

Employment of a personal assistant (PA) A step-by-step guide

Once you have received a Personal Budget allowance from the City of York Council, and you have decided that you wish to appoint someone to support your child or young person this guide offers to help you through the stages of recruitment and appointment.

This guide has been written:

- To take you step by step through the employment process
- To make the process less daunting and easier to understand
- To make sure you employ the best person for your child/young person

We have tried to make it as accurate and helpful as possible, but you should still check the information for yourself. This is particularly important for legal issues. Being an employer brings with it responsibilities and legal obligations. It is strongly advised that you set up a filing system to keep and record all of your activities.

Remember, you can seek support from a direct payment support organisation, such as the Independent Living Scheme, as they can manage some or all of the process for you. You can also seek advice from Government organisations such as ACAS and Business Link. Their contact details

are available at Appendix A in this pack.

Skills for Care also have a dedicated section on their website which includes a large amount of resources and information for people who employ their own Personal Assistants, you can access that information via this link <http://www.skillsforcare.org.uk/individualemployers/>, or by calling 0113 241 1275 for a printed copy.

Paying your Personal Assistant

Firstly, you will need to decide how you will pay your PA. You can do this yourself or use a payroll provider, such as a local accountant or a direct payment support organisation, such as the Independent Living Scheme. If you decide to do this yourself, you must contact the Inland Revenue to check whether you need to operate a PAYE (Pay as you Earn) scheme and register as an employer with the Tax Office (HMRC).

You can find out more information by calling 0845 607 0143, or visiting www.hmrc.gov.uk/payee/intro-register.htm.

If you decide to use a payroll scheme, they will ensure that your PA's tax and National Insurance contributions are deducted correctly. They will sort out your paperwork and contract the Tax Office on your behalf, however, there will be a fee payable for these services.

Employers Liability Insurance

By employing a PA with a direct payment, you will become an employer, and so you are required by law to have Employers Liability Insurance.

You are responsible for the health and safety of your PA while they are at work. Your PA may be injured at work or they, or your former employees, may become ill as a result of their work while in your employment. They might try to claim compensation from you if they believe you are responsible. The Employers' Liability (Compulsory Insurance) Act 1969 ensures that you have at least a minimum level of insurance cover against any such claims.

Details of some providers of Employers Liability Insurance are included at Appendix A in this pack.

Step 1 – Decide what you want

Before you begin to look at the recruitment of a Personal Assistant (PA), you'll need to determine what it is you want. The following questions will help you to write a job description which tells potential candidates more about the job and what is expected of them, but will also be useful when you come to shortlist and interview your potential candidates.

- What tasks do you want the PA to assist with?
- What skills and qualities would your child/ young person like the PA to have?
- Does your child/young person have any interests, for example a particular sport, or favourite band? You may want to include these interests in your job description.
- You may want to consider whether you want to employ more than one PA if you need added flexibility.

There is an example job description can be found at Appendix B in this pack

Whilst you will need to act in accordance with equal opportunity legislation when recruiting to the post (you cannot discriminate against anyone), you can potentially be specific about the sex of a person you require. This is known as a Genuine Occupational Requirement (GOQ). For example, it could be

easily justifiable to only consider female applicants to support a 15 year old girl who requires assistance with personal care. In relation to other characteristics however, you may not be able to justify as essential to the job. For example, to specifically advertise for a “young person” is likely to be found as direct age discrimination. Instead, you should ensure that your job description describes the qualities you wish your PA to have.

Step 2 - Advertise

Once you have a job description, you can use this as the basis for your advert. It should be as short as possible, but should definitely include:

- Number of hours of support required per week, plus when you expect them to work, for example, does this include weekends, evenings and nights? What kind of flexibility are you looking for?
- Rate of pay (you must pay at least the minimum wage, these change every year, so call 0845 6000 678 or visit www.hmrc.gov.uk/nmw for the current minimum wage). You may be able to ask someone who is already employing people using personal budgets, how much they pay, or look at advertisements for similar jobs. How much you can afford to pay will of course depend on the value of your Personal Budget.

- You may wish to consider different rates of pay for different activities, for example, if you require your PA to “sleep in” as part of their duties, you may wish to pay a different rate for this.
- How you would like them to apply – CV’s, or an application form?
- That you will require the successful candidate to undertake a CRB (Criminal Records Bureau) check (this is strongly advised) and two references.
- Any other essential requirements, for example, do they need to be able to drive?
- Contact details for further information
- Closing date for applications

There is an example application form which can be found at Appendix C in this pack.

There are a number of places you can advertise. Here are some suggestions:

- Word of mouth. Do you know anyone who might be interested?
- Local shop, or village hall
- Local Newspaper (This is likely to be expensive)
- Local college or University
- Job Centre (they will often advertise your vacancy for free)
- Websites such as www.gumtree.com, www.ilsyork.org.uk or www.penderelstrust.org.uk, currently advertise for Personal Assistants.

Step 3 – Shortlist applicants and set up interviews

Once you have received your applications, you will need to decide if any of them are suitable and you if you wish to interview them. You might want to refer to your job description to rate the applications and decide which ones most closely fit the job.

You must make sure you are fair when selecting, and that you do not discriminate against anyone.

It is also a good idea to interview away from your home if possible, either at the Job Centre, or you could ask your Direct Payments Advisor if they have a room you could use.

You should then contact the applicants you want to interview and let them know the date and time of your interviews.

There is an example letter which you can use which can be found at Appendix D in this pack.

Step 4 – Interview

It is easiest to prepare your list of questions in advance, and you could base these on your job description. You will also want to get to know your candidate to further assess their suitability. Here are a couple of suggestions:

- Why have you applied for this job?
- What experience and skills can you bring to this job?

There is an example list of interview questions you can use which can be found at Appendix E in this pack.

It is always useful to have at least two people interviewing, so that you can compare and share your thoughts. You should also take notes of the answers to help you to remember each candidate. Unsuccessful candidates may also ask for feedback on their interview, so it is useful to keep those notes.

If you have found a potentially suitable candidate(s) you could arrange for a second interview with your child/ young person. This will give them the opportunity to get involved in the process, and choose someone who they will get on with.

Don't rush a decision, if none of the candidates are suitable then do not offer them the job. Advertise until you get the right person.

Step 5 - Offer the job

Once you have chosen the candidate you wish to offer the job you should then contact them to see whether they wish to accept the offer. You may have a number of candidates who were “appointable”, so wait until your preferred candidate has accepted the offer before you let others know they have been unsuccessful.

You should telephone any unsuccessful candidates letting them know they didn’t get the job, and offer some constructive feedback.

This offer of employment will be subject to pre-employment checks (known as a “conditional offer”), and you will now need to do the following:

- Contact their references

Their references should be recent, and should include their last employer. References are important as it is good to have an opinion of someone who knows the applicant and about their job skills. It also confirms that the information they supplied in their application is correct.

Be wary of written references especially those addressed to ‘To whom it may concern’ which are handed to you at the time of the interview. Follow up phone calls or other forms of contact are essential in such circumstances to check the validity of the reference.

There is a template reference request which can be found at Appendix F in this pack.

- Request a CRB (Criminal Records Bureau) Check
CRB checks help you to find out whether your successful candidate has any criminal convictions. If you are intending to employ someone known to you, it may not be necessary to ask them to complete an application form. It is strongly advisable to request a CRB check, particularly if the applicant is not known to you, however the local council cannot insist that a CRB check is carried out. Where you ask the local council to carry out a CRB check they must do so. Your Social Care Manager/Social Worker on behalf of the Local Authority will arrange this.
- Check eligibility to work in the UK
You must make sure that the candidate you have offered the job to is able to work in the UK.

A list of documents you can check can be found at Appendix G in this pack.

Step 6 – Contract of employment

An employment contract will help you both know where you stand. Once all your pre-employment checks have been completed, and they are satisfactory, you should formally offer the post to the candidate. You must issue a contract of employment within two months of the PA starting work for you.

Here is a list of things you should include in your contract:

- Your name, and the name of the Personal Assistant
- The job title (e.g. Personal Assistant)
- The place of work (e.g. your home address). You could include here whether you will require your PA to travel outside of the home, such as accompanying your child/young person
- The date when the employment is to begin (or began)
- Salary and when it is to be paid (weekly or monthly)
- Hours of work
- Any expenses covered, and at what rate of pay (for example, mileage rates if you require your PA to use their vehicle whilst in your employment) *
- Holiday entitlement
- Entitlement to sick leave and pay

- Notice period (both employer and employee)
- Disciplinary and grievance procedures

Also, you will need to think about what you will expect from your PA if your child/young person is ever in hospital or away on holiday, will you still be paying them? If so, this could be their normal wage or a retainer. Your contract will need to include this.

There is an example contract of employment which can be found at Appendix H in this pack.

You may be able to take further advice from your Employers Liability Insurance provider. Advice and guidance is also available from Government organisations such as ACAS and Business Link. You should send two copies of the contract to your PA, and ask them to sign and return one copy to you.

*Check and see whether there are any provisions available for your PA, such as a companion bus card (which means the PA could travel for free whilst accompanying your child/young person). You can also register for a free “Max Card” via the Council’s Disability Register at www.yor-ok.org.uk/myFIS which gives free entry to a number of local attractions and facilities.

Step 7 – Induction

Make a list of things you need to tell your PA on their first day. Perhaps even make a factsheet of things they will need to know whilst working for you, such as what pets you may have, code for the alarm etc.

You may wish to set a probationary period (which would usually be between 3-6 months), where you can see how things go.

It's a good idea to set up regular feedback sessions with your PA during this period, where you can discuss what is working well, and what isn't working, and look at if there are any training needs they might have.

Skills for Care have developed some useful resources which you may want to access to help you with an induction programme, such as "Common Induction Standards" available at <http://www.skillsforcare.org.uk/cis/>. They standards are designed to be met within a 12 week period to enable care workers to demonstrate providing high quality care and support. It provides recognition for their work, and prepares them for entry into future training and qualifications.

It is strongly recommended that your PA undertakes training relevant to the role, this could include:

- Moving and handling
- Food Hygiene and Preparation
- First Aid

Your Social Care Manager/Social Worker can find out whether the Local Authority are running any courses which you may be able to access. You are also responsible for the Health and Safety of your PA whilst in your employment. You will be required to undertake relevant risk assessments of your home, to identify any potential hazards, and put measures in place to prevent any accidents from happening. For further information, visit the Health and Safety Executive (HSE) website: <http://www.hse.gov.uk/risk/>

There is an example Risk Assessment which can be found at Appendix I in this pack.

