

Personal Assistant Employer's Handbook:

What you need to know



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First published by the Scottish Government, March 2014
ISBN: 978-1-78412-320-8

eBook first published by the Scottish Government, March 2014
ISBN: 978-1-78412-321-5 (ePub)

Kindle eBook first published by the Scottish Government, March 2014
ISBN: 978-1-78412-322-2 (Mobi)

The Scottish Government
St Andrew's House
Edinburgh
EH1 3DG

Produced for the Scottish Government by APS Group Scotland
DPPAS13216 (03/14)

Published by the Scottish Government, March 2014

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Background and introduction

Self-directed Support (SDS) legislation and policy in Scotland. The Social Care (Self-directed Support) (Scotland) Act 2013, ensures that everyone eligible for social care will have the right to choose how their social care support is delivered.

There are 4 options for arranging your social care support:

Option 1

You take a direct payment, and arrange your own support or purchase a service from a care agency.

Option 2

You decide who you want to deliver your care and your local council, or an organisation of your choice, arranges your support.

Option 3

After talking to you, your council decides and arranges your support.

Option 4

You use a mixture of the other options to arrange your care and support.

For more information on self-directed support and your options visit **My Support, My Choice: Your Guide to Social Care** – <http://workforcesolutions.sssc.uk.com/sds>

If you are thinking about choosing Option 1, and employing one or more personal assistant to deliver your care, this handbook will give you the information you need to help you decide whether this is the right option for you. In addition to this handbook, information and support to help you make this decision are also available from your social worker/care worker and local support organisations.

As part of the assessment process, you and your social worker/care worker will agree your support plan, including how your key outcomes will be met. Where your social worker/care worker does not think

that a direct payment, or the way you plan to use it to purchase your support, will achieve your outcomes you should be told why.

A personal assistant (PA) is an employee of a person needing care and support. If the person is under 16 or has an appointed decision maker (a welfare guardian or person with Power of Attorney) the parent or guardian/person with Power of Attorney is the employer.

Becoming a Personal Assistant (PA) Employer – The Pathway

Your local Information & Support Organisation can help at each stage of this pathway

Find out what support you can get

Ask for a Social Work Assessment

Decide what is important to you; put that in your support plan

Find out what being an employer involves

Choose a Direct Payment

Make sure you know who to speak to if you need help to manage your PA(s)

Decide what you want your PA(s) to help you with

Put your plan into action

Recruit your PA(s)

Make sure your plan continues to meet your outcomes

Being a PA employer

Becoming a Personal Assistant (PA) employer, by choosing Option 1 a direct payment, gives you maximum flexibility to tailor your support to your lifestyle and needs. However you should be aware that, the responsibilities that come with being a PA employer are also greater. You will be responsible for managing the money in your budget, including paying your employee's wages and making Income Tax and National Insurance contributions, but you can pay a local support organisation or an accountant to help you with this.

When you are deciding to recruit staff you will be supported by your social/care worker, and if you wish a local support organisation and where appropriate the person making decisions on your behalf:

- to agree the care you need and how this may be achieved
- to put in place all the recommended stages in the recruitment processes
- to provide appropriate targeted advice and training on roles and responsibilities

For most employers, employing one or more PA is a positive and empowering experience. However, it also involves some important responsibilities.

You should make sure you get the right information and support, act on it and get in touch with people or organisations who can support you if you are unsure about something.

You can get the support you need from other PA employers, disabled peoples' organisations, centres for inclusive living and other support organisations. See the Useful Contacts section (p41-42) for more information.

The role of information and support organisations

These are organisations which can help people, who are thinking about becoming a PA employer, to find out more about direct payments and how they can get a direct payment, as well as offering practical support about being a PA employer. These are some examples of the support that might be available:

- information about the responsibilities of a PA employer
- help to understand and use local processes
- support with engaging an agency/provider
- payroll services
- financial management
- training on becoming a PA employer

These organisations draw on the experience of people who are PA employers to give information and support to people who are thinking about becoming a PA employer, to make sure they have all the information they need. Their staff and volunteers may have personal experience of care and support services. It is this experience which helps to inform the design and delivery of the support the organisation offers, leading to high quality, relevant and appropriate information and support.

Further information about local information and support organisations which may be in your area is available from Self Directed Support Scotland (see full contact details on p10).

www.sdsscotland.org.uk
www.sdsinfo.org.uk

Case study – Paul

How a support organisation assisted Paul to recruit 4 PAs.

Paul requires support from his PAs to help maintain a family life as well as assisting him to contribute to, and access, society. With the assistance of a support organisation, Paul developed the job description which includes both personal and domestic duties within the household as well as providing support so he can access the community, to work etc.

Paul was supported through the recruitment process and was signposted to relevant organisations for specialist information, such as employment/contract information, payroll organisations etc. He also inquired about training for his employees and the support organisation provided Paul with relevant training sources that would deliver the specific training he felt was important for his employees.

With the support and advice he received, Paul has now been employing staff for four years; consequently Paul enjoys his citizenship rights and is respected as an equal player in society.

The role of local authorities

The main role of the local authority is for the social worker/care worker to assess your social care needs and, where you are assessed as needing social care, to give you the information and support you need to decide which self-directed support option is right for you, these four options are explained on p3 of this handbook. This includes deciding how much control you wish to have over how your care is delivered and whether you wish to take the option of becoming a PA employer through a direct payment.

Social/care workers need to have a good understanding of the roles and responsibilities of PA employers. They need to be able to give you the information you need to make an informed choice. They also need to be able to support you to manage any risks identified during your assessment.

PA employer responsibilities

As a Personal Assistant (PA) employer, you will be responsible for making sure your support meets your outcomes. This is because the Care Inspectorate does not cover situations where an individual employs PAs, whether or not paid for through a direct payment. You must therefore make sure that you fully understand the responsibilities you are taking on before deciding to recruit staff.

Your local support organisation will be able to support you to do this. You can contact Self Directed Support Scotland to find out if there are any support organisations in your area and search online at: www.sdsinfo.org.uk

You can learn a lot from people who are already PA employers, through peer support projects.

Self Directed Support
Scotland
4, PURE Offices
Bonnington Bond
2 Anderson Place
Edinburgh
EH6 5NP

info@sdsscotland.org.uk
Tel: 0131 516 4195
www.sdsscotland.org.uk
www.sdsinfo.org.uk

PAs are recruited in a number of ways, often through friends and family members. While some people find staff this way, there are legal obligations which you must be aware of. Although these tasks may seem difficult, support organisations can help you with them.

Using safe and effective recruitment and employment processes are very important. This means finding out about:

- getting references, on paper and by telephone
- arranging staff induction and training
- agreeing a probation period
- accessing local peer support
- managing your staff
- getting public and employer's liability insurance
- getting employer's indemnity insurance

It is important for you to have the care and support you need. So, it is recommended that you make it a condition of employment that your PA is a member of the Protecting Vulnerable Groups (PVG) Scheme, to ensure that they do not have any convictions which would make them unsuitable to work as your PA.

For more information about the PVG Scheme please go to:
<http://www.disclosurescotland.co.uk/disclosureinformation/pvgscheme.htm>

Employing close family members

You may be able to employ a close family member as your PA if:

- you are unable to find a care agency or employ a PA who can deliver the services you need
- you have special communication needs
- your cultural or religious needs can only be met by a family member
- you and your social worker/care worker agree this is appropriate

However, if you want to employ a family member your council must agree to this arrangement.

You should think very carefully about employing a family member who lives in the same house as you, as it will be difficult to separate the times when they are your employee and when they are delivering unpaid care.

Before approaching your social worker/care worker to discuss employing a family member you should think about:

- how this will change your relationship with them?
- how you will feel about being their boss?
- what you will do if they don't do the job you are employing them to do?
- how you will feel if you have to end their employment?

Pension contributions

You do not have to offer a pension to your PA(s) at the moment.

However, the UK Government introduced a new law in 2012 to help people save more for their retirement. This means that all employers will have to offer a pension to their workers if they are not already in one. Very large employers are doing it first; other employers will follow from 2013.

As PA employers will fall into the small employers group it is unlikely that most PA employers will have to offer a pension until 2017.

At the moment, auto-enrolment will only apply to people aged 22 and over and to people earning over £9,440 per year, which may exclude a lot of PAs as many work part-time hours and so do not earn over that amount.

For more information, contact The Pensions Regulator.

www.thepensionsregulator.gov.uk
customersupport@autoenrol.tpr.gov.uk

PA employment status

The following are basic definitions of whether a PA is employed or self-employed:

Employed – If you are employing your assistant, they are likely to depend on you for some or all of their regular income, and will be entitled to sick pay, holidays and a notice period for example. This makes a significant difference to your relationship with them and your own personal responsibilities.

Self-employed – If your assistant is self-employed you may be paying for services provided by the hour or by the job, on a regular basis or not. They will decide when they are able to work and what they are able and willing to do. You simply pay the bills as they come in and have no responsibility for the sick pay, holidays or National Insurance payments of the people who come to work for you. These are taken

care of by the person doing the work, or the business which employs them.

Generally speaking, if you require your PA to carry out tasks or perform services for you in the following circumstances, they will be your employee rather than a self-employed person:

- if they provide support to you in your home
- if they provide support at specific times each day or week (although these may be varied by mutual agreement)
- if they provide support in the manner that you determine (i.e. you are in control)
- if they are paid at an agreed hourly rate for the time he/ she spends working for you
- if they provide support personally (and cannot send a substitute in his/her place)

If you are already a PA employer and are unsure about the employment status of your PA(s), you should contact Her Majesty's Revenue and Customs (HMRC): **www.hmrc.gov.uk**

Your PA's employment status will be based on the circumstances of your support.

If you are thinking about buying your support from a self-employed PA you should contact your local support organisation. You should also contact your social worker/care worker to check what the local policy is on self-employed PAs. This can help to ensure that you have all the information about using a self-employed PA and it can help you to make a fully informed choice.

More information can be found on the HMRC website:

www.hmrc.gov.uk/employment-status/index.htm

If you need any information and support about employment law, contact the Scottish Personal Assistant Employers Network (SPAEN).

Tel: 01698 250280

www.spaen.co.uk

info@spaen.co.uk

The role and responsibilities of a PA

One of the main reasons people choose to employ their own staff is the flexibility it offers in terms of how and when their support is given, to best meet their outcomes.

Personal Assistant (PA) work itself is about much more than personal care. There are many roles available for a PA; supporting an employer at work, at college, or in social activities. For some PAs they may be asked to provide a low level of personal care. There may be a team of PAs with different roles based on their skills, with each team member having a different role. The tasks required of each role should be decided before the PA is recruited.

The tasks carried out by the PA will generally be set by you as their employer and should be set out in the job description.

PAs have the same responsibilities as other employees in relation to attendance and performance at work. As with other members of the social care workforce, PAs should meet the following requirements of the Scottish Social Services Council (SSSC) Code of Practice:

Social service workers must:

- protect the rights and promote the interests of supported individuals and carers
- work to establish and maintain the trust and confidence of supported individuals and carers
- promote the independence of supported individuals while protecting them as far as possible from danger or harm
- respect the rights of supported individuals while making sure that their behaviour does not harm themselves or other people

Training for PA employers and PAs

Centres for Inclusive Living, disabled peoples' organisations (DPOs), and other local support organisations, may offer basic training to both PA employers and their Personal Assistants (PAs).

Information and Training for employers should include:

- Safe recruitment
- Staff induction
- Health & safety
- Being a good boss
- Employer administration responsibilities
- Understanding basic employment rights
- Payroll & related topics

Training for PAs may include the following and may be led by disabled trainers with experience of employing PA(s):

- disability equality training
- the role, responsibilities and rights of a PA
- health and safety, risk assessments, moving and assisting, assisting other PAs, awareness of long-term conditions, etc

As a PA employer it will be your responsibility to ensure that your employees receive the appropriate training to deliver their role.

Case study – Emilie

Emilie chose her support through a direct payment to enable her to employ her own Personal Assistant. Emilie does not have any family or friends to support her and lives on her own. She contacted a DPO for support in managing her direct payment and in employing staff. Emilie has learning difficulties and short term memory loss; she also has underlying health issues and finds it difficult to communicate in writing or by phone.

Support provided

As Emilie prefers face-to-face support, one of the DPO staff, an Independent Living Officer (ILO) regularly meets up with her to discuss her support. Support is provided through discussion, writing down guidance notes and keeping in touch with Emilie regularly to prompt her, and keep her up-to-date up with the things she needs to do, to manage her individualised package. Following Emilie's preferred approach to support and information allows her to understand her responsibilities and make informed choices.

While recruiting a new PA and amending the contracts of her existing PA, the ILO worked with the insurance provider, on Emilie's behalf, and made sure that Emilie understood the processes. As amending contracts is a complex process, the ILO liaised with the insurer's legal advice team with Emilie's permission. The ILO attended meetings with Emilie and her PA, provided her with guidance documents for contract amendment, and explained everything in a clear, simple, straightforward way during these meetings.

Emilie also has support to fill in returns for the local authority, and the ILO contacts her before every meeting to remind her what is required and fills in forms. Emilie may still require extensive support but her confidence has grown remarkably.

During her review Emilie said the support from the DPO, tailored to meet her specific needs, helps her to make decisions and allows her to manage her care package extremely well.

Summary of the recruitment process

Please make sure you have all the information and support you need for each of these steps before starting this process.

1. Draft job description and person specification

To fill the job quickly and with the right person you need to:

- provide as much information as possible about your needs
- ensure that you offer at least the national minimum wage and that the job is in-line with UK employment law

2. Advertise the job – make sure the wording is non-discriminatory

3. Choose who you want to interview

4. Arrange and carry out the interview

5. Choose who to employ

6. Offer the job subject to background checks

7. Do the checks

- decide if you want your PA to be a member of the PVG Scheme (see the earlier section giving information on this)
- check last employer and other relevant references
- check if your PA is allowed to work in the UK

8. Start an employee record, including the application form, job offer letter, contract, add a record of holidays, sick leave etc, there are example forms and letters at the end of this handbook.

Starting up

These are the key tasks you should carry out before your PA or PA Team starts work:

- Register as an employer with HMRC
- Take out employer's liability and indemnity insurance
- Draw up a contract of employment
- Decide on how long your PA's probationary period will be and decide how you will make this longer in the contract if you need to
- Make arrangements for paying your PA
- Think about how you will provide a pension when it becomes law in 2017 (see the earlier section giving information on this)
- Organise induction and training for your PA
- Consider the health and safety responsibilities of this role, including risk assessment of the duties your PA will do for you

Once you have successfully recruited your PA or PA Team you will have to arrange:

- an induction programme
- day to day management
- regular supervision

You can get the support you need from other PA employers, disabled peoples' organisations, centres for inclusive living and other support organisations. See the Useful Contacts section (p41-42) for more information.

Recruitment and employment paperwork

The following pages contain checklists or sample forms to help you recruit personal assistants. They are examples to give you an idea of what should be included in a recruitment pack and what should be given to the successful applicant.

They are not intended to replace the paperwork that you can get from skilled advisers in user led and other support organisations or local authority Direct Payment teams.

Where the text is **blue** you should put the information relevant to your staff and their role in supporting you.

You should also ask your insurer for advice and information about what to include in the paperwork you use to make sure you are covered by your liability and indemnity insurance.

For information about support organisations in your area please contact Self Directed Support Scotland (see full contact details on p10).

www.sdsscotland.org.uk
www.sdsinfo.org.uk

If there are no organisations in your area, you can contact your social worker/care worker who can advise where to go for information and support.

Examples of forms and letters are included at the end of this handbook, these templates were adapted from basic templates available from the Skills for Care, an employer-led workforce development body for adult social care in England. Skills for Care have kindly given permission for the use and adaptation of their templates which are also available electronically from:

www.skillsforcare.org.uk/entry_to_social_care/recruitment/employingpersonalassistants.aspx

Example – job description and person specification

Please seek support and advice before using this document

Job title: Personal Assistant (PA)

Reporting to: [your name]

Location: Care and support in the [do not put your address but the area where your home is located] area.

Nature of the job role: To assist with a variety of tasks which will support the employer to live an independent personal and social life.

Main duties:

Personal duties:

Domestic duties:

Social Duties:

Any other reasonable duties that are relevant and pertinent to the post of PA.

Hours of work:

[List the days and hours of work]

It is an express condition of employment that you are prepared, whenever necessary, to transfer duties within our day to day activities. During holiday periods, etc. it may be necessary for you to take over some duties normally performed by colleagues. This flexibility is essential as the type and volume of support is always subject to change, and it allows us to operate our life efficiently and gain maximum potential.

Rate of pay:

[If the hours include evenings, sleepovers or weekends, list the different rates of pay e.g. weekdays - £XX per hour, sleepover - £XX per hour]

Contact HMRC for more information about the Minimum Wage.

Qualifications and experience:

Essential: [List the essential qualifications and experience you need your employee to have: e.g.

- driving licence
- car and appropriate insurance
- knowledge of a particular language or culture
- able to swim
- nursing qualification]

Desirable: [List the qualifications and experience you would like your employee to have e.g.

- computer literate
- good communicator
- likes dogs
- experience of this type of work]

Example - application form

(PLEASE USE BLOCK LETTERS)

Please seek support and advice before using this document

Surname: _____

Other names: _____

Address: _____

Telephone: _____

Education and training

Details and results of any examinations taken:

Further education (e.g. technical college, evening classes):

Any trade or other training:

Employment history

Present employer address:

Job title:

Duties:

Rate of pay:

Date employed from:

to:

No approach will be made to your present employer before an offer of employment is made to you.

Please tell me about other jobs you have done and about the skills you used and/or learned in those jobs:

Please tell me why you have applied for this post and give examples of things you have done that make you particularly suited to the job:

If you have a disability please tell me about any adjustments I may need to make to assist you at interview:

Please tell me if there are any dates when you will not be available for interview:

I confirm that any untrue or misleading information will give my employer the right to terminate any employment contract offered.

Signature: _____

Date: _____

Print name: _____

Example – Rehabilitation of Offenders Act (1974) form

**Decide whether you want your PA to be a member of the
PVG Scheme**

Please seek support and advice before using this document

This post is exempt under the Rehabilitation of Offenders Act: all your convictions, if any, must be disclosed.

Please complete the following, circling the appropriate answer:

1. Do you have any criminal convictions either in the UK or abroad?

YES/NO

2. Have you ever been disciplined because of inappropriate behaviour towards a vulnerable adult?

YES/NO

3. Have you been subject to any police investigations that did not result in a conviction?

YES/NO

4. Have you ever been known to any Social Work department as an actual or potential risk to vulnerable adults?

YES/NO

If you answered yes to any of the above questions give details on a separate sheet of paper, which should be returned in a sealed envelope. Only the envelope from the successful applicant will be opened and all other applicant's forms will be destroyed.

Interview checklist and example interview questions

Please seek support and advice before using this document

Interview checklist

- Arrange a venue, do not use your own home
- Think about a trial run; interviewing is just as stressful as being interviewed
- If required, arrange assistance with interviewing
- List interview questions
- Plan the length of interview
- Think about how formal or informal you want to make it
- Prepare information to conclude the interview

Example questions

An interview is an exchange of information, therefore, it is important to listen and give the person a chance to speak and ask clear questions.

Don't assume anything, whether that is giving or getting information.

Interview questions - choose a few from the following list and add your own:

- Do you have any questions about the job?

- I see that you don't have direct experience of this kind of work, but people often have other experience. For example, some people have members of their family, or friends, or maybe neighbours who are disabled in one way or another. What experience of working with disabled people do you have?
- If you were out with me and someone persisted in ignoring me and spoke only to you, how would you react?
- I will need to tell you how to do things in the way I want them done. How do you think you would cope with this?
- How would you react if you have done something and I want it done again in another way?
- What if I ask you to do something, and you think there is another way to do it that you would prefer – what would you do?
- If we did have a difference of opinion, how do you think you would deal with this?
- What qualities and experience do you have that you think would make you a good personal assistant?
- Have you been on any relevant training courses? If so, what and when?
- What are your hobbies/interests?
- Do you have a car? Would you be prepared to use it for work?
- Any questions you'd like to ask me?

If you have pets you might want to mention them. Some people have allergies and could not work with pets.

If relevant you should ask why they are leaving, or have left, their current or last job.

Concluding the interview

Ask if the candidate has any holidays planned or other commitments which might delay them being able to start work.

You should also explain the following:

- Contract of employment and probation period
- That some or all of their annual leave will have to be taken when you are taking up respite
- When/how they will hear if they have been successful or not
- That you will take up references for them before appointment one of the references should be from their most recent employer
- If you have decided that your PA(s) must be a member of the PVG Scheme, tell them that they will have to provide proof of their membership or become a member before they can start work.

Example – letter inviting people for an interview

Please seek support and advice before using this document

Your name

C/o Direct Payment Advisor/Job Centre/PO Box*

Date

[Name of applicant]

[Address of applicant]

Dear [applicant's name]

Personal Assistant position

Further to your application for the position of Personal Assistant, I would be delighted if you could attend an interview on [date] at [time] at [address].

Please write to the above address to confirm that you are able to attend.

[You may want to include a map for the location of the interview.]

[If you are paying people's interview expenses put the details here.]

Please bring relevant photo & address identification (passport/driving licence & utility bill/bank statement)

I look forward to seeing you.

Yours sincerely,

[Your name]

* Use the return address you used for applications, not your own address

Example – letter asking for a reference

Please seek support and advice before using this document

Your name

C/o Direct Payment Advisor/Job Centre/PO Box*

[Date]

[Name of Referee]

[Address of Referee]

Dear [referee's name]

RE: [candidate's name]

The above named has applied for a position of Personal Assistant and has given your name as a referee.

I would be grateful if you would be kind enough to answer the following questions, along with any relevant additional comments that you may care to offer, and return in the enclosed stamped addressed envelope.

Has this person experience relating to the enclosed job description within their current role with you? How reliable has this person been whilst working for you? What periods of sick leave has this person had and what were the reasons?

May I take this opportunity to thank you for your co-operation and assure you that this information will be treated in the strictest confidence.

Yours sincerely.

[Your name]

* Use the return address you used for applications, not your own address

Example – letter offering the job

Please seek support and advice before using this document

Your name

C/o Direct Payment Advisor/Job Centre/PO Box*

Date

[Name of applicant]

[Address of applicant]

Dear [applicant's name]

Offer of employment

Further to your recent interview, I am pleased to be able to confirm the following offer of employment, subject to satisfactory background checks.

Job title:	Personal Assistant
Hours of work	[insert hours of work]
Annual leave	[insert number of days/hours]
Probationary period	[insert number of weeks]
Wage	[insert hourly rate]
Start date	[insert date]

This post is subject to the receipt of satisfactory background checks.

Failure to satisfy this will result in the withdrawal of this offer/termination of employment

I would be grateful if you could confirm your acceptance in writing or by phone.

Yours sincerely,

[Your name]

* Use the return address you used for applications not your own address

Example – contract of employment

Please seek support and advice before using this document

Statement of main terms and conditions of employment

Employer's name: [insert your name]

Employee's details: [insert their name address & contact number]

Employee's Next of Kin: [insert their name address & contact number]

Date of commencement of employment: [insert date]

Main place of work: [insert your address]

Job title: Personal Assistant

Duties and responsibilities

As set out in the job description, a copy should be attached

Probationary period

There will be a probationary period of [*usually three months]. During the probationary period either party can terminate employment by giving one week's notice.

The employer reserves the right not to apply the full contractual capability and disciplinary procedures during the probationary period.

Hours of work

Weekday hours [XX]; weekend hours [XX];

Number of sleepovers [XX]

There is a need for the employee to be flexible and these hours may be changed as required according to the employer's needs. Under these circumstances, where hours need to be changed or additional hours worked, the employer will give as much notice as possible.

It is a condition of employment that members of the PA team are prepared to transfer duties within the employer's day to day activities. For example, it may be necessary for you to take over some duties normally performed by colleagues when they are on holiday. This flexibility is essential as the type and volume of support is always subject to change, and it allows the employer to operate their life efficiently and gain maximum potential.

Lateness

You are required to contact your employer as soon as possible but at the very latest 30 minutes before you are due to start work.

Wage

[Insert weekday hourly rate before National Insurance Contribution or Tax deductions] for weekdays and for weekends and bank holidays if relevant for sleepovers. Wage is payable [insert either monthly or weekly] and will be paid on [insert date of wage payment. If monthly it could be the third working day of the month or last Friday in the month for example. If weekly insert day of payment] by [insert direct payment into your bank/cheque/cash].

The employer will deduct National Insurance and Income Tax as required by law. The employer may also deduct any overpayment of wages or holiday entitlement.

Time sheets

You will be required to complete a [insert monthly/weekly depending on payment of wage] signed time sheet and submit this to the employer on [insert day of the month or week giving time to work out wages or send to payroll agency to ensure wages can be paid on the given date].

Holiday entitlement

The holiday year is from [usually either 1st January – 31st December or 1st April – 31st March]. Your holiday entitlement must be taken during this period.

The full amount of your holiday entitlement is [number of weeks and days – 5.6 weeks is the minimum legal requirement] per year pro-rata per completed months employment. One week being the equivalent of weekly hours worked.

Holidays must be agreed with the employer at least [four weeks is usual] in advance. You may not take more than [10 days is the usual] working days consecutively without the employer's prior written consent.

Should you leave employment and you have exceeded your holiday entitlement then this will be deducted from your final pay packet, if holiday entitlement is owed you will be paid for the outstanding entitlement.

Sick leave

If you are ill and unable to attend work you should inform your employer as soon as possible to enable other arrangements to be made.

If you are within the lower earnings limit you will be entitled to Statutory Sick Pay (SSP) on production of an Employee's Statement of Sickness (form SC2) which must be completed for sick leave of more than three days or a medical certificate for sick leave of more than seven days. These forms must be sent directly to your employer.

Termination of employment

During the probationary period either party requires one week's notice.

After one year of continuous service you will be given one additional week's notice for each completed year up to a maximum of 12 weeks' notice.

After satisfactory completion of your probationary period you are required to give [\[one month or four weeks\]](#) notice in writing irrespective of length of service.

The employer reserves the right to pay your basic wage in lieu of notice instead of requesting that you work your notice period. In these circumstances you may not be employed by any other person or company whilst receiving pay in lieu of notice.

Confidentiality

All information regarding the employer, the employer's family and the employer's domestic or personal circumstances is strictly confidential and cannot be discussed with a third party without the Employer's specific permission, or in an emergency situation.

Grievance procedure

If you have a grievance you should raise this with your employer, however if you do not feel able to do this contact ACAS on 08457 47 47 47 for information or see their Grievance procedure guidance on www.acas.gov.uk/index.aspx?articleid=820

Disciplinary procedures

In cases of more serious problems, depending on the seriousness of the breach of terms and conditions of contract or conduct and performances of your duties, one of the following disciplinary actions may be taken.

- A verbal warning which will be confirmed to you in writing and recorded in your personnel file for a maximum period of six months is usual, but you must specify.
- A first written warning, which will be confirmed to you in writing and recorded in your personnel file for a period of [6 months is usual, but you must specify].
- A final warning which would be confirmed to you in writing advising that further misconduct could lead to dismissal and recorded in your personnel file for a period of [12 months is usual, but you must specify].

Dismissal

Dismissal is when an employer ends employment - they do not always have to give notice.

If an employee is dismissed, the employer must show they have:

- a valid reason that they can justify
- acted reasonably in the circumstances

They must also:

- be consistent – e.g. not dismiss an employee for doing something that they let other employees do
- have investigated the situation fully before dismissing an employee – e.g. if a complaint was made about them

Before any formal disciplinary action is taken the employee will receive a letter setting out the details of the alleged misconduct and inviting them to a meeting to discuss the matter. They will have the right to be accompanied to the meeting by a work colleague or a trade union representative. After the meeting they will be informed if any further action will be taken. They have the right to appeal but must do so within 10 working days of receipt of the notification of the decision.

Dismissal due to gross misconduct

If an employee's actions are deemed to constitute gross misconduct, the employer reserves the right to dismiss them without notice.

The following are examples of gross misconduct:

- dishonesty, theft or fraud
- malicious damage
- fighting or assault on another person
- serious incapability through alcohol or illegal drugs
- actions which endanger other employees' safety
- a serious act of insubordination

Useful contacts

Advisory, Conciliation and Arbitration Service (ACAS)

ACAS offers 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.

www.acas.org.uk

Tel: 08457 47 47 47 for free and confidential advice

HM Revenue and Customs (HMRC)

HMRC collects and administers direct and indirect taxes and pay and administer things like Child Benefit, Child Trust Fund and Tax Credits.

www.hmrc.gov.uk

For information on employment status, follow this link:

www.hmrc.gov.uk/employment-status/index.htm#7

For information on becoming an employer, follow this link:

www.hmrc.gov.uk/factsheet/first-time-employer.pdf

Tel: 08457 143 143

Text phone: 0845 602 1380

Text Relay: 18001 followed by the HMRC telephone number

Fax: 0191 225 6677

Health and Safety Executive (HSE)

The HSE's job is to promote safety in the workplace.

www.hse.gov.uk

www.hse.gov.uk/healthservices/domiciliary-care.htm

No general telephone helpline available

Home Office UK Border Agency

The agency protects the UK border, and explains how to legally employ migrant workers.

www.ukba.homeoffice.gov.uk/business-sponsors

Employers Helpline: 0300 123 4699

Monday to Thursday 9am to 5pm and Friday 9am to 4.30pm
(excluding public holidays)

National Minimum Wage Helpline

Help and advice for employees and employers on the rules of the National Minimum Wage, they also deal with complaints from workers who are being paid below the threshold.

www.hmrc.gov.uk

Tel: 0800 917 2368

Text phone: 0800 121 4042

The Pensions Regulator

Information for employers about work-based pension schemes for your employees as well as information about automatic enrolment.

www.thepensionsregulator.gov.uk

customersupport@autoenrol.tpr.gov.uk

Royal Mail

You can use Royal Mail to set up a PO Box, rather than using your home address if you would prefer.

www.royalmail.com

Tel: 08457 950 950

Scottish Personal Assistant Employer's Network

For support and advice for PA employers including employment law.

www.spaen.co.uk

info@spaen.co.uk

Tel: 01698 250 280 Fax: 01698 250 236



**The Scottish
Government**
Riaghaltas na h-Alba

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ISBN: 978-1-78412-320-8

ISBN: 978-1-78412-321-5 (ePub)

ISBN: 978-1-78412-322-2 (Mobi)

This document is also available on the Scottish Government website:
www.scotland.gov.uk

APS Group Scotland
DPPAS13216 (03/14)

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