

# Section 7

## Employing people



## Section 7: Employing people

**!** Don't forget ... you need to check this information for yourself.

If you are going to employ someone using your Personal Budget, you will have **legal responsibilities** as an employer. There are also other things that you will need to think about. This section is a guide to some of the things you will need to consider.

There is a list of websites and telephone numbers on page 69 where you can get more information on any of these areas.

**Please remember that we have tried to make this as short and easy to understand as possible. You are strongly advised to check your responsibilities in full before deciding to become an employer.**

### Employee or volunteer?

The first thing to work out is whether the person helping you is an employee or a volunteer. To be classed as an employee, an individual has to show that they have a contract.

A contract can be lots of things like: a written document or a verbal agreement, it can also be created when an individual agrees to carry out a task in return for something. For example, if you agree to feed your neighbour's cat whilst they go away on holiday in return for £10, a contract of employment has been set up. The same applies if you agree to feed the cat, but instead of paying you they agree to bring you back some duty-free perfume – a contract has still been created. Even if the volunteer knows there is a reward at Christmas or birthday, this could still be classed as a contract. However, you can give unexpected, one off, "thank you" gifts.

You can pay a volunteer reasonable out of pocket expenses, but they must provide you with a receipt. Some examples are: travelling expenses to/from your home, meals and travel whilst volunteering, postage, phone calls and stationary costs, costs of protective clothing and equipment and child care costs whilst volunteering. You can also provide the volunteer with training, but it must be relevant to the volunteer work they do for you.

For more information, please contact:

Volunteering England Information Service

e-mail: [Information@volunteeringengland.org](mailto:Information@volunteeringengland.org)

Tel: 0800 028 3304 (10.30am – 12.30pm and 2 – 4pm Monday to Friday)

Web: [www.volunteering.org.uk](http://www.volunteering.org.uk)

By post: Volunteering England  
Regent's Wharf  
8 All Saints Street  
London  
N1 9RL

To see examples of how this works, In Control have produced a book called **“Top Tips on supporting people to plan”**. You can find this information at: [http://www.in-control.org.uk/downloads/0086\\_top\\_tips\\_SUPPORT.pdf](http://www.in-control.org.uk/downloads/0086_top_tips_SUPPORT.pdf) (page 81).

## Employment choices

Employees can either be employed directly by you, employed through an agency or self employed.

### **Employed directly by you**

The major advantage of employing someone directly is that they usually work solely for you. This is good because it helps to build a strong relationship. You will be able to discuss any issues or problems that arise directly with the employee resulting in feeling more in control of how things work. You are also entitled to a notice period from the person when they want to finish working with you – this helps you to plan ahead and ensure you have ongoing support.

### **Employed through an agency**

Employing someone through an agency has the advantage of ensuring that cover is provided during an employee's holiday or sickness periods. The agency will also be responsible for payroll, sickness pay and holiday pay. They will also be responsible for disciplinary and supervisory issues – and, with the right relationship with the agency, you should be able to have input into this process. One of the disadvantages is that you could be provided with different staff – although this is something you could discuss with the agency. Another disadvantage is that the agency will make a charge for their services – what you pay per hour is not what the employee will receive.

### **Self Employed**

Someone who is self employed works for themselves which means they sort out their own tax and National Insurance (NI), issuing you with an invoice at the end of every pay period. Although there are some advantages of contracting someone who is self employed – eg: no payroll to sort out and no holiday or sickness payments – there are also disadvantages. For example, they may work for other people not just you, if they can't come to work they may send someone in their place and they don't need to provide holiday/sickness absence cover unless it is specified in the contract.

If someone says they are self employed, you need to ask to see evidence of this from the Tax Office otherwise you could be liable for their payments.

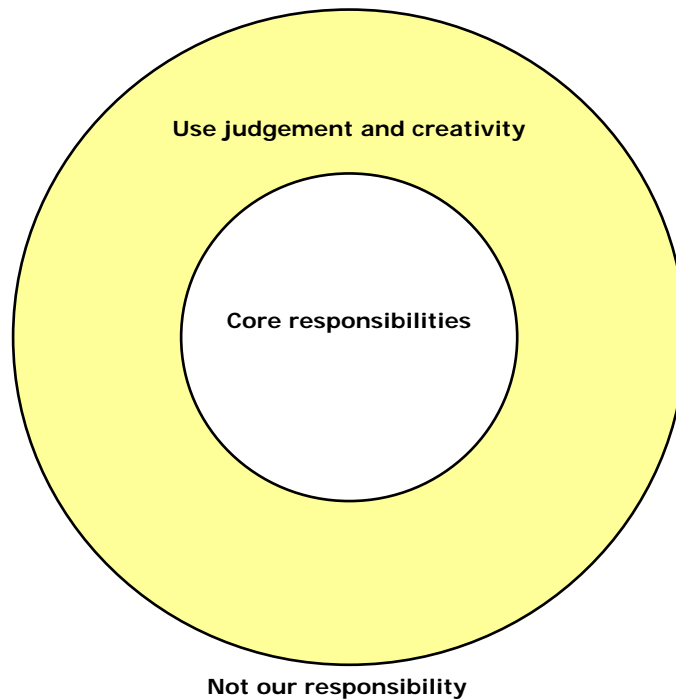
HM Revenues and Customs produce a straight forward leaflet (IR56) which helps you to find out if someone is employed or self employed. You can get this from your local Tax Office or from their website: [www.hmrc.gov.uk](http://www.hmrc.gov.uk).

## Job roles and descriptions

To help you employ the right person for your needs, it will help to prepare a job description and person specification. The job description will outline what jobs and tasks you want your employee to do, as well as their working days and hours. There are examples of job descriptions for a Personal Assistant on pages 54-55.

You will need to think carefully about all the things you need help with and other things you might want to do that your employee will need to help you with – there is a list on page 56 to get you started. A tool that may help you with this is The Doughnut, shown on page 53.

**The Doughnut:** helps to clarify roles and responsibilities for those who provide support:



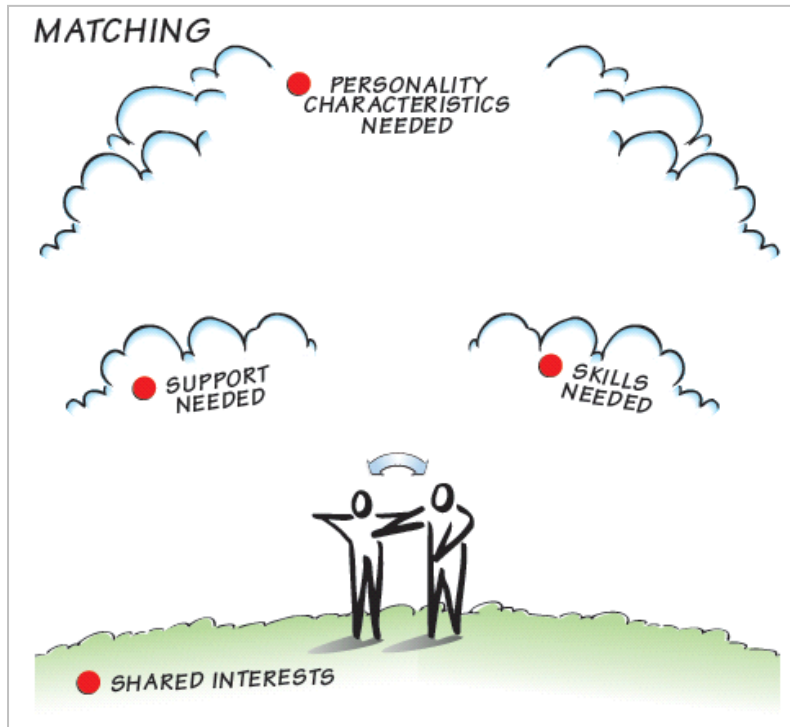
*Helen Sanderson Associates*

The person specification will list the qualifications, skills and attributes you want someone you employ to have. To help you to draw up the person specification, there is a Personal Assistant Skills Checklist attached on page 57.

**Matching Staff:** looks at both what skills/supports and what personality characteristics make for good matches. If you decide to use this tool, you can choose to use the table or the graphic.

Support wanted and needed	Skills needed	Personality characteristics needed	Shared interests

*Helen Sanderson Associates*



*Helen Sanderson Associates*

## Example job description

### Job description – Personal Assistant

The Personal Assistant will provide supervision/assistance/emotional support or encouragement with a variety of tasks enabling me (the employer) to continue with an active life at home and in the community. This may involve some or all of the following, but not to the exclusion of tasks and assistance that may develop over the period of employment:

- Personal care and general activities of daily living, eg getting up and going to bed, communication
- Planning and preparation of meals and other refreshments
- Shopping
- Household tasks as required in the home: general cleaning, ironing, washing, cleaning windows, etc, in order to maintain a safe, secure and comfortable living environment
- Household and financial management
- General mobility in and out of the home and accessing goods, facilities and services enjoyed by people without disabilities, eg educational and leisure activities

Flexibility in approach to tasks and timing are vital. Any change or variation of this job description will be decided by joint discussion between the employee and me (the employer).

## Example job description

### **Job description for live-in Personal Assistant**

It is the job of the Personal Assistant to provide supervision/physical assistance/emotional support or encouragement to enable me (the employer) to lead an individual and independent lifestyle in my own home and within the community and to access facilities and opportunities that enable my full participation in the community.

The Personal Assistant should understand their role in facilitating my self-defined needs. They should feel confident to ask what these needs are, always listen to my requests and interpret them correctly.

Personal Assistants should have common sense and be able to show initiative; be able to handle the physical skills of lifting, handling, pushing and bending; have good communication skills and be able to provide emotional support. The Personal Assistant does not have to be a strong person physically to do the job well. However, general good health is important.

#### **Personal requirements for supervision/physical assistance/emotional support or encouragement:**

- Personal care and general activities of daily living, eg getting up and going to bed, communication
- Washing and bathing/showering, grooming, attention to hair, nails, skin, eyes, etc
- Continence management, assisting in maintaining bowel and bladder routine
- Dressing and undressing
- Planning and preparation of meals and other refreshments, serving, feeding and clearing away
- Shopping
- Household tasks as required in the home: general cleaning, ironing, washing, cleaning windows, etc, in order to maintain a safe, secure and comfortable living environment
- Household and financial management, including maintenance
- General mobility in and out of the home and accessing goods, facilities and services enjoyed by people without disabilities, eg educational and leisure activities
- "Sleeping in" cover



## Example Personal Assistant support checklist

*Adapted from NCIL (National Centre for Independent Living) Personal Assistant Support Checklist*

This list is to help you to decide what you might need a Personal Assistant to do for you, how you want it done and to help you decide how much time you might need for each task. It is a tool that you can use to help you to manage your Personal Assistant and help both you and him/her to be clear about what is expected.

### **Personal care**

**Getting up** - How long does it take?

**Going to bed** - What is involved?

**Night assistance** - When and how long?

**Washing** - Special requirements?

**Dressing** - How much assistance is needed?

**Bladder/bowel care** - Use of equipment/What time of day?

**Hair, nail care** - Any specific needs?

**Exercise routine** - Type and frequency?

**Eating** - How much assistance needed?

### **Domestic needs**

**House cleaning** - How often?

**Shopping** - Time involved?

**Laundry** - Time involved?

**Meal preparation** - What is included?

**Maintenance of equipment** - Planning and decision making?

**Other household tasks**

### **Other needs**

**Child care** - Tasks involved

**Employment** - Routine?

**Study** - Number of days per week?

**Visiting friends/relatives** - How much assistance needed?

**Meetings** - How much assistance needed?

**Entertainment** - How much assistance needed?

**Correspondence** - How much assistance needed?

**Paperwork/paying bills** - How much assistance needed?

### **Other considerations**

Do they own a car and have a clean driving licence?

Do they understand my communication needs?

Do they share my interests (eg, hobbies, leisure, etc)?

## Example Personal Assistant skills checklist

Adapted from NCIL (National Centre for Independent Living) Personal Assistant Skills Checklist

Name:

.....  
.....

Please tick where you have experience of providing assistance to people who are disabled or older.

### Independent Living

- Maintaining control
- Promoting choice
- Living life fully in the community

### General

- With shopping
- With housework
- With moving and transferring people
- With food preparation and cooking
- To eat
- With physiotherapy exercises
- With medication
- With finances
- With correspondence
- With gardening
- With maintaining a house
- With staying healthy
- With behaviour
- With communication

### Continence

- With a catheter
- With colostomy bag

### Other

- .....
- .....

### Personal Care

- Getting in and out of bed
- Dressing and undressing
- Washing
- Bathing/showering
- Shaving
- With hair, skin, nails, feet, eyes
- To use the toilet
- To use a commode
- To use a bottle

### Equipment

- With wheelchairs
- With a hoist

### Living Life

- With keeping appointments
- With seeing friends
- With work experience/job travel
- With going to keep fit classes
- With socialising
- With swimming
- With work
- With learning
- With transport

- .....
- .....

Other equipment such

as.....

I speak/use the following

languages.....

Please list any others skills not already mentioned:

.....  
.....

.....  
.....

Please tell me about any other experience you have had that you think might be important:

.....  
.....

.....  
.....

Signed: .....  
.....

Date: .....  
.....

## Recruiting staff

### **Job advertisements**

To recruit staff you will need to advertise the job. The advertisement should be brief, stating the type of work, where, working hours, rate of pay, how to apply and closing date for applications. If you are advertising for a Personal Assistant, due to the personal nature of the care, it is legally acceptable to give a gender preference in your advertisement. You will also need to include some way for candidates to contact you – first and foremost you need to consider your safety so it is suggested that you only include your telephone number or an e-mail address if you have one.

There are many different places you place an advertisement, although most people use local newspapers and journals. Your local JobCentre Plus will place advertisements free of charge, or you could advertise in your local college, supermarket, shop or the places you enjoy going to.

There are examples of job advertisements on page 59.

### **Application form**

When people who have seen your advertisement ring, you can send them an application form. A copy of the job description should be sent with the application form, together with the person specification or skills checklist. The application form is used to gather all the relevant information that you are looking for.

When the closing date for application arrives, you should look through all the application forms you have received and check them against the job description and person specification or skills checklist. This will help you to make a decision about which applicants would be best to interview.

There is an example of an application form for a Personal Assistant on page 60.

### **References**

References are an important part of the recruitment process. They allow you to ask other people about the suitability of the applicant for the job you want them to do. Referee details are usually asked for on the application form. A referee is the person who gives a reference. Usually, one of the referees is the applicant's current or most recent employer. References will help you to decide if you want to employ an applicant or not.

### **Interviews**

To help you choose the right person for the job, you will need to hold interviews. It is best to set aside one day to hold the interviews on. You might want to have a friend or relative at the interviews with you: this will ensure your safety, offer you moral support and they may also be able to help with questions. They can also give you a second opinion. You will need to decide where to hold the interviews.

You will need to prepare a list of questions to ask the candidates. It is important, in order to make the interview process fair, that each candidate gets asked the same set of questions. It is a good idea to keep a note of their answers so that you can remember what they have said and compare answers.

You can ask candidates about the skills they have, what their experience is and why they are interested in the job. You can talk about interests and hobbies – this will help you find out if they are suitable to work with you.

You can also use the interview to tell them about your expectations, working hours, salary, leave entitlement, etc. You may also want to use this opportunity to check that they are legally entitled to work in the UK.

The interview is important as it helps you to get as much information about the candidate as possible helping you to make the best decision. An interview does not mean that you will need to offer the job straight away. Take time to think, don't make your decision in a hurry. It may be that you don't want any of the people you have interviewed working for you – that's ok, you can always re-advertise.

### **The successful candidate**

Once you have chosen someone you want to employ (a successful candidate) you will need to contact them and inform them of this. You will probably have to negotiate terms of service with the successful candidate. Once these have been agreed, you will need to arrange a start date – they may not be able to start straight away. You will need to write to the successful candidate outlining what you have agreed.

### **Probation period**

It is always a good idea when you start employing someone to initially employ them on a trial or a probationary period. This can be any length of time you wish, but is usually a couple of months. This time is used to ensure that your employee is suitable and works well with you. It also gives them time to see if they like working for you.

It is good practice to tell people at interview about any probation period and how long it will last for. This information will also need to be included in the contract. At the end of the probation period, if you and your employee are happy, the contract can then be made permanent.

However, if there are problems during this time, you should discuss issues and concerns with your employee. If things aren't working out as you had anticipated, you can extend the probation period, but you must put your reasons and the additional time in writing to your employee. It is easier to end the contract during the probation period than once the contract has been made permanent.

## **Example job advertisements**

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Part-time Personal Care Assistant needed for man with disabilities, 8 – 10am and 4 – 6pm weekdays. Assistance with personal care (showering, hair washing, dressing) and domestic duties (vacuuming, ironing, meal preparation, food shopping). £6.50 per hour. Brighton area. Call ..... Closing date is .....  
Sickness and holiday pay included.

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Hi, I'm Lizzie, I'm 24 and have a learning disability. I'm looking for support staff who can help me. The things I like to do are:

- Go on really fast rides and on lots of different sorts of transport
- Go clothes shopping
- Go clubbing and singing karaoke
- Go to adult education lessons in beauty

I like to be busy and I don't like to be stuck inside. Do you like doing any of these? If you do and would like to help me, please phone me on .... Hourly rate is between £6 – £9 per hour.

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Female Personal Care Assistant needed for woman with disabilities. Weekends and occasional weekdays. Driver, non smoker preferred. Pay £7.00 per hour. To start as soon as possible. Please contact ... for further details.

---

Hello, my name's Hilda. I'm an ex-hospital matron, a job I did for 40 years. I loved it and took real pride in my work. Now I'm at a stage in life where I need some help and support. I'm looking for personal assistants who can help me with my daily personal care and domestic tasks. I'm very independent and strong minded – my body just hasn't kept up!!

If you'd be interested in helping support me please call me on ..... for more information or for an informal chat.

Lewes Road area. Pay £7.00 per hour. Not cash-in-hand. Sickness and holiday pay included.

---

## Example application form

*Thank you to NCIL (National Centre for Independent Living) for allowing the use of this information*

Within the nature of the work for which you are applying this position is exempt from the provisions of Section 4(2) of the Rehabilitation of Offenders Act 1974, by virtue of the Rehabilitation of Offenders Act 1974 (Exemptions) Order 1975. Applicants are therefore not entitled to withhold information about convictions which for other purposes are 'spent' under the provisions of this act. In the event of employment, any failure to disclose such convictions could result in dismissal. Information given is confidential and will only be considered for the purposes of this application.

### Job Application Form

Please fill in this form and send back to the address at the end of this form.

1. Name:

---

---

2. Address:

---

---

---

---

3. Telephone number: \_\_\_\_\_

---

4. Education and Training

Do you have any training or education that would help you be a Personal Assistant (PA)?

If you do, please tell me where you got this training and what it was about.

---

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---

5. Your Work Experience

Tell me about the work that you have done:

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6. Speaking Up

What does speaking up for yourself mean to you?

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---

---

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7. How has speaking up made your life better?

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8. What do you think are the important things people with a disability/mental health problems/physical disability/sensory impairment/who are older\* want to do with their lives?

*\* delete as appropriate*

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9. Why do you think it is difficult for people with a disability/mental health problem/physical disability/sensory impairment/who are older\* to speak up for themselves?

*\* delete as appropriate*

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10. Why do you think you would be a good personal assistant?

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11. References

I need to talk with two people who know you and how you work. I need to have two good reports from these people about you and your work before I can offer you the job.

Please give me the name, address and telephone number of the two people I can contact to ask some questions about you.

One of these should be a boss, past boss, teacher or trainer who knows you.

**Reference 1**

Their name\_\_\_\_\_

Their Address\_\_\_\_\_

Their Telephone Number\_\_\_\_\_

How do you know this person?\_\_\_\_\_

If you get an interview, may we contact this person before your interview?

Yes /  No

**Reference 2**

Their  
name\_\_\_\_\_

Their  
Address\_\_\_\_\_

Their Telephone  
Number\_\_\_\_\_

How do you know this  
person?\_\_\_\_\_

If you get an interview, may we contact this person before your interview?

Yes /  No

Everything I have written on this form is correct as far as I know. I understand that if any information about me is found not to be true, I could lose my job without any notice.

I know I will have to have a CRB check done.

Please sign if this is true.

Name \_\_\_\_\_

Date \_\_\_\_\_

**When you have finished this form, please send it to:**

.....  
.....  
.....  
.....

## Employment contracts

The contract of employment will record the terms of service agreed between you and your employee. It will need to include hours of work, any flexible working agreements, sick leave procedures and entitlement, annual leave procedures and entitlement, disciplinary procedures and salary details. If you choose to use a probation period, you must include details of this in the contract.

An example of a contract is attached on page 63. You can also go to Business Link's website where you can develop a contract on-line – [www.businesslink.gov.uk](http://www.businesslink.gov.uk).

You must issue your employee with a contract of employment within 2 months of them starting to work for you.

## Example employment contract

Name of employer:

.....

Name of employee:

.....

### 1. Commencement of employment

Your employment began on:

.....

### 2. Job title

You are employed as a:

.....

### 3. Job description

.....

.....

.....

.....

.....

.....

### 4. Job location

.....

.....

### 5. Pay

Your rate of pay is:

.....

You are paid at intervals of:

.....

Other pay information:

.....

### 6. Hours of work

Your hours of work are:

.....

### 7. Holidays

Your holiday entitlement is:

.....

Your holiday pay is:

.....

Your holiday year begins on:

.....

You are entitled to the following public holidays:

.....

**8. Sickness absence**

Your sick pay entitlement is:

.....

Your rate of payment is:

.....

For sickness lasting xx days or longer, you must get a medical certificate.  
For sickness periods less than this you will be required to complete a self-certification form.

**9. Absence from work**

If for any reason you cannot come to work, you should telephone ..... as soon as possible on the first day of your absence by (time) and speak to (name).

**10. Pension scheme**

I do/do not\* operate a pension scheme. The details of the pension scheme are as follows:  
\* delete as necessary

.....  
.....  
.....  
.....

**11. Ending the employment**

Your contract is for an indefinite period but subject to notice.

After one month you must give one week's notice to terminate your employment.

After one month you are entitled to one week's notice for the first two years in your job and after that you get an extra week for each year up to a maximum of 12 weeks after 12 years.

For example:

<b>Length of service</b>	<b>Noti</b>
ce	
More than one month but less than two years week	one
More than two years but less than three years weeks	two
More than three years but less than four years weeks (and so on with an extra week for each year until)	three
More than 12 years weeks	12

OR your employment contract is for a fixed term and expires on:  
.....

OR your employment is temporary and is expected to continue for:  
.....

**12. Disciplinary rules**

[include disciplinary rules here]

**13. Disciplinary procedure**

[include disciplinary procedure here]

**14. Grievances**

If you have a grievance concerning your employment, please contact  
.....

**15. Grievance procedure**

[include grievance procedure here]

**16. I acknowledge receipt of my particulars of employment:**

Signed:

.....  
.....

Date:

.....  
.....

## CRB (Criminal Records Bureau) checks

CRB checks used to be called Police Checks. This is the new name for them. These are checks carried out on individuals for any listed previous convictions for a criminal offence.

As an individual employer you are not obliged to make a CRB check on your employee. However, we would strongly recommend that you do as this will help you to make the best choice when employing someone. You will need to contact a registered local organisation (referred to as an umbrella organisation) which can make the request on your behalf.

There are two levels of CRB check – Standard and Enhanced. For those employees who are likely to have ongoing and regular contact or will be in sole charge of a vulnerable adult, an Enhanced check should be obtained.

In Brighton & Hove, the Direct Payments Support Scheme can do this. They can be contacted on: 01273 229264 or [directpayments@bhfederation.org.uk](mailto:directpayments@bhfederation.org.uk)

CRB checks for volunteers are free, although an umbrella organisation may make an administration charge.

As information is passed through a third party you may not see the actual documents from the Bureau, but you will get a report on the general nature of the information that the Bureau has provided.

For information on CRB checks go to: [www.crb.gov.uk](http://www.crb.gov.uk)

## Health and safety

It is your responsibility as an employer to make sure that your employees work safely and have a safe place to work. It is your employee's responsibility not to do anything that might cause you, themselves or others injury or harm. It is important that health and safety is the responsibility of both the employer and their staff.

You must always take practical and reasonable steps to reduce risk in any activity where a hazard has been identified. Where you think there might be a hazard, you will need to carry out a risk assessment. This is where you look at the risk and decide the safest way to deal with it. For example, is specialist equipment needed (eg, hoist), does your employee need training (eg, food hygiene if preparing food or manual handling if they are lifting you)? The Health and Safety Executive has a publication which can help with this called "Five steps to risk assessment" which can be found at: [www.hse.gov.uk/pubns/indg163.pdf](http://www.hse.gov.uk/pubns/indg163.pdf).

You will also need to think about the Health and Safety implications of your employee providing personal care. You will need to think about hygiene and things like providing your employee with gloves, etc.

You should also have an emergency checklist which should include things like where the first aid kit is, where the nearest telephone is, who to contact, etc. You may need to consider whether your employee needs first aid training.

If you have 5 or more employees (whether part-time or full-time), you must have a written Health and Safety Policy. The Health and Safety Executive have a leaflet which can help with this, it can be found at:  
[www.hse.gov.uk/pubns/indg259.pdf](http://www.hse.gov.uk/pubns/indg259.pdf).

## Insurance

As an employer you have a legal duty to insure against accidents or injury to your staff or accidents or injury caused by them while they are at work for you. Here is a list of insurance that you will need to consider.

### **Employers' Liability Compulsory Insurance**

By law, if you employ anyone you must have Employers' Liability Compulsory Insurance. It will insure you against liability for injury or illness to your employee arising out of their employment. It will enable you to meet the cost of any compensation claim for your employee's injury or illness whether caused on or off site. When you take out your policy, your insurance company will send you a certificate of Employers' Liability Insurance, a copy of which must be displayed where your employees can easily read it (with support if necessary). You must keep copies of certificates of insurance which have expired for at least 40 years.

### **Public Liability Insurance**

You should also have Public Liability Insurance; whilst this is not a legal requirement it is recommended. This will insure you against any injury or damage caused to someone or their property by you or your employee while they are working for you.

### **Household insurance**

Whilst this is not compulsory, it is recommended. You should invest in good comprehensive buildings and contents insurance to cover your property and its contents against any damage that may be caused by your employee. It is essential that you advise your insurance company if people will be working with you in your home as this may affect any claims.

### **Motability vehicle**

If you have a motability vehicle and you want your employee to drive it, you will need to consider insurance. You will also need to check their driving licence to ensure they have one, that they are legally able to drive and whether they have any endorsements.

There are many insurance companies that specialise in providing insurance for people who have disabilities. One that is commonly used is Fish Insurance, their website address is: [www.fishinsurance.co.uk](http://www.fishinsurance.co.uk) or freephone 0500 432141.

## Training

You might need to consider whether your employee needs training. This could be things like: food hygiene, manual handling, first aid or health and safety. You will need to think about who provides the training as well as who pays for it. And, of course, if the training happens during your employee's working hours, how you will get the support that they would normally provide.

Skills for Care produce a helpful guide which gives information and ideas about training Personal Assistants. This can be found on their website at: [www.skillsforcare.org.uk](http://www.skillsforcare.org.uk) or telephoning 0113 245 1716.

## Employer's responsibilities

Once you have made the decision to employ someone (rather than contract someone who is self employed or through an agency), there are rules you have to follow under employment law. Below is the list of things you must adhere to.

If you employ five or more people there are some additional rules that you will need to adhere to. These can be found on Business Link's Employing People Checklist.

## **Recruitment**

You must:

- recruit people in a fair and non-discriminatory way
- check that the person you want to employ is eligible to work in the UK
- ensure that you adhere to the legal working age
- give your employee a written contract within 2 months of them starting to work for you

## **Pay, tax and pensions**

You must:

- deduct tax and NI from your employee's wages and pay them to HM Revenue and Customs
- adhere to the National Minimum Wage regulations
- give your employee an itemised pay slip
- not make any unauthorised deductions from your employee's wages
- pay Statutory Sick Pay

## **Working hours and time off**

You must:

- give your employee paid leave each year
- not ask your employee to work more than 48 hours a week unless they have given their voluntary written consent
- give your employee 11 consecutive hours' rest in any 24-hour period
- give your employee an in-work rest break of 20 minutes if the working day is longer than 6 hours
- give your employee one day off each week
- limit the working hours for employees providing overnight care to any seven hours in any 24-hour period
- give your employee time off work in special circumstances (other than annual leave) – things like dealing with an emergency involving a dependant

## **Maternity, paternity and adoption rights**

You must:

- ensure that leave and pay are given for maternity, paternity and adoption leave

## **Contractual changes**

You must:

- ensure that changes to your employee's contract of employment are made in agreement with them

## **Equal treatment**

You must:

- treat all employees equally, whether they are full time or part time
- ensure that work of equal value gets paid at equal rates
- not treat people differently because of race, nationality, ethnic group, sex, disability, age, sexual orientation, religion or marital status

## **Health, safety and working environment**

You must:

- provide your employee with a secure, safe and healthy working environment
- have employer liability insurance

## **Grievances, discipline and dismissal**

You must:

- ensure that disciplinary and grievance procedures comply with the minimum statutory requirements and be included as part of your employee's contract
- ensure that dismissals are not unlawful or unfair
- ensure that you give any employee you are dismissing the correct notice period
- give your employee the correct level of redundancy pay if you are making them redundant

For detailed information or help with any of these areas, here are some useful web links:

Employing people checklist: [www.businesslink.gov.uk/employerchecklist](http://www.businesslink.gov.uk/employerchecklist)  
Directgov [www.direct.gov.uk/employees](http://www.direct.gov.uk/employees)  
Holiday entitlement calculator: [www.businesslink.gov.uk/annualleave](http://www.businesslink.gov.uk/annualleave)  
Redundancy calculator: [www.businesslink.gov.uk/redundancycalculator](http://www.businesslink.gov.uk/redundancycalculator)

There is also a list of other places to get further information on page 69.

## Other employment considerations

There are other things as an employer that you might want to think about. Some of these are listed below:

### **Paying your employee**

As an employer, you will be responsible for paying your employee. You can either do this yourself or use a payroll agency. If you use an agency they will deal with all your payroll issues, including working out how much tax and NI should be paid and pay it to Revenue and Customs, as well as providing your employee with their payslip. If you decide to deal with your employees salary yourself, this will be based on a simple PAYE (Pay As You Earn) scheme. You can contact your local tax office which will provide you with the relevant training needed.

Revenue and Customs require you to keep PAYE records for 6 years after the tax year ends.

### **Supervision**

Holding supervision sessions between you and your employee is good practice. It helps to maintain a good working relationship, it allows your employee to talk with you about things that may not be working and gives you the opportunity to give constructive feedback to your employee. It is important to remember to say what is good about the way they work as well as identifying areas where you would like them to do things differently. Supervision sessions should take place regularly. It is a good idea to keep a record of the supervision session.

### **Disciplinary procedures**

It is worthwhile making a list of actions or behaviours that you consider so serious that it could result in your employee's dismissal if such gross misconduct occurs. By sharing this with your employee it will help them to know exactly where they stand and make it easier for you if your employee does do something seriously wrong.

### **Keeping records**

It is good practice for employers to keep records on each employee on:

- Holiday entitlement
- Sick leave taken
- All correspondence between both of you
- A note of any problems discussed during supervision and actions agreed
- Any disciplinary action taken

### **Rota**

To make things easier for both you and your employee, it might be worthwhile drawing up a rota of the days/hours worked and the tasks that you want completed.















**What can your employee do and not do whilst on duty?**

You will need to decide what your employee can and can't do whilst on duty. For example, are you happy for them to drink alcohol if they are supporting you in a social setting; should they be part of your social group when you're out or only get involved when support is needed.

**Help!**

We know this sounds daunting, but there are organisations out there that can offer advice and support on this complex area. Locally there is the Direct Payments Support Service who can be contacted on 01273 229 264 or email them on [directpayments@bhfederation.org.uk](mailto:directpayments@bhfederation.org.uk)

## Further information

<p><b>ACAS</b> (Advisory, Conciliation and Arbitration Service)</p>	<p> 08457 47 47 47  <a href="http://www.acas.org.uk">www.acas.org.uk</a></p>
<p><b>Business Link</b></p>	<p> 01273 764 737  <a href="http://www.businesslink.gov.uk/employment">www.businesslink.gov.uk/employment</a></p>
<p><b>Citizens Advice Bureau</b></p>	<p> 0845 1203710  <a href="http://www.brightonhovecab.org.uk/">www.brightonhovecab.org.uk/</a></p>
<p><b>Commission for Race Equality (CRE)</b></p>	<p>See Equality and Human Rights Commission</p>
<p><b>Community Legal Services Direct (CLS Direct)</b></p>	<p> 0845 345 4 345  <a href="http://www.clsdirect.org.uk/index.jsp">www.clsdirect.org.uk/index.jsp</a></p>
<p><b>Criminal Records Bureau (CRB)</b></p>	<p> 0870 90 90 822  <a href="http://www.crb.gov.uk">www.crb.gov.uk</a></p>
<p><b>Department for Work and Pensions (DWP)</b></p>	<p> <a href="http://www.dwp.gov.uk">www.dwp.gov.uk</a></p>
<p><b>Direct Payments Support Service</b></p>	<p> 01273 229 264  <a href="mailto:directpayments@bhfederation.org.uk">directpayments@bhfederation.org.uk</a></p>
<p><b>Directgov</b></p>	<p> <a href="http://www.direct.gov.uk/employees">www.direct.gov.uk/employees</a></p>
<p><b>Disability Rights Commission (DRC)</b></p>	<p>See Equality and Human Rights Commission</p>
<p><b>Equal Opportunities Commission (EOC)</b></p>	<p>See Equality and Human Rights Commission</p>






















**Equality and Human  
Rights Commission**



0845 604 6610



[www.equalityhumanrights.com](http://www.equalityhumanrights.com)

<b>Fish Insurance</b>	 0500 432141 (freephone)  <a href="http://www.fishinsurance.co.uk">www.fishinsurance.co.uk</a>
<b>HM Revenue and Customs</b>	 08457 143 143 (employer helpline)  <a href="http://www.hmrc.gov.uk">www.hmrc.gov.uk</a>
<b>Health and Safety Executive (HSE)</b>	 0845 345 0055  <a href="http://www.hse.gov.uk">www.hse.gov.uk</a>
<b>Health and Safety Executive (HSE)</b> “Five steps to risk assessment”	 0845 345 0055  <a href="http://www.hse.gov.uk/pubns/indg163.pdf">www.hse.gov.uk/pubns/indg163.pdf</a>
<b>Health and Safety Executive (HSE)</b> Health and Safety Policy	 0845 345 0055  <a href="http://www.hse.gov.uk/pubns/indg259.pdf">www.hse.gov.uk/pubns/indg259.pdf</a>
<b>Helen Sanderson Associates</b> (support planning tools)	 0161 442 8271  <a href="http://www.helensandersonassociates.co.uk">www.helensandersonassociates.co.uk</a>
<b>In Control</b>	 0121 708 3031  <a href="http://www.in-control.org.uk">www.in-control.org.uk</a>
<b>Jobcentre Plus</b>	 0845 608715  <a href="http://www.jobcentreplus.gov.uk">www.jobcentreplus.gov.uk</a>
<b>National Minimum Wage Helpline</b>	 0845 6000 678
<b>NCIL</b> (National Centre for Independent Living)	 020 7587 1663  <a href="http://www.ncil.org.uk">www.ncil.org.uk</a>
<b>Skills for Care</b>	 0113 245 1716  <a href="http://www.skillsforcare.org.uk">www.skillsforcare.org.uk</a>

**Tribunals Service**



0845 795 9775

[www.employmenttribunals.gov.uk](http://www.employmenttribunals.gov.uk)