Before your personal assistant starts the job
There are important things for you to do before your personal assistant starts to work.

Many of these need to be done by law.

We have set out what needs to be thought about. Each of these points have a lot of information.

We have given contacts for more information about each point. You may need someone to help you go through this.
Contract of employment

By law, there has to be paperwork signed by you and the worker. This is called the contract of employment. It shows what you have agreed. It makes it clear what you both have to do.

Two copies are sent to the personal assistant. They sign both. One has to come back to you as a record.

You have to sign it too. You keep this copy safe.

In law, you have 2 months to do this once the person starts the job. It is best to do it as soon as you can, or even before they start.
What goes in the contract of employment?

The contract is a legal document. After we list what goes into the contract, we will give you more information on the important points.

These are the basic points it has to cover:

- your name and the name of your personal assistant
- what the job is called and the main tasks
- the place of work (your home address)
- the date they start, and if the job is full or part-time.
- the time of getting used to the job. This is called a **probationary period**

- how much time has to be given if the job is to end

- how much the person is paid and when

- times of work and breaks

- holidays

- sick leave and sick pay
■ pensions

■ what happens if things go wrong?

■ what happens when you are away?

■ if you no longer need the person. This is called **redundancy**

■ keeping things confidential

■ if you need to fire, or **dismiss** the person
There is an example of a contract on the Skills for Care website:

www.skillsforcare.org.uk/PAtemplates

We will go through a bit more information on each point of the contract.

There will be websites and phone numbers to get more information:

- your name and the name of your personal assistant

Job: Personal Assistant

- what the job is called and the main tasks
- the place of work (your home address)

- the date they start, and if the job is full or part-time.

These points are very clear. We have talked about them in section 2.
The time of getting used to the job. This is called a probationary period

This time is at the start and will help you get used to each other. Sometimes it is set up for three months. Both of you may decide it is fine.

You or they may decide it is not working. It is important to use the time to talk with your personal assistant. They may need or want some training.

At the end of the three months you can give the person the job if you are both happy. If you are not sure, you can set a little longer time to test things out.

If you are not happy then you can end the contract.

More information can be found on www.gov.uk/browse/employing-people and www.acas.org.uk

Or telephone ACAS on: **0300 123 1100**
How much time has to be given if the job is to end?

If the worker has done something very wrong you can ask them to leave and not have to pay any more. This is talked about again later.

1 week

Otherwise you need to give at least one week notice if they have worked for over a month.

2 weeks

If they have worked for you for over two years the amount of time goes up to two weeks.

It is the same if the worker wants to leave. You need time to sort out other care.
How much the person is paid and when

You have to say if you are paying weekly or monthly. There is law about how much a person should be paid.

You must always give your personal assistant a payslip and keep a record.

Contact the Governments Pay and Rights helpline if you need more help: 0300 123 1100

You also need to think about how you will pay the worker. Some people do it themselves.

You have to make sure the worker is paying their tax and national insurance by taking it out of the pay. You have to pass this on to HMRC.
Some people pay through a bank. You may need help with this.

You can call HMRC and say you are an employer.

They have lots of information on how to pay people, expenses and benefits.

There is help at: www.hmrc.gov.uk/employment-status

You can call them on 0300 200 3200.

Other people like to get a scheme to do it. If you use a scheme to pay your personal assistant, you will have to pay for the cost.

They will sort out your paperwork and tell HMRC what they need to know. Local support groups can give information.
Times of work and breaks

Your personal assistant needs at least 11 hours rest in any 24 hour period of time.

If your personal assistant works over night, they must not work over an average of 8 hours in any 24 hour period.

They must have at least 20 minutes break if they work longer than six hours.

They must have at least one day off per week.

48 hours

They are not allowed to work more than 48 hours a week.
They are allowed to have holidays. You must allow time if they need to go to the doctors or have training.

They may ask to have hours that suit them better if they have children under 17.

For more help phone the Government’s Business Support Line on:

0300 456 3565
Holidays

By law the full time worker has to have just below 6 weeks holiday a year.

You can give more if you want.

If they work part time it has to be worked out fairly.

Workers are also paid for bank holidays.

For more information, phone ACAS on: 0300 123 1100

or go to: www.tinyurl.com/HolidayGov
Sick leave and sick pay

Workers can get sick pay if they cannot work through illness. This pay starts if they have been off work more than 4 days.

After 7 days they need a note from their doctor.

You must keep notes about any sickness.

You can find help on this at:

www.gov.uk/hmrc/contact

Search for:
‘Employers: support for new employers’

or call their helpline on:
0300 200 3211
Pensions

By law you have to help anyone who works for you to think about their old age. There are different ways of doing this.

For more information go to:
www.thepensionsregulator.gov.uk

What happens if things go wrong?

If things go wrong with your worker it is important you keep notes.

By law, you have to give them warnings. This may not be easy to work through alone and you will need to get help.

There are clear ways that things have to be done. If the worker has done something really wrong you may be able to ask them to leave straight away.

Skills for Care has more information about this.

Go to:
www.skillsforcare.org.uk/iepahub
What happens when you are away?
You need to make a plan of what will happen if you are away.

This could be because you are on holiday. It may be because you are in hospital.

You may need to talk to your worker about having a break.

There is more information at: www.tinyurl.com/ShortTimeGov
If you no longer need the person — redundancy

You may need to let your personal assistant go because you no longer need them.

It may be that you can no longer afford to keep them on.

There are strict rules about redundancy in law. They are allowed to have money from you if they have worked for more than two years.

For more information contact the Redundancy Payments Service Helpline: 0845 145 0004.
Keeping things confidential

It is important to be clear about what you want your worker to keep private. They made need to have training about this.

You will see a lot of your personal assistant. You will both come to know things about each other.

These must not be told to other people unless the other person agrees.

You need to tell your worker who to pass information on to. This may be important because of your health.
They should not talk to your friends or family about private things unless you agree.

If you were being abused they would need to pass the information on. They may need to pass information if you were very ill. If you have broken the law they have to tell the police.

If they break your trust you need to let them know they are breaking the contract.

There is more information at: www.skillsforcare.org.uk/iepahub
If you need to sack (dismiss) the person

If there are problems you need to keep very clear notes. There is law around firing a person and strict rules have to be in place.

You can find help at: www.acas.org.uk

or phone the Business Support Helpline on:
0300 456 3565.
Extra points to think about

Family time
Workers have rights around pay and leave if they are having a baby or have other family duties.

This could be mums and dads and people who are adopting children.

It may also be for husbands, wives, and partners. It may be parents or grandparents.

They are allowed time off if there is a family or carer emergency.

For more information go to:
www.tinyurl.com/TimeOffGov

Or:
www.tinyurl.com/ParentalLeaveGov

Or phone: 0300 456 3565.
Health and Safety

You have to make sure the worker stays healthy and safe in their work. You may have to think about risks in your home or if you have pets. You need to talk about if there is a fire and what to do.

You have to keep a list of accidents that happen in your home. Some of these may need to be told to other people.

You will need to have insurance as an employer. This is where you pay money in case things go wrong. It is important in law.

There may also be some training that your worker needs.

For more information contact the Health and Safety Executive at www.hse.gov.uk or telephone 0300 003 1747.
Insurance

If you employ someone, the law says you need to take out insurance. This is called **employers liability insurance**.

You should also have house insurance in case something happens in the house. If a worker gets hurt in the house they can claim money from you.

You may also need to think about travel and car insurance.

It is really important that all of this is set up in a good way. You may need help to do this. It is not so hard if you have people who can help you.

Go to: [www.tinyurl.com/EmployingGov](http://www.tinyurl.com/EmployingGov) and [www.acas.org.uk](http://www.acas.org.uk).

Skills for Care can also help you find support, go to: [www.skillsforcare.org.uk/insurance](http://www.skillsforcare.org.uk/insurance)
Keeping good notes and records

The law says all employers must keep these papers or records:

- information about tax and National Insurance
- hours worked
- holidays taken
- payments made
- paid sickness
- accidents, injuries or anything dangerous that has happened

All private information must be kept locked up.

For more information go to:
www.tinyurl.com/PersonalDataGov

or

www.acas.org.uk

or phone 0300 123 1100.
If you would like this toolkit in a different format please contact Skills for Care:

Email: marketing@skillsforcare.org.uk

Telephone: 0113 245 1716

Skills for Care
West Gate
6 Grace Street
Leeds LS1 2RP

Email: info@skillsforcare.org.uk

Credits

This paper has been designed and produced for Skills for Care by the EasyRead service at Inspired Services Publishing Ltd.
www.inspiredservices.org.uk