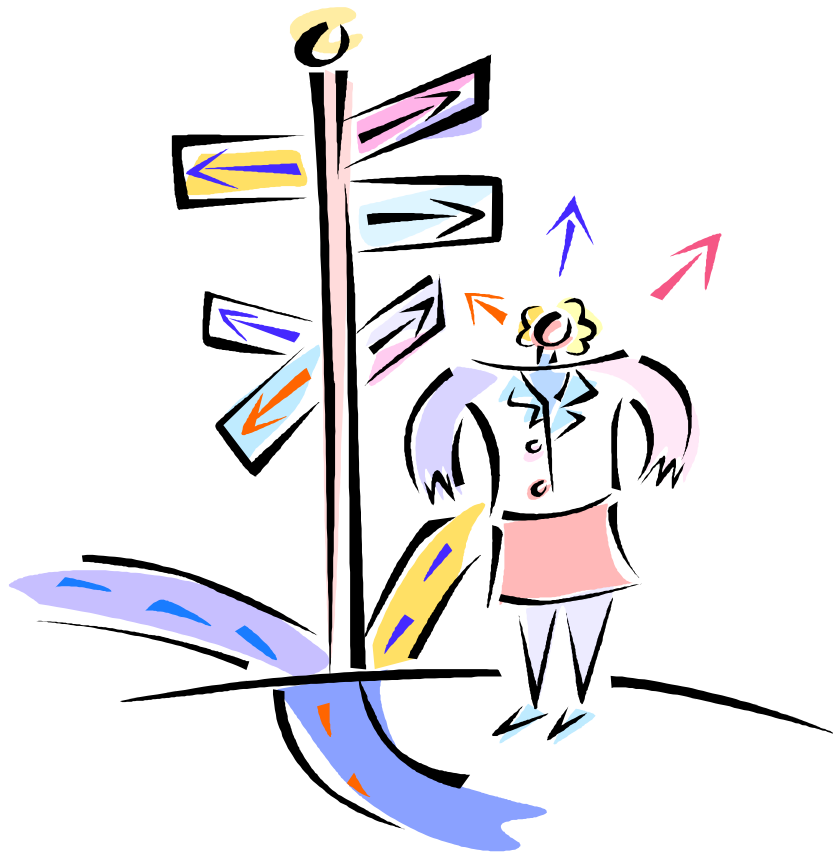


# A Guide to Using Direct Payments

Have more choice about the help you need



# Direct Payment Toolkit

## Introduction

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# Introduction

## What are Direct Payments?

Direct Payments can be used in many ways: this booklet is about using Direct Payment funding to choose and employ a Personal Assistant to help you with your everyday life. In this way you have much more choice about having the help you need in the way that works for you.

In order to access the Direct Payments system, your local Council and Social Services Department must carry out an assessment of your needs. Once this is done, you may be eligible for Direct Payments.

This guide aims to make it possible for you to use the system in a comfortable and confident way.

## What is a Personal Assistant (PA)?

A Personal Assistant is someone whom you pay to do the things that will make your life easier. Instead of Social Services arranging for one of their staff to help you, you are given the money to employ someone yourself. You must use the money to meet your assessed needs, but you are much more in control, and can direct and stipulate how you want the Personal Assistant to support you.

## Using your Care Plan

You should have a Care Plan that allows your Personal Assistant to know and understand your needs. You will need to discuss how the care plan is written as it will vary from each local authority; in some cases you may write this, you may do it jointly with social services and the Direct Payments team, or it may be completed on your behalf by social services and the Direct Payments team. In the first instance you need to contact your local social services team to ask them about how you can have your needs assessed.

# Who can have a Personal Assistant?

You may be able to have a Personal Assistant:

- If you are already receiving social services. Your local council may offer you the option of Direct Payments instead of the services you are getting now
- If you are disabled and aged 16 or over
- If you are an older person

This booklet tells you what you need to know about to manage your own Personal Assistant, including:

- Finding and choosing your Personal Assistant (PA)
- Managing your PA
- The legal aspects of having a PA
- Where you can get support

It may seem like a difficult process, but there is plenty of support to help you so that you get a PA who will really improve your life.

*This pack has been funded by Skills for Care and developed by Spirit Research and Evaluation Ltd with support from Reading Borough Council and service users via a series of consultation events. Local authorities may use the resource freely, inserting local information relevant to their own local authority and using alternative formats such as Large Print, Braille, Audio tape/CD, Electronic format or Easi-read.*

# Part 1 Choosing a Personal Assistant

## The Steps to Employing a Personal Assistant

### Deciding what you need help with

What can a PA do to help you? You need to think first of all what you need help with, and what your Care Plan (see page 1) says. Once you have a clear idea about that, you can start planning what you want the PA to do. You may need to have several goes at this to be sure to get it right for you personally.

This table gives some ideas of what you might want to include in your list of needs. This will help you put together your Job Description, which explains clearly what the person will have to do and the kind of person that you're looking for. The list is just to start you thinking – be sure to add your own items. Think about how often you will need assistance with these tasks, and how much help will be needed.

### Tasks I need help with

I need someone to help me to ...	How often	How much help
Do the shopping		
Go out with my friends		
Visit the local garden centre/theatre/park		
Walk my dog/ feed my cat		
Cook		
Clean		
Eat		
Take my medication safely		
Do my accounts and sort out my finances		
Do the gardening		
Move around		
Do my physiotherapy exercises		

<b>Personal</b>		
Get out of bed in the morning		
Get dressed and undressed		
Wash, bath, shower		
Shave		
Take care of my teeth, hair and/or nails		
Do my make up		
Use a toilet, commode or bottle		
Use a catheter		
Use a colostomy bag		
With my wheelchair		
Use a hoist		
Exercise		

## **The Job Description**

A Job Description sets out clearly what the job requires. It helps those applying for the job to know what you are looking for and what the job involves on a day-to-day basis. It needs to state exactly what you want them to do, how often, when and where, and the number of hours they will be working.

## **Advertising**

Once that's done, then you can write an advertisement. Think about what you want the PA to do, and against each of those points, what qualities and skills they will need to have in order to do it. For example, it might be important to you that they can drive you around or that they can help with your pets. They may need specific skills related to your care needs.

An advertisement needs to be clear and brief, saying what the work involves, the number of hours needed, what you will pay, closing date for applications, and how to contact you. It is not a good idea to put your address on the advert; a phone number or PO Box number will do. If you have a local Direct Payment support service they may let you use their address.

You need to be careful about how you word the advert, as you mustn't show discrimination, although it is possible to request a male or female PA. Your Direct Payment team will be able to provide more advice about this.

You can advertise in various places:

- Job Centre (this is free)
- Local newspapers and recruitment agencies (watch out though – these can prove expensive)
- Local websites (ask your local Direct Payments support officer)
- Local shop notice boards

Examples of job adverts:

**Personal Assistant needed in Esher, Surrey**

I am a friendly, outgoing mature lady with a physical disability and I am looking for someone to help me with my personal care needs and some light domestic tasks

Experience not essential, although a cheerful disposition a must

Car driver preferable

9.00am – 2.00pm Monday, Wednesday and Friday (£8 per hour)

10.00am – 3.00pm Saturday (£9.50 per hour)

I am keen to hear from you even if you are interested in working on some of the days only

Closing date.....

For further information and an application form please call.....

**Part-time help needed in Andover, Hampshire**

**I am a young man with good comprehension, but due to my disability I find it difficult to communicate**

**I need help with my care needs (showering, shaving), with looking after my garden and getting out and about to socialise**

**10 hours a week on two afternoons – the days we can agree mutually**

**Good sense of humour and car owner and driver essential**

**£8.50 per hour plus travel**

**Closing date.....**

**For further information please call.....**

## **Choosing the right person**

So what do you do once people start to contact you from the advertisement?

When someone phones you about the advertisement, you will want to get a feel of whether you want them working for you. Start with a few informal questions, such as:

- What experience do you have?
- Where else have you worked, what were you doing and why did you leave?
- Do you have any training or formal qualifications?
- Can you work the hours and the days that I need?
- Do you have any criminal convictions?

You can also ask people to fill in the application form (see example on next page) where they have to give details about these questions.

Always tell them that you'll be asking for the names of people who would give them a reference.

It's useful to talk all this through with someone else, and to get someone to read the application forms with you once they arrive.

## **Personal Assistant Application Form**

(You need to adapt this to match what you are looking for.)

### **1 Personal details**

Name:	
Address:	
Phone number:	Mobile phone number:
Email address:	
Do you need a Work Permit to work in the UK?	Yes / No
Do you have a full British Driving Licence?	Yes / No

### **2 Experience (including voluntary or unpaid work)**

If you have worked before it would be useful to know what sort of work you have done. Please list this here, including length of time worked in any job, and your reason for leaving.

--

### **3 Education/training**

If you have had any education or training that will help you carry out the role of being my Personal Assistant please provide information below:

--

**4 Why you are applying for this job?**

**5 Why do you think you would be good at this job?**

**6 What hours could you work and on what days?**

## 7 References

Please provide details of two people who know you and your work.

1 Name:
Address:
Phone number:
How do you know this person?
2 Name:
Address:
Phone number:
How do you know this person?

Are you happy for me to contact these people before interview?      Yes / No

**8 Have you had any criminal convictions?**      Yes / No

Within the nature of the work for which you are applying this position is exempt from the provisions of Section 4(2) of the Rehabilitation of Offenders Act 1974, by virtue of the Rehabilitation of Offenders Act 1974 (Exemptions) Order 1975. This means that you must give information about all convictions including spent ones on a separate sheet if necessary. In the event of employment, if you do not disclose such convictions it could result in your dismissal. Information given is confidential and will only be considered for the purposes of this application.

**To my knowledge all the information contained in this application is true and accurate.**

Signed:

Name:

Date:

Please return to:

## Interviewing

Set aside the day when you are going to interview. Invite applicants along on the phone if you decide not to use an application form, otherwise invite them in writing or by phone having shortlisted those you want to meet.

You may feel more comfortable not interviewing in your home. If this is the case, ask your local DIRECT PAYMENTS Support Service, carer and/or disability organisation whether they can let you use a room.

The first thing you may want to do at the interview is tell them a bit more about the job. However, once you have done this make sure you let them do most of the talking so you get a chance to see if you are going to get along with them. Give them the chance to ask questions too.

Write a list of things you want to ask the applicants, based on your Job Description. Set out a bank of questions to ensure you ask ALL applicants the same things. This can help ensure you are not discriminating and your selection process is fair. The questions can include reviewing what you want; for example, car-driving skills, cooking skills, and the ability to communicate with you and understand what you want.

Here are some examples of other questions you may wish to ask:

- “Why are you keen to be a PA?”
- “What do you think the job will involve?”
- “What do you think you will like the least/most about the job?”
- “How will you get here?”
- “Can you drive?”
- “Would you be happy to take me to ..... once a week?”

It's important to have someone with you when you interview. They can make a note of how different people have answered your questions. Two heads are better than one, and it's useful to have someone to talk things through with after the interview is over.

It's important to remember that you do not have to employ anyone that has applied if they do not meet your needs. Just advertise again and perhaps think about how you can advertise more widely. It's much better to do this than to have someone caring for you that you are simply not comfortable with. You also need to let those that were unsuccessful know the outcome of the interviews as soon as possible. You can do this by phone or by letter.

## **The Contract of Employment**

When you have chosen someone that you are happy with, it is important to have a written contract. With this, the PA knows what is expected of them, and it can be helpful in sorting out misunderstandings. It also helps you to be clear in your own mind about what you are expecting from them.

The contract should include clear information about what the job involves, pay, holidays, notice and disciplinary procedures. An example that you can work from is in the Appendix. You can add to/delete from this to meet your needs.

# Money Matters

## What should I pay my Personal Assistant?

Rates of pay for Personal Assistants vary. The rate you pay will depend on:

- How much you receive from the council, which will have been worked out based on what is needed to meet your needs
- The nature of the work and the level of skill and experience required
- The hours and days to be worked – you will probably need to pay more for evening, night and weekend work

To help you decide what to pay your PA, find out what others who live in your area and who require a similar service are paying. You can find this out by contacting your local council and by looking at adverts for jobs in local papers.

As a minimum you need to pay the Minimum Wage. This tends to change year on year and can vary depending on the age of the person you are employing. There are different levels of minimum wage. The rates from 1 October 2007 are:

- £5.52 per hour for workers aged 22 years and older
- A development rate of £4.60 per hour for workers aged 18–21 inclusive

If you would prefer to talk to someone about this, you can call the Inland Revenue. They have a confidential helpline on the minimum wage. Their number is 0845 6000 678.

To find out more, read the Department for Business, Enterprise and Regulatory Reform's *A detailed guide to the national minimum wage*. You can get a copy of this online at [www.berr.gov.uk/files/file11671.pdf](http://www.berr.gov.uk/files/file11671.pdf) or from the BERR Publications Orderline on 0870 150 2500.

## Paying wages, and dealing with tax and National Insurance

As an employer, you have to work out and deduct the employee's tax and National Insurance. You must contact the Inland Revenue to register as an employer.

You could choose to use a payroll service to do this for you. This means someone else works out and pays the wages, tax and National Insurance for you. Your Direct Payment support service should be able to give you information about a specialised payroll service provider. This will need to be paid for.

It might also be possible to contract with your PA as a self-employed worker. This means that it is they who are responsible for paying their tax and national insurance.

## **Holiday entitlement**

Your PA can have four working weeks holiday each year – with a week being the number of hours or days usually worked in any given week. Bank holidays are not included in this calculation.

## **Using a self-employed Personal Assistant**

If using the services of a self-employed Personal Assistant:

- Make sure you receive an invoice from them regularly
- Check with the tax office that they are registered as self-employed. If they are not paying tax and National Insurance it could be you that ends up paying it for them!

## **What’s the difference between “employed” and “self-employed”?**

The following questions can indicate whether your PA is employed or self-employed:

**Employee:** If the answer to all of the following questions is “Yes”, they are probably an employee.

- Do they have to do the work themselves?
- Can someone tell them at any time what to do, where to carry out the work or when and how to do it?
- Do they work a set amount of hours?
- Can someone move them from task to task?
- Are they paid by the hour, week, or month?
- Can they get overtime pay or bonus payment?

**Self-employed:** If the answer is “Yes” to all of the following questions, it will usually mean they are self-employed.

- Do they regularly work for a number of different people?
- Can they hire someone to do the work for them or engage helpers at their own expense?

- Do they provide the main items of equipment needed to do the job? Do they risk their own money?
- Do they agree to do a job for a fixed price regardless of how long the job may take?
- Can they decide what work to do, how and when to do the work and where to provide the services?
- Do they have to correct unsatisfactory work in their own time and at their own expense?

The Employers Helpline at the HM Revenue and Customs will be able to help you sort this out. For new employers the number is 0845 607 0143. If you are still concerned, they will put you in touch with the local Business Support Team who may be able to come out to you to talk about your individual needs.

## **Criminal Record Bureau Checks**

Criminal Record Bureau (CRB) checks show if the applicant has a criminal record and if so, what they were convicted for. They have been introduced so that employers can be sure that the people who are providing care do not have criminal convictions that could make them unsuitable for a caring position.

Since March 2002, every organisation that provides services to vulnerable people living in their own home has to check all of their employees with the Criminal Record Bureau.

### **Do I have to make this check?**

As individual employers, Direct Payments users over 16 do not have to make these checks on their workers. Even so, it might be sensible to make these checks to help you decide about the best person to employ.

If the Personal Assistants are to be caring for children, or there are children in the house where they will be working, then a CRB check is essential.

Check with your Direct Payment Advisor whether they require a CRB check, and what you should do about it. Some Local Authorities will manage the whole thing for you, or help you through the process. In some areas local voluntary organisations offer this support.

## **What does your PA need to do about the CRB check?**

Once you know who you want to recruit as your PA, let them know as soon as possible that they need to have a CRB check. Whoever is managing this process will send the forms to your PA. They should complete them and send them off. Once the check is complete the CRB record comes back to them.

## **Is there a cost?**

Yes there is. You will need to check whether your Local Authority is paying for this check. If not, you may decide to meet this cost or you may decide to ask the PA to pay.

## **How reliable are the CRB checks? What else should I do?**

Always try and reduce the risk of putting yourself in a vulnerable position. CRB checks will only reveal relevant convictions up to the date the check was done.

You should always ask for references for anyone you wish to employ and follow them up with the person giving the reference.

See later ideas on how to supervise and manage your PA's performance.

## **Using a Care Agency to Provide Care Services**

### **Why use an agency?**

You can use your Direct Payments to buy services from an agency. This means that you do not have to employ someone directly – the contract is held with the agency. You then contract with the Agency, and they then contract with the care worker.

### **What should I do first?**

If you are considering using an agency, prepare a list of the tasks you are expecting agency staff to do, just as you would if recruiting your own PA. Then think about what is important to you about the way those tasks are done.

To get the best from a Care Agency, ask some of the following questions before making a decision about whether or not to use them:

- What services do they provide?
- What charges will be made?

- Is the price all inclusive, or are there any extras, for example VAT, National Insurance or travelling expenses?
- Is there a minimum service that has to be bought? Number of hours?
- Is it possible for you to choose the person who provides the care needed?
- Can you expect to see the same person on a regular basis?
- What if the regular person is sick or on holiday?
- Can the organisation be contacted at all times when care is being provided?
- What are the out-of-hours emergency service arrangements? Is there an extra charge for this?
- If I am not happy, how can I complain about the service received?
- What obligations (e.g. financial) will there be if I cancel the service?
- Does the organisation have full Employer's Liability Insurance?
- Does the organisation work to a recognised code of practice?
- How are agency staff recruited? Are they required to give references? What training are they given?
- What evidence is there that employees have had police checks?

Employment agencies are required to meet certain minimum standards designed to protect their workers and those hiring them. Details can be obtained from the Department for Business, Enterprise and Regulatory Reform employment agency standards helpline on 0845 9555 105.

Further information is also available at:

<http://www.berr.gov.uk/employment/employment-agencies/index.html>

## **Part 2 Managing your Personal Assistant**

When you have found the person you want, given them a contract and started them off, it is important to make sure that you get the care you want. You have made sure that the selection process has given you the best person for the job. Now you need to make sure your PA gives you the support and care you require.

### **Probationary Period**

It is good practice to start with a probationary period. This is a period of time when you can find out what a person is really like, how well they support you and how well you get on before you take them on permanently. It's like a trial period. The PA can also decide whether they are happy with the work. People generally go for a 3-month or 6-month probationary period.

This allows you to check that they are working to the level that you want; if not you can ask them to leave during or at the end of this period. The probationary period also lets you give a shorter period of notice (such as one week on either side) and should allow you to ask them to leave more easily if things are not working out. This needs to be included in the contract.

It is easier to end the contract during the probationary period than once the contract has become permanent. If you decide to extend the probation period because you're still not quite sure about them, put your reasons and the extra time period in writing.

Make sure that all of the requirements relating to the probationary period are written into the contract and that the PA is fully aware of them. Check this with your local Direct Payment support service.

If you have any concerns about the PA's practice and you speak to them about it, make a record in a note book. Make a note of what the issue was, what you said, what your PA said in response, any actions agreed and the date. This supports your action if you decide to ask the PA to leave during the probationary period. Think about having someone there with you if you decide to go down this road.

# Supervision

## What is supervision?

Supervision means taking some time out with your PA to discuss their role, their work, how you feel, how they feel, and any problems that either of you have and then working through these to find solutions. It's a good time to say what's working well, too. You can also consider any training needs.

Supervision helps you to get the best from your PA and can prevent any issues or problems from getting serious. It's important to schedule time for this even if you do see each other frequently.

## What should I do?

This is an opportunity for you to learn from the PA what they feel about their role and for you to tell your PA how things are going. Remember it's as important to say what is good about the way they work as it is to identify areas where you would like them to do things differently. Try to be as objective and specific as possible when describing any problems. A PA may be genuinely unaware of your concerns and would welcome guidance on the matter.

During supervision time you can make sure that your PA knows what you want and what their responsibilities are. You want to make sure that your best interests and needs are fully understood and met.

The PA can also tell you how things are going from their point of view. It might be that you are asking your PA to do something they can't manage or that they don't know how to do. This is a time to talk this through.

Remember that you're the employer and within reason you're entitled to have things the way that you want, as long as you make this clear and discuss it, and that your requests are legal!

During the probationary period it is a good idea to have frequent supervisions – fortnightly maybe – so that any issues can be dealt with straight away.

Once you are happy with the way your PA is working for you, you can schedule in supervision once each 6 weeks if this suits you both.

Always keep a written record of things discussed and any actions, which you both sign to say you agree. It may help if you should ever have reason to dismiss your PA. It also helps you both keep a track of progress and any actions agreed. Here is a sample supervision record.

Issues to discuss
Actions agreed

Signed by Employer:

Date:

Signed by Personal Assistant:

Date:

## Induction

When your PA starts to work for you, you will want to make sure that he or she knows all your needs and how best to support you. You will need to have a meeting to explain what is needed in some detail, possibly even demonstrating your needs or having them watch someone who is used to helping you.

Start with the Job Description, which states your needs and the tasks that your PA will carry out. Have a checklist of all of the daily and weekly tasks. Make sure that your PA knows the contract agreements. Explain any “house rules”, your PA’s break periods, your dietary requirements and cultural and or religious needs.

Take time to talk to them about what they enjoy, what they like; it all helps to build the relationship.

Make sure you cover all aspects of health and safety, as mentioned in the Health and Safety section. Go through the contract, any terms and conditions and make sure they are aware of the probationary period. Talk through the Disciplinary and Grievance Procedures and make sure they understand how these will work if needed (see Appendix).

This whole period is often referred to as the “Induction Period”. It has no set length of time; it is to make sure your PA can meet all your needs. The induction period will link into the probationary period. It will allow you to confirm that your PA has the skills that are required to support you and that you get on well.

## Helping your PA to Learn

Once your PA has started work, you will want to make sure that they know how to apply their skills and expertise to your situation. Take time to work with them to make sure they have the particular skills that are required to support you. You may end up with two lists: **Skills I need my PA to have** and **Skills my PA has**, showing some possible gaps that need to be filled.

At the easiest level, you can show them how to do something, or get a family member to show them. Your PA may be able to watch another PA who has experience of your needs. The District Nurse, hospital or surgery may offer support. Remember that you are the expert in what you want and need. If something was done well, tell them. If not, tell them what needs improving and how this can be achieved. It will take time for your PA to learn everything so you

will need to explain what is most important to you and what makes the most difference to your comfort. The most important thing is for you both to be safe, and for you to be well cared for in a way that works for you.

## **What about Training?**

Firstly identify what it is that your PA needs to learn to do, or to get better at. Local Authorities offer training to help employees working in social care: check with your Direct Payments Advisor how this works, how you can access it and funding. Some of it is totally funded; some may need to be paid for.

## **National Vocational Qualifications (NVQs)**

In some social care settings there is a requirement to get staff qualified with an NVQ. It is not a requirement for PAs, but if your PA gains a qualification with skills and knowledge it may help you and your support needs.

There are two levels of NVQ that may be suitable for your PA to undertake:

- Health and Social Care Level 2
- Health and Social Care Level 3

In order to access and complete an NVQ your PA will need to register with a College or a Training Provider who offers these NVQs. There may be funding available to pay for the whole qualification but your PA will need to meet certain criteria and it is best to check this out with the training provider.

## **When Things Don't Go as Planned**

It is a good idea to write down what steps will be taken in the event that you are not happy with the way things are working out. The relationship between you and your PA is a close one, and sometimes it is only when someone starts working for you that you find out if they are the right person for you. That's why it is such good practice to build in a probationary period. However, problems can arise during or after this period so take time to check that both you and your PA know what steps will be taken if this happens.

There is some information on grievance and disciplinary actions in the Contract of Employment section in this guide but for more comprehensive advice visit [www.acas.co.uk](http://www.acas.co.uk) or your local Direct Payment support office.

## **Part 3 Legal Matters**

### **Health and Safety**

Health and Safety affects everyone at work, regardless of where the work place is located. Once you start accessing Direct Payments and employing a Personal Assistant, you have a responsibility to make sure that they work safely, and have a safe place to work in; in this case, their workplace is your home.

It is also the responsibility of the Personal Assistant not to do anything which might cause you, themselves, or others injury or harm. It is important to understand that health and safety is not just your responsibility but that of your personal assistant as well.

There is a balance between the safety of the PA and getting your needs met, and there are laws that need careful interpretation to ensure that you and your PA are not putting each other at unnecessary risk. You must always take practical and reasonable steps to reduce risk in any activity where risk has been identified (see next section).

You should also have information in place for your PA in the case of an emergency so that they know what to do. For example, where is the first aid kit? Do they know how to use it? Do they know who to contact?

If your needs change, then some arrangements for support may change. If you feel unsure about these changes, and how this may impact on the health and safety of your PA, seek advice from your local Direct Payments Office.

### **Risk Assessments**

A risk assessment helps you focus on the risks that really matter in your home – now deemed the workplace.

Assessing risk and minimising risk is straightforward in most cases and often common sense; for instance, making sure spills are cleaned up promptly so people do not slip, or that mats are not ruffled to ensure people do not trip.

Risk assessments form part of the Health and Safety at Work Act. The law does not expect you to eliminate all risk, but you are required to protect people as far as “reasonably practicable”.

## **What is a risk assessment?**

A risk assessment is simply a careful examination of what could cause harm to people, so that you can weigh up whether you have taken enough precautions or should do more to prevent harm. Workers and others have a right to be protected from harm caused by a failure to take reasonable control measures.

You are legally required to assess the risks in your workplace so that you put in place a plan to control the risks.

## **Five steps to a risk assessment**

1. Identify the hazards
2. Decide who might be harmed and how
3. Evaluate the risks and decide on precaution
4. Record your findings and implement them
5. Review your assessment and update if necessary

In many cases the risks are easy to identify. You know what puts you at risk and you can work with your employee to identify risks. For instance, what is the safest way to assist you in moving from one position to another? Does the PA know how to lift you safely without hurting themselves or you? Check that you have taken reasonable precautions to avoid injury.

As the employer, it is for you and your PA to work out a safe way for tasks to be done, reducing risk to a minimum, and to review this periodically. This could include things like using lifting equipment properly, training in food hygiene if their role involves preparing food for you, or allowing sufficient time to undertake a task so you are not both rushed. Most of what this involves is common sense. If you talk about it you will know what puts you at risk, and your PA will know what puts her or him at risk.

When thinking about your risk assessment, remember:

- A **hazard** is anything that may cause harm, such as carrying or moving loads, climbing on chairs, loose carpets

- The **risk** is the chance, high or low, that somebody could be harmed by these and other hazards, together with an indication of how serious the harm could be.

### **Step 1: Identify the hazards**

This is your home and because you live here every day it is easy to overlook some hazards, so here are some tips to help you identify the ones that matter:

- **Move around** your home/workplace and look at what could reasonably be expected to cause harm.
- **Ask your PA** what they think. They may have noticed things that are not immediately obvious to you.
- **Check manufacturers' instructions** on chemicals and equipment as they can be very helpful in spelling out the hazards (e.g. bleach is harmful to skin).

### **Step 2: Decide who might be harmed and how**

For each hazard you need to be clear about who might be harmed; it will help you identify the best way of managing the risk.

Remember:

- Some workers have particular requirements and may be at particular risk, e.g. new and young workers or expectant mothers
- Extra thought will be needed for some hazards
- Do you have more than one person coming into your home/workplace for different tasks?
- Talk to your PA and ask them if they think you may have missed anything

In each case, identify how they might be harmed, i.e. what type of injury or ill health might occur.

### **Step 3: Evaluate the risks and decide on precautions**

Having spotted the hazards, you then have to decide what to do about them. The law requires you to do everything "reasonably practicable" to protect people from harm.

So, first, look at what you're already doing. Have you already minimised the risk? Is there more you should be doing? Decide:

- Can I get rid of the hazard altogether?

- If not, how can I control the risks so that harm is unlikely?

When controlling risks, apply the principles below, if possible in the following order:

- Try a less risky option (e.g. switch to using a less hazardous chemical);
- Prevent access to the hazard (e.g. put a fire guard up in front of the fire);
- Organise work to reduce exposure to the hazard (e.g. use manual handling equipment);
- Issue personal protective equipment (e.g. overall, plastic gloves); and
- Provide safe and healthy facilities (e.g. first aid and washing facilities)

Improving health and safety need not cost a lot. Involve your PA, so that you can be sure that what you propose to do will work in practice and won't introduce any new hazards.

#### **Step 4: Record your findings and implement them**

If you have fewer than five employees you do not have to write anything down, though it is useful so that you can review it at a later date if, for example, something changes.

When writing down your results, keep it simple, for example:

**“Slippery bathroom floor after bathing. Slip mat provided. Employee instructed to ensure it is used. Check for any wear on mat regularly”**

You need to be able to show that:

- A proper check was made
- You asked who might be affected
- You dealt with all the obvious significant hazards, taking into account the number of people who could be involved
- The precautions are reasonable, and the remaining risk is low
- You involved your employee

If you find that you could make quite a lot of improvements, big and small, don't try to do everything at once. Make a plan of action – prioritise and tackle the most important things first. As you complete each action, tick it off your plan.

#### **Step 5: Review your risk assessment and update if necessary**

Few places stay the same. Sooner or later, you will bring in new equipment, substances and procedures that could lead to new hazards. It makes sense

therefore, to review what you are doing on an ongoing basis. Every year or so, formally review where you are to make sure you are still improving, or at least not sliding back. Look at your risk assessment again. Have there been any changes? Are there improvements you still need to make? Has your employee spotted a problem? Have you learnt anything from accidents or near misses? Make sure your risk assessment stays up to date.

During the year, if there is a significant change, don't wait – check your risk assessment and amend it where necessary. If possible, it is best to think about the risk assessment when you're planning your change. That way you leave yourself more flexibility.

Here is an example of a risk assessment form that you can use to check for any hazards in your home. You can add to it, change it or use something different!

Activity to risk assess	Is there a risk? YES	Is there a risk? NO	Comments and actions
<b>Personal Care</b>			
Does my personal assistant help me to get in and out of the bath?			
Does my personal assistant help me with my toileting needs?			
Is the bathroom difficult to move around in?			
Does the floor get wet and slippery?			
Does my personal assistant need to bring any equipment into the bathroom – e.g. wheelchair?			
Has my personal assistant got protective clothing?			
Does my medical condition give us both a risk while I am having a bath?			
Is the water a safe temperature?			
Date completed:	Completed by:		

# Insurance – Which One?

The first question that needs to be asked is “why do I need insurance when employing Personal Assistants?”

The simple answer to this is that, **as an employer you have a legal duty to insure against accidents or injury to your staff, or accidents or injury caused by them while they are at work for you.**

Accidents can happen in a number of ways. For example, your PA might fall down the stairs while doing the housework. Alternatively, they might have an accident outside your house while doing your shopping. If they are involved in a car crash they might also injure someone else. These incidents are rare, particularly if you follow the risk assessment process, but some accidents are completely out of your control. For that reason it is best to have insurance in place. There are two particular insurances that you must have – Employers’ Liability Insurance and Public Liability Insurance.

## Employers’ Liability Insurance

Employers are required by the law to insure against liability for injury or illness to their PAs arising out of their employment. You are responsible for the health and safety of your PA while they are at work for you. If they feel that you have caused them illness or injury they may wish to seek compensation. Employers’ Liability Insurance will enable you to meet the cost of compensation for your employees’ injuries or illness.

Any injuries or illness relating to motor accidents that occur while your PA is working for you may be covered separately by your motor insurance; check this with your insurance cover.

## Public Liability Insurance

This is needed to insure you against any damage or injury caused to someone else by you, or by your PA while they are working for you. See [www.bytestart.co.uk/content/20/20\\_3/public-liability-insurance.shtml](http://www.bytestart.co.uk/content/20/20_3/public-liability-insurance.shtml) for more information.

## Other insurances

You should also have good comprehensive house insurance to cover your property and its contents – although this is not a requirement it is advisable.

In some cases, this covers Employer's Liability Insurance and Public Liability Insurance, so it's worth checking.

You might want to include cover for accidental damage. Sometimes PAs can damage your property.

Insurance can be quite expensive. Your funding agency might help you cover the cost. If you are getting Direct Payments, the local authority must include the cost of Employer's Liability Insurance.

### **Legal costs insurance**

If you find yourself in a dispute with your PA, it is possible that they could go to an Employment Tribunal. Obtaining legal advice to defend yourself can be costly.

Some insurance policies cover you for legal expenses and you should check when taking out a policy if these are included and how much you are covered for. There is free advice available from the Citizens Advice Bureau or you may choose to go to a solicitor – this option can be costly of course.

Whilst highlighting this option, please be aware that such outcomes are extremely rare! Even so, it's better to have everything covered.

### **Personal accident cover**

Personal accident cover is entirely optional and you will need to decide if this suits your needs. The cover is designed to pay out if you are severely injured or die in an accident. However, unlike life cover, it won't pay out if you die from an illness or natural causes.

Occasionally other policies, even credit cards and bank accounts, may offer this insurance as a "freebie" – worth checking!

# Independent Safeguarding Authority (ISA)

## What's it all about?

The overriding aim of the ISA will be to help avoid harm, or risk of harm, to children and vulnerable adults. It will aim to do this by preventing those who are deemed unsuitable to work with children and/or vulnerable adults from gaining access to them through their work.

**The system will come into place later on in 2009.** Contact your Direct Payments Advisor for phone numbers or contacts during 2009.

## How will it work?

The Authority will assess every person who wants to work or volunteer with vulnerable people. Potential employees and volunteers will need to apply to register with the ISA. Applicants will be assessed using data gathered by the Criminal Records Bureau, including relevant criminal convictions, cautions, police intelligence and other sources. Using this information the Authority will decide on a case-by-case basis whether each person is suited to this work.

Only applicants who are judged not to pose a risk to vulnerable people can be ISA registered. Once the scheme has been fully rolled out, employers who work with vulnerable people will only be allowed to recruit people who are ISA registered.

## What does this mean for me?

You will not be able to employ anyone to be your Personal Assistant if they are not ISA registered – if you do you will be breaking the law. You'll *always* need to check a person's ISA status *before* employing them – you cannot take their word for it and you cannot have them in post, even supervised, before you know the outcome of that check.

Employers, professional and regulatory bodies, and child/adult protection teams in Local Authorities will be under a duty to refer relevant information on disciplinary proceedings to the ISA. This may result in someone being barred, which will normally mean they cannot work with vulnerable adults and children.

When you check the ISA status of someone who is barred you will be contacted.

## **What will it cost?**

The overall cost for registering with the ISA will be £64 per person. This fee consists of two elements and will be paid by the Personal Assistant.

The first part of the fee, which has been set at £28, will cover the cost of administering the registration process with the ISA and the instant online registration checking system and the cost of continuous monitoring and updating whilst registered with the scheme.

The remaining £36 will cover the CRB's costs as administrators of the applications. It is important to remember that ISA registration will be transferable – if a person were to change jobs they **would not** need to apply again.

## **Immigration**

### **How can you make sure you are not employing someone who is here illegally?**

It is essential that you carry out checks on all potential PAs; you cannot simply make assumptions on whether or not they have the right to work here.

You can be fined for employing an illegal worker so do check all documentation.

You must treat ALL job applicants equally and ask everyone to prove that they can work in the UK. Even if you think it is “obvious” and assume someone is British, you must ask them for proof of nationality,

The Government has set up an employers' help line to call if you are worried about employing somebody. The number is 0845 010 6677. Alternatively you can log onto their website at [www.ind.homeoffice.gov.uk](http://www.ind.homeoffice.gov.uk).

### **Employing nationals from the European Economic Area**

Nationals from the European Economic Area (EEA) countries can enter and work in the United Kingdom without any restrictions, just like British citizens. The same is also the case for their immediate family members.

You will need to ask nationals from all EEA countries to produce a document showing their nationality. This can be their passport, a national identity card or Home Office Resident permit. From 1 June 2002 nationals from Switzerland have also had the same free movement and employment rights as EEA nationals.

## **New European Union Members**

The Government has set up a Workers Registration Scheme to monitor the participation in the UK labour market of workers from the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Poland, Slovakia and Slovenia. Once you have established that the person has a right to work, you will need to make sure that a person from one of these countries registers with the Home Office. You must provide them with evidence of the employment (a contract or letter). You must then make a copy of the completed application for registration before it is sent to the Home Office, and keep this copy until you receive notification from the Home Office that the worker has been registered successfully. The Home Office will send you a copy of the registration certificate confirming this; you must retain the form they send to you. Keep copies of everything!

## **Non EU nationals**

Unless the PA is a British citizen or a citizen of one of the European Economic Area (EEA) countries, they may need a visa before they travel here. If they have a visa it will be put into their passport or travel document.

# Appendices

## Additional Information and Support<sup>1</sup>

The **New Employers Helpline** can help with a range of queries about being an employer and put you in touch with local agencies for more specific queries – Tel: 0845 6070 143. More experienced employers may wish to use the **Employers Helpline** on 0845 7143 143. Both services are open from 8am to 8pm Monday to Friday and from 8am to 5pm on Saturday and Sunday. Calls are charged at the local rate.

A **business support team** can be accessed through your local Inland Revenue office. They provide support to individuals, arrange training and can set up home visits to discuss issues. If you wish to contact **local support organisations**, your local council should be able to provide you with details. You can also obtain information about local support organisations from the National Centre for Independent Living. A list of local services is published on their website at [www.ncil.org.uk](http://www.ncil.org.uk).

**Home Office publications** can be obtained by calling 0870 000 1585.

**The Employers Orderline** provides a range of stationery and forms for employers on 0845 7646 646. **Inland Revenue publications** are available from any tax enquiry centre or Inland Revenue Office locally and from the Employers Helpline.

**Publications relating to the Disability Discrimination Act 1995** can be obtained by writing to: The Disability Rights Commission (DRC) Helpline, FREEPOST MID 02164, Stratford-on-Avon CV37 BR, or by contacting the DRC helpline on 0845 7622 633 or textphone 0845 7622 644.

**The Department for Business, Enterprise and Regulatory Reform** produces a number of factsheets aimed at small employers, which give a basic introduction to some aspects of employment law, including fair and unfair dismissal, maternity rights, itemised pay and written statements of employment terms. They are

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<sup>1</sup> Taken from the Department of Health Guide to Receiving Direct Payments from Your Local Council 2007

available free of charge from employment service job centres. Alternatively you can order them from the BERR Publications Orderline on 0870 150 2500 or email [publications@berr.gsi.gov.uk](mailto:publications@berr.gsi.gov.uk). You can download most of their publications from [www.berr.gov.uk/publications](http://www.berr.gov.uk/publications). Online help is available via the interactive BERR website on [www.direct.gov.uk/en/Diol1/EmploymentInteractiveTools/index.htm](http://www.direct.gov.uk/en/Diol1/EmploymentInteractiveTools/index.htm), or from the ACAS national helpline on 08457 474747.

**The Advisory, Conciliation and Arbitration Service (ACAS)** also provides information services for employers on a wide range of employment matters through its public enquiry points (listed under ACAS in local telephone directories). ACAS produces a number of helpful publications, details of which can be obtained by writing to ACAS Publications, PO Box 235, Hayes, Middlesex UB3 1HF or by calling 0870 242 9090, by fax on 020 8867 3225 or via their website at [www.acas.org.uk](http://www.acas.org.uk).

**Redundancy payments offices** have a free helpline to answer any of your queries. The helpline can tell you which regional office will be able to deal with your claim. The number to ring is 0845 145 0004. You can also find online redundancy forms and further information at [www.berr.gov.uk/employment/redundancy](http://www.berr.gov.uk/employment/redundancy).

The following publications might be useful:

***Direct Payments Guidance.*** Published by the Department of Health. Copies are available from Department of Health, PO Box 777, London SE1 6XH or email at [dh@prolog.uk.com](mailto:dh@prolog.uk.com).

***Everything You Need to Know about Getting and Using Direct Payments.*** Published by the National Centre for Independent Living, (address below).

***Independently,*** the newsletter from the National Centre for Independent Living, is available from [www.ncil.org.uk](http://www.ncil.org.uk) (address below).

***The Rough Guide to Managing Personal Assistants.*** Published by the National Centre for Independent Living, (address below).

***Funding Freedom: 2000.*** Published by Values into Action (address below).

***Plain Facts: Direct Payments for People with Learning Difficulties.*** Published by Values into Action (address below).

***Making Decisions: Best Practice and New Ideas for Supporting People with High Support Needs to Make Decisions.*** Published by Values into Action (address below).

## Agencies Providing Support

### National Centre for Independent Living

4th Floor, Hampton House, 20 Albert Embankment, London SE1 7TJ

**Tel:** 020 7587 1663

**Fax:** 020 7582 2469

**Textphone:** 020 7587 1177

**Website:** [www.ncil.org.uk](http://www.ncil.org.uk)

**Email:** [ncil@ncil.org.uk](mailto:ncil@ncil.org.uk)

### Values into Action

Oxford House, Derbyshire Street, London E2 6HG

**Tel:** 020 7729 5436

**Fax:** 020 7729 7797

**Website:** [www.viauk.org](http://www.viauk.org)

**Email:** [general@viauk.org](mailto:general@viauk.org)

### People First

299 Kentish Town Road, London NW5 2TJ

**Tel:** 020 7485 6660

**Fax:** 020 7485 6664

### Carers UK

20/25 Glasshouse Yard, London EC1A 4JT

**Tel:** 0808 808 7777

**Fax:** 020 7490 8824

**Website:** [www.carersonline.org.uk](http://www.carersonline.org.uk)

**Email:** [info@ukcarers.org](mailto:info@ukcarers.org)

### Contact a Family

209–211 City Road, London EC1V 1JN

**Tel:** 020 7608 8700

**Fax:** 020 7608 8701

**Textphone:** 0808 808 3556

**Helpline** 0808 808 3555 For parents and families with disabled children  
(10am–4pm, Mon–Fri)

**Website:** [www.cafamily.org.uk](http://www.cafamily.org.uk)

**Email:** [info@cafamily.org.uk](mailto:info@cafamily.org.uk)

### Council for Disabled Children, National Children's Bureau

8 Wakley Street, London EC1V 7QE

**Tel:** 020 7843 1900

**Fax:** 020 7843 6313

**Website:** [www.ncb.org.uk](http://www.ncb.org.uk)

**Email:** [cdc@ncb.org.uk](mailto:cdc@ncb.org.uk)

### MIND (The Mental Health Charity)

15–19 Broadway, London E15 4BQ

**Tel:** 020 8519 2122

**Fax:** 020 8522 1725

**Website:** [www.mind.org.uk](http://www.mind.org.uk)

**Email:** [contact@mind.org.uk](mailto:contact@mind.org.uk)

**Alzheimer's Society**

Gordon House, 10 Greencoat Place, London SW1P 1PH

**Tel:** 020 7306 0606

**Fax:** 020 7306 0808

**Website:** [www.alzheimers.org.uk](http://www.alzheimers.org.uk)

**Email:** [enquiries@alzheimers.org.uk](mailto:enquiries@alzheimers.org.uk)

**Help the Aged**

207–221 Pentonville Road, London N1 9UZ

**Tel:** 020 7278 1114

**Fax:** 020 7278 1116

**Website:** [www.helptheaged.org.uk](http://www.helptheaged.org.uk)

**Email:** [info@helptheaged.org.uk](mailto:info@helptheaged.org.uk)

**The National Centre for Disabled Parents**

Unit F9, 89–93 Fonthill Road, London N4 3JH

**Tel:** 0800 018 4730

**Fax:** 020 7263 6399

**Textphone:** 0800 018 9949

**Website:** [www.dppi.org.uk](http://www.dppi.org.uk)

**Email:** [info@dppi.org.uk](mailto:info@dppi.org.uk)

**Disability Alliance**

Universal House, 88–94 Wentworth Street, London E1 7SA

**Tel** (voice and minicom): 020 7247 8776 **Fax:** 020 7247 8765

**Website:** [www.disabilityalliance.org](http://www.disabilityalliance.org)

**Border and Immigration Agency**

Information on work permits

**Website:** [www.ind.homeoffice.gov.uk](http://www.ind.homeoffice.gov.uk)

**The National AIDS Trust**

New City Cloisters, 196 Old Street, London EC1V 9FR

**Tel:** 020 7814 6767

**Fax:** 020 7216 0111

**Website:** [www.nat.org.uk](http://www.nat.org.uk)

**Email:** [info@nat.org.uk](mailto:info@nat.org.uk)

**Skills for Care**

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

**Tel:** 0113 245 1716

**Website:** [www.skillsforcare.org.uk](http://www.skillsforcare.org.uk)

# Contract of Employment

**You are strongly advised to seek advice from your local Direct Payment Team before committing to a contract. This example is given as general guidance only. Further advice along with an opportunity to create a contract of employment is available at [www.businesslink.gov.uk](http://www.businesslink.gov.uk).**

I (*your name*):

Of (*insert your address*):

Am employing you (*insert your PA's name*):

Of (*your PA's address*):

To work as my Personal Assistant, starting (*insert date*):

## **The job**

You will carry out the activities listed in the attached sheet (see "Deciding down what you need help with" on page 3).

## **Place of work**

Your place of work will be (*insert full address*) although there may be occasion that you will work away from this place with, or without my presence, e.g. to carry out shopping tasks. You are not expected to work overseas.

## **Probationary period**

You will firstly work for me on a Probationary Period for (*insert 3 to 6 months*). Either of us may end this contract by giving one week's notice during this time. We will meet at the end of this period to discuss whether the contract will be made permanent.

## **Hours worked**

The shift pattern you will work is as follows:

(*insert days and times to be worked*)

Additional days/hours that you may be asked to work include (*insert if wish to include bank holidays, weekends, overtime*). I will give reasonable notice of requests for additional work (*insert how much notice, such as one month*). You

will have (*insert length of time they have to confirm acceptance of request such as a week*) to let me know whether you are happy to meet this request.

### **Payment**

You will be paid on the last day of the month (*state whether by cheque, bank transfer, other*) as follows (*insert payment*):

£x per hour gross Monday to Friday

£x per hour gross Saturday and Sunday

£x per hour gross Bank Holidays

£x per hour gross overtime

### **Holiday entitlement**

You are entitled to .....days holiday per year. This excludes public holidays. Your holiday year begins on.....

### **Sickness**

If you are unable to come to work because of illness, then you will let me know as soon as possible so that other arrangements can be made.

In the event of sickness, self-certification is allowed for three days after which you must provide a Doctor's Certificate. You will be entitled to a maximum of .....days' sick pay in any one year. This is subject to the requirements to notify me and provide evidence of your incapacity. After this you may be entitled to statutory sick pay.

### **Pension scheme**

There is no company pension scheme and therefore there is no contracting out certificate in force for this employment under the Pension Schemes Act 1993.

### **Notice**

After the probationary period I will give (*insert minimum one*) week's notice if you have been continuously employed for up to two years, and a further week's notice for every additional year worked up to a maximum of twelve weeks' notice. I reserve the right to pay you your salary in lieu of notice instead of you working your notice period. In the event of gross misconduct or gross negligence I may end your employment immediately.

You will give me four weeks' notice if you wish to leave.

### **Confidentiality**

You will respect my privacy and will have a professional approach at all times, will keep information about me confidential and will not discuss my household and domestic circumstances with others without my permission.

### **Trade union**

You are entitled to join a Trade Union of your choice.

### **Disciplinary procedure**

It is my policy that the following procedure will be followed when you may be being disciplined or dismissed. The procedure provides that in normal cases a series of warnings will be given before discipline or dismissal is contemplated. The stages of the procedure that apply when discipline or dismissal is being contemplated comply with the statutory dismissal and grievance procedures.

Matters which may be dealt with under this disciplinary and dismissal procedure include discipline and dismissal for the following reasons:

- misconduct
- sub-standard performance
- harassment or victimisation
- misuse of company facilities including computer facilities (e.g. email and the Internet)
- poor timekeeping
- unauthorised absences

Minor cases of misconduct and most cases of poor performance may be dealt with by informal advice, coaching and counselling. An informal oral warning may be given, which does not count as part of the formal (or statutory) disciplinary procedure. No formal record of this type of warning will be kept.

If there is no improvement or the matter is serious enough, you will be invited to a disciplinary meeting at which the matter can be properly discussed. You will be allowed to bring a work colleague or Trade Union representative to the meeting. The outcome of the meeting will be communicated to you. There are the following possible outcomes:

An **oral warning in the case of a minor infringement**. You have the right to appeal against a formal oral or written warning.

A **written warning** if the infringement is more serious or there is no improvement in conduct after a formal oral warning. This will give details of the complaint, the improvement or change in behaviour required and timescale allowed for this, the right of appeal and the fact that a final written warning may be given if there is no sustained satisfactory improvement or change. A copy of the written warning will be kept on file but will be disregarded for disciplinary purposes after (*specify period e.g. 12 months*).

A **final written warning** where there is a failure to improve or change behaviour during the period of the prior formal written warning as above, or where the infringement is sufficiently serious. This will give details of the complaint, warn that failure to improve will lead to dismissal and refer to right to appeal. A copy of the final warning will be kept on file but will be disregarded for disciplinary purposes after (*specify period e.g. 12 months*).

## **Dismissal**

If your conduct or performance still fails to improve then the final step will be to contemplate dismissal. I will follow the “Standard Disciplinary and Dismissal Procedure” in order to do this as follows:

### **The Standard Disciplinary and Dismissal Procedure**

#### **Step 1: Employer gives employee a written statement and calls a hearing**

The employer will set out in writing your alleged conduct, characteristics or other circumstances which lead the employer to contemplate dismissing or taking disciplinary action against you. The employer will inform you, in the written statement, of the basis on which he has made the allegations against you. If possible the employer will provide you with copies of any relevant evidence against you. The employer will invite you to a hearing to discuss the matter.

#### **Step 2: Meeting is held and employer informs employee of the outcome**

The meeting will take place before any action, other than suspension on full pay, is taken. The meeting will be held without undue delay but only when you have had a reasonable opportunity to consider your response to the employer’s written statement and any further verbal explanation the employer has provided. You must take all reasonable steps to attend the meeting.

After the meeting the employer will inform you of his/her decision and notify you of your right to appeal against the decision if you are not satisfied with it. You must appeal to complete the statutory procedure.

### **Step 3: Appeal against the disciplinary decision if necessary**

If you wish to appeal you must inform me in writing within a reasonable time. If you do this the employer will invite you to attend a further meeting. You must take all reasonable steps to attend the meeting. If practicable a more senior manager not previously involved in the disciplinary procedure will hear the appeal. The appeal hearing may take place before or after dismissal or disciplinary action has taken effect. After the appeal hearing the employer will inform you of his/her final decision and will confirm it in writing as soon as practicable.

### **Gross misconduct**

If after investigation it is confirmed that you have committed one of the following offences (the list is not exhaustive), you will normally be dismissed:

- theft
- fraud and deliberate falsification of records
- physical violence
- serious bullying or harassment
- deliberate damage to property
- serious insubordination
- misuse of an organisation's property or name
- bringing the employer into serious disrepute
- serious incapability whilst on duty brought on by alcohol or illegal drugs
- serious negligence which causes or might cause unacceptable loss, damage or injury
- serious infringement of health and safety rules
- serious breach of confidence (subject to the Public Interest (Disclosure) Act 1998)

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

The Standard Disciplinary and Dismissal Procedure applies to dismissals for gross misconduct.

### **Modified Dismissal Procedure**

In a few cases of gross misconduct the employer may be justified in dismissing immediately without conducting an investigation. In these cases a two-step

“Modified Dismissal Procedure” will be followed, otherwise the dismissal will be automatically unfair.

### **Step 1: Employer gives written statement**

The employer must give you a written statement setting out the conduct that has resulted in the dismissal and informing you of the right to appeal against the decision to dismiss. You must appeal to complete the statutory procedure.

### **Step 2: Appeal against the disciplinary decision**

If you wish to appeal you must inform (*insert name*). A meeting must be held (in accordance with the general principles set out above). The employer must inform you of his decision following the meeting.

### **General principles**

The following principles apply to the Standard Dismissal and Disciplinary Procedure and the Modified Dismissal Procedure set out above:

1. The person who has authority to discipline you in accordance with this procedure is (*insert name*).
2. You have the right to be accompanied to any meeting by a Trade Union representative or a fellow employee.
3. Each step in the procedure will be taken without unreasonable delay and hearings will be held at reasonable times and locations.
4. Meetings will be conducted in a manner that enables both employer and employee to explain their cases.
5. Records will be kept detailing the nature of any breach of disciplinary rules or unsatisfactory performance, your defence or mitigation, the action taken and the reasons for it, whether an appeal was lodged, its outcome and any subsequent developments. These records will be kept confidential.

### **Grievance Procedure**

It is company policy to ensure that any employee with a grievance has access to a procedure which can lead to a speedy resolution of the grievance in a fair manner.

Most routine complaints and grievances are best resolved informally in discussion with your immediate line manager.

Where the grievance cannot be resolved informally it will be dealt with under the following procedure that complies with the statutory standard three-step grievance procedure.

## **The Standard Grievance Procedure**

### **Step 1: Employee gives written statement of grievance**

You must put your grievance in a written statement of grievance and send a copy to (*insert name*). Where the grievance is against the line manager the matter should be raised with a more senior manager if there is one.

### **Step 2: Meeting is held and employer informs employee of the outcome**

The employer will invite you to attend a meeting to discuss the grievance. The meeting will only take place once you have informed the employer of the basis for the grievance you have set out in your written statement, and the employer has had a reasonable opportunity to consider what response to make. You must take all reasonable steps to attend the meeting.

After the meeting the employer must inform you of the decision taken in response to the grievance and notify you of your right to appeal if you are not satisfied with the employer's decision. You must appeal to complete the statutory procedure.

### **Step 3: Appeal if necessary**

If you wish to appeal you must inform the employer. The employer will then invite you to attend another meeting. You must take all reasonable steps to attend. If reasonably practicable, a more senior manager who has not been involved in the grievance procedure so far will deal with the appeal. After the meeting the employer must inform you of the decision taken.

## **The Modified Grievance Procedure**

The Modified Grievance Procedure will apply in relation to your grievance only if:

- You no longer work for the employer
- You have agreed with your employer in writing that it will apply
- You raised it before you left, but the standard procedure wasn't completed
- You didn't raise it until after you left.

There are two steps within the Modified Grievance Procedure:

**Step 1: Employee gives written statement of grievance**

You must put your grievance in a written statement and send a copy to the employer.

**Step 2: Employer gives written response**

The employer must write back to you giving his response to the points you have raised.

**Principles applicable to the Standard and Modified Grievance Procedure**

1. Each step in the grievance procedure should be carried out without unreasonable delay. The times and locations of meetings should be reasonable.
2. Meetings must be conducted in a way that allows both parties to explain their case.
3. Records should be kept detailing the nature of the grievance raised, the employer's response, any action taken and the reasons for it. These records should be kept confidential.
4. You have the right to be accompanied to the hearing by a Trade Union representative or a fellow employee.
5. There are some cases in which the statutory procedure does not have to be followed or does not have to be followed in full, for example where your grievance is about the fact the employer intends to dismiss you. In these cases, the employer will not necessarily follow the statutory procedures set out above.

If you want to seek resolution of a grievance you must contact (*insert name*).

**Signature of Employer:**

**Date:**

**Signature of Personal Assistant:**

**Date:**

## **Disclaimer**

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