Toolkit
Sorting out problems
Updated May 2017
Toolkit: Sorting out problems

---

P4 If you are not happy

P5 If your personal assistant is not happy

P6 If you are being abused

P7 Safeguarding

P8 Reporting hate crime

P9 Your personal assistant is leaving

P9 Keeping a record
People often 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.

**Short notice absences**

It is a good idea to have a plan for when your personal assistant is sick or on holiday. Planning for this in advance will make things easier if your personal assistant goes off sick unexpectedly; this is known as a contingency plan.

You could register with a personal assistant agency, or employ a couple of personal assistants on a ‘work as and when needed’ contract. Ask your direct payments adviser, local user-led organisation or peer support network for contact details for personal assistant agencies in your area. Your contingency plan should be part of your care plan if you have one.

*Agencies will charge a fee to find a personal assistant for you.*
If you are not happy

How serious is it?
Sometimes things like poor timekeeping or occasional rudeness can be dealt with by sitting down and having a chat over a cup of coffee. 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 don’t improve or your personal assistant does something more serious, it is best to follow the correct legal procedure. It might seem obvious to you that they should lose their job, but if you don’t follow the procedure you might find yourself on the wrong side of the law.

Have a disciplinary policy that is understood by your personal assistant
Give your personal assistant a copy of your 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.

Get some support
You can use support from someone with similar experiences as you to identify what is acceptable in the workplace and what is poor practice. You could also speak to your 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) provide free information, advice and conciliation for employers and employees to help prevent or resolve problems or disputes at work. This includes a confidential helpline; ACAS can help with an existing dispute or offer guidance on employment rights and law.

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.
If your personal assistant is not happy

Communication with your personal assistant is really important and by communicating you can avoid small situations getting worse and becoming a much bigger problem.

By making sure you have regular meetings (performance reviews or supervision) with your personal assistant you can both bring up any problems you might have and sort them out sooner rather than later.

It is a good idea to have a grievance procedure, so that if your personal assistant has a problem they will need to follow a proper procedure. You should give your personal assistant a copy of this procedure with their employment contract.

More information:
For grievance policies and procedures go to www.gov.uk/handling-employee-grievance Telephone 0300 456 3565

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

To be an employer you need patience, understanding and to be aware of your PA’s needs. You can get much more from someone through niceness
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.
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 adviser, local support organisation or the organisation providing any funding you receive.

**Safeguarding: employee responsibilities**

Staff (including personal assistants) who have contact with vulnerable adults have a duty to report any safeguarding concerns, notwithstanding any confidentiality clauses. They 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.

Your personal assistant should:

- be aware of and understand local safeguarding procedures
- call the police and/or an ambulance where appropriate 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 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 your concerns and any action taken.
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. That is why it is important that if hate crime happens to you or someone you know, that you 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. However, you will only be able to use this service if you have registered with emergency SMS first.

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 the 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 in the UK including 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.
Your personal assistant is leaving

If your personal assistant is leaving, they need to give you notice. The amount of notice they should give you will be in their employment contract.

This notice period should give you time to think about employing a replacement personal assistant.

It might also be a good idea for a new personal assistant to meet with the person who is leaving, so they can talk them through how they did things for you. This is called a handover. If you have given your personal assistant any keys these should be returned to you before they leave.

Keeping a record

You should keep records of:

- annual leave
- sick pay/sick absence
- other absence, lateness and employee turnover
- discipline, including dismissals, and grievance
- termination of employment
- equal opportunities issues (gender, sexual orientation, religion or belief, race, age, disabilities).

More information:
ACAS www.acas.org.uk telephone 0300 123 1100
(text relay 18001 0300 123 1100)
Personal data and record keeping
www.gov.uk/personal-data-my-employer-can-keep-about-me
Different formats of this toolkit are available on request from Skills for Care.

Please email marketing@skillsforcare.org.uk or call 0113 245 1716