

**Gloucestershire
Personal Assistant
Register**

Penderels Trust
Opening the Door to Independent Living

Personal Assistants' Handbook

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Section 1 - Becoming an Employee

This section of the handbook will help you to understand some of the paperwork that is necessary when beginning your new role. It will also provide you with a basic understanding of some of the legislation that is in place to protect you as an employee.

Employment Legislation

There are a number of basic statutory (legal) rights that all employees have, regardless of whether they work full or part-time or how long they have been employed. Legislation is in place to protect employees from any discrimination which may occur in the workplace.

Illegal Working

All employers have a legal responsibility to check that their workers are eligible to work in the UK **before** employment commences. This means that regardless of your ethnicity or nationality, your employer or potential employer will ask to see proof of your identification along with other documents which prove that you have the right to work in the UK. This process usually takes place at the interview stage and you should be given a list of suitable documents which you can provide.

Job Description

It is not a legal requirement that your employer provides you with a job description but it is recommended so that you know what your expected duties and tasks are. It will also help to protect you both if there are ever any disputes about your role.

Ideally you should have received a job description before being interviewed for the post, if not you may wish to ask your employer to provide one or work together to agree upon the contents. Your job description should contain:

- The duties that are expected of you in your role
- The qualities and skills that are important for the role

The job description may change in the future as your job role develops, but it is important that both you and your employer are clear on the duties that are expected of you.

Terms & Conditions of Employment

By law, your employer is required to supply you with a written statement of Terms & Conditions of Employment. This statement must contain certain pieces of information including:

- The date when the employment began
- The place of work
- Hours of work
- Statutory entitlements

This must be provided to you within the first two months of your employment. It is essential that this is kept up to date. If any changes are made to your employment, the terms and conditions will need to be updated and signed by both you and your employer.

Payroll

Your employer has a legal requirement to pay your wages at the time that they are due. It is common practice for the employer to use a payroll provider and they will register each employee with their chosen provider.

The employer's payroll provider will:

- Provide you with detailed pay slips
- Make all the necessary deductions from your pay e.g. Tax and National Insurance (NI)
- Deal with Statutory Sick Pay and Statutory Maternity Pay etc as required
- Provide you with P45s and P60s as required

Minimum Wage

If your employer is receiving funding via Direct Payments/Personal Budget from the local authority, they will have to comply with the funding that has been set to pay for personal assistants.

By law, your employer must pay you at least the National Minimum Wage and the wages should reflect the level of support that you are providing. The National Minimum Wage rate is reviewed every October (see www.gov.uk/national-minimum-wage-rates for current rates and how to check your own pay against them).

Section 2 - Policies and Procedures

Employment law can be complex although the government regulates most of the rules. Organisations such as the Advisory, Conciliation & Arbitration Service (ACAS) can help with any questions that employees have about what the law requires.

This section of the handbook contains information which you should find in your Terms & Conditions of Employment. Policies and procedures are in place to help both you and your employer understand what is expected from you, what procedures they should follow in certain circumstances e.g. if you go off sick or are not performing up to standard. They will also state what action you can take if something happens you are not happy with.

It is important you maintain a good working relationship with your employer so that you can have a discussion about any small issues or problems you may have. The law can change regularly, so it is advisable to check your Terms and Conditions of Employment and contact ACAS.

Disciplinary procedure

The aim of this procedure is to maintain a standard of conduct and to encourage improvement where necessary. If you are not working to a standard the employer expects or if your attendance or time keeping are poor, they should try to resolve this by having an informal discussion with you or addressing it during supervision (see page 12). If things do not improve, or if disciplinary rules are breached, then the employer will need to action the disciplinary procedure.

You should check your Terms & Conditions of Employment for further information on your employer's disciplinary process. It is helpful to remember that:

- the procedure is designed to establish the facts quickly and to deal consistently with disciplinary issues.
- no disciplinary action should be taken until the matter is resolved.
- an employee will have the right to appeal against any disciplinary decision.
- you can have someone with you during meetings if you wish.

Employees are entitled to appeal against any stage of the disciplinary procedure. If you wish to appeal you must do so in writing within 5 working days of receipt of the decision. The reasons for the appeal must be stated in your correspondence. The employer or their representative will hear the appeal and decide on the case as impartially as possible. At the appeal, any disciplinary penalty imposed will be reviewed and the result will be confirmed in writing.

Dismissal

All employees have the right **not** to be unfairly dismissed. In most cases, they must have at least one year's continuous service before they can take a complaint to an employment tribunal. However, no minimum length of service is required in relation to 'automatically unfair' grounds.

Dismissals are classed as 'automatically unfair', regardless of the reasonableness of the employer's actions, if an employee is being dismissed due to:

- pregnancy: including all reasons relating to maternity
- family reasons: including parental leave, paternity leave (birth and adoption), adoption leave or time off for dependents
- working part-time or on a fixed-term contract
- discrimination: including discrimination on the grounds of age, sex, race, disability, sexual orientation and religion or belief

Grievance Procedure

By law, an employer is required to provide each employee with a written Grievance Procedure. The aim of the procedure is to settle a grievance fairly and quickly. It should also prevent minor disagreements developing into more serious disputes and enable a good working relationship between you and your employer.

If you have any questions or are unsure about any of the information in this section, we would recommend you contact ACAS.

Sickness Policy

Your employer will confirm the amount of notice that they require from you if you become sick and unable to work. We would recommend that you give your employer as much notice as possible, so they can make alternative arrangements. Your Terms & Conditions of Employment will contain further guidance regarding the actions that your employer will require you to take if you are ill.

Statutory Sick Pay

Although you will not receive your normal pay if you are ill, you may be entitled to statutory sick pay. You will qualify for statutory sick pay if you have:

- been sick for at least four or more days in a row (including weekends, bank holidays and days that you do not normally work)
- average weekly earnings equal to or more than the Lower Earnings Limit for National Insurance (this usually increases every year, see www.gov.uk/statutory-sick-pay-ssp/eligibility for current rates).
- provided the necessary evidence of sickness.

If you are off work sick for more than 3 days and up to 7 days, you will need to fill out an 'Employee's Statement of Sickness' (form SC2) available from GP surgeries, post offices or online at www.hmrc.gov.uk/forms/sc2.pdf.

If you are off work sick for more than 7 days, you will need to provide a medical certificate from your doctor. These will be required on a continual basis for long term sickness.

Your employer's payroll provider will be able to provide you with further information regarding whether or not you will be eligible for statutory sick pay.

Holiday Entitlement

Holiday entitlement is governed by law and will be subject to change periodically. All employees are currently entitled to 5.6 weeks annual leave per year which includes 8 public and bank holidays. We would advise you to speak to your employer to confirm if they expect holidays to be taken at specific times. They will also advise you of how much notice they require from you if you would like to take annual leave.

It is advised that annual leave is taken within the year and is not carried over or saved for the following year. The holiday year usually runs from 1st April to 31st March.

Statutory holiday entitlement may change so we would recommend you speak with your employer and/or contact ACAS for more information. The allowance for part time staff is worked out on a pro-rata basis. Therefore, you may receive your holiday entitlement in hours rather than days.

Your employer should provide you with a record of your holiday entitlement. This should be maintained by both you and your employer to ensure you have an accurate record of the holidays taken and any outstanding.

If you leave your employment having exceeded your holiday entitlement at the time of your leave date, your employer can reduce your final payment deducting any overpayment of holidays. Similarly, any holidays that are outstanding may be paid to you in your final pay.

Maternity, Paternity and Adoption Leave

The law can change regularly in this area so it is advisable to check your Terms and Conditions of Employment and contact ACAS for the most up to date legislation. If you are pregnant, it is important to inform your employer as soon as you are aware as they might need to put measures in place to look at the work you are doing.

Section 3 - Health and Safety

An employer has a legal duty to ensure the health & safety of not only their own employees but also anybody else who comes into their home. This means that your employer will have to carry out a risk assessment to ensure that the workplace (their home) meets minimum workplace standards. They will also need to record any accidents that take place and in some instances, they may need to report them to the Health & Safety Executive.

Health and Safety Policy

By law, if an employer has five or more employees they must have a Health & Safety Policy. Although it is not a legal requirement if they have fewer than 5 employees, they may choose to write one anyway. You can get further information from the Health & Safety Executive.

Risk Assessments

Risk assessments should be completed by your employer. A risk assessment involves identifying any hazards in the workplace, assessing what harm they could cause and to whom and detailing the necessary measures to eliminate or reduce the risk. If you have any concerns relating to any work you have been requested to do, you need to raise this with your employer.

Training

All employees need to know how to work safely and without risks to their health. You and your employer should think about any training that may be needed in order for you to be able to carry out your job safely. This may be a training course you need to attend, such as Moving & Handling or Food Hygiene or it may be training that your employer can provide within their home/work place. As a good starting point, you should be aware of:

- any hazards and risks you may face
- measures in place to deal with those hazards and risks
- how to follow any emergency procedures

Your employer should provide training, or arrange for you to attend relevant training, if you are expected to operate any mechanical equipment in their home and additional training if you are expected to work with new equipment. You should keep records of all training that you undertake and complete refresher courses as they are needed.

Reporting Accidents

Your employer must ensure that there are first aid arrangements in your workplace as they are responsible for making sure that you receive immediate attention if you are taken ill or are injured at work.

Under health and safety law, your employer must also report and keep a record of certain injuries, incidents and cases of work-related disease.

Personal Safety

It is vital that you consider your own personal safety not only whilst at work, but also whilst travelling to and from work, especially if you are working late at night. If you are using public transport, make sure that your route is well planned and you know where you are going. If you are using your own vehicle, make sure that it is roadworthy and that you have what you need if you should break down. If you have a mobile phone, make sure that it is charged and has credit so that you can reach somebody in case of emergency.

If you are invited to attend an interview by somebody you do not know, ensure you inform a friend or family member of your whereabouts. It may be wise to obtain a name and telephone number of the interviewer so that you or a relative can contact them in case of emergency.

Employer's Liability Insurance

By law, all employers are required to have employer's liability insurance. This is to protect them from any claims made by an employee if they are injured whilst at work. It will cover the employer against the costs of **damages** and **legal fees** for employees who are injured or made ill at work through the fault of the employer. It is a legal requirement that all employers have an Employer's Liability Insurance Policy and that it is available for you to view. You are entitled to ask to see this policy.

Personal Assistant Insurance

Personal Assistants are not covered for any injury or damages to the employer or their property. It is advisable for personal assistants to take out their own liability insurance to protect them against any accidents that might take place.

Car Insurance

If you use your car to transport your employer, you must make sure that you are insured for this kind of work. Standard car insurance policies do not always cover business use. If you are not sure, please speak to your insurer.

Working Time Directive

All employees' working hours are now governed by Working Time limits. Employees aged 18 and over are entitled to the following:

- A maximum working week of 48 hours*
- A 20 minute break if their shift lasts longer than 6 hours.
- An uninterrupted rest break of 12 hours in each 7 day period (or two 12 hour rest breaks in each 14 day period).
- 5.6 weeks holidays per year (pro rata).

*An employee can choose to opt-out of the 48 hour working week. This is entirely voluntary on the employee's part and must be agreed with the employer in writing.

Employees under the age of 18 but above school leaving age are only permitted to work a maximum of 40 hours per week. This is not an average and there is no opt-out agreement. They must also receive:

- A break of 30 minutes every four-and-a-half hours worked
- A rest period of 12 hours between each working day
- Two days off every week

Section 4 – Working for your employer

Induction

Any employee when starting a new role can be expected to undergo an induction. It is simply a way of being introduced into a new role. It is important that during your induction you are given the right information to be able to do your job properly. This may be given to you directly by your employer or you may be asked to shadow a colleague.

As you will be working in an individual's home, it is very important that you understand the ways in which they want you to work so that you can fit in easily with their lifestyle.

You won't be able to learn everything you need to know on the first day but some of the important things you may need to think about are:

- Any medication that your employer needs to take and when
- What the house rules are e.g. wearing slippers indoors, no mobile phones etc
- Where things are kept in the home
- Any parts of the home that are private and off limits to you
- How to use any equipment
- Anybody else that you need to deal with e.g. other family members or professionals or other PAs.
- Where and when you can take your break if applicable

Your induction is also a good time to go through the job description and Terms and Conditions of Employment with your employer to ensure that you fully understand them.

Probationary Period

Probationary periods are designed to let your employer assess how well you are coping in the job and whether or not they want to offer you the job permanently. It is also your opportunity to decide whether or not the job is suitable for you.

Probationary periods usually last between 3 and 6 months with the option for the employer to extend further if more improvement is needed.

During the probationary period, the contract of employment can be ended without the need for giving statutory notice. Your Terms & Conditions of Employment should state the exact notice period required.

It is recommended that regular supervision meetings are held during the probationary period to give your employer the opportunity to provide lots of feedback to you and also to discuss any training needs that you may have.

Supervision

Supervision is a meeting held between employer and employee, usually on a one to one basis, to discuss your progress and any concerns from either side.

Holding regular supervision meetings gives you and your employer the opportunity to raise any concerns which can then be dealt with without having to resort to the disciplinary or grievance procedures. Regular supervision can help to avoid getting into conflict and develop a good working relationship.

During the probationary period, employers are advised to hold supervision sessions quite frequently. At this time, you will still be getting used to your new role and this gives you the opportunity to receive feedback regularly on your progress.

At the end of your probationary period, a supervision session should be held to review your performance and ability to undertake the role on a permanent basis.

Following the end of the probationary period, supervision may take place less frequently, perhaps every 3 months. It is important that your employer lets you know when they are scheduled so that you have the opportunity to plan what you would like to discuss.

What is discussed during supervision will vary dependent upon the situation. As a guide, employers are advised to review progress which has taken place since the last session and also plan goals/outcomes to be met before the next meeting. Supervision sessions are also your opportunity to discuss any concerns that you may have regarding your employment or work duties.

Training

Your employer will have most likely ensured that you had the necessary training for the role before you began work. However, as your job role develops, you may identify further training that you would like to undertake either to assist you in your own role or for your own personal development. You should speak to your employer about this as it may be that you can access training via the local authority. It is your employer's responsibility to arrange your training.

Boundaries

Due to the nature of work that is carried out, it is quite common for PAs to become more like friends to their employers. This can be good and can create good working relationships. However, it can make situations more upsetting if things go wrong and can make it difficult to maintain employer/employee boundaries. It is advised that you always adhere to your Code of Conduct and speak to your employer if you have any concerns.

Confidentiality

Throughout your employment, you will come to learn a lot of personal information about your employer and possibly their family members that they will not want you to share with others. It will be expected that you treat ALL information with confidentiality. You should not share their information with anybody, including your family and friends without prior consent. This includes posting information on social networking sites such as Facebook or Twitter. Any breach of confidentiality may be treated as a disciplinary matter.

Your employer will also hold confidential information about you. They have legal duties under the Data Protection Act 1998 regarding employee records and what they can do with them.

Section 5 – Useful Contacts

GOV.UK

www.gov.uk

This website replaces Directgov and Business Link. Here you will find information on government services.

Health and Safety Executive

www.hse.gov.uk

This is the national independent watchdog for work-related health, safety and illness.

ACAS

www.acas.org.uk

08457 47 47 47

ACAS is the Advisory, Conciliation and Arbitration Service. They help with employment relations by supplying up-to-date information, independent advice and high quality training, and working with employers and employees to solve problems and improve performance.

Gloucestershire County Council

www.gloucestershire.gov.uk

Adults Helpdesk: **01452 426868**

Children's Helpdesk: **01452 426565**

Adults Safeguarding: www.gloucestershire.gov.uk/Report-an-adult-at-risk

Children's Safeguarding: www.gloucestershire.gov.uk/childrensocialcarereferral

Penderels Trust

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