

# Introduction

A toolkit for employing personal assistants





## Introduction

---

This toolkit is to support you and provide guidance for employing a personal assistant for your care and support.

Employing a personal assistant gives you the choice to live an independent life.

When employing your own personal assistant you choose your own employee, decide what tasks you want them to do and when you need them to work.

This toolkit has been developed to help you to become an employer to explain the possibility of having a broker managed package and to inform you of your responsibilities and your legal requirements.

In addition there are organisations and services that you can contact for support, and their details can be found throughout the guides and on the help and advice sheet.

## Employment advice

---

This toolkit has been created for information purposes to provide a general understanding of employer's requirements and obligations when employing a personal assistant. The documents that have been included within this toolkit have been included for illustration purposes only. The toolkit is not intended to constitute legal advice and should not be treated as a substitute for legal advice.

## Disclaimer

Oldham Cares brings together Oldham Council, NHS Oldham CCG and other health and social care providers in an alliance to share skills, experience, talent and resources to deliver a better care experience for all.

These organisations are not able to provide legal advice. Independent advice should be sought from a legal professional or the Citizens' Advice Bureau (CAB).

Oldham Cares accepts no responsibility for any loss that may arise from reliance on the information in this toolkit.

The toolkit was correct as of August 2018

## Terminology guide

---

An explanation of the terms used regularly throughout this guide.

**Personal assistant** – A personal assistant is someone who is employed directly by a person to help them live their life in a way they choose. A personal assistant can be involved in many aspects of life, and will provide support in the home, at leisure or at work. The work will vary and this is dependent upon individual needs. This guide has been created to support the employment of personal assistants through a cash budget.

**Key Worker** – Your individual worker. You may be familiar with one of the following; care manager, allocated worker, social worker, social work professional or a complex case manager. Within this guide the term key worker is used to represent each of these roles.

**Cash budget** – An amount of money which supports your eligible health and social care needs. You are paid the amount in cash, in order to purchase the services you require to meet your needs. It is also known as a Direct Payment or a Personal Health Budget, but throughout this guide these terms have been referred to as a cash budget.

**Care and Support Plan** – This term describes your support plan, your care and support plan or your care plan. Each of these set out how your needs will be met. Your individual cash budget will be allocated based upon details in your plan, to purchase care that you require.

## Steps to recruitment

---

### Preparation

Before you advertise for a personal assistant you must be clear about what services you need and what you expect from them.

Think about what you would like from an employee.

When recruiting you will also have to provide equal opportunities for all applicants. This means that you cannot discriminate against any candidate based on their age, sex or race. This is part of the Equalities Act and ensures people are not treated unfairly.

You can search for a personal assistant to fit your requirements. For help you can contact your key worker or work with a broker who may have a register of personal assistants.

Alternatively you can recruit your own personal assistant. Once you know what you need and what you would like from an employee you can write a job description.

- A job description is a list of tasks and duties which an employee will have to do. For example, helping with shopping, cooking or getting dressed.

See the appendix documents for an example job description.

## Advertising

Once you have thought about what you want from a personal assistant you will have to advertise the role.

When advertising the role you must list:

- The hours
- The type of work
- The main duties
- Rate of pay
- The general location (but do not put your home address)
- Experience and qualifications required
- The closing date for applications (usually a minimum of two weeks)
- That a Disclosure and Barring Service (DBS) is needed
- Ask for references
- Contact details
- State how you would like applications to be submitted, whether an application should be submitted or if you would accept a CV

When you advertise you should also focus on why a candidate should apply for the role, what opportunities they will have to support their career and why they should consider becoming a personal assistant.

There are a number of different ways to advertise your vacancy.

If you contact your key worker they can support you with advertising by providing advice and also directing you to the North West personal assistant register. It allows you to search for any personal assistant who are advertising their services and you can also advertise your own vacancy to personal assistants who are looking for work.

Other methods of advertising include using word of mouth to see if anyone you know would be interested in the role, or you might know of someone who might be interested. If this is the case you must think about your employee/employer relationship and how it might affect any personal relationship.

You also have the option of advertising online.

Jobcentre Plus will be able to help you advertise for free and they will provide support with writing your advertisement.

Another option is to advertise in a newspaper, but this will involve a cost which might not be covered by your cash budget.

## Job interviews

Once you have received applications and the closing date has passed you are able to shortlist, this means to select which applicants meet your requirements, and invite them to an interview. An interview will allow you to meet the candidate and see who will best support your needs.

When shortlisting you should compare each application and rate how they fit against the job description. You should not discriminate any candidates based on their characteristics, such as age, race, sexual orientation or gender.

After shortlisting you must prepare for the interviews. You must organise where it will take place, arrange who will be there and inform the candidates of their interview. You should have the interviews away from your home if possible. Your key worker can support you with this. You should arrange for a friend or an advisor to do the interview with you, but remember that you have the final decision, not them. Leave a gap between each of the interviews, so that you can review each candidate and make some notes.

Once all the details have been arranged you should write to the successful candidates and invite them to an interview.

Before the interviews you should be ready with a list of candidates, the time their interview is and be prepared to take notes whilst they answer your questions. You should plan your questions in advance and a sample of these have been included in the appendix documents.

After the interviews you should decide which candidate you would like to appoint. Don't rush this decision, because you must be sure that you want to offer them the job. If you are struggling to come to a decision then you can re-interview, re-advertise and look for new candidates or ask for more information.

## Right to Work

Before your employee can start work you must have completed a right to work check. It is a good idea to do these checks at the interview stage, as the they must be done before an employee can start work.

This involves the candidate showing you documents which prove their right to work in the UK. The documents must be original and in-date, and the candidate themselves should bring them to you. You then have to keep a copy in your employment records. This proves that the candidate can legally work and you are not employing someone illegally.

Documents which are acceptable are a British or European passport, a birth certificate confirming confirms they were born in the UK or the Republic of Ireland or a letter from the Home Office confirming that they have a legal right to work in the UK.

You must also have a copy of the employee's National Insurance number. This is to ensure that National Insurance contributions can be paid.

## Offering the job

Once you have selected the best candidate for you and completed all the necessary checks you need to inform all of the applicants.

You should inform any unsuccessful candidates and be prepared to provide feedback on their interview performance. A sample letter for this can be found in the appendix documents.

You should contact the successful candidate and tell them that you would like to offer them the position, dependent upon a successful DBS and check their references.

You should contact the employees' referees for references to check that the information you have been given is correct. You can request this either by telephone or in writing. It is a good idea to follow up a telephone reference with a written reference, as written references provide more information.

If you are happy with the references and your employee, the next step is to organise a start date.

## Registering as an employer

You must register as an employer.

You have to do this with Her Majesty's Revenue and Customs (HMRC) by telephoning 0300 200 3211.

You cannot register more than two months before your employee starts but you must register before their first pay day.

Once you have registered you will receive reference numbers which you will need to pay taxes.

## Insurance

To comply with the law you must have Employer's Liability insurance to the value of £5 million and Public Liability insurance to the value of £2 million.

You should also make sure that you have comprehensive house insurance, especially to cover for any accidental damage. You will need to inform your insurer that you are employing people.

Another thing to consider is whether travel or car insurance will be needed. If you will be travelling by car then your employee must be insured to use either their own car for work or your car.

You should keep a record of the policies and be aware of the dates that they need renewing.

---

## Disclaimer

Oldham Cares brings together Oldham Council, NHS Oldham CCG and other health and social care providers in an alliance to share skills, experience, talent and resources to deliver a better care experience for all.

These organisations are not able to provide legal advice. Independent advice should be sought from a legal professional or the Citizens' Advice Bureau (CAB).

Oldham Cares accepts no responsibility for any loss that may arise from reliance on the information in this toolkit.

The toolkit was correct as of August 2018.