



How to be a good Employer Guide

Contents

Who are Surewise Ltd.?	Page 1
Who is an Employer/Personal Assistant (PA)	Page 2
PA/Agency Pros and Cons	Page 2
Is there any Funding to have a Personal Assistant (PA)?	Page 3
What can I spend my Personal Budget (PB) on?	Page 3
What am I not allowed to spend my Personal Budget on?	Page 4
Can I employ family members?	Page 4
What if I can not manage my Personal Budget by myself?	Page 6
How do social services monitor my PB?	Page 6
How do I find a PA?	Page 6
Where do I interview my Potential Staff?	Page 6
What questions should I ask my Potential PA?	Page 6
What checks can I carry out on my PA?	Page 7
What are my Legal Responsibilities as an Employer?	Page 7
What if I cannot manage my Responsibilities as an Employer?	Page 8
Why is it important to have Payroll in place?	Page 8
Why is it important to have Employers Liability Insurance?	Page 8
Why do my staff need a Contract of Employment and Business (car) Insurance?	Page 10
What is an induction?	Page 10
What is a Probationary Period?	Page 10
How long is a Probationary Period for?	Page 10
Is there any support for Employers?	Page 11
How do I support my PA?	Page 11
What is a Professional Boundary?	Page 11
What are some examples of Boundaries?	Page 11
What is a Supervision?	Page 12
What is a Grievance?	Page 12
What is Compassionate Leave?	Page 12
What is a Disciplinary?	Page 12
What are the steps I take in a Disciplinary?	Page 12
What is an Employment Tribunal?	Page 13
How do I prevent a Dispute from going to a Tribunal?	Page 13

Who are Sure Wise Limited?

Sure Wise Ltd. is the result of over 10 years experience of providing specialist information and advice in the field of insurance, Social Care, Direct Payments, Personalisation and Employing Personal Assistants.

The legal bit

Surewise is a trading name of Sure Wise Limited which is authorised and regulated by the Financial Conduct Authority(FCA). Our FCA firm reference number is 618327.

Sure Wise Limited is a company registered in England and Wales with company number 07432009. Our registered office is Unit 3, Hadleigh Park Business Park, Chapel Lane, Benfleet, Essex, SS7 2PP.



What is a Personal Budget?

A Personal Budget is an amount of money paid by the local authority in order to meet your eligible Social Care needs. (e.g. personal care, domestic support, social activity).

How can Surewise support me, as an Employer?

We are here to provide you support with:

- Direct Payments Insurance
- 24/7 Employment & Legal Helpline
- Specialist advice from Direct Payments experts
- Templates of Contracts of Employments

What is an Employer?

An Employer is a person or business which employs one or more persons to complete tasks in return of wages.

What is a Personal Assistant?

A Personal Assistant (PA) is someone who provides a service for those who are in need of support for everyday living (e.g. personal care, meal preparation medication and social support).

This is similar to a carer, however, a carer is often unpaid (unless on carers allowance) and carries out the caring role in an informal situation, for example, a family member.

What are the benefits of having a PA as opposed to an Agency?

- Person-Centred – Support to meet individual needs
- Cost-Effective – Costs less to Employ a PA
- Ability to build a good relationship with PA's
- More Control over the support provided
- More Choice over your care arrangements
- More Independence
- Greater empowerment

When would it be better to have an Agency to support me?

It would be better to have an Agency to support you if your care means that you need several calls a day, some Personal Assistants would not be prepared to come back and forth to provide support; however, an Agency has the facilities to do this.

Is there any Funding I can apply to have a Personal Assistant?

As an individual assessed as having a need, you may receive funding from the council for your care, this is known as a Personal Budget or Direct Payments.

The funding will allow you to Employ a PA of your choice.



What can I spend my Personal Budget on?

A Personal Budget can be used for a variety of things that support you to meet your identified need(s); most commonly used for:

- Support in the Home
- Cooking
- Cleaning
- Attending Social Groups
- Personalised Day Care
- Mobility Aids

What am I not allowed to use Personal Budget funds for?

- For anything that is not directly related to meeting your eligible social care needs and not approved in your Support Plan
- Anything which is solely the responsibility of the NHS such as medication
- Debt Repayment
- Gambling
- Alcohol
- Tobacco

Can I Employ a Family Member as my Personal Assistant?

Generally, within **England**, you cannot normally use Direct Payments to pay a family member that lives in the same home as the Direct Payments recipient to provide them with care. However, if the local council agrees that this is the most effective way of meeting the identified needs, then it is sometimes possible. Please speak with your care manager for further information.

Within **Wales**, legislation (The Social Services & Well-Being (Wales) Act 2014) has allowed for the employment of a relative living in the same household. Please speak with your care manager for further information.

Generally, within **Scotland**, an individual can use their Direct Payments to pay a family member (regardless as to whether or not they live with them) to provide them with care if the local council think that this is appropriate and/or the best way of meeting the person's needs. Please speak with your care manager for further information.

Within **Northern Ireland**, an individual can use Direct Payments to pay a family member who does not live within the same household to provide them with care (as long as the local trust agrees that this family member will meet their needs). Please speak with your care manager for further information.

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What if I cannot manage my Personal Budget independently?

You can choose to manage your Personal Budget independently, or you can be supported by family or friends to manage this. You can also receive advice and support from specialist organisations. Please ask your care manager for information.

How do Social Services monitor my Personal Budget?

If you receive your Personal Budget as a direct payment you will be required to complete Financial Monitoring forms and provide bank statements to Social Services every quarter.

Where do I Interview Personal Assistant candidates?

Interviews can take place at your home or a suitable venue, of your choice. We usually suggest carrying out the interview in your home environment, as this will generally be the Personal Assistants working environment. We strongly recommend for your own safety and wellbeing that you do **not** conduct the interviews alone (e.g. have a family member or friend sit in on the interview).

What questions should I ask the candidate in the interview?

- Be clear about what you are looking for (e.g. working hours, skills required, experience required, flexibility)
- Strengths and weaknesses
- What are their life objectives
- Previous experience
- Other commitments which may conflict with the role
- **Never** ask any personal questions (e.g. race, religion, children, age, pregnancy) as these are protected characteristics.

What checks can I carry out on my Personal Assistant?

- **DBS Check;** The Disclosure and Barring Service (DBS) helps employers make safer recruitment decisions and prevent unsuitable people from working with vulnerable groups, including children.
- **Right to Work;** In accordance with the requirements of Asylum, Immigration and Nationality Act 2006 – Employees are required to produce at least one document which proves eligibility to work in the UK (e.g. A passport describing the holder as a British Citizen or right to live and Work in the United Kingdom).

What are my Legal Responsibilities as an Employer?

- Provide necessary Training
- Maintain Health and Safety
- To have valid Employers Liability Insurance and ensure it is displayed visibly to Staff in the workplace
- Register with HMRC
- Provide a Staff Induction
- Carry out a Probationary Period
- Issue Contracts of Employment
- Ensure that if you are using the services of a self-employed Personal Assistant, that they have adequate insurance in place
- Provide holidays
- Provide all statutory payments e.g. Statutory Maternity Pay etc. (when applicable)
- Give Compassionate/Emergency Leave when required
- Keep statutory records (Tax, NI, SPP, Accident Records, Working Hours etc)



What if I do not feel I can manage all these Responsibilities of being an Employer?

There are support services who can help you with your responsibilities as an Employer such as brokerage services and Third Party Banking services. They will be able to support you with things such as paying wages, creating Contracts of Employment, ensuring that the correct insurance is in place to cover any accidents etc.

Why is it Important to have Payroll set up for my Employees?

The right organisation will support you to keep a financial record of your employee's salaries, wages, net pay, holidays, bonuses and deductions. Payroll is not only important for your records but your Employees too.

Why is it Important to have Insurance?

Employers Liability is a vital component to have when Employing staff members. Not only does it protect you, but it also protects your Employees too.

It is a **Legal Requirement** to have Employers liability insurance in place and should be displayed in the workplace. Employers Liability Insurance is inexpensive and can be purchased from as little as **£59.00 per year!** **Please note that it's important that you choose a policy that meets your needs.**





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Why do my Staff need a Contract of Employment?

A Contract of Employment is an agreement between an Employer and Employee and is the basis of the Employment. It should consist of the following;

- Employers / Employees Details
- Start Date
- Hourly rate and contracted hours
- Job Description
- Annual Leave Entitlement
- Probationary Period Details
- Procedure for Disciplinarys + Grievances
- SSP, SMP, SPP and Retainer Pay
- Right to work checks
- Termination of contract information

What is an Induction?

An induction is a process which is used in the majority of workplaces to welcome new Employees to their role and prepare them for their new role.

How do I carry out an Induction?

- Showing your new Employee around your home, to familiarise them with your new home environment (so they know where things are).
- Tell your Employee where specific things are kept (that are relevant to your care) for example, medication.
- Explain emergency procedures (e.g. who to contact in an emergency such as family members or a friend).

What is a Probationary Period at work and how long should they last?

The probationary period is the initial period of Employment. It is commonly known as the trial period. A probationary period is to decide whether you feel the Employee is suitable for the role. As a default, probationary periods are usually set anywhere between 3 and 6 months'. It is advisable that you set

this at 6 months' from the commencement of employment to better protect you as an employer. You also have the discretion to extend this probationary period if you feel that it is necessary.

Is there any other support for me as an Employer?

There is now a hub available for Individual Employers and their Personal Assistants. This hub contains links to lots of useful information for Employers, Personal Assistants and organisations that support them. It also has links to information about what funding and training are available in the local area; with a list of local authorities and support organisations.

Link: www.skillsforcare.org.uk/iepahub

What is a Boundary?

A Boundary is a line which marks the limit of an area; a dividing line. This also applies when in Employment; you and your Employee will have to set the professional boundaries that are crucial when in a home care setting. Sometimes boundaries are blurred and are not quite clear for the Employees; which can cause confusion in the workplace – make sure the boundaries are clear with your Employee.

What are my Boundaries as an Employer?

There are various Boundaries that should be set with your Employee, some examples are;

- Respect your Employees views and feelings
- Under no circumstances lend or borrow money
- Never set up your Employee as a signatory on your bank or building society account
- Never advance your Employee wages
- Never get involved with your Employees financial affairs
- Your Employee should never become the person to sign financial documents on your behalf

What is a Staff Supervision?

Supervisions are to help you and your PA reflect on actions taken in the workplace and it also supports personal development. It also allows you to have a healthy professional relationship with your Employee. Supervisions are carried out usually on a monthly or quarterly basis.

What is a Grievance?

A Grievance is a concern, problem or matter that is raised by an employee in the workplace to management (e.g. If the Employee is experiencing discrimination in the workplace) If possible, the best way for it to be resolved is for the Employee to talk to you informally to try and resolve the issue.

What is Compassionate Leave?

Compassionate Leave is a period of absence from work granted to someone as the result of particular personal circumstances, such as sudden serious illness or the death of a close relative.

What is a Disciplinary?

A Disciplinary is a procedure which provides a clear structure of how to act when dealing with difficulties within the place of work, as part of the working relationship. It is essential that every disciplinary follows a procedure to ensure that staff members are being treated fairly. Disciplinarys are in place to try and reduce the number of cases being taken to an Employment Tribunal and for them to be resolved within the workplace effectively.

What are the steps I should take when carrying out a Disciplinary?

Firstly, try to resolve the issue verbally in an informal meeting to discuss work performance and behaviour. Then the next steps are:

- 1** Written Warning
- 2** Final Written Warning
- 3** Dismissal

Serious Misconduct – In cases of serious misconduct, depending on gravity, issue a final written warning or dismiss an employee without notice, without having previously given either a verbal or written warning. It is advisable to seek advice from your care manager/support organisation or ACAS.

ACAS: www.acas.org.uk

What is an Employment Tribunal?

An Employment Tribunal is a Tribunal that rules on disputes between Employers and their Employee (s). Disputes include things such as unfair dismissal and redundancies. If the Employee (Claimant) wins, you may have to pay compensation (e.g. unpaid wages), plus any legal fees and costs.

How can I prevent a Dispute from going to an Employment Tribunal?

Prevention is always better. There is a lot of support that we can support you with, including advice on good practice and procedures to avoid a dispute from going to an Employment Tribunal. If there is a claim, you can consider using ACAS to try and settle the claim out of court.

ACAS: www.acas.org.uk

Disclaimer

Always take advice if you are not 100% sure on any issues which arise in managing staff or Personal Budgets. Please also note that all information is correct at the time of print (April 2020)

Customer Service

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