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Sorting out problems

Often, people do not want to think about things going wrong, but sometimes they do, and it is good to have a plan of how to deal with problems. This section explains how you can sort out some of the problems that you might come across.

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If your personal assistant is absent

It is a good idea to have a plan for when your personal assistant is sick or on holiday: this is known as a **contingency plan**. Your contingency plan should be part of your care plan if you have one.

You could register with a personal assistant agency, or employ a couple of personal assistants on a 'work as and when needed' contract, to ensure that you can still get the support that you need if your personal assistant is off sick unexpectedly or is absent.

Ask your social care or health direct payment adviser, local support organisation or peer support network for the contact details of agencies in your area. Please note that agencies might charge a fee to find a personal assistant for you.

If you are not happy

Sometimes, things like poor timekeeping or occasional rudeness can be dealt with by having a chat. Talk to your personal assistant if you are not happy – there may be a reason for what has happened that is easily sorted.

When problems do not improve, or your personal assistant does something more serious, it is best to follow the correct legal procedure. You should have a disciplinary policy in place that outlines what will happen in this situation. It might seem obvious to you that they should lose their job, but if you do not follow the policy, you might find yourself doing something illegal.

- Give your personal assistant a copy of the disciplinary policy when you give them their contract, so that you both understand what will happen. The contract of employment and disciplinary policy should be separate documents.
- If you need advice, you could speak to someone with similar experiences to you to identify what is acceptable in the workplace and what is poor practice. You could also speak to your social care or health direct payment adviser or local user led organisation. As part of your insurance policy, some companies may also offer advice.
- Consider external mediation or conciliation - The Advice, Conciliation and Arbitration Service (ACAS) provides free information, advice and conciliation for employers and employees to help prevent and resolve problems or disputes at work. This includes a confidential helpline.

Download a template 'Disciplinary procedure' from our website at www.skillsforcare.org.uk/templates.

NOTE: If you have experienced a serious issue with your personal assistant that you feel may lead to an employment tribunal (going to court) you must notify ACAS first. This gives you an opportunity to resolve the issue before any legal proceedings take place.



More information

Solve a workplace dispute (Gov.co.uk)

This website has more information about formal procedures, appeals and mediation.

Visit www.gov.uk/solve-workplace-dispute/formal-procedures

Early Conciliation (ACAS)

This website explains how you can resolve workplace disputes as early as possible.

Visit www.acas.org.uk/EarlyConciliation

Keeping records of disciplinary and grievance procedures (ACAS)

This website explains what records you need to keep around disciplinary and grievance procedures.

Visit www.acas.org.uk/index.aspx?articleid=4265

If your personal assistant is not happy

Communication with your personal assistant is really important and can help you to avoid small situations getting worse and becoming bigger problems. Regular supervisions can help you to do this. You can read more about supervisions in booklet 3, 'Managing and developing your personal assistant', of this toolkit.

It is also a good idea to have a grievance policy which outlines how your personal assistant can raise concerns, problems and complaints with you. You should give your personal assistant a copy of this policy with their employment contract.

Download a template 'Grievance policy' from our website at www.skillsforcare.org.uk/templates.

Visit the Government website for more information about grievance policies and procedures at www.gov.uk/handling-employee-grievance.

ACAS provides free information and advice to employers and employees, to help avoid and resolve any problems or issues. Visit www.acas.org.uk or call their helpline on 0300 123 1100 (text relay 18001 0300 123 1100).

If you are being abused

Abuse is a violation of a person's human and civil rights by any other person. It may be:

- a single or repeated act
- physical, verbal, psychological, sexual, institutional, discriminatory or financial
- an act of neglect or failure to act.

Here are some examples of abuse:

- lack of personal care
- bills not being paid
- an overly critical or disrespectful personal assistant who may bully or undermine you, or say that you are worthless
- threatening you to get access to your money or get you to change your will
- being stopped from getting to a medical appointment
- being kept from your usual network of friends, family and community
- a personal assistant looking after you in a way that is convenient to them and not to you, especially if it makes you ill
- injuries, for example, a slap, being restrained or being given too much medication
- being involved in a sexual act that you do not agree to, for example, watching pornography.

If you are being abused you should tell someone immediately. This will depend on your local services, but should include:

- the police
- the Safeguarding Adults Team in your local Social Services department
- trusted family
- trusted friend
- your family doctor
- your direct payment or personal health budget adviser, local support organisation or the organisation that provides any funding you receive.

Safeguarding: what does your personal assistant need to know?

Staff (including personal assistants) who have contact with vulnerable adults, have a duty to act, in a timely manner, on any concern or suspicion that an adult who is vulnerable is being abused or is at risk of being abused, neglected or exploited. This is also known as a **safeguarding** concern.

Your personal assistant should:

- be aware of and understand local safeguarding procedures
- call the police and/or an ambulance in situations where the abuse of the adult indicates an urgent need for medical treatment, or where there is immediate risk of harm
- make a report to the police, and, if a crime has been committed, ensure that action is taken to preserve evidence
- know what services are available and how to access help and advice for the vulnerable adult
- know how and where to make a referral
- keep a clear factual record of any concerns and action taken.

Your direct payment or personal health budget adviser or local user led organisation can help you to find training about safeguarding. You can also apply for funding to pay for training - find out more at www.skillsforcare.org.uk/IEfunding.

Reporting hate crime

Hate crimes and incidents come in many different forms. It can be because of hatred on the grounds of your race, religion, sexual orientation, gender or disability.

Hate crime in any form is wrong. If hate crime happens to you or someone that you know, you should report it.

- In an emergency call 999 or 112.
- If you cannot make voice calls, you can now contact the 999 emergency services by SMS text from your mobile phone. You need to register your mobile phone number with emergency services to request help via text. Visit your local police service's website for the latest information.

Useful contacts

- **Contact your local police force**, either by telephone or by visiting your local police station.
- **Local agencies** such as the Citizens Advice Bureau or Community Voluntary Services can also report an incident on your behalf and provide you with advice and support.
- **Stop Hate UK** (www.stophateuk.org) provides confidential and independent hate crime reporting services in various areas of the UK, and runs a 24 hour helpline.
- **Crimestoppers**, if you do not want to talk to the police or fill in the reporting forms, you can still report a hate crime by calling Crimestoppers on **0800 555111** or via their website at www.crimestoppers-uk.org. You do not have to give your name and what you say is confidential. It is free to call.

