



CHILDREN'S SERVICES

DIRECT PAYMENTS HANDBOOK FOR DISABLED CHILDREN

May 2011

CONTENTS

		PAGE
	Foreword	4
Section 1	Frequently asked Questions	5
Section 2	Arranging Services	7
Section 2.1	Arranging Services - via an Agency or Care Provider <ul style="list-style-type: none">• Obtaining information about the agency or care provider• Signing up with an agency or care provider• Meeting your child's health needs• Overnight short breaks• Complaints• Payment for services	
Section 2.2	Arranging Services - via a Personal Assistant <ul style="list-style-type: none">• What is a Personal Assistant?• Employing a Personal Assistant• Meeting your child's health needs• Employing a close family member as a Personal Assistant• Support available from Go Direct• Nominee Service	9
Section 3	Financial Information	11
Section 3.1	Payments Made To You <ul style="list-style-type: none">• How much money you will receive• Payment rates• What each payment rate covers• Group activities supported by a Personal Assistant• Flexibility to provide services which are different from those specified in the plan• How we will make the payment• Direct payments retention payments	
Section 3.2	Bank Accounts <ul style="list-style-type: none">• Opening a direct payment bank account• Bank Charges/Interest• Accrued surplus of money in your direct payments account• Bank Account Details Form	14
Section 3.3	Purchasing and arranging services <ul style="list-style-type: none">• What services can you spend your Direct Payments money on?• What can you not spend your Direct Payments money on?• Purchasing Arrangements	15

SECTION	SUBJECT	PAGE
Section 3.4	Financial Records <ul style="list-style-type: none"> • Retention of records • Documentation be submitted to the Council 	16
Section 3.5	Repayment of the Direct Payments to the Council	17
Section 4	Signing Up to the Direct Payments Scheme	17
Section 4.1	Introduction	
Section 4.2	Letter of Agreement <ul style="list-style-type: none"> • Cancellation of the Letter of Agreement • Temporary discontinuation of Direct Payments 	
Section 4.3	Review of Your Child's and/or Your Assessed Eligible Needs	
Section 4.4	Complaints and Representation	
Section 5	Transition to Adulthood	18
Appendices		
Appendix 1	Sample of Bank Account Details Form	20
Appendix 2	Samples of Direct Payments Letters of Agreements	21
Appendix 3	Guidance on employing a Personal assistant	27
Appendix 4	Example of Job Description	41
Appendix 5	Example of Personal Specification	42
Appendix 6	Example of Application Form	43
Appendix 7	Example of Contract of Employment	45
Appendix 8	Example of Disciplinary Procedure for employees	47
Appendix 9	Example of record of hours worked form	48

FOREWORD

This handbook for parents, young people and professionals involved with their care provides detailed information and guidance about Sunderland City Council's Direct Payments Scheme for young disabled people aged 16 or 17 and people with parental responsibility for a disabled child or children up to the age of 18. It has been based on the Guidance on Direct Payments for Community Care, Services for Carers and Children's Services, published by the Department of Health in 2009 which is available for download on the DH website, www.dh.gov.uk

Direct payments are an alternative way of arranging services by giving a cash payment to a person with parental responsibility for a disabled child or to a disabled young person. The cash payment is used to arrange and organise a service instead of the Council providing that service. This can be done by paying an agency or care provider to provide the care that is needed or by employing Personal Assistants to provide care. It therefore enables families with disabled children real choice and control in the design of flexible service packages that respond to their needs.

The disabled child and his or her parents are entitled to receive a direct payment if he or she meets the eligibility criteria for services set by the Council. This option is therefore available to all families who have been assessed as having unmet needs and require services in order to achieve agreed outcomes. The choice to take up direct payments is one that belongs to the family; the other options are to have services directly provided by the Council, or a combination of these two options.

The guidance has 6 main topic areas:

- Frequently asked questions
- Arranging services
- Financial Information
- Signing up to the Direct Payments Scheme
- Additional information about employing Personal Assistants
- Examples of Direct Payments Financial Forms and Letters of Agreements.

This handbook forms part of the Terms and Conditions both you and the Council agree to when you access the Direct Payments Scheme.

You may find it useful to refer to this handbook if you are unsure about any aspect of the Direct Payment Scheme.

If you have any questions about the information contained in this handbook, contact should be made with Services for Disabled Children as follows:

By telephone: Telephone number: 0191 5662190

By email: child.disability@sunderland.gov.uk

In writing to:
Services for Disabled Children
Gilpin House
Blind Lane
Houghton le Spring
DH4 5HX

SECTION 1 FREQUENTLY ASKED QUESTIONS

Q. What are Direct Payments?

A. Direct Payments are cash payments which enable you to organise and purchase services to meet identified needs following an assessment by the Council. In this way direct payments provide you with the flexibility to make decisions for yourself and provide opportunities for you to have more choice and control over the support that you receive.

Q. Who can access the Direct Payments Scheme

A. Direct payments are available to:

- People with parental responsibility for disabled children up to the age of 18
- Young disabled people aged 16 or 17 years of age.

You can receive Direct Payments from the Council providing:

- You live in the City of Sunderland
- You or your child has been assessed as having unmet needs and require services in order to achieve agreed outcomes
- You consent to and are willing to receive direct payments
- You can demonstrate that you are able to manage direct payments with or without assistance
- The Council is satisfied the direct payment will be used in a way which safeguards and promotes the welfare of the child.

Q. What can I use Direct Payments for?

A. You can only use direct payments to provide services that meet assessed eligible needs and achieve outcomes identified in the child's plan. This might include, for example, support with personal or domiciliary care in the home; the employment of a Personal Assistant; overnight or daytime short breaks; support to access leisure activities; equipment; or a combination of these services.

Q. What can Direct Payments NOT be used for?

A. You cannot use direct payments to purchase any of the following:

- Services from any local authority
- Health care services
- Housing
- Permanent residential or permanent nursing care
- Anything that does not meet the assessed eligible needs as detailed in your child's plan.

Q. What if I am already receiving services from the Council?

A. You may have a mixture of direct payments and services arranged by the Council. If you think direct payments might be a better option for you, you should talk this over with your allocated worker.

Q. Will Direct Payments affect my Welfare Benefit Payments?

A. No. Welfare Benefit payments, for example Disability Living Allowance, are to help with extra support costs. Direct payments replace the services that the Council would otherwise provide, and are not an extra source of income. They are ignored in the calculation of income related welfare benefits and Income Tax. However if you employ a Personal Assistant payments to them will be regarded as taxable income and may also effect their income related welfare benefits.

Q. What responsibilities will I have?

A. When you agree to receive direct payments, you also agree to accept the responsibility for arranging services to meet your child's assessed eligible needs. You will be asked to account for the money you receive. You will be advised about the records you will need to keep and also about the information you will be expected to provide to the Council, for example, receipts for services.

You will be asked to set up a bank account specifically for regular receipts of direct payments so that the money you receive from the Council can be kept separate from your own personal finances. You will not be required to open a direct payments bank account if you access direct payments for a one-off service, for example an item of equipment. In this instance, you will be able to use your existing bank account.

Q. Will I have to pay anything towards the cost of care?

A. A financial contribution is only required in respect of children where a financial settlement has been made in order to meet the care costs of that child, or when a young person aged 16 or 17 is assessed as needing overnight short breaks and is able to pay towards the cost of their care. A copy of the charging policy can be provided on request.

Q. What money will I get to purchase the services I need?

A. The amount of money you will receive will depend upon the assessed eligible needs and what services are required to meet those needs and to achieve the agreed outcomes. The direct payments rates are reviewed annually in April or more frequently if there is a need to do so. If you wish, you may use your own money to top up direct payments to purchase more expensive services.

Q. Who can I ask to provide my services?

A. You can contact and arrange services from any agency or care provider, as long as any registration requirements are met and the services accessed enable you to meet your child's assessed eligible needs. Alternatively, you may choose to employ someone to provide the necessary services.

Q. If I choose Direct Payments, will I get help from the Council?

A. Yes. This handbook provides information about the employment of a Personal Assistant and using an agency or other care provider, and information about the documentation you need to keep and submit as part of the validation process. The Council will provide you with advice, information, practical help and support. Help in the employment of a Personal Assistant is also provided through Go Direct, Independent Direct Payments Support Service.

Q. Can someone else help me manage my Direct Payment?

A. Yes. You can arrange for someone to help you manage your direct payments, for example a family member, or a friend or Go Direct. The Self Directed Support Team will provide you with advice, practical help and support including help and support with your Direct Payments Financial Returns.

Q. If I choose to receive Direct Payments, will I be able to change my mind later?

A. Yes. If you accept direct payments, and then decide that you no longer wish to receive them, you can stop at any time and the Council will arrange services for you.

SECTION 2 ARRANGING SERVICES

When you receive a direct payment you have a choice as to whether you go to an agency or care provider that can arrange the services you need or you can directly employ a Personal Assistant to provide the care. You could also decide to have some services provided by an agency or care provider and other support provided by a Personal Assistant.

2.1 ARRANGING SERVICES - VIA AN AGENCY OR CARE PROVIDER

If you decide to arrange services via an agency or care provider you may find the following information helpful in deciding which agency or care provider to use.

Obtaining information about the agency or care provider

The agency or care provider you access does not have to be in the City of Sunderland; you may, if you wish, access services outside of the city. You need to be aware however, that you cannot use direct payments to purchase services from **any** local authority or health authority.

Agencies and care providers should have brochures or leaflets that give information on the services available and a comprehensive price list. Many agencies will also have a website providing information. Prices and services will vary between agencies and care providers therefore you may wish to contact more than one. Price may not necessarily be a guide to quality. You should check to clarify what is included in the price that you are quoted and what extras you are responsible for paying, for example transport or meals.

You need to bear in mind that it may cost more at weekends or public holidays depending on the care provider. Make sure this is covered in any price list you obtain.

The agency or care provider whom you decide to use may be registered with Ofsted (Office for Standards in Education) or the Care Quality Commission; this will depend upon the services it provides. If it is registered you may find it helpful and worthwhile reading the agency or care provider's latest Inspection Report, which the agency or care provider should be able to show you. The Ofsted address is Royal Exchange Buildings St Ann's Square, Manchester, M2 7LA telephone number: 08456 404040, email address: enquiries@ofsted.gov.uk. The Care Quality Commission address is: CQC National Correspondence, City Gate, Gallowgate, Newcastle upon Tyne, NE1 4PA; telephone number: 03000 616161, email address: enquiries@cqc.org.uk. If you have access to the Internet you may find it helpful to look on the Ofsted and Care Quality Commission Websites – www.ofsted.gov.uk and www.cqc.org.uk

The agency or care provider should have carried out a background check with the Criminal Records Bureau for any of its employees working with children. It should also have all required insurance policies in place, including employers' liability insurance and public liability insurance. Staff should have been trained appropriately in health and safety issues to enable them to carry out tasks safely and to take precautions to prevent accidents.

You may find it useful to visit agencies or providers in order to check the above and to discuss your child's specific needs for any personal care or dietary requirements and check any access issues.

Signing up with an Agency or Care Provider

Once you have decided on an agency or care provider it should be a simple process to sign up with them although you should ask for a contract or agreement. This will clearly set out the terms and conditions of the service(s) provided by the agency or care provider, including the opening and closing times of the service; when and how you are required to pay for the services received; arrangements for cancelling the service should you be unable to attend; and so on. Depending on the circumstances, the agency or care provider may require you to pay a cancellation fee if you are unable to use the service.

You should make sure that you are specific about your child's needs from the service you are to access. You should ensure that you read any contract or agreement thoroughly and ask for explanations from the agency or care provider if you are unclear about anything.

Meeting your child's health needs

If your child has specific health care needs which might impact on the service provided and is regularly seen by a Community Paediatric Nurse, Physiotherapist or other health professional, the health professional might be able to advise and support the care provider. You should always discuss this with both the health professional and care provider and if appropriate, give your consent for them to make contact and share information as relevant to your child's care.

Overnight Short Breaks

Direct payments can be made in relation to the provision of residential accommodation or overnight stays for up to 17 consecutive days and/or for up to 75 days in any period of 12 months. Anything in excess of this can only be considered in exceptional circumstances.

Complaints

If you are dissatisfied with the service provided to you or your child, you have a right to complain. If you have reason to make a complaint the agency or care provider will be able to provide you with written details on how to make a complaint who to contact, how to contact them and what to do if you are not satisfied with the outcome. You may wish to advise your allocated worker about such matters. If the complaint affects the safety of your child, it is essential that you inform your allocated worker immediately.

Payment for services

Whatever method of payment is adopted for the service you receive, you must ensure you obtain an invoice and a receipt. The invoice should include your name or your child's name and address, provide a breakdown of the service received, when it was received and the amount payable. The invoice and receipt are required by you to assist with your financial returns.

2.2 ARRANGING SERVICES – VIA A PERSONAL ASSISTANT

What is a Personal Assistant?

A Personal Assistant is someone who is employed by you and will work under your direction, following your instructions, to provide you and/or your child with the care and assistance that is required.

You decide who that person should be and control the tasks that are undertaken. The Personal Assistant you employ should be able to carry out the tasks identified within your child's plan, a copy of which you will receive from your child's allocated worker.

The guidance provided under the direct payments legislation, makes it very clear that the system of direct payments should not place a child in a situation where they are at risk from harm. The guidance states that if you are employing a Personal Assistant, that person should be checked through the Criminal Records Bureau, and references need to be taken up. This is explained in more detail in Appendix 3.

Employing a Personal Assistant

When you employ a Personal Assistant you have certain responsibilities. For example, you will need to ensure that matters such as Tax, National Insurance, Employer's Liability Insurance and Public Liability Insurance for employees are covered. You will be responsible for Health and Safety; that is ensuring a safe working environment, proper working practices, as well as appropriate staff training, such as basic handling and hygiene skills.

Go Direct can provide you with a range of support to make the process of becoming an employer quite straight forward and manageable. Alternatively, you can discharge all the responsibilities of being an employer yourself. Appendix 3 contains details of how to recruit and manage Personal Assistants yourself. The support available through Go Direct is explained in more detail on page 10

Meeting your child's health needs

If your child has specific health care needs which might impact on the service provided and is regularly seen by a Community Paediatric Nurse, Physiotherapist or other health professional, you should discuss with that health professional whether the Personal Assistant needs any specific training in relation to the care of the child, for example autism awareness or administration of medication. If specific training is required you should discuss how this could best be provided, either by attendance at a course or by instruction from the relevant health professional.

Employing a close family member as a Personal Assistant

Direct payments are not intended to replace existing support networks within families and communities. However, there may be occasions where a direct payment recipient wishes to employ a member of their family who may or may not live in the same household. There is no general restriction on the employment of a family member who does not live in the same household, whereas the employment of a family member who lives in the same household is severely restricted and special approval must be obtained before any such family member is employed as a Personal Assistant. Your child's allocated worker can advise on how to seek this approval.

The recipient of a direct payment in respect of a child under the age of 16 will always be someone who has parental responsibility. As the purpose of a direct payment is to enable the parent to purchase services or to employ a Personal Assistant to support them in their parenting task, it would only be under the most exceptional circumstances that it would be appropriate for the Council to agree that a parent should make payments to themselves or to their partner.

A young person aged 16 or 17 who is in receipt of a direct payment themselves may wish to employ a parent as their Personal Assistant. So long as the Council is satisfied that this is the young person's preference and that the parent will be meeting assessed eligible needs over and above the care a parent would ordinarily provide, the Council may agree to such an arrangement. However, if the young person wishes to appoint a Third Party to administer their direct payment, then that person should not be a parent or the parent's partner if they are also working as the Personal Assistant.

Only under the most exceptional circumstances would it be appropriate for the Council to agree that a child under the age of 16 should be employed as a Personal Assistant as children under the age of 16 who undertake caring responsibilities may be entitled to support for themselves.

A child or young person may express a preference that their sibling age 16 or over be employed as their Personal Assistant. The Council may agree to such an arrangement if the sibling lives in the same family household, so long as the Council is satisfied that this is the young person's preference and the sibling will be meeting assessed eligible needs over and above the care that a sibling would ordinarily provide.

Support available from Go Direct

If you decide to employ a Personal Assistant you may access the services of Go Direct, Independent Direct Payments Support Service. Go Direct will:

- Assist you to recruit your Personal Assistant. This will include helping you write a job description, advertise for staff, conduct interviews, and write out a Contract of Employment for your Personal Assistant
- Support you to manage your Personal Assistant and deal with any issues
- Support you to identify staff training needs
- Provide you with a free payroll service
- Provide you with a free managed direct payments 'Nominee Service' – see below for further details of this service.

Nominee Service

This means that instead of you having to open a bank account and deal with the payment of things such as the employer's liability insurance and payment of a Personal Assistant's wage, Go Direct can receive payments into their client account and deal with the payment of wages and invoices on behalf of and upon instruction from you.

The role of nominee only enables Go Direct to receive direct payments on behalf of you and to make payments upon instruction from you. You will still be the employer of any Personal Assistants and will still be responsible for making any decisions relating to the employment.

SECTION 3 FINANCIAL INFORMATION

This section provides information about the different financial aspects of the Direct Payments Scheme, ranging from how much money you will receive, how you will receive your direct payment, what records you will need to complete, what you can or cannot spend your direct payment on when arranging services to meet your child's assessed eligible needs.

3.1 PAYMENTS MADE TO YOU

How much money you will receive

When you request to receive direct payments to provide services that meet assessed eligible needs and achieve outcomes identified in the child's plan, a resource panel within Services for Disabled Children will decide how much money you should receive. This amount will be based on payment rates for different levels of service. When you agree to receive a direct payment, the Council will forward you a letter, informing you of the amount of the payment, any financial contribution that you will be required to make and the service and period covered by the payment. If you are required to make a financial contribution and your financial circumstances change significantly, you should notify your allocated worker immediately.

Payment rates

There are different payment rates depending on your assessed eligible needs and the services which you require to achieve outcomes identified in the child's plan.

Using an agency or care provider will have a different rate to employing a Personal Assistant because an agency or care provider will have employer costs, which will have to be covered by you when employing a Personal Assistant. If you employ a Personal Assistant, employer costs related to insurance, recruitment and training etc are covered by a start up grant. After the initial year, further payments can be made to cover insurance and training costs.

The direct payment rates are based on what it would cost the Council to directly provide services to meet assessed need and achieve identified outcomes. You could decide to use a service which costs more however you would then be responsible for the difference in the costs.

The direct payment rates can be enhanced where the child's plan states that you or your child requires an enhanced service, for example where a child requires two Personal Assistants.

The direct payment rates are reviewed annually in April or more frequently if there is a need to do so. If you wish to know what the current payment rates are your allocated worker or the Self Directed Support Team will be able to let you know.

What each payment rate covers:

Support for personal care or access to leisure – This is where a Personal Assistant either undertakes personal care tasks such as washing and feeding, or looks after a child in the child's home or accompanies a child or young person to participate in community based leisure activities. This rate is to pay for the employment of a Personal Assistant who meets the additional care needs of the disabled child or young person. This rate does not usually cover the activity costs or expenses for the child. Where, in exceptional circumstances, the

costs of the activity are to be covered by the direct payment then this must be specified in the child's plan. Should a Personal Assistant be required to accompany your child through an activity specified in the plan, then the direct payment can be enhanced to cover the Personal Assistant's expenses. For example if a Personal Assistant is taking a child swimming, the entrance cost for the child would be borne by the parents, and the entrance cost for the Personal Assistant could be covered by an enhancement to your direct payment, however it should be noted that many leisure providers will allow a Personal Assistant free entry in order to support a disabled child.

Domestic Care - This is only paid in exceptional circumstances as domestic care is not usually regarded as a priority. This rate is paid where a Personal Assistant undertakes household tasks such as cleaning or ironing in order to release a parent to undertake personal care for the child or young person. This is paid at the same rate whether the domestic care is provided through an agency or direct employment.

Overnight Short Breaks – This can be paid at three different levels:

- The lowest level – to cover the expenses for up to 24 hours of a volunteer or family member who is providing care or support, but who does not receive a wage for providing this support. This person is therefore **not** employed as a Personal Assistant but might have additional expenses, for example, the hire of an extra hotel room in order to support a child on a family holiday or to support a child taking part in a residential activity. This is the maximum amount that can be paid and is dependent upon receipts or documents signed by the volunteer or family member being kept and submitted as part of the validation process
- The middle level – to provide for a 10 hour overnight period when the Personal Assistant is expected to rest or sleep for part of the night and is paid at the same rate whether the care is provided through an agency or through direct employment. This rate covers any disturbances that the Personal Assistant might encounter during the night. However if the Personal Assistant is required to remain awake all night then the Support for Personal Care and Access to Leisure rate is payable throughout the night. This 10 hour overnight period can be supplemented by the Support for Personal Care and Access to Leisure rate so that if, for example, a Personal Assistant provides care from 7.00pm until 10.00 am the next morning, this is a 15 hour period for which the overnight rate would cover 10 hours and the Support for Personal Care and Access to Leisure rate would cover the remaining 5 hours
- The higher level – where a registered children's home is used and covers periods of up to 24 hours.

Day Care or Child Care Session – This is where a registered child care provider such as an out of school club or nursery is used to provide care.

Start up Costs – When a Personal Assistant is to be employed a grant is made to cover recruitment expenses, insurance, training for Personal Assistants etc. After the initial year further payments can be made to cover insurance and training costs, but must be approved in advance of any expenditure.

Group activities supported by a Personal Assistant

Where young people wish to undertake a group activity supported by their Personal Assistants this is likely to prove cost effective and should be discussed with the allocated worker or Self Directed Support Team and specified in the child's plan. It is possible for a single nominee to receive payments for a number of children or young people, so that they can make arrangements on behalf of the group.

Flexibility to provide services which are different from those specified in the child's plan

Recipients of direct payments must use the money which they are paid in order to purchase or provide services to meet assessed eligible needs and outcomes specified in the child's plan however some flexibility is possible to meet individual choice and circumstance. Over the course of a year there can be a margin of up to 10% flexibility over how the plan is implemented. This could apply to either expenditure or level of service. Anything outside of this, the agreement of the allocated worker must be obtained in advance.

The sort of flexibilities that are acceptable are where a family decides to defer a short break from one month to the next so that additional support is available in the school holidays, or following a hospital admission. It would not be acceptable to save up all short breaks that are specified to take place on a monthly basis and take them all during the summer holidays without a review taking place and a change made to the child's plan. It is also acceptable for a family to provide fewer or more overnight short breaks than specified in the child's plan if for example they are able to provide the service at a lower cost and wish to provide an extra night, however this must be within the 10% flexibility. For example if the child's plan states that 10 overnight stays are provided over the year, it would be acceptable for either 9 or 11 to be provided, without a change in the plan.

However it is never acceptable for money which is paid for one purpose to be used for another without the prior agreement of the allocated worker. For example, funding provided for overnight short breaks cannot be used for day care and funding provided at the overnight rate for a Personal Assistant cannot be used to pay expenses for a family member to take a child on a more expensive overnight than that specified in that rate.

When families wish to use their direct payment in a different way from that specified in the plan and there is any concern that it might exceed the 10% flexibility the advice of the allocated worker must be sought in advance of any expenditure.

How we will make the payment

The payments made to you will cover a specific period and will be paid to you in advance of your service via BACS – that is payment paid directly into your direct payments bank account. You will need to speak to your allocated worker if your bank account cannot accept payment via BACS as payments can then be made by cheque. However, you will need to bear in mind that cheque payments may be subject to postal and bank processing delays.

You may have been assessed as needing to make a financial contribution towards the direct payments. In this case you will need to ensure that this amount is 'paid in' to your direct payments bank account to ensure that the costs for all of the services are covered.

If you have any issues about payments that have or have not been made to you, you should contact Services for Disabled Children.

Direct Payments retention payments

During periods where your child has to go into hospital, the Council will continue to make direct payments to you for a period of 14 days to allow you to pay the Agency/Care Provider where it requires you to pay a retention fee. This is known as a Direct Payment Retention Payment. If the period in hospital exceeds 14 days a decision will be made by the Council whether or not to continue to pay the Direct Payments Retention Payment. You or your nominated representative will be included in any discussions that affect the Direct Payments Retention Payment.

Where your child goes into hospital for longer than 14 days it is important that you or your nominated representative notifies your child's allocated worker or to ensure that the correct payments are made.

3.2 BANK ACCOUNTS

Opening a direct payments bank account

If you intend to access direct payments on a regular basis you are required to open a separate bank account to 'pay in' the payments we make to you, unless you appoint Go Direct as your nominee as described on page 10. The account should be in the name of the person receiving the direct payment, wherever possible. Usually this will be the parent, but where a 16 or 17 year old is receiving a direct payment, consideration should be given to the account being in their name, especially if this will help them prepare for adult life and to make decisions about their own care.

The reason we ask you to open an account specifically for regular receipts of direct payments is to allow the money we send you to be kept separate from your own personal finances. The account you set up must be able to issue bank statements, accept BACS payments (that is payment paid directly into your account) and you should be able to write out cheques. If you encounter any problems in opening the account you should contact the Self Directed Support Team for advice.

You are not required to open a specific bank account if you access direct payments for a one-off service, for example an emergency short break. In such cases you will be able to use your existing bank account.

If someone else is to administer your direct payments on your behalf then the bank account that is opened can be in their name but your name should also be on the account, wherever possible.

Payments from your direct payments bank account can be made by cheque, cash, standing order, direct debit, debit card or BACS to purchase your services. Cash cards or credit cards MUST not be used.

You should not use your direct payments bank account for any other purpose than running your Scheme. For example, you cannot use the direct payments bank account to apply for a credit card.

Bank charges/interest

You **MUST NOT** allow your direct payments bank account to become overdrawn. If you do, you will be responsible for payment of any bank charges incurred. The Council will only repay any bank charges incurred as a direct result of an error by the Council.

Any interest on the account should be added to available monies.

Accrued surplus of money in your direct payments bank account

Following the validation check after you have submitted a financial return, a decision will be taken, in consultation with you, on what should happen to any accrued surplus money in your direct payments bank account. Small amounts of money, or those earmarked for specific expenditure in the coming year may be carried forward. Any significant accrued surplus money may need to be repaid, and is likely to trigger a reassessment of need.

Bank Account Details Form

You will receive a 'Bank Account Details Form' from us asking that you provide details about the account you intend to use to receive your direct payments. A sample of the form is shown at Appendix 1.

3.3 Purchasing and arranging services

What services can you spend your Direct Payments money on?

The direct payments that we make to you are intended to pay for services that meet your child's assessed eligible needs and achieve agreed outcomes.

Sometimes when you use an agency or care provider, their costs will include activities, meals, and transport. Unless additional payments are specified in your child's plan to cover these expenses, you may find that the direct payment is insufficient to cover the full cost and you will need to pay the balance.

What can you NOT spend your Direct Payments money on?

You cannot use your direct payment to purchase anything that is not related to meet your child's assessed eligible needs as outlined in your child's plan, for example, clothing, alcoholic drinks, cigarettes, prescription or non prescription medications or newspapers.

If your direct payments are paid to cover the cost of overnight care then you must only arrange overnight care.

The examples are not exhaustive. If you are not sure what your direct payment cannot be spent on, you should ask your allocated worker.

You **CANNOT** use direct payments to purchase any of the following:

- Services from **any** Local Authority
- Health Care services
- Housing
- Permanent residential or permanent nursing care
- Anything that is not included in your or your child's plan.

Purchasing Arrangements

The allocated worker will arrange to provide you with a copy of your child's plan. You may appoint someone, for example a family member, or a friend, to assist you in arranging the services.

If you pay for services but do not receive them, it is your responsibility to seek a refund from the agency or care provider of that service and you should pay this into your direct payments account.

If you find that the arrangements for your child's and/or your services breakdown and you need assistance in arranging alternative services you should contact your allocated worker.

3.4 FINANCIAL RECORDS

Retention of records

We are required to check that payments made to you as a direct payment are being spent in the way intended. To enable us to carry out the checks you **MUST** keep records of income and expenditure as follows:

- Bank statements
- Cheque stubs (showing date, payee and amount)
- Paying in book/slips
- Signed receipts for cash payments
- Care providers invoices and receipts
- Records of other costs and their receipts.

Where you employ your own Personal Assistant you **MUST** also keep the following records:

- Signed wage receipts
- Employment and payroll records. These are essential for your information and cases of enquiries from the Inland Revenue. The records should consist of staff details: name, address, National Insurance (NI) number, date employment commenced and ceased, hours worked and payments received, sickness, holidays, PAYE, and NI payments to the Inland Revenue. If you access Go Direct, Independent Direct Payments Support Service it will maintain these records for you.

It is a requirement of Customs and Excise that you **MUST** keep all documentation for 6 financial years plus the current financial year (financial year being 1st April to 31st March).

Documentation to be submitted to the Council

You are required to retain all of the records as listed above which need to be available on request however only the documentation listed below will need to be submitted for validation:

- Bank statements
- Care providers invoices and receipts

You will have the option of when to submit this documentation, for example, monthly or quarterly.

3.5 REPAYMENT OF THE DIRECT PAYMENT TO THE COUNCIL

The Council has discretion to require all, or parts of the direct payments made to you or your representative to be repaid to the Council in the following circumstances:

- If you spend the money in a way which does not meet your child's and/or your assessed eligible needs
- An overpayment in respect of direct payments has been made to you
- The Agreement is cancelled by either party, or is revoked by operation of law as a result of the death of the direct payment recipient
- Where expenditure cannot be supported, for example, the non completion and submission of the Financial Statement
- Unspent direct payments have accrued in your Direct Payments Bank Account and will not be used by you to secure services
- Any other condition imposed by the Council has not been complied with.

The Council has the right to commence legal proceedings against you in order to obtain repayment of all, or parts of the direct payments as set out above or in any other circumstances that may arise.

SECTION 4 SIGNING UP TO THE DIRECT PAYMENT SCHEME

4.1 INTRODUCTION

If you decide to access the Direct Payments Scheme you will be required to sign a Letter of Agreement (samples of the Letter of Agreement are shown in Appendix 2. The appropriate letter will be sent to you by Services for Disabled Children. This section explains what the Letter of Agreement is.

4.2 LETTER OF AGREEMENT

When signed, your Direct Payments Letter of Agreement forms an Agreement between you and the Council in relation to your participation in the Direct Payments Scheme. If you have arranged for someone else to administer your direct payments on your behalf they would also need to sign the Letter of Agreement as your Third Party. This handbook forms part of your Letter of Agreement.

Cancellation of the Letter of Agreement

The Letter of Agreement between the Council and you can be terminated by either party giving twenty-eight days notice in writing. This will result in direct payments being discontinued. In exceptional circumstances the agreement could be terminated without notice.

Reasons for discontinuing direct payments include:

- You no longer wish to receive direct payments and would prefer to receive services direct from the Council
- The Council believes that you are no longer capable of managing direct payments
- An assessment or review has indicated that you or your child no longer need the support for which direct payments was being made
- The Council has reason to believe that you or your nominated representative no longer comply with the conditions set out in this handbook and the Letter of Agreement that you have signed.

Temporary discontinuation of Direct Payments

The Council might temporarily discontinue making direct payments for the following reasons:

- You or your child do not require assistance for a short period of time
- You have failed to comply with the requirements of the Direct Payment scheme and the Council believes that it is not appropriate to continue making payments until the issue is resolved.

4.3 REVIEW OF YOUR CHILD'S AND/OR YOUR ASSESSED ELIGIBLE NEEDS

During the course of the Agreement you or your nominated representative may at any time ask for a review of your child's and/or your assessed eligible needs if it is felt that the respective care needs have significantly changed since the last care assessment/review.

In addition after 3 months of you receiving a direct payment, a service review will be carried out by your allocated worker with a 6 monthly review thereafter.

The Self Directed Support Team will carry out a review with you on the administration of the direct payments you receive after 3 months, with annual reviews thereafter.

4.4 COMPLAINTS AND REPRESENTATION

If you object, in any way, to the terms on which direct payments are offered to you in respect of all matters affecting the Letter of Agreement you will be able to do so by contacting:

Children's Services Complaints and Feedback Team
4th floor, Civic Centre
Sunderland
SR2 7DN

Telephone Number: 0191 5611296

Email: complaints.team@sunderland.gov.uk

The Courts of England and Wales have jurisdiction over any dispute, or difference that may arise between you and the Council in connection with the Letter of Agreement.

SECTION 5 TRANSITION TO ADULTHOOD

Direct Payments are playing an increasing important part in the provision of support for disabled young people. Many will already be receiving direct payments by the time the transition process begins at 16 years, either as part of a complex package of support or as the sole means of support. Once a young person is 16 years old they have the opportunity of taking control of all or part of their Direct Payments, either on their own or with appropriate support. For some young people direct payments may present an ideal opportunity to begin to take some financial responsibility for the support they get as well as having more control over how the support can meet their particular assessed eligible needs. Once they reach 18 years and transfer to adult services their legal status changes and with it a whole new range of responsibilities.

The starting point is the assessment if the young person has not already had one. This assessment should consider, not just direct payments as an option, but include the young person's ability to manage the direct payment with or without support. Should direct

payments already be part of the young person's package then the review, which is likely to take place around the young person's 16th birthday, is a good opportunity to discuss these issues.

There are a number of considerations to determine whether a young person has the ability to manage their direct payment. This is based on their degree of understanding concepts such as:

- **Does the young person have a concept of money?** Are they able to link spending money with an end product i.e. DVD, going to the cinema, paying for food or that some people get money for going to work?
- **Can the young person indicate their wishes and feelings?** This can be verbally, written, through facial expressions, behaviour, makaton, electronic/computer technology, i.e. 'voxbox', etc. The important thing is for a young person to be able to express an emotion to their carer. For example, a smile could indicate they are happy with the way they are showered, they trust their carer. Turning their head away or down could indicate they do not like or want something.
- **What is meant by 'with or without support'?** Basically, does the young person need help to manage a direct payment or can they do it all by themselves? (There are some adult direct payment recipients, who run their care package like a business, but this is rare, most need support to one degree or another.) The degree of support will vary from individual to individual. It can be from variety of sources, for example, family members, friends, trusted acquaintance, neighbour, a trusted professional, an advocate or someone from a disability support organisation, etc, but not from someone who is also the personal assistant being paid through direct payments. More formal support can be arranged through the Go Direct Nominee Service or through a managed bank account, user controlled trust etc. The fact that a young person cannot open a bank account, complete financial documentation, or sign timesheets on their own should not automatically preclude them from direct payments, as this can be done on their behalf. The important thing is for the young person to be able to decide how their assessed eligible needs are to be met.
- **What if there is a disagreement between the young person and their parents or main carers?** Providing the Council is satisfied that the young person has sufficient understanding to make informed decisions then the young person's wishes and feelings are paramount.

There is no definitive answer as to whether a direct payment is right for a young person or not. It is up to those who know the young person best, in consultation with the young person, to determine what is in the young person's best interests. Furthermore, any decision made during the transition process is not finite. Decisions should be reviewed at least yearly in the normal manner or in response to a rethink by the young person or someone on their behalf or a change in the young person's circumstances. This should be discussed with your allocated worker.

Moving from disabled children's services to adult services

By the age of 16 Futures Person Centred Planning Team will be involved to assist in this process. For more details contact your allocated worker.

DIRECT PAYMENTS SCHEME FOR PEOPLE WITH PARENTAL RESPONSIBILITY FOR DISABLED CHILDREN AND FOR YOUNG DISABLED PEOPLE AGED 16 OR 17

BANK ACCOUNT DETAILS FORM

Please complete, sign and return this Form to the address shown below so that payments can be made direct to your bank account. Thank you.

Your Name:	
Your Home Address:	
	Postcode:
Name of Your Bank:	
Bank Address:	
	Postcode:
Bank Sort Code:	_____ - _____ - _____
Account Number:	
Name on the Account:	

Notes to accompany the bank details form:

1. The "sort code" is 6 numbers and is shown in the top right hand corner of your cheque book.
2. The account number is usually 8 numbers and will be on your cheque book or bank statement.
3. If you change your Direct Payments Bank Account you must notify the Office at the address below, in writing, either by letter or by completing a new form.
4. If you move your home address you must notify the Office, shown below.
5. If you require assistance with the form, please contact the Self Directed Support Team (Telephone number: 0191 566 1887 or 566 1825).

Important Notice

This authority is under a duty to protect the public funds it administers, and to this end may use the information you have provided on this form for the prevention of fraud. It may also share the information with other bodies responsible for auditing or administering public funds for these purposes.

Signed Date

PLEASE RETURN FORM TO: Services for Disabled Children, Room 2.48, Civic Centre, Burdon Road, Sunderland, SR2 7DN

Name
Company
Address line 1
Address line 2
Address Line 3
Address Line 4
Postcode

Date: Type date here
Our ref: Type reference here
Your ref: Type reference here

Dear

**DIRECT PAYMENTS SCHEME
PEOPLE WITH PARENTAL RESPONSIBILITY FOR DISABLED CHILDREN AGED 0 - 18**

I am writing to confirm that the Council is in agreement with you accessing its Direct Payments Scheme on the basis that you have been provided with a copy of the 'Direct Payment Handbook for Disabled Children', dated May 2011; you have had the opportunity to discuss this with your allocated worker and/or the Self Directed Support Team; and have had any questions answered.

This letter acts as confirmation of an Agreement between you the person who has parental responsibility for (the name of your child will be inserted here), your Third Party where applicable, and the Council.

The direct payments that we will make to you on behalf of (the name of your child will be inserted here) will be calculated at the proposed level of service provision as detailed in (his/her) Plan. It will be up to you how you use the direct payments to meet (insert name of child) assessed eligible needs. The Council will make payments with affect from (the appropriate date will be inserted here). This Letter of Agreement will continue until there is a need to review it or terminate it.

The payment rates are reviewed annually in April or more frequently if there is a need to do so. You will be notified of the new payment rates as they occur.

Your child's allocated worker will carry out a review to see if (his/her) needs have changed, whether the services provided under direct payments are meeting assessed eligible needs and whether the level of payments needs to change. This will be carried out 3 months after the initial assessment and 6 monthly thereafter. The Self Directed Support Team will arrange to visit you to review the administration of the Direct Payments Scheme after an initial three months and annually thereafter.

Your responsibilities are outlined in the Direct Payments Handbook for Disabled Children regarding the services you can arrange and purchase and the financial records you are required to keep and submit to us. In accessing the Direct Payments Scheme you are required to sign and return this Letter of Agreement, of which a copy will be returned to you.

If you are to appoint a Third Party to administer the financial arrangements on your behalf they should also sign this Letter of Agreement before you send it to us.

You should also be aware that this authority is under a duty to protect the public funds it administers, and to this end may use the information you or your Third Party provides on your behalf, in relation to your direct payments, for the prevention of fraud. It may also share the information with other bodies responsible for auditing or administrating public funds for these purposes.

Should you have any queries about the contents of this letter contact should be made with (the name and telephone number of the Council's representative will be inserted here).

Yours sincerely

Signature here

Insert name here

Insert job title here

Direct Line 0191 566 2190

Email

Child.disability@sunderland.gov.uk

Website <http://www.sundc.org.uk>

CHILDREN'S SERVICES

Direct Payments Scheme – Letter of Agreement

In receiving direct payments I confirm:

1. I will arrange or purchase services to meet my child's assessed eligible needs and achieve agreed outcomes as detailed in his/her plan.
2. I have read and understand (or it has been read to me and I understand) my responsibilities under the Sunderland City Council Direct Payments Scheme and I accept the terms and conditions of the Direct Payments Scheme as outlined in the 'Direct Payment Handbook for Disabled Children', dated May 2011 or as subsequently amended and notified to me.
3. I am also aware from the Letter of Agreement that accompanies this form that Sunderland City Council is under a duty to protect the public funds it administers, and to this end may use the information me or my third party provides on my behalf, in relation to my direct payments, for the prevention of fraud. It may also share the information with other bodies responsible for auditing or administering public funds for these purposes.

Name:

Address:

Signed: Date:

Appointed Third Party

Name: Relationship to person:.....

Address:

Signed: Date:

The Council's Representative

Signed:

Job Title:

Date:

Please return this letter to:

Services for Disabled Children, Room 2.48, Civic Centre, Burdon Road, Sunderland, SR2 7DN

Name
Company
Address line 1
Address line 2
Address Line 3
Address Line 4
Postcode

Date: Type date here
Our ref: Type reference here
Your ref: Type reference here

Dear

DIRECT PAYMENTS SCHEME FOR YOUNG DISABLED PEOPLE AGED 16 OR 17

I am writing to confirm that the Council is in agreement with you accessing Direct Payments on the basis that you have been provided with a copy of the Directorate's 'Direct Payment Handbook for Disabled Children', dated May 2011; you have had the opportunity to discuss this with your allocated worker and/or the Self Directed Support Team; and have had any questions answered.

This letter acts as confirmation of an Agreement between you, the service user, your Third Party where applicable, and the Council.

The direct payments that we will make to you will be calculated at the proposed level of service provision as detailed in your plan. It will be up to you how you use the direct payments to meet your assessed eligible needs. The Council will make payments with effect from (the date will be inserted date). This Letter of Agreement will continue to run until there is a need to review it or terminate it.

The payment rates are reviewed annually in April or more frequently if there is a need to do so. You will be notified of the new payment rates as they occur.

Your allocated worker will carry out a review to see if your needs have changed, whether the services being provided under direct payments are meeting assessed eligible needs and whether the level of payments needs to change.

This will be carried out 3 months after the initial assessment and 6 monthly thereafter. The Self Directed Support Team will arrange to visit you to review the administration of the Direct Payments Scheme after an initial three months and annually thereafter.

Your responsibilities are outlined in the Direct Payments Handbook for Disabled Children regarding the services you can arrange and purchase and the financial records you are required to keep and submit to us. In accessing the Direct Payments Scheme you are required to sign and return the attached Letter of Agreement, of which a copy will be returned to you. If you are to appoint a Third Party to administer the financial arrangements on your behalf they should also sign the Letter of Agreement before you send it to us.

Should you have any queries about the contents of this letter contact should be made with (the name and telephone number of the Council representative will be inserted here).

You should also be aware that this authority is under a duty to protect the public funds it administers, and to this end may use the information you or your third party provides on your behalf, in relation to your direct payments, for the prevention of fraud. It may also share the information with other bodies responsible for auditing or administrating public funds for these purposes.

Yours sincerely

Signature here

Insert name here

Insert job title here

Direct Line 0191 566 2190

Email

Child.disability@sunderland.gov.uk

Website <http://www.sundc.org.uk>

CHILDREN'S SERVICES

Direct Payments Scheme – Letter of Agreement

In receiving direct payments I confirm:

1. I will arrange or purchase services to meet my assessed eligible needs and achieve agreed outcomes as detailed in my plan.
2. I have read and understand (or it has been read to me and I understand) my responsibilities under the Sunderland City Council Direct Payments Scheme and I accept the terms and conditions of the Direct Payments Scheme as outlined in the 'Direct Payment Handbook for Disabled Children', dated May 2011 or as subsequently amended and notified to me.
3. I am also aware from the Letter of Agreement that accompanies this form that Sunderland City Council is under a duty to protect the public funds it administers, and to this end may use the information I or my Third Party provides on my behalf, in relation to my direct payments, for the prevention of fraud. It may also share the information with other bodies responsible for auditing or administering public funds for these purposes.

Name:

Address:

Signed: Date:

Appointed Third Party

Name: Relationship to person:.....

Address:

Signed: Date:

The Council's Representative

Signed:

Job Title:

Date:

Please return this letter to:

Services for Disabled Children,
Room 2.48, Civic Centre, Burdon Road, Sunderland, SR2 7DN

GUIDANCE ON EMPLOYING A PERSONAL ASSISTANT

When you have decided how you want to organise your, and/or your child's care, you can start on the recruitment process. This will be more successful if it is well planned and thought out. You should also give yourself a timescale for the process so that you can make sure that your and/or your child's care assessed eligible needs are met until you are ready to commence on the Direct Payments Scheme.

Recruiting Personal Assistants

Before recruiting Personal Assistant(s) it would be useful to consider your and/or your child's plan which will indicate the type of assistance (e.g. household tasks, social care etc,) that is required, the times when assistance is needed and what pattern the assistance should take throughout a week or a month.

To recruit Personal Assistants you will need to:

- Decide how many Personal Assistants will be needed and what hours they will need to work based upon the amount and the type of assistance required. You will also have to consider the Working Time Regulations. (See page 38 for details)
- Consider the nature and type of information to provide to applicants, for example, a job description, application form
- Write an advertisement and decide where you want to place it
- Prepare a shortlist of people you wish to interview
- Request references (normally from two persons – who are not related and if currently working, the person's current employer)
- Interview short-listed applicants – (you may wish to consider asking a friend or family member to help you interview)
- Request the Council to carry out a background check with the Criminal Record Bureau on the person you wish to employ
- Make an offer of the job.

Job Description – (Refer to Appendix 4 for an example)

A job description is a written description of what you expect the Personal Assistant(s) to do if you employ them. It is an important document and gives you the opportunity to communicate your wishes and needs clearly. This will minimise misunderstandings and disagreements. The job description should be sent out with the application form to let applicants know exactly what is involved in the job. When you have employed your Personal Assistant(s) the job description will form part of the employment contract and provides a basis for measuring whether your Personal Assistant is carrying out their duties effectively.

The more specific you can be within the job description the more likely you are to interview applicants who understand what is expected and want to do the job.

The main areas you may wish to include in your job description are:

- **The purpose of the job** – Under this heading you can give an overview of how you expect your Personal Assistant to fit into your and/or your child's life. You can give some information about yourself and/or your child and the sort of things or activities you and/or your child like to do. You can describe the kind of qualities and attitudes you are looking for in a Personal Assistant e.g. experience.
- **Supervision** – Under this heading you should explain how you expect the relationship to work between yourself, as the employer, and the Personal Assistant, as the employee. It will be a formal statement that they will be directed by and accountable to you for their work.
- **Main duties** - Under this heading you will need to give a detailed description of the tasks you expect your Personal Assistant to carry out for you and/or your child. Your and/or your child's plan(s) should give you a clear idea of the areas where assistance is required. You may want to separate the tasks into areas of frequency, e.g. daily, weekly or occasionally.
You should also include a general phrase to cover any new tasks or unforeseen tasks, for example: *'Enabling me and/or my child to carry out any chosen activity, whether inside or outside my home, by carrying out any other requests which I may reasonably make.'*
- **Hours** – Under this heading you should describe the hours you expect your Personal Assistant to work and also how these will be made up (e.g. shifts, weekdays, weekends, sleepovers etc). If you are unable to state the exact hours you could say that the hours are negotiable but if possible describe the range of time they include (e.g. 8am to 5pm).
- **Rates of Pay** – You will find it helpful to include in the job the hourly rate you are prepared to pay. You will need to ensure that your rate of pay conforms to the requirements of the national minimum wage. Whatever rate is decided will become part of your Personal Assistant's Contract of Employment and should be reviewed regularly (at least once a year). Business Innovation and Skills produce an information booklet called: An employer's guide to government enforced employment rights, which gives more information. The HM Revenue & Customs also operates a confidential helpline on the national minimum wage and can be contacted on telephone number: 0845 60 70 143. Go Direct, Independent Direct Payments Support Service, can also be contacted for advice what hourly rate you may wish to pay your Personal Assistant.
It is important that you are aware that the hourly rate you are paid through the Direct Payment Scheme covers your responsibilities as an employer to pay Employer's National Insurance and holiday pay as well as the gross hourly rate that you can pay your Personal Assistant. You must therefore consider how much you can afford to pay your Personal Assistant. Go Direct can advise you on this.

Application Form – (Refer to Appendix 6 for an example)

An Application Form is a very good way for you to get the information you want about a potential Personal Assistant. If you have access to a computer you may wish to draw up a formal application form. You may if you wish photocopy and use the example we have provided in this Information Booklet.

The way someone completes an application form may give you an impression of their attitudes and how interested they are in the job.

Application Forms may also enable you to identify if an applicant is not telling you everything. Long gaps in employment history, not giving referees or any other

inconsistency may make you wary, or give you an indication of relevant questions to ask at an interview.

If you would prefer to keep the process simple you may decide to write out the questions which you would like the person to answer before you decide whether or not to interview them. You can then either send them to the person or take down the answers over the telephone. You should bear in mind that the questions you ask need to be relevant to the job.

If you are intending to employ someone you know, it may not be necessary to ask them to complete an application form. It is generally advisable however, to request an individual Criminal Record Bureau record check and references as minimum requirements.

Person specification for a Personal Assistant

A person specification is a formal term used to describe the type of skills, qualifications, knowledge and qualities someone needs to do the job. The person specification will help you to recruit a suitable person.

The person specification should only state requirements that are necessary to fulfil the role. People should be careful when stating that the Personal Assistant must be fit and active and consider whether this is really necessary. An example of where this would be valid criteria is in a job description for a child with Autism and the Personal Assistant was required to plan and support them to participate in various exercise routines and activities.

The person specification should also avoid anything that could be classed as age discrimination for example using phrases such as young and active or minimum 10 years experience required.

It is important that the person you employ can learn from you or from other people since he/she is likely to need some level of training. Some of this training will come from you and other training such as that required for lifting and handling or invasive care will need to come from specialist trainers, for example the Council.

An example of a Person specification for a Personal Assistant is provided under Appendix 5.

Advertising

To begin advertising you will need to decide four things:

- What you want to say in your advertisement
- Where you will advertise (e.g. Job Centre, Newspapers, local shop etc.)
- When the closing date will be
- When and where the interviews will take place.

What an advertisement might say

An advertisement need not say everything, but should include:

- What the work is
- The number of hours to be worked per week
- How much you will pay
- How to contact you.

Recruitment and the Law regarding equality

Generally jobs must be open to all regardless of age, colour, race, nationality, ethnic or national origin, sex, marital status or sexual orientation, or disability unless the reason for discrimination arises from a genuine requirement for the job. An example of this under the Sex Discrimination Act 1975, which identifies a situation when it may be proven that a particular requirement of a worker is what is called a 'Genuine Occupational Qualification' would be when a woman wants her personal assistance met only by woman workers.

If you are advertising under these provisions you **MUST** quote the relevant piece of legislation at the bottom of the advert e.g. 'This advert complies with S7(2B) of the Sex Discrimination Act 1975.'

The Sex Discrimination Act 1975 states that:

S7(2B) Where considerations of decency or privacy require the job to be held by a man (or woman) either because it is likely to involve physical contact between the job holder and man (or woman) in circumstance where they might reasonably object to the job holder being of the opposite sex.....then it is a genuine occupational qualification.

S7(2E) Where the job holder provides individuals with personal services promoting their welfare and those services can most effectively be provided by a man (or woman).....then it is a genuine occupational qualification.

The Race Relations Act 1976 (Amendment) Regulations 2003 removed the previous exemption covering racial discrimination in employment in a private household. This Act therefore now needs to be considered when recruiting a Personal Assistant.

The Equality Act 2010 makes it unlawful to discriminate against disabled people. Employers are legally required to make changes/reasonable adjustments to their working policies and practices and premises where they could put a disabled person at a substantial disadvantage compared with a non-disabled person for example arranging interviews at accessible venues and asking candidates to advise if they are disabled and require any reasonable adjustments to be made at interview.

It is unlawful to publish job advertisements that imply any candidate's success depends to any extent on them having or not having had a disability, or indicates the employer's reluctance to make reasonable adjustments.

Any particular physical or medical requirements should be made clear in the job advertisement or other recruitment literature. The Equality Act 2010 limits when you can make enquiries about health or disability when recruiting. The restrictions apply prior to the point where a conditional or unconditional job offer is made. The employer should also take care with regard to the Disability Discrimination Act 1995 before making a selection decision based on candidates' physical and mental health. For example if the position involves a lot of heavy manual handling it would be acceptable to ask a candidate with a mobility impairment whether they could manage the heavy lifting. However, you could not ask how the impairment would affect them getting to work as this is not intrinsic to the job.

How can applicants contact you?

It is important to consider whether or not to put your home address or telephone number on advertisements as this could leave you vulnerable to harassment or prank telephone calls. You could use an answering machine to screen your responses, or use a box number, as a way of increasing your security and limiting the impact on your time.

Go Direct, Independent Direct Payments Support Service can act as a P.O. Box recipient, when receiving requests for application forms and handling their return, and can also make accessible interview facilities available.

Where to advertise?

There are several options to this and it may be difficult to decide what will work best in the beginning, it may be that you have to try more than one option before you find what works best for you. Below are some options you may wish to consider:

- **Word of mouth** – You could start off by using word of mouth, for example by mentioning what you are doing to friends, professional staff etc.
- **Job Centres** - It is best to check with the individual office that you would like to use. You will need to ensure that the information given to the Job Centre is absolutely clear as this will be reinterpreted by them. You should be specific about the type of Personal Assistant you are looking for as you could be overwhelmed by a large number of people applying for the job.
- **Local newspapers** - These can be expensive but, generally, have a wide circulation and may be seen by more prospective applicants. It may be worth considering using one of the free publications as these are distributed to a large number of homes in the area.
- **Local shops and supermarkets** - If you wish to attract local workers this can be an inexpensive and effective way of doing so. Some supermarkets have notice boards on which you can place your advertisements either free of charge or for a small charge per week.

Shortlisting

By the closing date you should have received completed application forms from some of the people who initially contacted you (or information in another format if you have not used an application form). The information provided should give you an idea of whom you want to interview.

Check the applications for those that are obviously not suitable, for example the times when someone is not available for work. You should aim to draw up your shortlist as soon as possible.

If you have found someone to help you interview you could ask them to help you shortlist as it may be useful to discuss your thoughts with someone.

References

Checking the references of an applicant is important as this is the only way you have to confirm that the information given to you by the applicant is correct. It is also valuable to have the opinion of someone who knows the candidate and their suitability for the job.

On the application form each applicant should have given you the name and address of two referees who are prepared to give a reference, and whether or not they are happy for you to do so before the interview.

Asking for a written reference is the best way to get the most information, sending a copy of the job description will give the referee an understanding of what the job involves. If employed, one referee should be the person's current employer, wherever possible and the other a personal referee.

When writing to the referees asking for a reference some of the areas you may wish to cover could include:

- Information about employment – dates worked in a specific job, duties, sickness record, reasons for leaving etc.
- Reliability and honesty
- Strengths and weaknesses
- Understanding of and ability to maintain confidentiality
- Ability to work on their own initiative
- Ability to cope in a crisis
- Would they recommend the person?

If you have any concerns about a reference you could follow it up with a telephone call. Be wary of any references addressed 'To whom it may concern'.

Interviewing

An interview is a two way process for you to gain information from and also to allow you to pass on relevant information to the applicant. You should interview with another person, as it is helpful to have someone with whom to discuss your views. Each interview is likely to take about 30 minutes, therefore you should allow for a short break between candidates. During the interview you will find it helpful to take notes, as they will help you to remember what each candidate has said to you. If you decide to take notes during the interview you should explain what you are doing to the candidate.

Gaining information from the applicant

It is a good idea to prepare a list of questions you wish to ask the applicants before you do the interviews. Some of these questions can be general and asked of all applicants; some may be more specific and cover areas you have picked up from the application forms. You should not ask any questions of reference to a person's personal circumstances e.g. marital status, childcare arrangements.

Giving information to the applicants

The interview gives you the opportunity to explain some of the details of the job to the applicants. Your advertisement and job description should outline to the applicants the rates of pay and hours but the interview will give you a chance to go through these again and to outline any other terms or condition e.g. notice period, holiday arrangements, or sick pay arrangements. Clearing up any confusion at this stage can save trouble at a later date.

Interview venues

Interviewing in your own home may lead to difficulties, e.g. security; therefore it could be a good idea to hire a room in a venue, which is nearby. If you do decide to hire premises you

should check them beforehand to make sure that they are easily accessible, the room is large enough and that there will be no interruptions etc.

Possibilities for interview venues could include:

- Job Centres
- Community Centres
- Council Offices
- Go Direct, Independent Direct Payments Support Service Offices.

Interview procedure

- **How long?**

Interviews generally take about 30 minutes, but this tends to depend on the applicant. You should also leave time between applicants to consider your impression of the applicant you have interviewed.

- **How many people should I interview?**

This will depend on the number of applicants that you have short-listed. Interviewing can be tiring. It is best to set a limit on the number of applicants you can interview in one day. It is a good idea to get someone to assist you with the interviews, for example a family member or a friend. They could take notes and it gives you someone to discuss your thoughts of the applicants with.

- **During the interview**

Since the basic idea of an interview is to get the applicant to reveal as much information as possible about themselves you should try to make them feel relaxed and comfortable. Interviews can be very stressful situations for people. You could try asking questions about their journey as a way of 'breaking the ice'.

It is essential to involve your son or daughter in some way in the interview process, if they are to be cared for by the successful candidate. You should allow the time for the candidates to meet your child. You should observe the interaction between the candidate and your child – how confident and natural are they in the way they relate to your child? Where it is possible you need to get your child's opinion.

At the end of the interview you need to tell the candidate when and how you will let them know if they have the job. Turning people down is often a difficult thing to do and you may want to do it in writing rather than over the telephone. You may need to be prepared to give people reasons why they did not get the job. It is useful to emphasise the strengths of the successful candidate, anonymously of course, rather than make critical comments about the unsuccessful candidate.

- **Questions to the candidate**

It is important to prepare a list of questions before the interviews to ensure you get the information that you want. Generally there are two types of questions:

General questions

These are the questions that you might want to ask every applicant. This gives you a way of comparing one candidate to another. The general questions will cover:

- Why the person is applying for the job
- Their general health in relation to the job
- Their ideas and views about disability and childcare
- What they understand the job to involve
- Their previous relevant experience.

You may wish to make up a few scenario questions, such as 'What would you do if my daughter/son wanted to play outside on a rainy day? Try not to ask questions that would lead to 'Yes/No' answers. Make sure your questions are open ended since this invites the applicant to respond in more detail.

Specific questions

These are the questions that deal with any issues raised in the application forms. This can be a chance to see if the applicant has thought through everything that is involved in the job and how serious they are as a candidate.

- **Questions from the candidate**

The candidate needs the opportunity to ask you questions. This will give you the chance to clarify some of the details about the job.

MAKING AN OFFER OF THE JOB

In arriving at your decision to appoint one or more of the candidates, your notes and the opinion of the person with whom you interviewed with will help you. Remember you are not choosing a best friend but someone to do a job.

Before you employ your chosen Personal Assistant(s) you should have ensured that the person has provided evidence of their identity and has a legal right to work in the United Kingdom by sighting and retaining a copy of the person's passport. You will also need confirmation of their current address for example Bank or Building Society Statement or Passbook; NHS Medical Card; Rent Book or Mortgage Statement; Household Account utility bill e.g. gas, electric etc.

If a valid passport is not available then the person must provide a full birth certificate and proof of National Insurance Number so you will need to see original copies of either a P45, P60, benefits letter, wage slip or National Insurance Card. A driving licence is not acceptable proof of eligibility to work in the UK.

A marriage certificate or deed of name change is also required if the name on the passport or birth certificate is different.

If you are to employ someone who has entered the United Kingdom there are different rules and regulations that need to be followed. Further information can be sought from Go Direct, Independent Direct Payments Support Service, on this matter.

A contract of employment is formed as soon as someone accepts your offer of a job. Therefore, make sure you do not commit yourself to employing someone before you are sure, give yourself time to check references, do any Criminal Bureau Record check, (refer to page 40 - Protection of Children Act 1999), and finalise 'terms and conditions'.

To avoid any unnecessary confusion you could use the following process:

- When you have checked the person's references and carried out the necessary validation checks, arrange to meet to agree the terms and conditions. The funds paid to you by the Council only allow for the payment of statutory sick pay, statutory maternity pay and the statutory holiday entitlement. If you wish to allow better terms and conditions you would have to top up the direct payment account yourself
- When you are completely sure of all the terms and conditions, you can draw up a contract or an agreement, for the person to sign. Whilst this may be rather formal if something goes wrong it is important to have things in writing so you are clear what was agreed. You should sign a contract even if you employ someone you know and trust.

The contract/written statement should include the following areas:

- Your name and the name of the Personal Assistant
- Title of the job and job description
- The start date and, if it is only for a short period, the end date
- Pay – how much, when and how they will receive their money. You will need to state deductions made from the employee's pay, such as tax and National Insurance. In addition you should state any overtime rates, if they apply, and standby arrangements
- Hours of work
- Place of work (if appropriate)
- Absence from work – what the Personal Assistant should do in the event of them being absent from work, for example due to sickness
- Arrangements for taking holidays, what holiday pay will be paid
- Sick leave and other special leave, together with what payments will be paid
- Period of notice, termination of contract
- If employing a 'live-in' Personal Assistant, the arrangements for living in your house (accommodation, meals, telephone calls etc)
- Pension arrangements
- Grievance and Disciplinary procedures
- Rules of 'your' home (e.g. No smoking; no bringing children to work).

Most employees who are employed for one month or more must receive, within the first two months, a written statement of the main employment particulars, as detailed above.

An example of a Contract of Employment is provided under Appendix 7.

BECOMING AN EMPLOYER

Where you employ a Personal Assistant, you must register yourself as an employer with HM Revenue & Customs. You will need to let them know if you wish to operate the full Pay as You Earn (PAYE) Scheme or the Simplified Deduction Scheme. The HM Revenue & Customs Office will explain the two schemes to you. It will normally be the Simplified Deduction Scheme that you will operate.

However, if you would prefer, Go Direct, Independent Direct Payments Support Service, could contact HM Revenue & Customs on your behalf. They will also provide personnel and payroll services, and information and advice about payroll matters.

How to register with HM Revenue & Customs

You can telephone the HM Revenue & Customs on 0845 60 70 143. Depending upon the circumstances a representative of that Office can make a home visit.

You will be sent an employer's pack, which includes various forms with explanations of what forms must be completed and how to complete them. You will also be sent forms to register your Personal Assistant(s). These forms **MUST** be completed for all your Personal Assistants and sent back to the HM Revenue & Customs.

The HM Revenue & Customs will also provide you with pay tables, to be used to calculate how much Tax and National Insurance is to be paid by your Personal Assistant. These will be accompanied with record cards for you to record and retain payment details.

The HM Revenue & Customs also operates an Employers Helpline to offer guidance to people who are considering becoming employers. This telephone number is 0845 60 70 143.

Payslip

When you pay your Personal Assistant you **must** provide them with a payslip with their payment. The payslip provides details of how their pay has been arrived at. A good stationer will have in stock 'payslip booklets' which you will be able to purchase from your direct payments 'start up' money that you will receive from us.

Insurance

Where you employ a Personal Assistant you **MUST** have in place both EMPLOYERS LIABILITY INSURANCE COVER **and** PUBLIC LIABILITY INSURANCE COVER. This insurance cover must comply with the Employers Liability (Compulsory Insurance) Act 1969, its Regulations 1998 and associated legislation. This means that you must display your current Insurance policy and you are advised to keep a complete historical record of your insurance documentation.

EMPLOYERS LIABILITY covers you against any of your staff having an accident or becoming ill while working for you, in cases where you might be held responsible. PUBLIC LIABILITY covers you against any damage or injury caused to someone else by you or your staff while they are working for you. When taking out your Liability Insurances you should consider the appropriate levels of cover.

You **MUST** make sure that insurance cover applies to **all** the people who you employ to support and assist you.

It is important that **all** the tasks/duties undertaken by your Personal Assistants are included within the Insurance Cover. You could send a copy of your employee's job description to the Insurance Company or Insurance Broker and get them to confirm the cover in writing.

If your Personal Assistant is going use their own vehicle to drive you and/or your child you must ensure that the appropriate car insurance is in place, which must include 'business use'. If your Personal Assistant is going to drive your car you must inform your insurance company.

You should be aware that if you choose to employ your own Personal Assistant(s) you will not be able to get started on the Direct Payments Scheme until you have arranged the appropriate insurance cover and provided the Council with a copy of the Policies. You will be able to meet the costs of your Insurance Policies from the Direct Payments 'start up' money that we will make to you.

Should you not renew your Employers and Public Liability Insurance Policies on an annual basis and still employ your Personal Assistants to provide support/services to you, you can be fined for any day, which you are without suitable insurance. In addition, should you fail to renew your Insurance Policies, The Council will be required to suspend or cease payments it makes to you, and your Personal Assistant will not be able to provide you with support/services; this might result in you having to terminate your Personal Assistant(s) employment with you.

Health and Safety

In law it is **YOUR** responsibility to provide a healthy and safe workplace for your Personal Assistant, making sure that the equipment they will use e.g. vacuum cleaner, cooker is safe to use and well maintained and that there are no obvious hazards such as loose or frayed carpeting, loose electrical wiring etc. In turn it is the Personal Assistant(s) responsibility not to do anything which might endanger either your safety or their own. Therefore you **must never** ask a Personal Assistant to do anything that may put his or her own or your safety at risk.

Prior to your Personal Assistant starting work you may need to make arrangements to train them to do the job. If they need formal training, for example lifting, check with the Council who will be able to advise you what type of training is available from the local authority.

You should not ask your Personal Assistant to administer medication, no matter in what form, to you. You should seek alternative arrangements for this; your GP should be able to advise you about this.

Further information about health and safety matters can be obtained from the Health and Safety Executive Information Line on telephone number: 0845 345 0055. The National Centre for Independent Living also produces leaflets about health and safety issues for people employing Personal Assistants and can be obtained by telephoning: 0207 587 1663.

Safety guide for Personal Assistants

You are advised to undertake a risk assessment to identify possible dangers and protect employees from injury whilst undertaking employment tasks/duties. This includes providing formal training where necessary.

The Insurance Company whom you take out your Employers and Public Liability Insurance with should be able to provide you with information and advice on this. In addition Go Direct, Independent Direct Payments Support Service, and the Council's Self Directed Support Team are able to provide you with information and advice on Risk Assessments.

Back up arrangements

You will need to consider your options for dealing with situations when your Personal Assistant(s) is unable to come to work for example, through holiday or sickness. To cover this eventuality you should have accrued money within your Direct Payments Bank Account to allow you to pay your existing Personal Assistant(s) and their replacement(s).

You should consider having in place a backup list of people who you can call on in an emergency if your usual staff are unable to come to work. Go Direct may be able to help people to recruit for back up staff in advance.

Your options could be:

- Existing Personal Assistants
- Previous Personal Assistants
- Specially recruited backup staff
- Homecare Agencies.

You will need to keep your backup list up-to-date, if you leave it until an emergency, you may find you have lost contact with some people on it.

Should you find yourself in a position of not being able to arrange cover contact should be made with your Allocated worker. Your Allocated worker will endeavour to make alternative service arrangements for you, depending upon availability, until your usual Personal Assistant returns back to work or until you are able to make alternative arrangements. This will ensure you are not left without a service and your assessed eligible needs can continue to be met.

Statutory Sick Pay (SSP)

If your Personal Assistant is sick for four consecutive days or more, they may be entitled to statutory sick pay (SSP) from you. The HM Revenue & Customs Office provides details about SSP in its publications 'The Statutory Sick Pay Manual for Employers' and 'Employer's Helpcards'. Both of these publications are available from the HM Revenue & Customs Employers Orderline on telephone number: 0845 60 70 143.

In addition, information and advice can be sought from Go Direct, Independent Direct Payments Support Service.

Working Time Regulations

These Regulations place limitations on the hours of work of all workers.

i. Maximum weekly working time

An employee's average working time should not exceed 48 hours a week. At the request of the employer, and only in written agreement with the employee, the maximum weekly working time can be increased provided that the employer keeps and maintains up-to-date records of the employees who have agreed to work above the maximum weekly working time. If the employee signs to opt out he/she has the right to cancel this agreement at any time giving one week and three months notice. These records must be available for inspection by the Health and Safety Executive.

ii. Daily rest

Each adult employee is entitled to a rest period of not less than 11 consecutive hours in each 24-hour period, during which they work for their employer.

Each young employee (under the age of 18) is entitled to a rest period of not less than 12 consecutive hours in each 24 hours period, during which they work for their employer.

iii. Rest breaks

Where an adult employee's daily working time is more than 6 hours, they are entitled to a rest break of not less than 20 minutes.

Where a young employee's daily working time is more than 4.5 hours, the Regulations state that they are entitled to a rest break of not less than 30 minutes.

iv. Annual leave

An employee is entitled to a minimum of 5.6 weeks paid annual leave (28 days for someone working five days a week). Part-time workers are entitled to the same level of holiday pro rata (so 5.6 times your usual working week, e.g. 22.4 days for someone working four days a week)

v. Weekly rest

Employees are entitled to take 24 hours per week or 48 hours per fortnight uninterrupted rest.

Raising a grievance

There may be an occasion(s) where your Personal Assistant raises a grievance with you. You should aim to resolve most grievances informally, however, if it cannot be, there is a statutory procedure that your Personal Assistant must invoke if they wish to take the case to an employment tribunal. You should ask your Personal Assistant to put their grievance in writing.

You as the Employer should then invite your Personal Assistant to a meeting to discuss their grievance. The Personal Assistant has the right to be accompanied; for example by a work colleague, friend, Union Representative. The Personal Assistant should be notified of the outcome from the meeting. Should the Personal Assistant feel the grievance has not been satisfactorily resolved they have the right to appeal.

Disciplinary issues

When a potential disciplinary issue arises, you should make necessary investigations to establish the facts. Having established the facts you should decide whether to drop the matter, deal with it informally or arrange for it to be handled formally. If you are considering dismissing your Personal Assistant or imposing some other disciplinary penalty that is not suspension on full pay or a warning you must follow a specific statutory minimum procedure.

The Advisory, Conciliation and Arbitration Service (ACAS) Disciplinary and Grievance Procedures Code of Practice provide detailed guidance on managing these processes including your legal obligations. Copies can be obtained by contacting ACAS Northeast on telephone number: 0191 269 6000.

See Appendix 8 for an example of a disciplinary procedure

Unfair dismissal

Employees have the right not to be unfairly dismissed. In most circumstances they must have at least one year's continuous service before they have this right.

Period of notice

Someone who has been employed continuously for one month or more and less than two years is entitled to at least one week's notice of termination of employment. An additional week's notice is required for each completed year of continuous service after that, up to a

maximum of 12 weeks. The contract of employment may specify a longer period of notice than these statutory periods.

Maternity

If you employ a female Personal Assistant and she becomes pregnant she has certain rights. A female employee is entitled to 52 weeks maternity leave and if qualifying conditions are met may be entitled to up to 39 weeks Statutory Maternity Pay. Information about statutory maternity pay is available in the HM Revenue & Custom Statutory Maternity Pay Manual for Employers. The Employers Orderline is 0845 6070 143.

Paternity

If you employ a male Personal Assistant he may have some rights if his partner has a baby. Information about paternity leave is available in the Department of Trade and Industry booklet "Working fathers: rights to paternity leave and pay".

Redundancy

In most circumstances, employees with at least two years continuous service are entitled to a redundancy payment. Should a redundancy situation arise you should immediately contact our Self Directed Support Team for advice.

Membership of a Union

Your Personal Assistant has the right to belong or not belong to a trade union. Further information can be found in the Department of Trade and Industry booklet "Union Membership Rights of Members and Non-Members".

National Centre for Independent Living

The National Centre for Independent Living (NCIL), publishes a number of helpful leaflets about employing Personal Assistants and can be contacted on telephone number: 0207 587 1663. You will be able to meet the costs of any publications you purchase from the NCIL from the Direct Payments 'start up' money that we will make to you.

PROTECTION OF CHILDREN ACT 1999

The Council needs to be satisfied that a person providing help to a child or young person under the age of 18 is a suitable person. The Care Standards Act 2000 enables a person who is considering employing an individual to care for the child, where that care is funded by a direct payment, to ask the local authority to carry out checks under the Protection of Children Act 1999. Where the person requests such a check the local authority has a duty to comply. An individual wishing to work with the child will make the application for a check to be carried out. The application will be counter-signed by the Council. A fee is required for each background check, which the Council will pay. It is the Council view that all carers employed to provide care for children should have a background check with the Criminal Records Bureau. If the applicant for direct payments does not agree to this check, The Council might decide that it would not be appropriate to make direct payments. A background check with the Criminal Records Bureau should be repeated every 3 years. A reminder will be sent by the Council.

JOB DESCRIPTION (Example)

Job Title	Personal Assistant
Hours	Negotiable between the hours of 7 am to 6 pm
Rate of Pay	£x per hour

Purpose of Job

My name is Jane Smith and I am looking for a Personal Assistant to provide me with personal care and support me to go out to leisure activities for as few hours every week

I am thirteen years old and I live with my parents and younger brother. I have Down's syndrome and am usually a very happy and responsive person who enjoys social interaction and a lively stimulating environment. I need to be helped with my personal care, including washing and going to the toilet. I also need someone to keep me safe when I go out. I love going swimming and to the cinema.

I would prefer that the personal care and support is given by a woman, who must be reliable and be able to work flexible hours. I need someone who can respect my privacy and who understands the need for confidentiality.

Supervision

You will be directed by and accountable to my mother for all aspects of your work.

Main Duties

The Personal Assistant will be expected to perform the following:

- Help me to get washed or showered and dressed
- Take me to social events, e.g. the cinema
- Any new or unforeseen tasks appropriate to my personal care.

PERSON SPECIFICATION FOR A PERSONAL ASSISTANT (Example)

- The Personal Assistant must have some experience of working with children whether in a paid or voluntary capacity
- The Personal Assistant must be reliable and punctual
- The Personal Assistant must be able to move and assist me. (Training will be provided)
- The Personal Assistant must have a positive attitude towards disability
- The Personal Assistant must be able to respond appropriately in an emergency
- The Personal Assistant must have experience of keeping information confidential.

APPLICATION FORM (EXAMPLE)

PERSONAL ASSISTANT

FULL NAME:

ADDRESS:

POSTCODE:

TELEPHONE NUMBER: HOME: WORK: (If convenient)

DO YOU HOLD A FULL VALID DRIVING LICENCE? YES/NO
DO YOU HAVE YOUR OWN TRANSPORT? YES/NO

NAME AND ADDRESS OF CURRENT EMPLOYER (If employed)

BRIEF OUTLINE OF DUTIES:

PREVIOUS OCCUPATION:

Date(s)	Employer	Position	Reason for Leaving

PLEASE GIVE DETAILS OF ANY EDUCATION/TRAINING:

WHAT SKILLS AND EXPERIENCE DO YOU HAVE RELEVANT TO THIS POST?

ARE YOU LOOKING FOR FULL TIME WORK (35 HOURS OR MORE)?

YES/NO

OR PART TIME WORK? YES/NO

AT WHAT TIMES WOULD YOU BE ABLE TO WORK AS A PERSONAL ASSISTANT? (Please circle as appropriate)

Week	Day	Evening	Sleepover
------	-----	---------	-----------

Weekend	Day	Evening	Sleepover
---------	-----	---------	-----------

PLEASE PROVIDE THE NAMES AND ADDRESSES OF TWO PEOPLE WHO COULD GIVE YOU A REFERENCE: (The people should not be related to you).

1.

2.

Can these references be taken up before interview? YES/NO

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 (Exemptions) Order 1975. Applicants are therefore not entitled to withhold information about convictions which for 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.

I confirm that, to the best of my knowledge, the information on this application form is accurate and that I have not omitted any facts, which may have any bearing on my application.

I am/am not willing to undergo a police check. (please delete as appropriate).

Signed..... Date.....

Contract of Employment - Example

EMPLOYER:

Workplace:

EMPLOYEE:

Job title:

Place of work:

Start date:

Pay:

Pay will be: £x per hour Monday to Friday, £x per hour at all other times. Payment will be made weekly by cheque, one week in arrears. Tax and National Insurance contributions will be deducted from your wages, in line with regulations. Advances on wages will not be made under any circumstances.

Trial period:

The job is offered on the basis of a trial period for a period of x weeks. During this period, this contract can be ended by either of us by giving the other one weeks notice. At my discretion, I may make payment instead of requiring you to work the notice period.

Working hours:

Your hours of work will be in accordance with verbal arrangements. They will usually be weekday evenings or day time during the weekend and school holidays. Flexibility is a fundamental part of the job and will be expected.

Providing cover:

From time to time, I may need you to work additional days/times to cover holiday and/or sickness of my other workers. This will be by negotiation.

Sickness:

If you are ill, let me know as soon as possible. To give me time to make alternative arrangements, I expect you to give a minimum of 12 hours notice of absence due to sickness unless there are good medical or personal reasons why this is not possible.

The only payment for sick leave will be Statutory Sick Pay, which will be paid in accordance with regulations.

Holiday pay:

You are entitled to x weeks (pro rata) paid holiday each year. Please give at least 2 weeks notice of any holiday you wish to take.

Termination of contract:

You must give me x weeks notice when you want to leave. Should I wish to terminate this contract for any reason except gross misconduct, I will give you one weeks notice for each year you have worked for me, up to a maximum of 12 weeks. I reserve the right to pay you in lieu of you working out your notice.

Pensions:

There is no pension scheme. A private funded pension should be arranged if required.

Confidentiality & Security:

You must respect my privacy (and that of my family) and maintain a professional approach at all times. You should keep any information gained in the course of working for me strictly confidential and not discuss or refer to my affairs with any other person or third party.

Being on time:

It is essential that you arrive at the agreed time. If, for any reason, you are going to be more than 20 minutes late, please telephone me and let me know.

Code of conduct:

When assisting me, you should:

- Respect my family’s home. You will be expected to leave things as you found them or return anything which is out of place
- Treat with care any item of equipment. If you are uncertain how to use it, please ask. It is my responsibility to give you clear instructions. Should you accidentally break any of my property, please tell me immediately
- Not knowingly or deliberately put either you or myself at risk. You **must** inform me of any health or other matter that could put either of us risk while you were working with me
- Arrive in a fit state to work the session. This means, for example, you must not be under the influence of alcohol or any illegal substances
- If you have a mobile phone, please turn it off while working for me. If there is a particular reason why you need to be contactable, please discuss this with me so we can come to an agreement that suits us both
- Do not smoke whilst working with me
- Any breach of this code will be treated very seriously and may lead to termination of this contract.

Grievance:

Any grievance should be raised with my mother immediately. She will make time to discuss it with you as soon as possible.

Your role as my Personal Assistant:

A separate sheet outlining your role as my Personal Assistant is attached.

Disciplinary procedure:

A disciplinary procedure covering unsatisfactory work and gross misconduct is attached.

I have read the above statement of conditions of employment. I understand the conditions and agree to abide by them.

Signature..... (employee) Date.....

Signature..... (employer) Date.....

Disciplinary Procedure: Information for Employees

What is the Disciplinary Procedure?

This procedure aims to make sure a reasonable standard of behaviour is maintained and to make sure that improvements are made where necessary. The procedure sets out the action that will be taken when disciplinary or house rules are broken. Although you will be working in my home, a professional relationship will be maintained between us and you will be treated fairly at all times.

Before any formal procedures are used, I will start off by trying to sort out any problems to do with your behaviour or work performance through informal discussion. The formal procedures described below will only need to be used when informal methods have proved to be ineffective or have been ignored, or where the matter is serious and requires immediate action.

Stage 1 - Verbal Warning

If your behaviour or work performance is unsatisfactory and other methods have failed, you will be given a formal verbal warning, which will be recorded and remain in place for x months.

Stage 2 - Written Warning

If the offence is serious or if there is no improvement in behaviour or work performance standards, or misconduct occurs, a written warning will be given which will include the reason for the warning and will remain in place for x months.

Stage 3 - Final Written Warning

If your behaviour or work performance are still unsatisfactory, a final written warning will be given, making it clear that if the offence happens again or other serious misconduct takes place then this will result in immediate dismissal. The final written warning will remain in place for x months.

Stage 4 -Dismissal

If there is no satisfactory improvement or if further serious misconduct occurs, you will be dismissed.

IMPORTANT

Due to the very nature of the work, it should be noted that I reserve the right to practice any stage of the above procedure where earlier stages are likely to be ineffective or, I feel, inappropriate in dealing with the matter.

DIRECT PAYMENTS SCHEME – RECORD OF HOURS WORKED BY PERSONAL ASSISTANT (Example)

Your Name:..... Name of Personal Assistant:.....

Period Commenced:..... Period Ended:.....

	Monday Hours Worked	Tuesday Hours Worked	Wednesday Hours Worked	Thursday Hours Worked	Friday Hours Worked	Saturday Hours Worked	Sunday Hours Worked	Total Week Hours	Personal Assistant Signature
Week Commencing: (Insert Date)									
Week Commencing: (Insert date)									
Week Commencing: (Insert date)									
Week Commencing: (Insert Date)									

I confirm that I have worked as recorded above during the period stated.

Signed:.....Date:.....