

All PA Handbook

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The information does not, and is not intended to, amount to legal advice. You are strongly advised to obtain specific, personal and professional advice from a lawyer about employment law matters, or an accountant/ tax specialist about taxation matters, and from HMRC and your insurers. You should not rely solely on the information in this Handbook. Support organisations listed in this Handbook can help you find appropriate sources of advice.

All PA Handbook

A Guide on how to set up as a Self-Employed PA

If you are looking to become a self-employed Personal Assistant (PA), there are a number of things that might be helpful to do. These include:

- Checking what a self-employed status really means, what your responsibilities will include and how this might affect the way you work
- Thinking about your 'business plan', in terms of who you are looking to be a PA for, what level of resources that people might have to contract with you (e.g. from their Local Authority, ILF Scotland, from benefits or funding the full cost of their support themselves)
- Thinking about the local level of need
- Being aware of local understanding and approaches to self-employed PAs, whether this will support your role or work against it
- What additional sources of information and support are available to you on an on-going basis (e.g. with business development)

At some point you need to decide if being self-employed is the right status for you.

Working out if you are self-employed or not

There are two areas to consider when trying to work out whether you would be self-employed or not. These relate to:

- Employment status for tax purposes and
- Employment status for work purposes

HMRC have outlined certain questions to help you decide if you are self-employed for tax purposes. If you can answer yes to one or more of these questions, you are likely to be self-employed:

- Can the PA hire someone to do the work for them, or take on helpers at their expense?
- Can the PA decide where to provide the support needed, when to work, how to work and what to do?
- Can the PA make a loss as well as a profit?
- Does the PA agree to do a job for a fixed price regardless of how long the job may take?

If you cannot answer yes to any of the questions above, you are still likely to be self-employed if most of your answers to the following questions are yes:

- Does the PA risk their own money?
- Does the PA provide the main items of equipment (not the tools that many employees provide for themselves) needed to do the job?
- Does the PA regularly work for a number of different people and require business set up in order

to do so?

- Does the PA have to correct unsatisfactory work in their own time and at their own expense?

Working for yourself

If you start working for yourself, you're classed as a sole trader. This means you're self-employed — even if you haven't yet told HM Revenue and Customs (HMRC) yet.

Things you need to do to set up as a Self-employed PA:

- Register with HMRC as self-employed on the HMRC website
- You will then receive your Unique Taxpayer Reference (UTR) as a self-employed worker
- You need to develop your business plan
- Secure the Insurances that you need, such as:
 - Professional indemnity
 - Public and product liability
 - Contents and stock
 - Business interruption
 - Cyber cover
 - Legal expenses
- Create the contracts and relevant paperwork for your role as a PA. This might include entering into a contractor/consultancy agreement with your client i.e the person you provide care to

Consider that all relevant legal responsibilities are covered, such as:

- Health and safety
- Risk assessments
- First Aid
- Marketing and promoting your business (e.g. through leaflets, cards website etc)
- Feedback from customers and review your business plan

Next steps

Take a look at the article, "Self-Employed PAs" and the other resources below.

Resources

Self-Employed PAs

When someone is considering becoming a Personal Assistant (PA) employer it is important to understand the difference between an employee, a worker and someone who is self-employed. A person's employment status can affect the legal relationship and financial responsibilities between the PA Employer and that person. So for example, a PA Employer would be responsible for paying the tax and National Insurance for the PA(s) they employed, whilst a self-employed person would be responsible for paying this themselves.

This is something that all PA Employers need to be aware of. To help understand this, there are some basic definitions of different employment statuses that a PA could have. These include:

When a PA is an employee

- A PA who has a Contract of Employment is an employee
- The PA employer is required to offer the PA work under the terms of the contract
- The PA is required to accept the work offered under the terms of the contract
- The PA must perform their work personally and cannot send someone else to do this instead of them
- The PA will be working under the control and direction of the PA Employer
- The PA will be provided (by the PA Employer) with any equipment they need to enable them to fulfil their role as a PA
- The PA is paid through Pay As You Earn (PAYE) and National Insurance payments will be made on their behalf by the PA Employer
- The PA will receive statutory benefits, such as statutory sick pay
- The PA will be entitled to holiday pay
- The PA will be subject to the disciplinary procedures set up by the PA Employer

It may be that the relationship the PA Employer intends having with the person is better described under a casual work agreement.

Casual worker

The term casual worker applies to PAs who work with a supported person on a temporary basis or ad hoc basis. Temporary work or ad hoc work is defined as being:

- Work which occurs only once, and for a short period of time or
- Work which occurs more often but in an unpredictable or irregular way or
- Work where there is no obligation on the part of the PA Employer to offer the work (e.g. there is no employment contract between the two people) and
- Work where there is no obligation on the part of the PA to accept the offer of work (e.g. there is no employment contract between the two people)
- Workers are entitled to be provided with a statement of the terms that cover their engagement

Where there is no written contract of employment

In situations where you're asking a PA to work now and again at different times on a casual basis, there may be no requirement for the PA Employer to offer work and no requirement for the PA to accept any work.

Both employees and workers have the right to be provided with a written statement of their terms. Workers have the right to receive holiday pay, the NMW and to be auto enrolled into a pension scheme (if eligible).

If however, a casual worker's working pattern becomes, over time, set and regular, then this arrangement would have to be reconsidered as they may be regarded as a permanent employee. A casual worker's working periods should consist of short, irregular work with gaps in between so that a continuity of employment is not established.

Having casual workers available can really help a PA Employer manage gaps in their PAs capacity,

such at times of sick leave or holidays. However, it is important to understand when casual work becomes an employment relationship and what a PA Employers responsibilities are if this happens. It is helpful for some PA Employers to have several casual workers available for them to approach to cover holidays and unscheduled emergencies.

Working out if a PA is self-employed or not

There are two areas to consider when trying to work out whether a PA is a self-employed worker or not. These relate to:

- Employment status for Tax purposes and
- Employment status for work purposes

HMRC have outlined certain questions to help decide if a worker is self-employed for tax purposes. If the worker can answer yes to one or more of these questions, they are likely to be self-employed:

- Can the PA hire someone to do the work for them, or take on helpers at your their expense?
- Can the PA decide where to provide the support needed, when to work, how to work and what to do?
- Can the PA make a loss as well as a profit?
- Does the PA agree to do a job for a fixed price regardless of how long the job may take?

If the PA cannot answer yes to any of the questions above, they are still likely to be self-employed if most of their answers to the following questions are yes:

- Does the PA risk their own money?
- Does the PA provide the main items of equipment (not the tools that many employees provide for themselves) needed to do the job?
- Does the PA regularly work for a number of different people and require business set up in order to do so?
- Does the PA have to correct unsatisfactory work in their own time and at their own expense?

Next steps

You can find out more information, including on the HMRC website, using the links below.

A Step by Step Guide to setting up as self-employed (a 'sole trader')

UK Governments Guide to setting up as self-employed (a 'sole trader')

<https://www.gov.uk/set-up-self-employed>

HMRC Check Employment Status for Tax

Use the Check Employment Status for Tax (CEST) tool

<https://www.gov.uk/guidance/check-employment-status-for-tax>

HMRC Employment Status factsheet (ES/FS1)

HMRC Employment Status factsheet (ES/FS1)

<https://www.gov.uk/government/publications/employment-status-factsheet-esfs1/employment-status-factsheet-esfs1>

HMRC Factsheet Employed or Self-Employed for tax and National Insurance contributions

Working out your employment status

<https://handbook.scot/wp-content/uploads/2022/04/Employed-or-self-employed-for-tax-NI-Cont.pdf>

Employment Status

HMRC provide more information on casual workers' rights

<https://www.gov.uk/employment-status/worker>

PVG Scheme Membership Statement for self-employed PAs

How to apply for a Statement of Scheme Membership as a self-employed PA

<https://www.mygov.scot/apply-for-pvg/self-employed-or-work-for-a-personal-employer>

Low Income Tax Reform Group: Is your PA employed or self-employed?

How to work out if a PA is employed or self-employed

<https://www.litrq.org.uk/sites/default/files/files/LITRG-factsheet-PA-employed-self-employed.pdf>

A Guide to National Insurance Rates for self-employed workers

A Guide to what is National Insurance is and the rates for self-employed workers, provided by Simply Business.

https://www.simplybusiness.co.uk/knowledge/articles/2022/08/self-employed-national-insurance/?utm_source=email&utm_medium=kcnurt&utm_campaign=day_160_sme

Adult Support and Protection

A Personal Assistants' (PAs) responsibilities for Adult Support and Protection

The legislation that covers this area is called The Adult Support and Protection (Scotland) Act 2007. It deals with adults deemed at risk of harm who:

- Are unable to safeguard themselves, their property, rights or other interests
- Are at risk of harm
- Because they are affected by disability, mental disorder, illness or physical or mental infirmity, are more vulnerable to being harmed than others who are not so affected

The Act places a duty on local councils to:

- Make the necessary inquiries and investigations to establish whether or not further action is required to stop or prevent harm occurring
- A requirement for specified public bodies to co-operate with local councils and each other about adult protection investigations
- A range of protection orders including assessment orders, removal orders and banning orders
- The establishment of multi-disciplinary Adult Protection Committees

The definition of harm

For the purposes of the Act, 'harm' includes all harmful conduct and, in particular, includes:

- Conduct which causes physical harm
- Conduct which causes psychological harm (e.g. by causing fear, alarm or distress)
- Unlawful conduct which appropriates or adversely affects property, rights or interests (e.g. theft, fraud, embezzlement or extortion)
- Conduct which causes self-harm

Harm may be caused by

- A person well known to the adult, including relatives and those employed to support the person
- A stranger
- The person themselves
- A situation, for example when an adult's ability to manage independently declines and appropriate support has not been established

If you have concerns about an adult who may be the victim of harm, or is at risk of harm

Report your concerns to the local authority social work department or the police. Any report, including anonymous referrals, should be taken seriously by the Local Authority. It is good practice to let the adult know you are concerned, but even if they refuse consent, you must pass on your concern.

The Local Authority must make enquiries and has a number of powers to help protect an adult at risk of harm, such as:

- A visit to interview the adult, to explain what support services may be available to them or to offer them a medical examination if appropriate
- Requiring health, financial or other records to be produced
- An application to court for a protection order

Any intervention in an adult's affairs must provide benefit to them and should restrict their freedom

as little as possible. The Local Authority must consider the wishes and views of the adult at risk and efforts must be made to help them communicate their views.

Next steps

Take a look at the additional resources below.

Resources

The Adult Support and Protection (Scotland) Act 2007

A short introduction to Part 1 of the Adult Support and Protection (Scotland) Act 2007

<https://www.gov.scot/publications/adult-support-protection-scotland-act-2007-short-introduction-part-1-act/documents/>

Care Information Scotland: Adult Support and Protection

Information on the Adult Support and Protection (Scotland) Act 2007 from Care Information Scotland

<https://www.careinfoscotland.scot/topics/your-rights/legislation-protecting-people-in-care/adult-support-and-protection-scotland-act-2007/#:~:text=The%20Adult%20Support%20and%20Protection,are%20at%20risk%20of%20harm>

Advocacy Services



Independent advocacy is a way to help people have a stronger voice and to have as much control as possible over their own lives.

The Scottish Independent Advocacy Alliance (SIAA)

The SIAA is the national intermediary organisation supporting, promoting and defending independent advocacy across Scotland.

Independent advocacy supports people to navigate systems and acts as a catalyst for change in a situation. Independent advocacy can have a preventative role and stop situations from escalating, and it can help individuals and groups being supported to develop the skills, confidence and understanding to advocate for themselves.

Independent advocacy is especially important when individuals or groups are not heard, are vulnerable or are discriminated against. This can happen where support networks are limited or if there are barriers to communication. Independent advocacy also enables people to stay engaged with services that are struggling to meet their needs.

Next steps

You can search for an advocacy service in any area of Scotland by going to the Scottish Independent Advocacy Alliance website:

<https://www.siaa.org.uk/find-an-advocate/>

or contacting them on:

Tel: (0131) 510 9410

Email: enquiry@siaa.org.uk

Resources

Scottish Independent Advocacy Alliance (SIAA) website

<https://www.siaa.org.uk/>

Being Employed as a PA by a Family Member



It is possible for a Personal Assistant (PA) to be employed by a family member to provide care and support to them. However, this is still seen as an 'exceptional circumstance', which means it wouldn't normally happen unless it is for specific reasons.

The legislation highlights the circumstances where it would be possible to employ a family member, provided the Local Authority (Council) also agrees to this. These circumstances are:

- The family member, direct payment user and the Council all agree to the family member providing the support
- The family member is capable of providing the support and
- There are specific reasons why a family member is best placed to provide the support

The specific reasons relating to the employment of a family member

These specific reasons include:

- There is a **limited choice of service providers** who could provide the support
- The person needing care and support has **specific communication needs** which mean it will be difficult for another person to provide the support
- The support is required at **times at which the family member will be available to** provide it and where **other people would not reasonably be able to**

- The **intimate nature of the support** required makes it preferable for a family member to provide this
- The person needing support has **religious or cultural beliefs** which it preferable for support to be provided by a family member
- The person needing support requires **palliative care**

- The person needing support has an **emergency or short-term need** for care
- There are **other factors** in place which make it appropriate, in the opinion of the Council, for that family member to provide the support

Other considerations

If you are considering whether you would like to provide paid support as a PA to another family member, there are some other questions to think about, such as:

- Are you **willing and able** to provide the support the person needs?
- Would being employed by your family member **change your relationship** with them?
- What if something went wrong, would you be able to **raise any concerns** you had with your family member?
- If you were employed by your family member and then **changed your mind** about providing paid support, would you feel able to bring your employed role to an end?

Things you could do if you are considering becoming a PA for a family member

- Have a discussion with your family member to see if this would be right for both of you
- Speak to your local Independent SDS Information and Support organisation for guidance on this
- In agreement with your family member, speak with any Social Worker currently involved to see if they would support the employment of family members and how to go about arranging this
- In discussion with your family member, check to see if there is a contingency plan in place to

manage unexpected changes to their support and when you might be employed as a family member

Next steps

Take a look at the resource available below on Direct Payments to guide you in more detail.

Resources

The Self-directed Support (Direct Payments) (Scotland) Regulations 2014

The Direct Payments Act detailing the legislation regarding the employment of family members
<https://www.legislation.gov.uk/ssi/2014/25/contents/made>

Can I be a Carer as well as a PA?

You may be working as a Personal Assistant (PA) and also have a caring role(s) in your life. It could be important to know if you are a carer as you might be able to access further support for yourself, or for the person you care for.

How do I know if I am a carer?

There is a bit of legislation in Scotland titled 'The Carers (Scotland) Act 2016'. This sets out the definition of a carer and young carer in Scotland. This law came into effect from 1st April 2018.

The definition of a carer

You are a 'carer' if you **provide (or intend to provide) care for another person**, but not:

- if this is only because of that person's age (where they are under 18) or
- if you are caring because you have a contract (such as being employed as a PA) or as voluntary work

The previous definition for being identified as a 'carer' no longer applies.

So for example:

- You can be caring for someone for any number of hours
- You do not need to be providing a 'substantial' amount of care for someone on a regular basis

The definition of a young carer

You are a 'young carer' if you are a carer (as above) and are also :

- under the age of 18
- 18 or over, but still attending school

The definition of an adult carer

You are an 'adult carer' if you meet the criteria for a carer above and are aged 18 or over and not attending school.

Kinship carers

A kinship carer (usually a relative or close friend looking after a child in place of their parents) can be a carer under the Carers Act, even where they have a Kinship Carer Agreement with the Local Authority.

This is only for kinship carers who meet the other requirements of the meaning of 'carer' above, so not where the care is simply because of the child's age.

Next steps

Take a look at the Scottish Government's 'Carers' Charter' resource below to guide you in more detail.

Resources

Carers Charter

Your rights as an adult carer or young carer in Scotland.

<https://www.gov.scot/binaries/content/documents/govscot/publications/advice-and-guidance/2018/03/carers-charter/documents/00533199-pdf/00533199-pdf/govscot%3Adocument/00533199.pdf>

Can my Employer Make me get a COVID-19 Vaccine?



An employer cannot make one of their employees receive a COVID-19 vaccine if they do not wish to. However, as a result of the UK Government's vaccine mandates, many employers may be contemplating introducing measures — via clauses in contracts of employment or amending existing contracts — that require their workforce to be fully vaccinated. An employers' reasons for introducing such measures could relate to protecting vulnerable staff members, themselves, visitors, or friends and family, or in an attempt to limit absences due to workers catching COVID-19 or staying at home and avoiding contact with others for at least five full days, under current Government guidance.

Should an employer introduce measures that require workers to be fully vaccinated and an employee still refuses, depending on the circumstances, it could result in the employee being redeployed to a different role, if possible, or they could, in some circumstances, be dismissed. How an employer handles such situations is something they need to give much consideration to before introducing a vaccination policy.

If an employer introduces a vaccine mandate for their workforce but an employee still refuses to be vaccinated based on the fact that they have a disability or as a result of a religious or philosophical belief, and the worker is then redeployed or dismissed, they could potentially face a discrimination claim from their worker as well as a claim for unfair dismissal. This will depend on the circumstances. Â

Do I need to let my employer know if I am getting a COVID-19 vaccine?

Unless your employer has a policy requiring you to notify them of vaccinations or procedures, then no. Although, if you need time off to attend appointments for vaccinations, you should arrange this in the normal way according to your employer's code of practice.Â

I am looking for work, will I have to tell prospective employers whether or not I have been vaccinated?

There is a general prohibition on employers asking prospective employees health-related questions, including disability (which in this case would include their vaccination records) except to the extent these are necessary, for example, to find out if any reasonable adjustments are required for interview. Although, there are limited exceptions to this that could apply to sectors and job roles where there is a particular health and safety reason, meaning the employer needs to know whether you've been vaccinated or not and needs to determine your ability to carry out the role.Â

Next steps

Take a look at the resource available from the NHS on the COVID-19 Vaccination below to guide you in more detail.

Resources

NHS Coronavirus (COVID-19) Vaccination Website

Get your COVID-19 vaccination, read about the vaccines and find out what happens when you have your vaccine.

https://www.nhs.uk/conditions/coronavirus-covid-19/coronavirus-vaccination/?gclid=CjwKCAjwgr6TBhAGEiwA3aVuIRMC6pHxsEKLV8DO_BQnGZY4rCZOZHcf9toeGhmv-Y3YegmJtlmCRRoCMX4QAvD_BwE

Changing an Employment Contract: Employer Responsibilities

A contract between an employer and an employee or worker is a legally binding agreement. A contract can be agreed verbally or in writing.

Any changes to the contract must be agreed by both the employer and employee or worker, or in some circumstances with a trade union or other employee representatives.

Find out more about employment contracts here:

<https://www.acas.org.uk/what-an-employment-contract-is>

What to consider first

Before an employer proposes an employment contract change, they should consider:

- What issue they're trying to solve
- If a contract change is definitely needed to solve it

This can help clarify what they want to achieve and the different ways they could achieve it.

Exploring options and being clear about why a contract change may be needed will help when it comes to informing and consulting with employees and representatives about potential contract changes.

When an employer might consider employment contract changes

Examples of when employers may need to consider employment contract changes include:

- To make sure contracts are up to date with new laws or regulations

- To better reflect someone's job role, if it has changed
- To introduce new terms and conditions, for example contractual redundancy pay or enhanced maternity, paternity, parental, shared parental, or adoption leave and pay
- To reflect changes to the employers life, for example if they are considering moving home

While in some circumstances changing an employment contract can bring benefits to an employer and their employees, it can also bring significant risks. Employers should think carefully about the best way to address the issue you're trying to solve.

Risks to consider

Changing contracts can sometimes cause tensions between an employer and employee. If changes are not managed well then risks may include:

- Damaging working relations
- Legal claims, for example claims of breach of contract or constructive dismissal here: <https://www.acas.org.uk/dismissals/constructive-dismissal>
- A decrease in commitment and performance, if employees do not support the changes, or feel they have not had the opportunity to inform decisions
- Increased levels of stress or absence
- Unlawful discrimination for example if changes are introduced that apply to a group of employees (or workers) but put employees with a certain 'protected characteristics' (for example, age, disability, sexual orientation and race, to name a few) at a particular disadvantage. Find more details here: <https://www.acas.org.uk/discrimination-and-the-law>
- Valued people leaving an your employment, if you propose a change they do not support or agree to
- Reputational damage, making it difficult to attract new employees

Understanding the employers options for making a change

If the employer feels they may need to propose a contract change, their approach to exploring the change may depend on the number of employees or workers affected. For example, if the change the employers considering is specific to a certain employee, they should discuss and try to agree the change with them directly, including their representative if they have one.

If the change affects a number of employees' contracts, it may be more appropriate and effective to discuss this with any employee representatives as well as individual employees. For example, if any employee is a member of a trade union. (In some situations, where changes affect 20 or more employees, there is a legal obligation to consult with staff representatives).

If the employer is considering changes to terms and conditions covered by an agreement with a recognised trade union (a 'collective agreement'), then by law they must always consult with that union.

Next steps

Take a look at the resources available from ACAS to guide you in more detail.

Resources

ACAS Training

Find details on ACAS training on contracts here

<https://obs.acas.org.uk/EventsList.aspx?SubRegionId=-1&SearchTopicId=21&SubRegion=--%20All%20Regions%20--&SearchTopic=Contracts%20of%20employment>

ACAS information on contract change after TUPE

<https://www.acas.org.uk/changing-an-employment-contract-after-a-tupe-transfer-employer-responsibilities>

Example Contract of Employment for PAs

This is an example of a written Contract of Employment that a PA Employer could use when employing a new PA. This comes from Disability Rights UK.

<https://handbook.scot/wp-content/uploads/2022/09/Example-of-a-written-contract-when-hiring-a-Personal-Assistant-Disability-Rights-UK.docx>

Checking Your Employment Rights

Your 'employment status' is your legal status at work. It affects what employment rights you're entitled to.

There are 3 main types of employment status under employment law (Employment Rights Act 1996):

- Worker
- Employee
- Self-employed

Both employers and the people doing work for them need to know their rights and responsibilities, so it's important to be sure of employment status.

You might have something in writing from the employer you work for that suggests what your employment status is. However, the way you and your employer work together in practice is ultimately what will determine your employment status for employment rights purposes.

Your employment status can be defined by

- How dependent you are on the employer for work
- How much control the employer has over you and your work
- Whether you're expected to carry out the work yourself

Your employment status is important as it affects your legal rights, what you're entitled to and what can be expected of you.

Employment status for tax purposes

Your employment status for tax purposes is not the same as your employment status for employment rights purposes. You can use HMRC's employment status for tax tool to check your employment status for tax purposes.

Worker

You're more likely to be classed as a worker if:

- Your work for your employer is more casual or ad hoc, for example your work is less structured or not regular
- You're employed to do the work yourself
- You're not offered regular or guaranteed hours by your employer
- You have very little obligation to make yourself available for work, but should do work you've agreed to

As a worker, you have rights including:

- Written terms (a 'written statement of employment particulars') outlining your job rights and responsibilities
- National Minimum Wage
- Paid holiday
- Payslips
- Protection for 'whistleblowing'
- Protection against unlawful discrimination
- Not being treated unfairly if you work part time

You may also be entitled to Statutory Sick Pay (SSP), Shared Parental Pay, parental bereavement pay and maternity, paternity and adoption pay, provided you meet the eligibility criteria. As a worker, you are generally not entitled to SSP while on sick leave (as SSP is paid only to 'employees'), paid maternity or other types of parental leave (which are available to 'employees' only), but you can take time off because you do not have to make yourself available for work.

As a worker you also have protection against experiencing any 'detriment' if you:

- Reasonably believe being at work or doing certain tasks would put you in serious and imminent danger
- Take reasonable steps over a health and safety issue, for example complaining about unsafe working conditions
- Inform your employer about your health and safety issue in an appropriate way

Detriment means your employer treats you in a way that leaves you worse off, for example:

- Your hours are reduced
- You experience bullying or harassment
- Your training requests are turned down without good reason

Workers could include:

- Casual workers
- Agency workers
- Freelance workers (however depending on your personal working pattern and circumstance you might be classed as a worker or self-employed)
- Zero hour contract workers (however depending on your personal working pattern and circumstances you might be classed as a worker or an employee)

Employee

You're more likely to be classed as an employee if:

- Your employer, manager or supervisor is in charge of your workload and how your work should be done
- You're required to work regularly unless you're on leave
- You can expect work to be consistently available
- You cannot refuse to do the work
- You're employed to do the work yourself

Employees have all the rights that workers do, as well as extra rights and responsibilities, including:

- Parental leave and pay
- Shared Parental Leave and Pay
- Maternity, paternity and adoption leave and pay
- Parental bereavement leave and pay
- Time off for dependents
- Time off for public duties
- Redundancy pay after 2 years' continuous service
- Being able to claim unfair dismissal after 2 years' continuous service
- Getting the minimum notice period if dismissed or made redundant
- The right to flexible working requests after 26 weeks' continuous service
- Protection against dismissal or suffering any detriment if taking action over a health and safety issue

As an employee, you also have protection against dismissal or experiencing any 'detriment' if you:

- Reasonably believe being at work or doing certain tasks would put you in serious and imminent danger
- Take reasonable steps over a health and safety issue
- Inform your employer about your health and safety issue in an appropriate way

You could have a case for automatically unfair dismissal if you're dismissed in these circumstances.

Self-employed

You're more likely to be classed as self-employed if you:

- are responsible for how and when you work
- are the owner of a company or are a freelancer
- invoice for your pay instead of getting a wage
- get contracts to provide services for clients
- are able to send someone else to do the work for you, if appropriate
- are able to work for different clients and charge different fees

If you're self-employed you have some rights including:

- protection for your health and safety on a client's premises
- protection against discrimination

You do not have the same rights and responsibilities as employees or workers.

Contractors and Freelancers

If you're self-employed, or a worker or employee getting work through an agency, you might be given a contract for services and be called a contractor.

In this case you might have self-employed, worker or employee employment status and rights for the duration of the contract, so it's a good idea to check.

It's important to check the difference between being employed and being self-employed so both sides know their legal rights and responsibilities.

When your employment status is not clear

It might not be clear from the type of agreement you have or the nature of your working relationship whether you have worker or employee employment status.

For example, if you're:

- Zero-hours staff
- Bank staff
- On a fixed-term or rolling contract
- A piece worker

If you're in one of these types of work, it's a good idea to check if your situation matches with one of the 3 types of employment status. This includes looking at how any written agreement or documents provided by the PA employer compares to the reality of your working relationship in practice.

For example, you might have a written contract which says you're self-employed, but in reality have less control over how, when and whether you work, meaning you're more likely to be a worker or an employee.

Next steps

Take a look at the resource available from ACAS on checking your employment rights to guide you in more detail.

Resources

ACAS checking your employment rights

<https://www.acas.org.uk/checking-your-employment-rights>

Child Protection

Understanding what to do to protect children who are at risk of abuse

All children in Scotland have the right to be protected from abuse or neglect. The Children (Scotland) Act 1995 outlines the legislative framework for Scotland's child protection system. It covers parental responsibilities and rights, and the duties and powers local public authorities have for supporting and promoting the safety and welfare of children.

Report child abuse

Child abuse is when someone causes (or doesn't prevent) significant harm to a child.

The abuse can be physical, emotional or sexual. This includes child sexual exploitation, child trafficking, online abuse and witnessing domestic abuse.

It can happen once or over a period of time, and could happen within and outside the family.

Neglect is also child abuse. This is when a parent or carer doesn't look after a child properly, for example:

- Failing to meet a child's basic needs, such as not providing food, a home or supervision appropriate for the child's age
- Failing to get medical or mental health care
- Failing to educate a child or ignoring their special educational needs
- Failing to provide emotional care

How to report abuse

As a PA, you have a duty to report any concerns that you may have that a child is being abused or neglected, or if you are worried that they have been abused or neglected in the past or are at risk in the future.

Warning

Call 999 to report a crime in progress or if a child or young person is in immediate danger.

Call the police on 101 if you think a crime has been committed.

You can also contact Crimestoppers on 0800 555 111 to report the crime anonymously. They'll pass

the information about the crime to the police.

You can report online abuse to the Child Exploitation and Online Protection (CEOP) centre.

Get more information about child protection from Police Scotland.

Report child abuse to your local Council

Contact your local council if you think a child or young person is at risk or is being abused or neglected.

Next steps

Take a look at the resources available below to guide you on issues related to child protection in more detail.

Resources

Reporting child abuse to your local Council

Further information on how to contact your local Council to report a concern about child abuse.

<https://www.mygov.scot/report-child-abuse>

Child Protection and Police Scotland

Information on Child Protection from Police Scotland

<https://www.scotland.police.uk/advice-and-information/child-abuse/>

Child Exploitation and Online Protection (CEOP) Centre

You can report online abuse to the Child Exploitation and Online Protection (CEOP) Centre.

<https://www.ceop.police.uk/Safety-Centre/>

Dealing with Pension Queries and Difficulties

A pension is a tax-efficient way of saving your money now ready for your retirement. If you've had any previous jobs before becoming a Personal Assistant (PA) you may already be enrolled into one or more pension schemes from other employment(s).

There are three main types of pension schemes: Workplace pensions, personal pensions and state pensions.

Workplace pensions

A workplace pension is a way of saving for your retirement that's arranged by your employer.

Some workplace pensions are called 'occupational', 'works', 'company' or 'work-based' pensions.

Please see the resource below on 'Workplace pensions' to find out if you qualify to be automatically enrolled into a workplace pension.

The Pension Regulator: Workplace pensions

The Pensions Regulator (TPR) is the UK regulator of workplace pension schemes.

They make sure that employers put their staff into a pension scheme and pay money into it. They also make sure that workplace pension schemes are run properly so that people can save safely for their later years.

Under the Pensions Act 2008, every employer in the UK must put certain staff into a workplace pension scheme and contribute towards it. This is called 'automatic enrolment'. If you employ at least one person you are an employer and you have certain legal duties.

To get in touch with the Pensions Regulator see further details in resources below.

Personal pension

UK Government Personal Pension information

You can find a range of information on personal pensions from the UK Government's website in the resources below.

State pension

You can find further details on the basic State Pension and the new State Pension from the UK Government's website in the resources below. This covers areas such as:

- Eligibility
- How much the State Pension currently is
- How to claim for your State Pension
- How you can check your State Pension forecast

Dealing with pension queries and difficulties

Further information and support is available through the following organisations:

Pension Wise

Pension Wise is a government service from MoneyHelper that offers free, impartial pensions guidance about people's defined contribution pension options.

An appointment with Pension Wise is free and will help people understand what their overall

financial situation will be when they retire.

It'll talk people through their options to help them make the right decision. People will also find out about the other factors they need to consider when deciding on their options before retirement. To get in touch with Pension Wise, see their contact details below in resources.

The Pensions Ombudsman

The Pensions Ombudsman are an independent organisation set up by law to deal with pension complaints. They look at the facts without taking sides and their service is free.

People can check on their website to see if they can help you with a complaint or dispute about a pension scheme provided by your employer or a pension you have set up yourself (see details in resources below).

They can also help if you have a complaint about a decision made by the Pension Protection Fund or the Financial Assistance Scheme.

Before The Pensions Ombudsman will investigate a complaint, you must have first tried to resolve matters with the party or parties you think are at fault. You can see their Factsheet 'Complaining to the party/parties at fault' below.

The Pension Ombudsman also operates an Early Resolution Service (ERS) (contact details in the resources below), which provides an informal and streamlined approach to dispute resolution. This relies on the willingness of all parties to resolve a complaint informally and is run on the basis of consent and cooperation.

Next steps

Speak to your employer if you think you qualify to be automatically enrolled into a workplace pension.

Take a look at the resources below to help guide you in more detail on what pension(s) are right for you, including where to get advice, and who to contact if you need to make a complaint.

Resources

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It'll talk you through your options to help you make the right decision. You'll also find out about the other factors you need to consider when deciding on your options before retirement.

<https://www.moneyhelper.org.uk/en/pensions-and-retirement/pension-wise>

Workplace Pensions: UK Government Information

Information on what a workplace pension is and how they work, which are often called 'occupational', 'works', 'company' or 'work-based' pensions.

<https://www.gov.uk/workplace-pensions>

The basic State Pension and the new State Pension

You can claim the basic State Pension if you're:

- a man born before 6 April 1951
- a woman born before 6 April 1953

If you were born later, you'll need to claim the new State Pension instead.

You can find details on the new State Pension here: <https://www.gov.uk/new-state-pension>

<https://www.gov.uk/state-pension>

UK Government's Personal Pension Information

You can find a range of information on personal pensions on the UK Governments website.

<https://www.gov.uk/browse/working/workplace-personal-pensions>

The Pensions Regulator

They protect the UK's workplace pensions. They make sure employers, trustees, pension specialists and business advisers can fulfil their duties to scheme members.

<https://www.thepensionsregulator.gov.uk/en>

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They can also help if you have a complaint about a decision made by the Pension Protection Fund or the Financial Assistance Scheme.

<https://www.pensions-ombudsman.org.uk/>

Complaining about a Pension concern Factsheet (Pensions Ombudsman)

Complaining to the party/parties at fault (Factsheet)

Before The Pensions Ombudsman will investigate a complaint, you must have first tried to resolve matters with the party or parties you think are at fault.

<https://handbook.scot/wp-content/uploads/2022/07/Complaining-to-the-parties-at-fault-Factsheet-Pensions-Regulator-March-2022.pdf>

Early Resolution Service Factsheet (Pensions Ombudsman)

The Early Resolution Service provides an informal and streamlined approach to dispute resolution. It relies on the willingness of all parties to resolve a complaint informally and is run on the basis of consent and cooperation.

<https://handbook.scot/wp-content/uploads/2022/07/Early-Resolution-Service-Pension-Ombudsman-March-2022.pdf>

Workplace pensions — unpaid pension contributions

The Pensions Regulator: What to do if you have unpaid pension contributions

<https://www.pensions-ombudsman.org.uk/sites/default/files/publication/files/MaPS%20TPR%20and%20TPO%20website%20factsheet%20final.pdf>

Description of the Personal Assistant (PA)

What is a Personal Assistant (PA)?

The Independent Living Movement has campaigned for many years for disabled people to have the right to have choice and control over their own lives and the assistance needed to live those lives to the fullest. The role of the personal assistant emerged from that campaign. Personal assistance is a fundamental necessity to enable people to live a full independent life. Independent living means having the same choices and control in every-day lives that non-disabled people take for granted. Personal Assistants (PAs) are people who support their disabled employer to live an independent life.

The disabled employer directs how tasks should be completed by the personal assistant. A personal assistant does not generally assist with making decisions or choices but assists their employer in meeting identified outcomes. The main difference between a personal assistant and a paid carer/support worker is that the PA is accountable to their disabled employer, who, in turn is responsible for the welfare and safety of the PA, as well as their conditions of employment. PAs have access to training and support and receive a contract of employment, detailing their terms and conditions, including rate of pay, holiday entitlement, pension enrolment (if applicable), etc.

PAs are a much valued and vital part of the health and social care workforce. Self-directed Support legislation means that people now have the right to choose how they are assisted with their independent living needs and this can mean employing their own staff using Local Authority funding. PAs can also operate on a self-employed basis.

PAs assist a wide variety of people including older people, disabled people, people with mental health problems, people with learning disabilities and children. All will have been assessed as needing assistance to enable them to live their life the way they want to. Employed PAs have the same rights, responsibilities and benefits of any other employee.

The tasks can range from personal tasks, such as eating, washing or dressing, assisting with household tasks, or other tasks, such as guiding, reading, carrying or moving items or driving. Previous experience is not necessary, but getting the right match is key. The exact make-up of the job and the duties required of each role should be fully explained at the job interview stage and will be personalised to the individual employer.

Being a PA can mean working as part of a support team or working on a one-to-one basis. Full time and part time temporary or long-term roles are available and a PA can work for more than one employer.

Next steps

Take a look at some of our case study stories to see how varied a PAs role can be and the difference it can make.

Resources

Being a Personal Assistant

A Guide to being a Personal Assistant from Skills for Care

<https://handbook.scot/wp-content/uploads/2022/04/Being-a-Personal-Assistant-Skills-for-Care.pdf>

Case Study: Mary Takes on a PA for her Father with Dementia

Read about Mary's

<https://handbook.scot/article/case-study-marys-dad/>

Case Study: How an Independent Support Organisation Assisted Paul to Recruit 4 PAs



Paul requires support from his Personal Assistants (PAs) to help maintain a family life as well as assisting him to contribute to, and access, society. With the assistance of an independent support organisation, Paul developed the job description which includes both personal and domestic duties within the household as well as providing support so he can access the community, to work etc. Paul was supported through the recruitment process and was signposted to organisations for specialist information, such as employment information and payroll organisations. He also inquired about training for his employees and the support organisation provided Paul with relevant training sources that would deliver the specific training he felt was important for his employees. With the support and advice he received, Paul has now been employing staff for many years; consequently Paul enjoys his citizenship rights and is respected as an equal player in society:

"Having control over when and how my support is delivered enabled me to fit more with my family rather than them fit around me."

Next steps

Take a look at the article on case studies where you can find further case study examples.

Developing Your Relationship With Your Employer



This is going to be a key factor in you enjoying your job and also in wanting to keep going in your job. While you can't necessarily predict what kind of person your employer is, you can decide yourself how you are going to act/react. Having personal boundaries in place is a necessary first step. You want to be open and friendly with your employer, but he/she is not going to be your best friend that you confide in; nor do you need to get involved in their problems. On paper, this sounds a bit harsh but you are not there to solve problems rather to support the person to solve their own problems. You are also not there to offload your own problems onto your employer, so it's necessary to be professional in your approach.

Having a non-confrontational approach will probably be useful in maintaining a smooth relationship. Some actions or comments are not meant to be taken personally but even if they are, you can choose to ignore them. If you feel your employer's behaviour is inappropriate, then you might have to seek help in how to approach this. Seeing your job and yourself as professional can help you take a step back from a difficult situation and allow you to seek help like any other professional person.

A good sense of humour also can't be over rated. An ability to laugh at yourself and with your employer will lighten lots of situations. Ideally you want to enjoy your job and be able to have fun

and laugh together.

Being reliable and trustworthy are important. No matter how nice you are, your employer won't want someone who doesn't turn up on time or who lets them down at short notice or who takes advantage of them.

Kindness and a willingness to learn are also on my list of key ingredients to a good relationship. You are there to support your employer to live their own life, not to judge them for their choices or their way of doing things. It can help to imagine how you would explain to someone how to support you to get dressed, for example, and you realise you are just as fussy as your employer. So being willing to learn their way of doing things and then doing it, is important, with kindness.

Next steps

Take a look at the article on 'Managing your Working Relationship' for more information.

Resources

Managing your Working Relationship



As a Personal Assistant (PA) you'll have a unique relationship with your employer. You're supporting

them to do the things they're not able to do and although this can feel like a personal relationship, it's not. Remember you're the employee and you need to remain independent and professional.

It's important to understand the impact that certain circumstances may have on your employer, for example, if you don't or can't turn up to work.

There are times when being a personal assistant could be personally difficult or emotional, particularly if it involves working with a person at the end of their life. It may feel like you're supporting your employer's family as well. As such, there may, from time to time, be challenges with the relationship between you and your employer.

Any problems should be addressed properly and as laid out within the terms of your employment contract, which should include what to do if you want to raise a grievance. You should discuss how issues can be addressed early on in your relationship with your employer.

Be clear from the start

At the start of your employment, you and your employer should establish boundaries about how you'll relate to each other, and discuss how you'll deal with any problems, for example, if boundaries have become blurred or if either of you are unhappy with something.

Talk to your employer

Just as your employer will expect you to fulfil your employment duties, you have a right to expect your employer won't do anything which puts you in danger or ask you to break the law or which breaches your terms and conditions of employment.

If you feel that your employer is asking you to do something that's risky or goes against what you've been trained or agreed to do, you should speak with them.

Next steps

In all cases, it's recommended that you raise any concerns directly with your employer in the first instance so that any issues/concerns can be sorted out amicably. Your employer should provide you with a mechanism to raise a formal grievance, if necessary.

However, if you're unable to resolve the issue directly and need employment advice you can contact the Advisory, Conciliation and Arbitration Service (ACAS). Their details can be found in the link below.

Disability Discrimination at Work

Disability is one of 9 'protected characteristics' covered by discrimination law (Equality Act 2010). The law protects people against discrimination, harassment and victimisation at work.

Employers must do all they reasonably can to protect people from discrimination and take steps to prevent disability discrimination at work. This includes recognising the benefits of having an inclusive and diverse workforce that does not exclude disabled people.

It's important to understand that:

- Most disabled people were not born with their condition
- Anyone could become disabled at any stage of their working life
- Some conditions are not obvious to others — often called non-visible, invisible or hidden disabilities (a disability can be a physical or mental impairment)
- Not everyone who's protected by discrimination law will consider themselves to be disabled
- Some people are 'deemed' to be disabled e.g. those who are blind, sight impaired and partially sighted persons or those with Cancer, HIV and multiple sclerosis.

Discrimination can also be because of more than one protected characteristic — for example disability as well as race, religion or belief, sex, or sexual orientation.

Who is responsible

Anyone who discriminates against someone at work is responsible for their own actions.

Employers can be held responsible too — this is called 'vicarious liability'.

Employers also have a responsibility — a 'duty of care' — to look after the wellbeing of their employees. If an employer does not do this, in some cases it could lead to a serious breach of someone's employment contract. If an employee feels they have no choice to resign because of it, the employer could face a claim of constructive dismissal.

All employers must take steps to prevent disability discrimination happening in the first place.

By law, employers must also make 'reasonable adjustments' for disabled employees and job applicants. If they do not do this, it could be discriminatory (the legal term is 'failure to make reasonable adjustments').

Discrimination law covers

- Direct or indirect discrimination — when someone is put at a disadvantage and treated less favourably because of a protected characteristic, for example disability or a policy or practice is applied by the Employer to everyone, but it puts a person with a protected characteristic at a particular disadvantage
- Harassment — when bullying or unwanted behaviour is related to a protected characteristic
- Victimisation — when someone is treated differently or less favourably because they made or supported a complaint to do with a protected characteristic, or someone thinks they did or might do

Who is protected by disability discrimination?

At work, the law protects the following people against discrimination:

- Employees and workers

- Contractors and self-employed people hired to personally do the work
- Job applicants

It's against the law to discriminate against someone because:

- They have a condition or impairment considered a disability by law
- It's perceived they have a disability even if that's not true
- They are associated with someone who's disabled, for example a family member, friend or colleague
- They have another association with disability, for example they volunteer for a disability charity

Past disability

In most circumstances, the Equality Act 2010 also protects people who are no longer disabled but who were disabled in the past.

An example could include someone who is harassed at work because of a past mental health condition.

When an employer can make a decision based on disability

In some cases, it may not be against the law for an employer to make a decision based on someone's disability. But the law in this area can be complex. It's a good idea for employers to get legal advice first.

Coronavirus (COVID-19) and disability discrimination

Disabled people and many people with health conditions have been disproportionately affected by the COVID-19 pandemic.

During the pandemic, employees and workers have the same rights as usual to not be discriminated against at work because of disability.

By law, employers must consider this when they make any decisions related to the pandemic, for example with:

- Workplace safety
- Returning to work
- Ways of working, for example flexible working or hybrid working
- Supporting staff who are at a high risk from COVID-19
- Redundancy

Next steps

Take a look at the article below on 'Disabled PAs and Reasonable Adjustments' to guide you in more detail.

Resources

Disabled PAs and Reasonable Adjustments



A 'reasonable adjustment' is a change that must be made to remove or reduce a disadvantage related to:

- An employee's disability when doing their job
- A job applicant's disability when applying for a job

A reasonable adjustment could involve making changes to

- The workplace
- Equipment or services provided (both current or new services), for example an appropriate keyboard for someone with arthritis
- The ways things are done
- Make sure you can provide information in an accessible format

Example of a change to the workplace

An employee who uses a wheelchair has been struggling to get to the employers house because they can only manage to use the wheelchair for short distances. The employer supports their employee to use their driveway as an accessible car parking space.

Example of a change to the way things are done

An employee with epilepsy can sometimes struggle with drowsiness and lack of energy in the mornings. So their employer agrees for the employee to start their working hours later when this happens.

When an employer must consider making reasonable adjustments

By law, an employer must consider making reasonable adjustments when:

- They know, or could be expected to know, an employee or job applicant is disabled
- A disabled employee or job applicant asks for adjustments
- A disabled employee is having difficulty with any part of their job
- An employee's absence record, sickness record or delay in returning to work is because of or linked to their disability

The employer must make the changes if they're reasonable.

The employer must also consider reasonable adjustments for anything linked to an employee's disability. For example, if an employer does not allow an assistance dog in the building for a partially sighted person, it's likely to be discrimination.

What is reasonable

What's 'reasonable' will depend on each situation. The employer needs to consider carefully if the adjustment:

- Will remove or reduce the disadvantage for the disabled person
- Is practical to make
- Is affordable by the employer
- Could harm the health and safety of others

What the employer can consider changing

The employer must look at what they can do to reduce or remove the disadvantage for the disabled person, such as:

- Changing working arrangements, for example the employee's shift pattern
- Removing something from the workplace, for example certain bright lights
- Providing something in the workplace, for example an accessible car parking space
- Providing extra or specialised equipment
- Getting someone in to help

To help make the best decision, the employer could:

- Get professional advice
- Get quotes
- Research different options

To help see what adjustments are needed, the employer and employee could agree to get an occupational health assessment.

Examples of reasonable adjustments can include

- A phased return to work for an employee who's been on long-term sick leave because of their disability
- Allowing more frequent breaks for someone with diabetes to get the right amount of food or drink throughout the day

Good practise for employers

It's a good idea for the employer to focus on the reasonable adjustments they can make rather than trying to work out if an employee's condition is a disability.

Workplace policies

The employer should make sure their workplace policies do not put disabled employees at a disadvantage.

For example, they might look at policies on working hours, shift patterns and managing sickness absence.

Keeping a record of reasonable adjustments

When an employer makes a reasonable adjustment for an employee, it's a good idea for them to set up a 'reasonable adjustments passport'.

It also helps employees and employers make sure the reasonable adjustment is:

- Correct
- Practical
- Up to date

When an employer might not have to make a change

The employer does not have to change the basic nature of the job for the person.

If an employer is not sure if they must make an adjustment for a disabled person, they should get legal advice first.

Who covers the cost?

The employer is responsible for paying for any reasonable adjustments.

Many adjustments can be simple and affordable. However, an employer might not be able to afford the same level of adjustments as a big company.

An employer does not have to make adjustments that are unreasonable but should still try to find other ways to support the employee.

If an employer cannot afford a reasonable adjustment, the disabled employee might be able to apply for funding through the government's Access to Work scheme.

Next steps

Take a look at the article below on 'Disabled Discrimination at Work' to guide you in more detail.

'See Me' E-learning: tackling stigma in work

See Me have produced a range of on-line resources to help people learn about how mental health stigma and discrimination affects people at work. Using dramas and real life experiences, people can learn more about rights and good practice at every stage of their working life — from recruitment, when in work and when returning to work following a period of ill-health.

<https://www.seemescotland.org/workplace/resources-and-e-learning/e-learning/>

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Resources

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- Direct or indirect discrimination — when someone is put at a disadvantage and treated less favourably because of a protected characteristic, for example disability or a policy or practice is applied by the Employer to everyone, but it puts a person with a protected characteristic at a particular disadvantage
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- Employees and workers
- Contractors and self-employed people hired to personally do the work
- Job applicants

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In most circumstances, the Equality Act 2010 also protects people who are no longer disabled but who were disabled in the past.

An example could include someone who is harassed at work because of a past mental health condition.

When an employer can make a decision based on disability

In some cases, it may not be against the law for an employer to make a decision based on someone's disability. But the law in this area can be complex. It's a good idea for employers to get legal advice first.

Coronavirus (COVID-19) and disability discrimination

Disabled people and many people with health conditions have been disproportionately affected by the COVID-19 pandemic.

During the pandemic, employees and workers have the same rights as usual to not be discriminated against at work because of disability.

By law, employers must consider this when they make any decisions related to the pandemic, for example with:

- Workplace safety
- Returning to work
- Ways of working, for example flexible working or hybrid working
- Supporting staff who are at a high risk from COVID-19
- Redundancy

Next steps

Take a look at the article below on 'Disabled PAs and Reasonable Adjustments' to guide you in more detail.

Talking Toolkit (Health and Safety Executive)

How to support disabled workers and workers with long-term health conditions in work

https://www.hse.gov.uk/user-research-testing/health/assets/docs/talking-toolkit-support-workers-with-disabilities-and-long-term-health-conditions.pdf?utm_source=govdelivery&utm_medium=email&utm_campaign=disabled-workers-survey&utm_term=toolkit&utm_content=vulnerable-24-aug-22

'See Me' E-learning: tackling stigma in work

See Me have produced a range of on-line resources to help people learn about how mental health stigma and discrimination affects people at work. Using dramas and real life experiences, people can learn more about rights and good practice at every stage of their working life — from recruitment, when in work and when returning to work following a period of ill-health.

<https://www.seemescotland.org/workplace/resources-and-e-learning/e-learning/>

Employment Legal Advice

Where to find Legal Advice

ACAS gives free employment advice and is a great place to start when you've tried to resolve a major issue at work, or with the help of an Independent Support Organisation and it hasn't worked. You can also search for Solicitors that specialise in employment legal advice on the Law Society of

Scotland website, who may give you some initial guidance for free.

Next Steps

If you haven't already, seek independent support or try the ACAS website below.

ACAS Helpline: 0300 123 1100

Open Monday to Friday, 8am to 5pm.

Finding a Solicitor

You can find a solicitor on the **Law Society of Scotland** website or contact them on:

Tel: (0131) 226 7411

Email: lawscot@lawscot.org.uk

Resources

Independent SDS Information and Support Services

There are a number of organisations that provide a range of information, advice and support to Personal Assistants (PAs) across Scotland. Some of these are specifically focussed on PAs needs whilst other are more generic for any worker.

Independent SDS information and support across Scotland

The Scottish Government funds local Independent Self-directed Support (SDS) Information and Support organisations in all 32 Local Authority areas in Scotland. Their role is to provide free information and guidance at any stage of the SDS process, often supporting people who have become PA employers for the first time. They will also provide a certain amount of support to PAs as well. So if you have a question about something, they might be able to give you an answer or signpost you to someone who knows this.

To find your local SDS Information and Support service, you can do a search on the SDS Scotland website here: <https://www.sdsscotland.org.uk/>

Just use the [Find Help](#) button in the top right corner to do a search for the area you're looking for.

PA Network Scotland

There is one specialist PA organisation working across Scotland, dedicated to supporting the PA workforce. They are:

The PA Network Scotland
The WEA
118 — 128 Hill Street
Kilmarnock

KA3 1JL

Tel: (01563) 522551

Email: info@panetworkscotland.org.uk

Website: <https://www.panetworkscotland.org.uk/>

What the PA Network Scotland can do:

- Networking events — for PAs from all over Scotland to meet each other
- Online training based on learning needs identified by the PAs
- Space, both online and offline, for PAs to discuss their needs and share their experiences
- Personal Assistant Network Scotland is a place where PAs can talk about their concerns, get the answers they need and have their voices heard.
- ID badges for essential workers

Online SDS forum

SDS Scotland host an online forum dedicated to discussions around Self Directed Support. It's free to join and you can use the forum to ask questions, share information or start a conversation on something of interest to you. You can access the Forum here: <https://forum.sdsscotland.org.uk/>

PA Employer Handbook

There is also an online PA Employer Handbook linked to this handbook, that contains information for anyone who is thinking of becoming a PA employer, as well as for more experienced employers. This covers areas, such as the recruitment of PAs, managing staff, training and contracts. You can access the PA Employer Handbook here: [The PA Employer Handbook – The PA & PA Employer Handbook](#)

Next steps

You can find further information at the resources found below.

ACAS Website, for free employment advice

<https://archive.acas.org.uk/>

Law Society of Scotland website

You can search for Solicitors that specialise in employment law.

<https://www.lawscot.org.uk/>

General Employment Information and Support

There are a number of UK wide organisations that provide information and advice on employment

matters. These include:

The Advisory, Conciliation and Arbitration Service (ACAS)

They work with millions of employers and employees every year to improve workplace relationships. They are an independent public body that receives funding from the UK government. Their website covers areas such as:

- Employment contracts
- Pay and wages
- Redundancy
- Flexible working
- COVID-19 and employment
- Holiday, sickness and leave
- Disciplinary and grievance
- A range of ACAS codes of practice

ACAS also run a helpline for anyone who needs employment law or workplace advice, including employers, employees and workers. This is confidential and free advice. They can talk through:

- Any work-related problem or question you have
- Tell you what the law says and how it relates to you
- Look at good practice at work
- Consider your options, including any risks and benefits

You do not have to give any personal details when you ring up.

The Helpline number is: 0300 123 1100

It's open Monday to Friday, 8am to 6pm.

Citizens Advice Bureau (CAB) Scotland

Citizens Advice Scotland, the Extra Help Unit and their 59 member bureaux together form Scotland's largest independent advice network.

Citizens Advice Scotland provide a free, independent, confidential, impartial service available to everyone in Scotland.

They support people with a whole range of issues, including areas such as:

- Benefits
- Work
- Debt and money
- Consumer
- Family
- Housing
- Law and courts
- Immigration
- Health

They look at the problems people bring to their advice services and campaign for change where it's needed most.

Next steps

You can find further information at the Citizens Advice in Scotland and ACAS websites found below.

Resources

Citizens Advice in Scotland website

The Citizens Advice website to access information on employment issues.

<https://www.citizensadvice.org.uk/scotland/>

ACAS Website, for free employment advice

<https://archive.acas.org.uk/>

Help with Moving from Benefits to Starting Work

When you go back to work, this does not mean that you have to give up all of your benefits. Some benefits may carry on and there may be others available to you once you have started working.

If you or your partner has been receiving Jobseeker's Allowance, Employment and Support Allowance or Income support, contact Jobcentre Plus and inform them that you have found a job.

Jobcentre Plus work coach

Your Jobcentre Plus work coach will help you to manage your move back into work and help you to make changes to your other benefits, including tax credits. The amount you will receive depends on how long you were receiving any existing benefits without a break. You will not have to fill in any forms but you will need any details of your income, savings and rent payments.

There is a benefits calculator available to help you see how starting your new job or changes to your working hours will affect your benefits.

You may also be eligible for support with housing. Depending on how long you have been receiving your benefits for you may also be able to get

'Mortgage Interest Run On' or 'Extended Payment of Housing Benefit'

These payments provide help for up to 4 weeks when starting a new job and begin earning a wage. You may also be eligible for extended reductions on any council tax.

Mortgage Interest Run On

'Mortgage Interest Run On' is extra help towards the interest costs of your mortgage or loan interest. This is paid directly to your lender instead of to yourself. You can claim 'Mortgage Interest Run On' once your income based Jobseeker's Allowance, Income Support or income related Employment and Support Allowance has ended and you are returning to work full time, working more hours, or earning more money. You must also have been claiming the benefit continuously for 26 weeks and expect the work or extra money to last for at least 5 weeks or more. You must also have been entitled to help with your housing costs before the work started and will continue to have those costs when the work begins.

Extended Housing Benefit

'Extended Housing Benefit' provides you with an extra 4 weeks of Housing Benefit to help you pay your rent. If you are eligible for this, your local council will contact you. You must have been receiving certain other benefits for at least 26 weeks up until the time of your return to work.

Next steps

Take a look at the article on 'Where to Look for PA Job Ads' and 'Job Interview Tips' for help with finding PA employment.

Resources

Where to Look for PA Jobs

There are a number of places where Personal Assistant (PA) jobs are regularly advertised in Scotland. These include advertisers with both a local and national focus.

My Job Scotland Personal Assistant adverts

To look nationally: <https://www.myjobscotland.gov.uk/personal-assistant-jobs>

Adverts on specific websites

There are adverts posted by a range of organisations working across Scotland including:

- PA Network Scotland: (covering all of Scotland)

Website:

<https://www.panetworkscotland.org.uk/jobs>

- Ayrshire Independent Living Network (AILN): (covering East, North and South Ayrshire)

Website:

<https://www.ailn.org/jobs>

- Cornerstone SDS: (covering Aberdeen and Aberdeenshire)

Website:

<https://www.cornerstonesds.org.uk/vacancies/>

- Dundee Carers Centre: (covering Angus and Dundee)

Website:

<https://directpayments.org/pa-vacancies/>

- Encompass: (covering the Scottish Borders)

Website:

<https://www.encompassborders.com/job-vacancies/>

- Glasgow Centre for Inclusive Living (GCIL): (covering the Greater Glasgow area)

Website:

[advertised on Indeed](#)

- The Lothian Centre for Inclusive Living (LCIL): (covering Edinburgh and East, Mid and West Lothians)

Website:

<https://www.lothiancil.org.uk/how-we-help/independent-living-support/personal-assistant-recruitment/current-personal-assistant-vacancies/>

- SDS Options Fife: (covering the Fife area)

Website:

<https://www.sdsoptionsfife.org.uk/employers-adverts.html>

- Shetland Community Connections: (covering Shetland)

Website:

<https://shetlandcommunityconnections.co.uk/pa-opportunities/>

- Support Choices: (covering Perth and Kinross)

Website:

<https://www.supportchoices.co.uk/pa-adverts>

- Take Ctrl East Dunbartonshire: (covering the East Dunbartonshire area)

Website:

<https://uk.indeed.com/cmp/Glasgow-Centre-For-Inclusive-Living-1/jobs>

- Take Ctrl South Lanarkshire: (hosted by GCIL)(covering South Lanarkshire)

Website:

<https://uk.indeed.com/cmp/Glasgow-Centre-For-Inclusive-Living-1/jobs>

- Thistle: (covering Edinburgh)

Website:

<https://isw.changeworknow.co.uk/thistle/vms/e/careers/search/new>

What is the Jobcentre Plus?

Jobcentre Plus is a government-funded employment agency and social security office that can be found in most cities, whose aim it is to help people of working age find employment in the UK. It was formed when the Employment Service merged with the Benefits Agency and was renamed Jobcentre Plus in 2002. It is a part of the Department for Work and Pensions (DWP).

Jobcentre Plus provides resources to enable job-searchers to find work, through Jobpoints (touch-screen computer terminals), Jobseeker Direct (telephone service) and the Jobcentre Plus website. They offer information about training opportunities for the chronically unemployed. They

administer claims for benefits such as Income Support, Incapacity Benefit, and Jobseeker's Allowance (currently being phased out in favour of Universal Credit).

You can find all the relevant details here: <https://www.jobcentreguide.co.uk/>

Providing assistance to the unemployed

In the past, Jobcentre Plus helped those who were currently employed, as well as the unemployed. Now they only provide assistance to those who are unemployed and claiming benefits, though anyone can search for a job at the Jobcentre Plus website online, touch screen Jobpoints or via Jobseeker Direct. Employers and employment agencies can register their vacancies online by calling Employer Direct. These vacancies will be immediately listed through Jobpoints, Jobseeker Direct, and the Jobcentre Plus website.

You can find more details on how to search for jobs here:

<https://www.jobcentreguide.co.uk/jobcentre-plus-guide/4/what-is-the-jobcentre-plus>

Jobcentre guide and job hunting advice

Your independent guide to benefits and services, FREE CV advice, job searching, CV preparation and interview techniques. It's their aim to provide you with all the information you'll need to help you find a rewarding job. They also have links to many job websites that list the most up-to-date vacancies.

Their guide is broken down into the following sections:

Jobcentre Plus guide

In this section they will tell you about the services your local Jobcentre Plus can provide and details of benefits you might be entitled to. Their guide aims to be simple and easy to understand.

Job Searching

There are many places to find job vacancies advertised. They will show you how using a job search engine can save you hours searching online, how employment agencies can help you find a job, and where to look for vacancies not advertised online.

You can also quickly and easily search for jobs in your area by using the search bar at the top of every page. You can also get notifications when job listings matching your criteria come up in your area and you can subscribe for email notifications.

CV tips and preparation

When applying for jobs, you will often need to submit your CV / resume. In this part of the guide they give you tips and advice on how to prepare your CV and what you can do with it to help employers and recruiters find you. You can also find advice on sending cover letters.

Interview tips and preparation

Here they offer advice on how to best prepare and present yourself at a job interview. They cover everything from how to dress, how to handle tricky interview questions and how to handle salary

negotiation.

Career websites

They have a guide to the many websites available to help you find work. They have divided their guide into separate sections for job websites, job search engines, and CV advice and preparation services.

Linkedin

Many employers advertise jobs on LinkedIn. This is a website where you can search for jobs, as well as advertise your skills and knowledge, by creating your own professional profile. You can find details on how to join here:

<https://www.linkedin.com/home>

Gumtree

This is a website where PA employers can advertise for PAs and where you can reply directly to potential employers. You can register and find more details here: <https://www.gumtree.com/>

Facebook

Facebook is a social networking website where users can post comments, share photographs, and post links to news or other interesting content on the web, chat live, and watch short-form videos.

It is also a place where PA employers advertise for Personal Assistant jobs.

You can sign up to Facebook here: <https://en-gb.facebook.com/>

Twitter

Twitter is an online news and social networking site where people communicate in short messages called tweets. Tweeting is posting short messages for anyone who follows you on Twitter, with the hope that your words are useful and interesting to someone in your audience. Another description of Twitter and tweeting might be microblogging.

Some PA employers might use Twitter to advertise PA roles in their area.

You can sign up to Twitter here: <https://twitter.com/>

Instagram

Instagram is a free photo and video sharing app available on iPhone and Android. People can upload photos or videos to and share them with their followers or with a selected group of friends. They can also view, comment and like posts shared by their friends on Instagram. Anyone aged 13 and over can create an account by registering an email address and selecting a username.

You can sign up to Instagram here: <https://www.instagram.com/>

Next steps

Take a look at the article on 'Job Interview Tips'.

Job Interview Tips

Interviews can be nerve-wracking and it is best to be well prepared.

Advance preparation

You should also find out in advance where the interviews are taking place and work out a route to get there. Tardiness for an interview will have a strong negative impact on your chances of getting the job. You should aim to arrive around 5 minutes before the interview is scheduled to take place. When you arrive, switch off your mobile phone and take a breath mint to freshen up. You can ask for a glass of water to help clear your throat and steady your nerves. Take a spare copy of your CV.

Be confident and enthusiastic

Confidence is one the most important traits to creating a positive impression. Smile, be courteous and address the interviewers by name whenever possible. Always remember, something in your CV or job application impressed the employer enough for them to ask you to attend an interview. This is no small thing considering the volume of applications most employers receive. Therefore, you have already made a positive impression on them. Your task at the interview is to allow the employer to learn more about you and to see if they like your personality. This is hard to do if you clam up with nerves.

Follow-up to your interview

After your interview, write to the employer and thank them for their time in seeing you. This is a courteous thing to do and will also confirm to the employer that you are still interested in the position. Sometimes you might need to check a fact or clarify a point raised during the interview. You can use the follow-up letter/email to relay this information to them.

How to dress for a job interview

It is very important to create the right impression with your interviewer. Before you even have a chance to say hello, they will make dozens of conscious and unconscious decisions about you based on your appearance. If the interview forms an instant negative opinion about you, you will find it hard to overcome this during the interview. In all cases you should make every effort to present yourself as clean and as well-groomed as possible.

How to handle tricky interview questions

Tricky interview questions are part of every job interview. But they needn't cause you too many problems if you are prepared. Here are some of the common questions that are often asked at an interview:

Tell me about yourself

This is one of the toughest questions for a lot of people. For the most part, the interviewer wants to know a little bit about your career so far and what you aim to achieve, but they also want to know a little bit about what you are like as a person and what other interests you have outside of work. Before you attend an interview, write down approximately ten bullet points that would fall in to this category, then turn that list in to a short description you can easily remember and recite when asked the question. You may need to practice to make your answer sound natural. Remember, preparation is the key to a good interview.

What are your strengths?

It is a good idea to skip the standard cliché answers such as: "I'm a fast learner" or "I am really passionate about what I do", and focus on specific tasks you are genuinely strong in. It helps if you can embellish the points you raise with examples and try to explain why you are good at something and what your unique approach is. This will help to distinguish you from most of the other applicants and will show you have given careful consideration to your answers.

What are your weaknesses?

There are so many wrong answers to this question. Try to avoid the obvious pitfalls such as: "I find it hard to get out of bed in the morning" or "I drink too much at weekends". Also avoid answers that make it sound like you are sucking up to the interviewer, such as: "I work too hard" or "I spend too much time working after hours". The best answers to give are genuine answers, so find an area you are not so strong in and explain how you are working to improve in that area and highlight any training or self-study you are undertaking. This will show you are keen to improve and will make a good impression.

Do you have any questions?

The answer should always be yes. Ask about what the employer likes to do and what interests they have. Ask about any need to be flexible in your approach. It is important to take a personal interest in the employer, their life and what is important to them.

Why did you leave your last job?

If you are currently unemployed, this question will arise. At all costs, avoid the temptation to speak badly of your former employers. The best approach to take with this question is show that you have left to work on progressing with your career and that you take your career seriously and are dedicated to working hard, learning the skills required, and are prepared to make tough decisions to help you progress. If it is true, you could highlight the lack of upward mobility offered by your last employer. If you were fired, it is usually better to tell the truth and explain what you have learned from the experience.

Speak to the employer

It is very important that you speak directly to the employer and the person you would be supporting if they are different people. This would still be important even if someone else is helping the employer to ask the interview questions. The employer is the person who will ultimately decide who is employed and they will want to see how you speak to the person you would be supporting.

Next steps

Take a look at the article on 'Where to Look for PA Job Ads' and 'Help with Moving from Benefits to Starting Work' for help with finding PA employment.

History of the PA Role

Self-directed Support legislation means that people now have the right to choose how they are assisted with their independent living needs and this can mean employing their own staff using local authority funding.

The Independent Living Movement has campaigned for many years for disabled people to have the right to control their own lives and the assistance needed to live those lives to the fullest. Personal assistance emerged from that campaign. Personal assistance is a fundamental necessity to enable people to live a full independent life. Independent living means having the same choices and control in every-day lives that non-disabled people take for granted. PAs are people who support their disabled employer to live an independent life.

In the summer of 1991 the British Council of Organisations of Disabled People's (BCODP) Independent Living Committee elected to organise two national seminars on 'independent living and personal assistance' for disabled people. The twin aims of these events were to develop further the principles of 'independent living' for disabled people and to introduce newcomers to the disability rights movement to self-operated personal assistance schemes (BCODP, August 1992 p.5)

Many of the ideas which currently cluster together under the banner of 'independent living' have been part and parcel of the struggles and aspirations of individual disabled people, probably as long as disabled people have dreamed of independence. A central element of 'independent living' is personal assistance and, in particular, having direct access to the cash which gives freedom to hire and fire assistants who carry out duties determined by and under the direction of the disabled person themselves.

It is sometimes overlooked that, in the same way that the British disabled people's movement has a long history of growth -since at least the 1890's -so too has the development of ideas around the notion of 'independent living' and personal assistance. Certainly in Britain, as elsewhere in the world, these ideas came out of the experiences of many early pioneers, whose struggles were more directed to 'living independently' than to 'independent living' (Maggie Davis, BCODP, August 1992 p.15).

Next steps

Check out the video links below for further information on independent support and SDS.

Resources

SDSS Video FAQ: What is Independent Support and how can it work for you?

<https://vimeo.com/302852325>

SDSS Video FAQ: What does SDS mean for individuals?

<https://vimeo.com/302850846>

How to Manage Performing Duties Outside of Your Job Description (Or â€™Any

Occasionally performing duties outside of your job description can be a normal part of doing a job, but when it becomes frequent, you may need to address this in some way. If you are routinely performing work outside of your stated description, there are a number of options to consider.

- You may choose to do the extra work to advance your skills and knowledge
- You may prefer to speak with your employer about professional boundaries
- You could speak with your employer to see if this means a more permanent change in your duties, which might include a discussion on any addition to your wages as a result of this

What does it mean to be performing duties outside of your job?

When taking on a new position with an employer, it is common for you to have clearly defined duties from the job advert, your contract and initial orientation and training. When an employer asks you to take on duties that are not covered under your stated responsibilities, you are working outside of your job description.

Your contract may include the phrase 'any other reasonable duties' which normally relates to tasks of an incidental nature, or that are infrequent, or constitute an emergency for which it is impractical to include in the official description of the role of a PA.

Most employers will have a statement in the contract of employment to cover any other duties they would like their PA to undertake. This is a way of making sure that they can receive the support they need.

The core duties that a person has as a PA might vary from one employer to another, but there could be certain areas that cover support with:

- Personal care
- Meal preparation
- Cleaning and maintaining the person's house
- Medication
- Accessing the local community

There may be the odd occasion where the employer needs support with something, like managing finances, dealing with correspondence or trades people. However, they may be on an occasional basis and something that is in line with the expectations of the role of a PA.

Ability to undertake any other duties

It would be important to remember that any additional duties that you might undertake, are something that you can do well and safely and that they are within the boundaries of your role as a PA.

If you felt that you were unable to carry out a task well or safely, it would be important to let your employer know, so they can reconsider their request.

Flexibility as part of the PA role

The role of the PA is also to be as flexible as possible when supporting their employer. This flexibility is at the heart of the support provided and the relationship between the PA and employer, so it might be helpful to see any requests for support with something new or additional, in this light.

Alternative Duties during COVID-19

During the Coronavirus pandemic, it is increasingly likely that employers may need to ask PAs to undertake different duties as result of changing working practices, or a change in their health and well-being. How an employer asks PAs to undertake different roles is therefore quite important.

Although the Highest Risk List — formerly known as the Shielding List — ended on 31 May 2022, as a result of the success of the vaccination programme and the introduction of new treatments for COVID-19, it might still be the case that the PA Employer is protecting him/herself or the PA and would therefore not be able to receive the support from the PA that they normally would. This might be the catalyst for further change in a PAs duties, whether on a temporary basis or on a more permanent basis.

Next steps

Take a look at the articles below 'Checking Your Employment Rights' and 'When You Might Need to Say 'No' to Your Employer' that may provide some useful additional information.

Resources

Checking Your Employment Rights

Your 'employment status' is your legal status at work. It affects what employment rights you're entitled to.

There are 3 main types of employment status under employment law (Employment Rights Act 1996):

- Worker
- Employee
- Self-employed

Both employers and the people doing work for them need to know their rights and responsibilities, so it's important to be sure of employment status.

You might have something in writing from the employer you work for that suggests what your employment status is. However, the way you and your employer work together in practice is ultimately what will determine your employment status for employment rights purposes.

Your employment status can be defined by

- How dependent you are on the employer for work

- How much control the employer has over you and your work
- Whether you're expected to carry out the work yourself

Your employment status is important as it affects your legal rights, what you're entitled to and what can be expected of you.

Employment status for tax purposes

Your employment status for tax purposes is not the same as your employment status for employment rights purposes. You can use HMRC's employment status for tax tool to check your employment status for tax purposes.

Worker

You're more likely to be classed as a worker if:

- Your work for your employer is more casual or ad hoc, for example your work is less structured or not regular
- You're employed to do the work yourself
- You're not offered regular or guaranteed hours by your employer
- You have very little obligation to make yourself available for work, but should do work you've agreed to

As a worker, you have rights including:

- Written terms (a 'written statement of employment particulars') outlining your job rights and responsibilities
- National Minimum Wage
- Paid holiday
- Payslips
- Protection for 'whistleblowing'
- Protection against unlawful discrimination
- Not being treated unfairly if you work part time

You may also be entitled to Statutory Sick Pay (SSP), Shared Parental Pay, parental bereavement pay and maternity, paternity and adoption pay, provided you meet the eligibility criteria. As a worker, you are generally not entitled to SSP while on sick leave (as SSP is paid only to 'employees'), paid maternity or other types of parental leave (which are available to 'employees' only), but you can take time off because you do not have to make yourself available for work.

As a worker you also have protection against experiencing any 'detriment' if you:

- Reasonably believe being at work or doing certain tasks would put you in serious and imminent danger
- Take reasonable steps over a health and safety issue, for example complaining about unsafe working conditions
- Inform your employer about your health and safety issue in an appropriate way

Detriment means your employer treats you in a way that leaves you worse off, for example:

- Your hours are reduced
- You experience bullying or harassment
- Your training requests are turned down without good reason

Workers could include:

- Casual workers
- Agency workers
- Freelance workers (however depending on your personal working pattern and circumstance you might be classed as a worker or self-employed)
- Zero hour contract workers (however depending on your personal working pattern and circumstances you might be classed as a worker or an employee)

Employee

You're more likely to be classed as an employee if:

- Your employer, manager or supervisor is in charge of your workload and how your work should be done
- You're required to work regularly unless you're on leave
- You can expect work to be consistently available
- You cannot refuse to do the work
- You're employed to do the work yourself

Employees have all the rights that workers do, as well as extra rights and responsibilities, including:

- Parental leave and pay
- Shared Parental Leave and Pay
- Maternity, paternity and adoption leave and pay
- Parental bereavement leave and pay
- Time off for dependents
- Time off for public duties
- Redundancy pay after 2 years' continuous service
- Being able to claim unfair dismissal after 2 years' continuous service
- Getting the minimum notice period if dismissed or made redundant
- The right to flexible working requests after 26 weeks' continuous service
- Protection against dismissal or suffering any detriment if taking action over a health and safety issue

As an employee, you also have protection against dismissal or experiencing any 'detriment' if you:

- Reasonably believe being at work or doing certain tasks would put you in serious and imminent danger
- Take reasonable steps over a health and safety issue
- Inform your employer about your health and safety issue in an appropriate way

You could have a case for automatically unfair dismissal if you're dismissed in these circumstances.

Self-employed

You're more likely to be classed as self-employed if you:

- are responsible for how and when you work
- are the owner of a company or are a freelancer
- invoice for your pay instead of getting a wage
- get contracts to provide services for clients
- are able to send someone else to do the work for you, if appropriate
- are able to work for different clients and charge different fees

If you're self-employed you have some rights including:

- protection for your health and safety on a client's premises
- protection against discrimination

You do not have the same rights and responsibilities as employees or workers.

Contractors and Freelancers

If you're self-employed, or a worker or employee getting work through an agency, you might be given a contract for services and be called a contractor.

In this case you might have self-employed, worker or employee employment status and rights for the duration of the contract, so it's a good idea to check.

It's important to check the difference between being employed and being self-employed so both sides know their legal rights and responsibilities.

When your employment status is not clear

It might not be clear from the type of agreement you have or the nature of your working relationship whether you have worker or employee employment status.

For example, if you're:

- Zero-hours staff
- Bank staff
- On a fixed-term or rolling contract
- A piece worker

If you're in one of these types of work, it's a good idea to check if your situation matches with one of the 3 types of employment status. This includes looking at how any written agreement or documents provided by the PA employer compares to the reality of your working relationship in practice.

For example, you might have a written contract which says you're self-employed, but in reality have less control over how, when and whether you work, meaning you're more likely to be a worker or an employee.

Next steps

Take a look at the resource available from ACAS on checking your employment rights to guide you

in more detail.

When You Might need to Say 'No' to Your Employer

There are probably 2 aspects to being able to say no:

- One is about having the confidence to say no
- The other is about you and your employer knowing your rights so that it's clear when to say no

Checking what you and your employers rights and expectations are is the first step you can take. It will potentially make it clear whether or not you are expected or required to do something.

Your contract of employment might also outline the duties and responsibilities that you have, so it would be useful to check this first.

For grey areas, it could be worth considering if you have the ability/competence/relevant training to do what you have been asked.

You should be able to say no to anything which is not a reasonable instruction or request or which is out with your role without fear of it negatively impacting your employment.

On a practical level, you can ask for or wait for your next supervision session where issues can be raised and discussed in a safe manner.

It is a very useful life skill to have the personal confidence to say no. You could be saying no as a matter of personal safety or maintaining personal boundaries or as a personal choice. It may be that you have to practice saying no if you are the type of person who usually says yes.

Knowing you are making a reasonable request in a reasonable manner will help you feel confident in saying no.

Next steps

Take a look at the article on 'Developing Your Relationship With Your Employer'.

ID Badges for PAs



During the COVID-19 pandemic, it became important for all social care workers to be able to demonstrate proof of employment as a key worker. However, Personal Assistants (PAs) did not have a nationally recognised form of ID to make this known, where required.

From Monday 28th March 2022, the Personal Assistants Network Scotland offer ID badges, approved by the Scottish Government, to all registered PAs. These are similar to IDs for Care Agency Workers and NHS staff and can be used to identify yourself as a key worker.

Other benefits of ID badges for PAs include

- Identifying you as a PA when you are accompanying your employer away from their home address
- Evidencing entitlement to free or discounted companion tickets for leisure activities (e.g. swimming or cinema), events (e.g. conferences) or travel (e.g. train or bus travel)
- Access to other benefits similar to those offered to other healthcare professionals, such as discounts in shops, restaurants and leisure facilities
- Early access to vaccinations
- Accessing PPE for yourself or your employer
- Increasing recognition and awareness of the role of PAs

Please note that this is optional — there is no expectation that all PAs have a badge.

Ordering your PA ID badge

PAs can order their ID badge by [clicking here](#) and following the application process which includes:

- Uploading a passport style photograph (head and shoulders)
- Adding your name, home address and email address
- Giving your main employers name

The application process is secure and fully GDPR compliant. Your badge will come with a badge holder and a PA Network lanyard and delivery will be via registered mail.

Membership of the PA Network Scotland

All PAs who order a badge will automatically become registered members of the Personal Assistant Network Scotland, a support network for PAs across Scotland who are directly employed by the person they support.

Membership is free and your badge is also currently free of charge, however this may change in the future.

Next steps

The following [link to the Personal Assistant Network Scotland homepage](#) will provide the most up to date information and here you will be able to:

- Become a registered member of the Personal Assistant Network Scotland
- Access information, advice, support and training opportunities
- Order your PA ID Badge

Resources

PA Network Scotland Website

Further information on ID Badges for PAs can be found at the PA Network Scotland website <https://www.panetworkscotland.org.uk/>

Independent Living in Scotland

There is a specific definition of Independent Living that is used in Scotland. This is incorporated into the Self-directed Support Legislation and Statutory Guidance and underpins the delivery of social care support in Scotland.

Self-directed Support: Statement of Intent

The Social Care (Self-directed Support) (Scotland) Act 2013 and Statutory Guidance, is based on a clear and agreed definition of Independent Living.

This states:

'Independent living means people of all ages having the **same freedom, choice, dignity and control as other citizens at home, at work, and in the community**. It does not mean living by yourself, or fending for yourself. It means having **rights to practical assistance and support to participate in society and live an ordinary life**.

This is the definition of independent living adopted in the strategic approach to independent living, by the Scottish Government, COSLA, the NHS and the Disabled People's Independent Living Movement.

Without care and support and the opportunity to direct their support, many people would not be able to participate in society and live an ordinary life. They would not be able to live free from discrimination and harassment as promoted by the Equality Act 2010, to enjoy their human rights nor contribute to a wealthier and fairer, healthier, safer and stronger, smarter and greener Scotland.

Self-directed Support, alongside many other policies, is intended to **support, promote and protect the human rights and independent living of care and support users in Scotland**. It aims to ensure that care and support is delivered in a way that **supports choice and control over one's own life** and which respects the person's right to participate in society.

Personal Assistants (PAs) therefore, are supporting people's independent living on a daily basis.

Next steps

Further information on independent living can be found in the resources below.

Resources

Our Shared Ambition for the future of social care support in Scotland

<https://handbook.scot/wp-content/uploads/2022/05/Shared-Ambition-for-Social-Care-in-Scotland-Jan-2016.pdf>

Independent Living Movement in the UK

Describing the history of the Independent Living Movement in the UK

<https://handbook.scot/wp-content/uploads/2022/06/Independent-Living-Movement-in-the-UK.pdf>

Independent SDS Information and Support Services

There are a number of organisations that provide a range of information, advice and support to Personal Assistants (PAs) across Scotland. Some of these are specifically focussed on PAs needs whilst other are more generic for any worker.

Independent SDS information and support across Scotland

The Scottish Government funds local Independent Self-directed Support (SDS) Information and Support organisations in all 32 Local Authority areas in Scotland. Their role is to provide free information and guidance at any stage of the SDS process, often supporting people who have become PA employers for the first time. They will also provide a certain amount of support to PAs as well. So if you have a question about something, they might be able to give you an answer or signpost you to someone who knows this.

To find your local SDS Information and Support service, you can do a search on the SDS Scotland website here: <https://www.sdsscotland.org.uk/>

Just use the [Find Help](#) button in the top right corner to do a search for the area you're looking for.

PA Network Scotland

There is one specialist PA organisation working across Scotland, dedicated to supporting the PA workforce. They are:

The PA Network Scotland

The WEA

118 — 128 Hill Street

Kilmarnock

KA3 1JL

Tel: (01563) 522551

Email: info@panetworkscotland.org.uk

Website: <https://www.panetworkscotland.org.uk/>

What the PA Network Scotland can do:

- Networking events — for PAs from all over Scotland to meet each other
- Online training based on learning needs identified by the PAs
- Space, both online and offline, for PAs to discuss their needs and share their experiences
- Personal Assistant Network Scotland is a place where PAs can talk about their concerns, get the answers they need and have their voices heard.
- ID badges for essential workers

Online SDS forum

SDS Scotland host an online forum dedicated to discussions around Self Directed Support. It's free to join and you can use the forum to ask questions, share information or start a conversation on something of interest to you. You can access the Forum here: <https://forum.sdsscotland.org.uk/>

PA Employer Handbook

There is also an online PA Employer Handbook linked to this handbook, that contains information

for anyone who is thinking of becoming a PA employer, as well as for more experienced employers. This covers areas, such as the recruitment of PAs, managing staff, training and contracts. You can access the PA Employer Handbook here: [The PA Employer Handbook – The PA & PA Employer Handbook](#)

Next steps

You can find further information at the resources found below.

Resources

Inspiring Scotland (SiRD) funded Independent SDS Support
<https://www.inspiringScotland.org.uk/what-we-do/our-funds/sird-2021/>

Self Directed Support Forum (Online)

Find further details here:
<https://forum.sdsscotland.org.uk/>

PA Employer Handbook (Online resource)
<https://paemployer.handbook.scot/>

PA Network Scotland Website

Further information on ID Badges for PAs can be found at the PA Network Scotland website
<https://www.panetworkscotland.org.uk/>

Induction for PAs



Induction is an introduction to everything related to the job you'll be doing and the environment in which you'll be working. It will usually be carried out by your employer and could be as simple as turning up on your first day and being guided through what to do and what's expected of you. It's about getting to know each other and developing your working relationship.

An induction will help you settle into your role quickly and can also be the start of your ongoing learning and development.

What does it include?

Your induction will be determined by the tasks you'll be expected to do, your working environment and your employer. Use this list as a guide of what should be included:

- Your employer explaining what they want you to do, and showing you around your place of work.
- Your employer explaining what support they require and how they prefer to be supported.
- Key aspects of your employment contract, such as working hours, probation period, holidays, sick pay, maternity and parental leave and responsibilities.
- A discussion about professional and personal boundaries.
- If you're working as part of a team, an introduction to the other personal assistants
- The house rules, for example, accepting personal calls whilst at work, smoking in the house, leaving the back door open and using tea and coffee in agreed breaks.
- Identifying any specific areas for training, for example, first aid or using specialist equipment.
- Other information that could be valuable, for example, whether there is a backup plan should you be delayed or are unable to come in, the arrangements to implement the back-up plan and how to report incidents or accidents.

An induction may also involve the opportunity to shadow more experienced personal assistants.

Next steps

Check with your employer for their induction for PAs process.

Job Interview Tips

Interviews can be nerve-wracking and it is best to be well prepared.

Advance preparation

You should also find out in advance where the interviews are taking place and work out a route to get there. Tardiness for an interview will have a strong negative impact on your chances of getting the job. You should aim to arrive around 5 minutes before the interview is scheduled to take place. When you arrive, switch off your mobile phone and take a breath mint to freshen up. You can ask for a glass of water to help clear your throat and steady your nerves. Take a spare copy of your CV.

Be confident and enthusiastic

Confidence is one the most important traits to creating a positive impression. Smile, be courteous and address the interviewers by name whenever possible. Always remember, something in your CV or job application impressed the employer enough for them to ask you to attend an interview. This is no small thing considering the volume of applications most employers receive. Therefore, you have already made a positive impression on them. Your task at the interview is to allow the employer to learn more about you and to see if they like your personality. This is hard to do if you clam up with nerves.

Follow-up to your interview

After your interview, write to the employer and thank them for their time in seeing you. This is a courteous thing to do and will also confirm to the employer that you are still interested in the position. Sometimes you might need to check a fact or clarify a point raised during the interview. You can use the follow-up letter/email to relay this information to them.

How to dress for a job interview

It is very important to create the right impression with your interviewer. Before you even have a chance to say hello, they will make dozens of conscious and unconscious decisions about you based on your appearance. If the interview forms an instant negative opinion about you, you will find it hard to overcome this during the interview. In all cases you should make every effort to present yourself as clean and as well-groomed as possible.

How to handle tricky interview questions

Tricky interview questions are part of every job interview. But they needn't cause you too many problems if you are prepared. Here are some of the common questions that are often asked at an interview:

Tell me about yourself

This is one of the toughest questions for a lot of people. For the most part, the interviewer wants to know a little bit about your career so far and what you aim to achieve, but they also want to know a little bit about what you are like as a person and what other interests you have outside of work. Before you attend an interview, write down approximately ten bullet points that would fall in to this category, then turn that list in to a short description you can easily remember and recite when asked the question. You may need to practice to make your answer sound natural. Remember, preparation is the key to a good interview.

What are your strengths?

It is a good idea to skip the standard cliché answers such as: "I'm a fast learner" or "I am really passionate about what I do", and focus on specific tasks you are genuinely strong in. It helps if you can embellish the points you raise with examples and try to explain why you are good at something and what your unique approach is. This will help to distinguish you from most of the other applicants and will show you have given careful consideration to your answers.

What are your weaknesses?

There are so many wrong answers to this question. Try to avoid the obvious pitfalls such as: "I find it hard to get out of bed in the morning" or "I drink too much at weekends". Also avoid answers that make it sound like you are sucking up to the interviewer, such as: "I work too hard" or "I spend too much time working after hours". The best answers to give are genuine answers, so find an area you are not so strong in and explain how you are working to improve in that area and highlight any training or self-study you are undertaking. This will show you are keen to improve and will make a good impression.

Do you have any questions?

The answer should always be yes. Ask about what the employer likes to do and what interests they have. Ask about any need to be flexible in your approach. It is important to take a personal interest in the employer, their life and what is important to them.

Why did you leave your last job?

If you are currently unemployed, this question will arise. At all costs, avoid the temptation to speak badly of your former employers. The best approach to take with this question is show that you have left to work on progressing with your career and that you take your career seriously and are dedicated to working hard, learning the skills required, and are prepared to make tough decisions to help you progress. If it is true, you could highlight the lack of upward mobility offered by your last employer. If you were fired, it is usually better to tell the truth and explain what you have learned from the experience.

Speak to the employer

It is very important that you speak directly to the employer and the person you would be supporting

if they are different people. This would still be important even if someone else is helping the employer to ask the interview questions. The employer is the person who will ultimately decide who is employed and they will want to see how you speak to the person you would be supporting.

Next steps

Take a look at the article on 'Where to Look for PA Job Ads' and 'Help with Moving from Benefits to Starting Work' for help with finding PA employment.

Resources

Where to Look for PA Jobs

There are a number of places where Personal Assistant (PA) jobs are regularly advertised in Scotland. These include advertisers with both a local and national focus.

My Job Scotland Personal Assistant adverts

To look nationally: <https://www.myjobscotland.gov.uk/personal-assistant-jobs>

Adverts on specific websites

There are adverts posted by a range of organisations working across Scotland including:

- PA Network Scotland: (covering all of Scotland)

Website:

<https://www.panetworkscotland.org.uk/jobs>

- Ayrshire Independent Living Network (AILN): (covering East, North and South Ayrshire)

Website:

<https://www.ailn.org/jobs>

- Cornerstone SDS: (covering Aberdeen and Aberdeenshire)

Website:

<https://www.cornerstonesds.org.uk/vacancies/>

- Dundee Carers Centre: (covering Angus and Dundee)

Website:

<https://directpayments.org/pa-vacancies/>

- Encompass: (covering the Scottish Borders)

Website:

<https://www.encompassborders.com/job-vacancies/>

- Glasgow Centre for Inclusive Living (GCIL): (covering the Greater Glasgow area)

Website:

[advertised on Indeed](#)

- The Lothian Centre for Inclusive Living (LCIL): (covering Edinburgh and East, Mid and West Lothians)

Website:

<https://www.lothiancil.org.uk/how-we-help/independent-living-support/personal-assistant-recruitment/current-personal-assistant-vacancies/>

- SDS Options Fife: (covering the Fife area)

Website:

<https://www.sdsoptionsfife.org.uk/employers-adverts.html>

- Shetland Community Connections: (covering Shetland)

Website:

<https://shetlandcommunityconnections.co.uk/pa-opportunities/>

- Support Choices: (covering Perth and Kinross)

Website:

<https://www.supportchoices.co.uk/pa-adverts>

- Take Ctrl East Dunbartonshire: (covering the East Dunbartonshire area)

Website:

<https://uk.indeed.com/cmp/Glasgow-Centre-For-Inclusive-Living-1/jobs>

- Take Ctrl South Lanarkshire: (hosted by GCIL)(covering South Lanarkshire)

Website:

<https://uk.indeed.com/cmp/Glasgow-Centre-For-Inclusive-Living-1/jobs>

- Thistle: (covering Edinburgh)

Website:

<https://isw.changeworknow.co.uk/thistle/vms/e/careers/search/new>

What is the Jobcentre Plus?

Jobcentre Plus is a government-funded employment agency and social security office that can be found in most cities, whose aim it is to help people of working age find employment in the UK. It was formed when the Employment Service merged with the Benefits Agency and was renamed Jobcentre Plus in 2002. It is a part of the Department for Work and Pensions (DWP).

Jobcentre Plus provides resources to enable job-searchers to find work, through Jobpoints (touch-screen computer terminals), Jobseeker Direct (telephone service) and the Jobcentre Plus website. They offer information about training opportunities for the chronically unemployed. They administer claims for benefits such as Income Support, Incapacity Benefit, and Jobseeker's Allowance (currently being phased out in favour of Universal Credit).

You can find all the relevant details here: <https://www.jobcentreguide.co.uk/>

Providing assistance to the unemployed

In the past, Jobcentre Plus helped those who were currently employed, as well as the unemployed. Now they only provide assistance to those who are unemployed and claiming benefits, though anyone can search for a job at the Jobcentre Plus website online, touch screen Jobpoints or via Jobseeker Direct. Employers and employment agencies can register their vacancies online by calling Employer Direct. These vacancies will be immediately listed through Jobpoints, Jobseeker

Direct, and the Jobcentre Plus website.

You can find more details on how to search for jobs here:

<https://www.jobcentreguide.co.uk/jobcentre-plus-guide/4/what-is-the-jobcentre-plus>

Jobcentre guide and job hunting advice

Your independent guide to benefits and services, FREE CV advice, job searching, CV preparation and interview techniques. It's their aim to provide you with all the information you'll need to help you find a rewarding job. They also have links to many job websites that list the most up-to-date vacancies.

Their guide is broken down into the following sections:

Jobcentre Plus guide

In this section they will tell you about the services your local Jobcentre Plus can provide and details of benefits you might be entitled to. Their guide aims to be simple and easy to understand.

Job Searching

There are many places to find job vacancies advertised. They will show you how using a job search engine can save you hours searching online, how employment agencies can help you find a job, and where to look for vacancies not advertised online.

You can also quickly and easily search for jobs in your area by using the search bar at the top of every page. You can also get notifications when job listings matching your criteria come up in your area and you can subscribe for email notifications.

CV tips and preparation

When applying for jobs, you will often need to submit your CV / resume. In this part of the guide they give you tips and advice on how to prepare your CV and what you can do with it to help employers and recruiters find you. You can also find advice on sending cover letters.

Interview tips and preparation

Here they offer advice on how to best prepare and present yourself at a job interview. They cover everything from how to dress, how to handle tricky interview questions and how to handle salary negotiation.

Career websites

They have a guide to the many websites available to help you find work. They have divided their guide into separate sections for job websites, job search engines, and CV advice and preparation services.

Linkedin

Many employers advertise jobs on LinkedIn. This is a website where you can search for jobs, as well as advertise your skills and knowledge, by creating your own professional profile. You can find

details on how to join here:

<https://www.linkedin.com/home>

Gumtree

This is a website where PA employers can advertise for PAs and where you can reply directly to potential employers. You can register and find more details here: <https://www.gumtree.com/>

Facebook

Facebook is a social networking website where users can post comments, share photographs, and post links to news or other interesting content on the web, chat live, and watch short-form videos. It is also a place where PA employers advertise for Personal Assistant jobs.

You can sign up to Facebook here: <https://en-gb.facebook.com/>

Twitter

Twitter is an online news and social networking site where people communicate in short messages called tweets. Tweeting is posting short messages for anyone who follows you on Twitter, with the hope that your words are useful and interesting to someone in your audience. Another description of Twitter and tweeting might be microblogging.

Some PA employers might use Twitter to advertise PA roles in their area.

You can sign up to Twitter here: <https://twitter.com/>

Instagram

Instagram is a free photo and video sharing app available on iPhone and Android. People can upload photos or videos to and share them with their followers or with a selected group of friends. They can also view, comment and like posts shared by their friends on Instagram. Anyone aged 13 and over can create an account by registering an email address and selecting a username.

You can sign up to Instagram here: <https://www.instagram.com/>

Next steps

Take a look at the article on 'Job Interview Tips'.

Help with Moving from Benefits to Starting Work

When you go back to work, this does not mean that you have to give up all of your benefits. Some benefits may carry on and there may be others available to you once you have started working.

If you or your partner has been receiving Jobseeker's Allowance, Employment and Support Allowance or Income support, contact Jobcentre Plus and inform them that you have found a job.

Jobcentre Plus work coach

Your Jobcentre Plus work coach will help you to manage your move back into work and help you to make changes to your other benefits, including tax credits. The amount you will receive depends on how long you were receiving any existing benefits without a break. You will not have to fill in any

forms but you will need any details of your income, savings and rent payments.

There is a benefits calculator available to help you see how starting your new job or changes to your working hours will affect your benefits.

You may also be eligible for support with housing. Depending on how long you have been receiving your benefits for you may also be able to get

'Mortgage Interest Run On' or 'Extended Payment of Housing Benefit'

These payments provide help for up to 4 weeks when starting a new job and begin earning a wage. You may also be eligible for extended reductions on any council tax.

Mortgage Interest Run On

'Mortgage Interest Run On' is extra help towards the interest costs of your mortgage or loan interest. This is paid directly to your lender instead of to yourself. You can claim 'Mortgage Interest Run On' once your income based Jobseeker's Allowance, Income Support or income related Employment and Support Allowance has ended and you are returning to work full time, working more hours, or earning more money. You must also have been claiming the benefit continuously for 26 weeks and expect the work or extra money to last for at least 5 weeks or more. You must also have been entitled to help with your housing costs before the work started and will continue to have those costs when the work begins.

Extended Housing Benefit

'Extended Housing Benefit' provides you with an extra 4 weeks of Housing Benefit to help you pay your rent. If you are eligible for this, your local council will contact you. You must have been receiving certain other benefits for at least 26 weeks up until the time of your return to work.

Next steps

Take a look at the article on 'Where to Look for PA Job Ads' and 'Job Interview Tips' for help with finding PA employment.

Jury Service for PA Employers and PAs

Scottish Courts and Tribunals



Jury service is an important public duty. The role of the jury, is to reach a verdict in a Court case, having heard and considered the facts according to the evidence and the instructions given by the judge. There are 15 people in a criminal jury trial and 12 in a civil jury trial.

Jurors are selected at random from the electoral register and can be cited for criminal trials (in the sheriff court or the High Court) or for civil cases in the Court of Session or the All-Scotland Sheriff Personal Injury Court.

Before attending Court

After 5pm, the day before you are due to attend Court as a Juror, you must ring the 'Jury attendance update line', which is the number provided in your Jury citation. A recorded message will provide you with up to date information about your jury service. You may need to call this number several times throughout the week, so it is important that you listen carefully to the message.

What happens when you arrive at Court?

Whilst you have been cited for Jury service, the actual Jurors who will take part in the case still need to be chosen. This is called the Balloting of Jurors:

For criminal trials

Balloting the jury is done in advance without the jurors being present. Only the 15 jurors balloted to participate, plus a small number of substitutes, will attend for the trial, with each jury being supported by a court officer.

For civil jury trials

Balloting the jury is done on the first day of the trial. All cited civil jurors should attend the court for balloting. The jury will be supported by a court officer.

Eligibility and excusal from Jury service

If you would like to apply for excusal from Jury service, you should review the information provided in the 'Guide to Eligibility and Excusal' in the resources below.

The guide sets out who is entitled to request to be excused from Jury service, as this is possible in

certain, specific circumstances. If you wish to apply for excusal on the basis of ill-health (COVID-19 or non-COVID-19) or physical disability, then you must enclose a medical certificate along with your application for excusal. This can normally be obtained free of charge from your GP.

If you wish to apply for excusal due to another special reason, for example:

- commitments at work
- holiday plans which would be difficult or expensive to rearrange
- you can ask to be excused from jury service if you're over 70 years old

You should provide evidence to support your request, for example a holiday booking confirmation or letter from your employer. Applications for excusals are dealt with sympathetically by the courts, however, it must be understood that in some circumstances, the court may not be able to excuse individuals.

PAs will need to ask their PA employer for a letter if they wish to request to be excused from Jury service due to commitments at work.

Accessibility

If you are a disabled person, or have accessibility or support requirements, please contact the court on receipt of your citation to discuss what arrangements can be made for you.

In most courthouses there will also be access for those with mobility impairments. Courtrooms generally are sound-enhanced and some have the Baker Sound Induction Loop (SIL) or Phonic Ear System fitted for the benefit of those with hearing difficulties.

If you feel that, due to illness or disability, **you could not follow the evidence**, you should inform the court before the date stated on your jury citation by completing the application for exemption or excusal from jury service. **You must also provide a medical certificate.** If your doctor considers your condition is long term or unlikely to change, please ask your doctor to include this information in your medical certificate.

Medical certificates

Medical certificates which are requested from GPs for the purpose of Jury service are exempt from payment. This is in terms of The National Health Service (General Medical Services Contracts) (Scotland) Regulations 2018. You should therefore tell the GP surgery of the purpose of the certificate. If you have any difficulty in getting the certificate free of charge you should refer the surgery to these regulations.

Next steps

You can find a range of guides to Jury service in the resources below.

Resources

Guide to Jury Service in the High Court and Sheriff Court (Feb 2022) [501 KB]

A Guide to attending Court when you have been cited for Jury service in the High Court or the Sheriff Court.

<https://handbook.scot/wp-content/uploads/2023/01/Guide-to-Jury-Service-in-High-Court-and-Sheriff-Court-Feb-2022.pdf>

Guide to Jury Service in the Court of Session (Scottish Courts and Tribunal Service) [595 KB]

A Guide to Jury Service in the Court of Session published by the Scottish Courts and Tribunal Service)

<https://handbook.scot/wp-content/uploads/2023/01/Guide-to-Jury-Service-in-the-Court-of-Session-SCTS.pdf>

Civil Jury Service in the All-Scotland Sheriff Personal Injury Court [991 KB]

A Guide to Civil Jury Service in the All-Scotland Sheriff Personal Injury Court, by the Scottish Courts and Tribunals Service.

<https://handbook.scot/wp-content/uploads/2023/01/Guide-to-Civil-Jury-Service-in-the-All-Scotland-Sheriff-Personal-Injury-Court.pdf>

Guide to Jury Service Eligibility and Applying for Excusal [462 KB]

A Guide to Jury Service Eligibility and Applying for Excusal by the Scottish Courts and Tribunal Service

<https://handbook.scot/wp-content/uploads/2023/01/Guide-to-Jury-Service-Eligibility-and-Applying-for-Excusal-SCTS.pdf>

Jury service discussion on the SDS Forum

A link to discussion of jury service for Personal Assistants on the SDS Forum.

<https://forum.sdsscotland.org.uk/t/pas-and-jury-service/492>

Knowing Who Your Employer Is

Being a Personal Assistant (PA) means that you are employed by an individual, not an agency.

Most of the time you will be employed by the person that you are supporting. You are taking direction from them and are working to support their independence, participation in the life of their community and quality of life.

There can be times as a PA where you may be employed by a different person. This could be the parent or Guardian of the person you support. In the case of children and young people, that person

if likely to be the child's parent. Where it is an adult who lacks a certain level of capacity, you might be employed by that person's Power of Attorney or Welfare Guardian.

In both cases, your employer is not the person you are supporting. This can sometimes make a difference when you are actively supporting the person who needs your support. Your employer may have given you clear instructions about how to provide the support needed, but the person you are supporting may like to do things in a different way. If you come across this situation, it would be helpful to speak to your employer about it, as they may be able to give you further guidance on what you need to do when providing support.

If you think there is any increased risk to the person you support or yourself, it would be helpful to let your employer know as soon as possible, as they might need to reconsider how support is provided and talk to the person you are supporting.

Next steps

If you're not sure who your employer is, you can check in 3 ways:

- Ask the person you support
- Check your payslip, as this will have the name of your employer there
- Check your Contract of Employment, which should name your employer

Making Changes to your Employment Contract: Advice for Employees

A contract between an employer and an employee or worker is a legally binding agreement.

The terms and conditions of your contract can be agreed:

- In writing
- Verbally, for example during a conversation when you're offered your job

You or your employer can propose changes to your terms and conditions.

Any changes must be agreed by both you and your employer.

In some circumstances, your employer may have an agreement with a trade union which allows the union to negotiate and agree certain contract changes on your behalf.

Where to find your terms and conditions

All employees and workers have a legal right to a 'written statement of employment particulars'. This is a written document summarising the main terms and conditions of your employment.

You have a legal right to a written statement even if your contract is agreed verbally.

A written statement can be given to you:

- In a separate document
- As part of a written employment contract, if you have one

A written employment contract usually includes:

- Details legally required in your written statement
- Details about other terms and conditions
- Information about the employers policies and procedures

Some terms and conditions might be in other places too, for example, in a staff handbook.

Changes to employment contracts can be agreed in different ways, including when

- A change is proposed by either you or your employer, which you then discuss and agree with your employer
- Your employer has a 'collective agreement' with a trade union and the union agrees changes to your terms and conditions on your behalf
- You agreed to a term in your contract that allows your employer to make changes to certain terms of your employment in some circumstances — sometimes known as a 'flexibility clause' or 'variation clause' (but these clauses must still be exercised 'reasonably')
- A change happens through 'custom and practice' — your terms and conditions change over time and everyone's agreement can be implied

When your employer might propose contract changes

Examples of when your employer may need to consider employment contract changes include:

- To make sure your contract is up to date with new laws or regulations
- To better reflect your job role, if it has changed
- To introduce or change terms and conditions for staff, for example contractual redundancy pay, enhanced maternity or paternity leave, or details of a pension scheme
- To reflect changes to your employers circumstances, for example if they're considering moving

If your employer is considering changes that may affect your contract, they must:

- Explain the change they're considering and the reasons why
- Consult with you — this means they must ask for and genuinely consider your views
- Consult with trade union or other employee representatives, in some circumstances

When you might propose contract changes

In some circumstances, you might want to propose an employment contract change to your employer. For example, if:

- Your job role has changed since you started working for your employer
- You want to ask for improved terms and conditions, such as a pay rise or extra holiday

- You want to make a flexible working request find more information here:

<https://www.acas.org.uk/making-a-flexible-working-request>

Your employer does not have to agree to every change you propose, but they should always listen to you and consider your proposal.

Next steps

Find out more about you or your employer proposing changes to your employment contract in the resources below.

Resources

ACAS make flexible working request

you want to make a flexible working request find more information here

<https://www.acas.org.uk/making-a-flexible-working-request>

ACAS agency workers

key information documents here

<https://www.acas.org.uk/agency-workers>

ACAS employees don't agree with contract changes

Find out more about proposing changes to your employment contract here

<https://www.acas.org.uk/changing-an-employment-contract/advice-for-employees/if-your-do-not-agree-to-employment-contract-changes-proposed-by-your-employer>

ACAS Information on changing an employment contracts for Employees

Find out more about what should happen if your employer proposes changes to your employment contract here

<https://www.acas.org.uk/changing-an-employment-contract/advice-for-employees/if-your-employer-proposes-employment-contract-changes>

ACAS employment contracts and written statements

Find out more about employment contracts and written statements here

<https://www.acas.org.uk/what-an-employment-contract-is>

Example Contract of Employment for PAs

This is an example of a written Contract of Employment that a PA Employer could use when employing a new PA. This comes from Disability Rights UK.

<https://handbook.scot/wp-content/uploads/2022/09/Example-of-a-written-contract-when-hiring-a-Personal-Assistant-Disability-Rights-UK.docx>

Managing your Working Relationship



As a Personal Assistant (PA) you'll have a unique relationship with your employer. You're supporting them to do the things they're not able to do and although this can feel like a personal relationship, it's not. Remember you're the employee and you need to remain independent and professional.

It's important to understand the impact that certain circumstances may have on your employer, for example, if you don't or can't turn up to work.

There are times when being a personal assistant could be personally difficult or emotional, particularly if it involves working with a person at the end of their life. It may feel like you're supporting your employer's family as well. As such, there may, from time to time, be challenges with the relationship between you and your employer.

Any problems should be addressed properly and as laid out within the terms of your employment contract, which should include what do if you want to raise a grievance. You should discuss how issues can be addressed early on in your relationship with your employer.

Be clear from the start

At the start of your employment, you and your employer should establish boundaries about how you'll relate to each other, and discuss how you'll deal with any problems, for example, if boundaries have become blurred or if either of you are unhappy with something.

Talk to your employer

Just as your employer will expect you to fulfil your employment duties, you have a right to expect your employer won't do anything which puts you in danger or ask you to break the law or which breaches your terms and conditions of employment.

If you feel that your employer is asking you to do something that's risky or goes against what you've been trained or agreed to do, you should speak with them.

Next steps

In all cases, it's recommended that you raise any concerns directly with your employer in the first instance so that any issues/concerns can be sorted out amicably. Your employer should provide you with a mechanism to raise a formal grievance, if necessary.

However, if you're unable to resolve the issue directly and need employment advice you can contact the Advisory, Conciliation and Arbitration Service (ACAS). Their details can be found in the link below.

Resources

The ACAS Website

A link to the Advisory, Conciliation and Arbitration Service (ACAS) website

<https://www.acas.org.uk/>

Mediation

Mediation is a flexible process that can be used to settle disputes in a whole range of situations. Mediation involves an independent third party, the mediator, who helps people to agree a solution when there is a disagreement. The mediator helps parties work out what their issues and options are, then use those options to work out an agreement.

With the help of the mediator, the parties with the dispute decide whether they can resolve things

and what the solution should be. The mediator does not take sides or make judgements. The mediator will ensure that both parties get a chance to state their case, hear the other side, work through the issues that are important to them and make an agreement. Parties in mediation are in control of the solution.Â

Mediation is a confidential process where the terms of discussion are not disclosed to any party outside the mediation hearing. If parties are unable to reach agreement, they can still follow formal procedures such as grievances and complaints or go to court/an employment tribunal, if appropriate. The details of what went on in the mediation will not usually be disclosed or used at a court hearing.

Next steps

You can find a list of mediators registered with Scottish Mediation on their website here:

<https://www.scottishmediation.org.uk/>Â Â

Helpline: (0131) 556 8118

PA Employer Responsibilities

When someone becomes a Personal Assistant (PA) employer they will also have the support of their Employment Liability Insurer. It is important to follow their advice whenever this is provided. This will help to make sure that the employer follows the law as required.

What a PA employer has to do by law

- Register as an employer with HMRC
- Purchase Employers Liability Insurance
- Pay the wages, Tax, National Insurance and pension of each PA employee. (They can ask a payroll company to do this on their behalf)
- Provide appropriate training for each PA(s) from an appropriate training provider. This is especially important if a PA is required to use equipment, such as a hoist, or give a PA employer medication
- Keep all relevant information and correspondence relating to the employment of any PA(s) confidential and secure
- Undertake appropriate risk assessments on their property if the PA(s) supports them at home, as well as any risk assessments on any relevant activity that the PA will undertake in the home
- Letting the Council know how they have spent your SDS budget and how this is meeting your needs

The PA employer's responsibilities as an employer also include

- Recruiting people fairly and not to discriminate against anyone. This includes taking up of references and applying for a PVG check
- Having a contingency plan in place to cover for staff who are on annual leave and off sick
- To have a Job Description in place that details the role and tasks that a Personal Assistants will undertake
- To have employers Liability Insurance in place before staff start their employment and to update this every year

- To undertake the payroll administration of wages, or to ask a Payroll Service to run their staff payroll, including registering with the Pensions Regulator & HMRC. An employer will need to provide the Payroll service with any information they need, such as copies of timesheets and any changes to staff details
- To meet any Health & Safety requirements in the workplace and to not put themselves or their employee at risk
- To provide any relevant training to staff to make sure they can do their job well. This includes equipment specific training, such as operating a hoist
- To make sure that staff have an induction into the workplace
- To make sure that staff are provided with a statement of their main terms and conditions of employment on the day they start their employment. This will need to include their hours of work, pay, Annual Leave and sickness entitlement, as well as information on any Disciplinary and Grievance Procedure and their Job description
- To ensure compliance with the General Data Protection Rules (GDPR) and Data Protection Act 2018 regarding staff's personal details during and after their employment

Next steps

You can find further information on employers' responsibilities at the AILN website found below.

Resources

Employers Responsibilities Document (AILN)

You can find further details in the Employers Responsibilities Document here

[https://sdsscotland.sharepoint.com/CapacitybuildingandResources/PA%20Employer%20Handbook/Employer%20Responsibilities%20Sheet%20\(AILN\).pdf](https://sdsscotland.sharepoint.com/CapacitybuildingandResources/PA%20Employer%20Handbook/Employer%20Responsibilities%20Sheet%20(AILN).pdf)

PA Induction



When starting work as a Personal Assistant (PA) a proper induction process should be undertaken with your employer from your very first day. Some things can be introduced as and when appropriate but there are some basic things that all PAs should know right from the start.

Written statement of employment or contract of employment

All PAs should be given a written statement that sets out the terms and conditions of their employment. A lot of this should also have been discussed during the interview process. The statement which should be issued to you before or on your start date should outline the following:

- Name of your employer
- Your name, job title, start date and an overall description of your work duties
- Rate of pay, how often this will be paid to you and what to do if your pay is not correct
- Hours of work — this can be flexible, with your agreement
- Holiday entitlement in days or hours
- Location of where the work will take place — where some of your duties will be outside of the supported person's home agreed flexibility should apply
- What to do if you are unwell or unable to get to work
- Notice period required of both parties
- Pension details
- Details of any training
- Details of any other paid leave (separate from holidays)
- Who to go to with a grievance
- How to appeal about a grievance outcome, or disciplinary or dismissal decision

The written statement does not need to include the following but it must tell you where this information can be found:

- Sick pay and procedures
- Grievance, disciplinary and dismissal procedures

NB. The employer and the PA should each keep a jointly signed copy of this statement/contract, confirming the agreement between both parties.

Regular work meetings with your employer

It is good practice for both parties to meet regularly to discuss how things are going and where either party can raise any work issues. Notes should be taken at these meetings that both parties should sign as being accurate.

Difficult conversations

Both parties should be confident that they are able to raise any issues that arise and that the other party will listen to them eg. to discuss poor time keeping or attendance, discuss carrying out a task differently, discuss potential changes to work practices.

Care plan or work notebook

If you are part of a team of PAs and support the same person but your shifts never overlap, particularly where your employer is also not present at your normal workplace, it is good practice to note down anything significant that occurred during your shift to inform the next PA taking over from you, and to keep the employer informed. For example, if the supported person refused their medication or has had a fall, note down anything that you think could be important to know such as the reason for not taking their medication or if they hurt themselves when they fell etc.

Absence procedure

As well as outlining what you should do when you are unwell your employer should also make you aware of what documentation you must produce during an extended period of absence e.g. a sick note from your doctor.

Training applicable to your job

It is your employer's responsibility to ensure that you receive any mandatory training required in order that you can carry out your job safely. Please note that some of this training must be accredited, certified and delivered by a properly qualified trainer e.g. Moving and Assisting of people.

Employer's emergency plan

It is good practice for your employer to have a plan in place in the event of an emergency, particularly if you are a lone worker. You should know where this plan is kept. You will need to know who to contact in an emergency, in addition to the obvious emergency services. You should know what to do if the supported person is unexpectedly admitted to hospital and how this could affect your employment. It would also be good to know where your employer keeps important items eg.

their medication, important phone numbers etc.

Your employer is your manager

Many people accessing Self-directed Support might employ people that they already know. Be aware that no matter what kind of relationship you had before starting to work for your employer, they are the boss and have the right to set out their preferred work practices to enable them to meet their personal outcomes.

Health and safety

Your employer has a duty to ensure your health and safety whilst at work and cannot introduce work practices or ask you to do anything that would put your health and safety at risk.

You also have a duty to work safely at all times, reduce risks to others and you should point out any health and safety issues to your employer. Both parties should also be aware of their responsibilities during an emergency e.g. a fire at work. It is worthwhile to work with your employer on a personal evacuation plan that you both can become familiar with.

Your employer should also have an accident book where all accidents or near misses should be recorded.

Confidentiality

Given the nature of your role, your work with supported people and the sector you are now working in, it is very important that you maintain strict confidentiality with regard to your employer and their home environment at all times.

General Data Protection Regulations must be followed at all times. These rules cover how information is stored, shared, where it is retained and how long it is retained for.

Information can only be shared if you have permission to share the information and which can only be overridden, if the person is at risk if the information is not shared. Failure to abide by this could leave you open to disciplinary action.

Your employer has the same responsibility to you and must keep all of your details strictly confidential. At the start of your employment you should be issued with Privacy Notice for Employees Information sheet informing of how your personal details will be stored, shared and retained.

Medication awareness

If you are required to prompt the person that you support to take their medication and they are capable of taking it for themselves then it is perfectly ok for you to simply remind them at the prescribed time.

If the person that you support lacks the capacity to medicate themselves and it's your responsibility to administer the medication, arrangements should have been made for you to be trained to do so by a properly qualified person.

All controlled drugs must be kept safely locked away whilst you are on duty.

Next steps

This list is not exhaustive and the duties and responsibilities from one PA to another can vary widely according to the job that you do. Check with your employer for their induction process to your roles and responsibilities.

Payroll Services in Scotland

Direct Payments enable people to purchase services they need to lead an independent life, including employing their own Personal Assistant (PA). Payroll services support people who receive Direct Payments to employ PAs.

A **payroll service** can provide the following types of support:

- Calculate PAs take-home pay, including any holiday pay, and National Insurance, Tax and pension contributions
- Calculate any statutory payments, such as statutory sick pay, parental leave, etc.
- Prepare documents required of employers, e.g. P45 and P60

There are a range of payroll providers offering services across Scotland.

What if my employer is using a payroll service?

If your employer is using a payroll service either yourself or your employer will complete a timesheet for the days and times you have completed work. Your employer will tell you how often this should be done (e.g. weekly, 4-weekly, monthly). Your employer will share the timesheet with their payroll service provider.

Next, you will receive a payslip and this will tell you how much you will be paid after deductions (what to expect to be paid into your bank account) and if any deductions have been made, what these are and how much for.

Next steps

You can find a list of payroll providers across Scotland at the website found below.

Resources

A list of Payroll Providers across Scotland

A list of Payroll providers, with contact details and where they are available in Scotland (September 2022)

<https://handbook.scot/wp-content/uploads/2022/04/Payroll-Services-in-Scotland-20-Sep-2022.docx>

Personal Assistants' Programme Board

A Personal Assistants' Programme Board has been set up by the Scottish Government with the aim of ensuring the integration of PAs into the overall social care workforce. The Board meet every two months and includes representatives from the following members: PAs, PA employers, Scottish Government, Independent Support Organisations and other key stakeholder groups.

What will the Personal Assistants' Programme Board do?

The Board will identify issues important to PAs and what is needed to help develop and support the role of PAs. Subgroups will focus on taking forward agreed key priority areas for action and will report their progress to the Board regularly. This will help the Board to fully understand the wider issues which affect PAs and to advise the Scottish Government. For example, this might be promoting the value of the PA role, support of improvements in working conditions, training needs for PAs, work to reduce isolation and increased access to information and support.

Where can I find out more information?

A web page has been set up that contains further news and information on the Programme Board, including the latest newsletter and updates on the progress of the work plans of the subgroups.

Next steps

Take a look at the Personal Assistants' Programme Board website below.

Resources

Personal Assistants' Programme Board
<https://www.sdsscotland.org.uk/pa-programme-board/>

Personal Protective Equipment (PPE) for PAs

The latest Scottish Government advice for those working in social care (including Personal Assistants) is published here:

<https://www.gov.scot/collections/coronavirus-covid-19-adult-social-care-guidance/>

How to get Personal Protective Equipment (PPE)

If the routes you normally use to access PPE are unavailable, contact the Social Care PPE Support Centre on 0300 303 3020 and they can provide you with information about where to access PPE locally. This will usually be through a Hub that has been set up in your area.

The team will take you through a series of questions to understand your needs. When you go to

collect the PPE from the Hub, or have it delivered to you, you will need to have a document which says you are a personal assistant. This could take the form of the template document used as proof of key worker status (for movement and for shopping, etc).

If you need a document to use as proof of key worker status, there are a number of different ways you can get one. You can contact:

- The [Personal Assistant Network Scotland](#), who provide ID badges for PAs
- Your employer
- Your local independent support organisation ([see the SDS Scotland website ‘Find Help’ tool](#))
- Your local authority/Health and Social Care Partnership

You can also download the template letter from the bottom of this page and ask your employer to sign it.

Advice for PAs living in the same household as the person they support

Wear any PPE such as aprons or gloves as you normally would depending on the type of care you provide. No additional PPE for COVID-19 is required unless you or the person you support is symptomatic of COVID-19 however, face coverings should be worn in line with SG advice.

My PA Employer has COVID-19 or symptoms of COVID-19

Contact your local Social Work department to make alternative care arrangements. You should not provide direct care if the person you care for develops symptoms of suspected COVID-19 or if they are confirmed positive for COVID-19. You should seek to make alternative arrangements for care.

You (the PA) have COVID-19 or symptoms of COVID-19

If you have developed symptoms of COVID-19 and the person you support has no symptoms, you should not provide direct care and seek to make alternative arrangements to support your employer. You can contact your local Social Work department to make alternative care arrangements.

If the person you care for also has COVID-19 or symptoms of COVID-19, you can continue to provide care as long as you feel well enough to do so OR where you are unable to make alternative care arrangements you must:

- Wear any PPE such as aprons or gloves as you normally would depending on the type of support you provide
- You should also wear a face mask for the period of time you are providing care for your employer
- After you have provided care directly to the individual, you should remove the face mask (and any PPE) and maintain a distance of 2 metres or more
- Your face mask should be replaced if it becomes damaged, soiled or uncomfortable

When removed, place PPE in a disposable bag and then a secondary disposable bag. It should be tied and held for 72 hours before being placed in the outside household waste bin for collection. Ensure you perform hand hygiene after removal and disposal of PPE.

Wearing PPE will not remove the risk completely of either becoming infected with COVID-19 but it will reduce the risk considerably.

Advice for PAs who do not live in the same household as the person they support

At all of the protection levels, you can still go into another household to provide care and support for a vulnerable person. This can include providing emotional support for someone whose wellbeing is at risk, including for those who are isolated because of disability or a caring situation.

Wear any PPE such as aprons or gloves as you normally would depending on the type of care you provide.

You should wear a face covering if you cannot maintain physical distancing while providing support. No additional PPE for COVID-19 is required unless either you or the person you care for are symptomatic of COVID-19.

Next steps

Take a look at the resources available from the Scottish Government to guide you in more detail.

Resources

Coronavirus (COVID-19): adult social care guidance

<https://www.gov.scot/collections/coronavirus-covid-19-adult-social-care-guidance/>

Model Letter Proving PA Identification

A model letter that PA Employers can complete and give to their PA to help them prove that they are a PA and therefore a key worker.

<https://handbook.scot/wp-content/uploads/2022/10/Model-Letter-Proving-PA-Identification-Scottish-Government.docx>

Redundancy

If you're making an employee redundant, you must:

- Consult with you about this,Â tell you why and discuss matters with you if you have more than 2 years serviceÂ
- Tell the employee why the redundancy has arisen and discuss the situation (this is called consultation)
- Tell the employee how long their notice period is — whether it's statutory or contractual
- Keep paying the employee you until the end of the notice period
- You'll usually carry on working until the end of your notice period. How much notice depends on how long the employee has worked for the employer
- Sometimes the employer may want to pay you instead of having you working out your notice

period. This is called paying you in lieu of notice

It's a good idea to talk with your employee if there's any part of the redundancy notice you're not sure about. It is good practise to put in writing:Â

- The length of the notice period
- The date the notice period starts
- If they can leave before the end of your notice period
- If they need to take any unused holiday before you leave
- If they still get contractual benefits, for example a fuel card or mobile phone, during your notice period

Eligibility for redundancy pay

Only employees have the right to redundancy pay if they have worked for the employer for more than 2 years.Â

If you're not sure if your PA is classed as an employee, it's a good idea to take advice and check employment status.Â

How much redundancy pay will a PA get?Â

How much redundancy pay a PA can get depends on:

- AgeÂ
- Length of time working for the employer

They might get more than the minimum amount the law says you should get ('statutory'), if it's in their contract.

Up to £30,000 of redundancy pay is tax free.

Employees may not be eligible for statutory redundancy pay if the employer offers a suitable alternative job and the employee you turns it down.

Redundancy pay is based onÂ

- Weekly pay before tax (gross pay)Â
- The years worked for your employer ('continuous employment')Â
- AgeÂ

Weekly pay should also include

- Regular overtime, if your contract says you must get paid for itÂ
- Any bonuses or commission

If the employee is aged 17 to 21

The employer must give them half a week's pay for each full year that has been worked.Â

If You're Aged 22 to 40Â

Your employer must give you:Â

- 1 week's pay for each full year you worked from age 22Â
- half a week's pay for each full year you worked before thatÂ

If the employee is aged 41 or Over

The employer must give them:

- 1.5 weeks' pay for each full year worked from age 41Â
- 1 week's pay for each full year worked between age 22 and 40Â
- half a week's pay for each year worked between 17 and 21Â

As an employer you must tell your employee in writing how their redundancy pay has been worked out.Â

Limits on redundancy pay

There are limits to how much redundancy pay an employee can get. They can only get it for up to 20 years of work. This means, for example, that if the employee has worked for you for 22 years they only get redundancy pay for 20 of those years.Â

The maximum weekly amount used to calculate redundancy pay is £571 from 6 April 2022 — even if the employee's wage is more per week.

The maximum statutory redundancy pay they can get in total is £17,130 from 6 April 2022.Â

When the employee will get paid

As an employer you should tell your employee when they'll get their redundancy pay — this should be on or before the final pay date. You and your employee can agree to a different date, which should be put in writing. You should also tell the employee how they'll get paid, for example in their monthly pay or in separate payments.Â

If the employer does not make the redundancy payment

If the employee does not get the redundancy pay they should:

- Write to their employer as soon as they can. The date they should get their redundancy pay should be no later than their final pay date, unless they and their employer agree another date in writing.
- Tell the employer what they're entitled to and include any evidence to back this up. For example, they could include a letter that states their first day at work or an email confirming a recent pay increase.Â

The employee has to claim for any unpaid redundancy within 6 months of their job ending.

If the Employer becomes insolvent

If the employer is insolvent, the employee can apply for redundancy pay from the government's Redundancy Payments Service (RPS).

Next steps

The employee can check with their employer for their policy on redundancy and take a look at the resources below for further guidance.

Resources

GOV.UK - Applying to Redundancy Payments Service (RPS)

Guidance for customers who need to apply to the Redundancy Payments Service (RPS)

<https://www.gov.uk/government/publications/redundancy-payments-links-to-further-information-and-guidance/redundancy-payments-links-to-further-information-and-guidance>

Redundancy Payment Helplines

The helpline numbers for ACAS and UK Government

<https://www.gov.uk/redundancy-payments-helpline>

Risk Assessments for PAs

Your employer is responsible for protecting your health and safety in the workplace (which will usually be the home of the person you are providing assistance to).

By law, a risk assessment should be carried out to identify any risks to your health and wellbeing and how these will be managed. Your employer may ask you to contribute to completing a risk assessment. You may be asked to:

- Highlight any hazards noticed around the home
- Make the employer aware of anything that may impact your work, e.g. pregnancy, injury, long-term health conditions
- Identify training needs and ensure that training is kept up to date (e.g. moving and assisting, use of specialist equipment)
- Consider what can be done to reduce or remove identified risks
- Be involved in regularly reviewing the risk assessment to identify any new health and safety risks in the workplace, for example, new equipment
- Your employer should keep an accident/incident book to keep a record of any accidents.

Other times that risk assessments might be carried out

Risk Assessments could occur when:

- A PA is returning to work after a period of absence
- When there has been a change to the employers' health and well-being
- When a new piece of equipment is required to be used
- When new medication is prescribed
- When a new procedure needs to be introduced, say relating to COVID-19

Next steps

Take a look at the risk assessment tool for PAs returning to work to guide you in more detail.

Resources

Risk Assessment Tool for PAs returning to work

A guide to support PA employers to think about how they might support their PAs to return to work and feel they are in a safe environment.

<https://handbook.scot/wp-content/uploads/2022/04/Risk-Assessment-Tool-for-PAs-returning-to-work.pdf>

Self-Employed PAs

When someone is considering becoming a Personal Assistant (PA) employer it is important to understand the difference between an employee, a worker and someone who is self-employed. A person's employment status can affect the legal relationship and financial responsibilities between the PA Employer and that person. So for example, a PA Employer would be responsible for paying the tax and National Insurance for the PA(s) they employed, whilst a self-employed person would be responsible for paying this themselves.

This is something that all PA Employers need to be aware of. To help understand this, there are some basic definitions of different employment statuses that a PA could have. These include:

When a PA is an employee

- A PA who has a Contract of Employment is an employee
- The PA employer is required to offer the PA work under the terms of the contract
- The PA is required to accept the work offered under the terms of the contract
- The PA must perform their work personally and cannot send someone else to do this instead of them
- The PA will be working under the control and direction of the PA Employer
- The PA will be provided (by the PA Employer) with any equipment they need to enable them to

fulfil their role as a PA

- The PA is paid through Pay As You Earn (PAYE) and National Insurance payments will be made on their behalf by the PA Employer
- The PA will receive statutory benefits, such as statutory sick pay
- The will be entitled to holiday pay
- The PA will be subject to the disciplinary procedures set up by the PA Employer

It may be that the relationship the PA Employer intends having with the person is better described under a casual work agreement.

Casual worker

The term casual worker applies to PAs who work with a supported person on a temporary basis or ad hoc basis. Temporary work or ad hoc work is defined as being:

- Work which occurs only once, and for a short period of time or
- Work which occurs more often but in an unpredictable or irregular way or
- Work where there is no obligation on the part of the PA Employer to offer the work (e.g. there is no employment contract between the two people) and
- Work where there is no obligation on the part of the PA to accept the offer of work (e.g. there is no employment contract between the two people)
- Workers are entitled to be provided with a statement of the terms that cover their engagement

Where there is no written contract of employment

In situations where you're asking a PA to work now and again at different times on a casual basis, there may be no requirement for the PA Employer to offer work and no requirement for the PA to accept any work.

Both employees and workers have the right to be provided with a written statement of their terms. Workers have the right to receive holiday pay, the NMW and to be auto enrolled into a pension scheme (if eligible).

If however, a casual worker's working pattern becomes, over time, set and regular, then this arrangement would have to be reconsidered as they may be regarded as a permanent employee. A casual worker's working periods should consist of short, irregular work with gaps in between so that a continuity of employment is not established.

Having casual workers available can really help a PA Employer manage gaps in their PAs capacity, such at times of sick leave or holidays. However, it is important to understand when casual work becomes an employment relationship and what a PA Employers responsibilities are if this happens. It is helpful for some PA Employers to have several casual workers available for them to approach to cover holidays and unscheduled emergencies.

Working out if a PA is self-employed or not

There are two areas to consider when trying to work out whether a PA is a self-employed worker or not. These relate to:

- Employment status for Tax purposes and

- Employment status for work purposes

HMRC have outlined certain questions to help decide if a worker is self-employed for tax purposes. If the worker can answer yes to one or more of these questions, they are likely to be self-employed:

- Can the PA hire someone to do the work for them, or take on helpers at their expense?
- Can the PA decide where to provide the support needed, when to work, how to work and what to do?
- Can the PA make a loss as well as a profit?
- Does the PA agree to do a job for a fixed price regardless of how long the job may take?

If the PA cannot answer yes to any of the questions above, they are still likely to be self-employed if most of their answers to the following questions are yes:

- Does the PA risk their own money?
- Does the PA provide the main items of equipment (not the tools that many employees provide for themselves) needed to do the job?
- Does the PA regularly work for a number of different people and require business set up in order to do so?
- Does the PA have to correct unsatisfactory work in their own time and at their own expense?

Next steps

You can find out more information, including on the HMRC website, using the links below.

Resources

Low Income Tax Reform Group: Is your PA employed or self-employed?

How to work out if a PA is employed or self-employed

<https://www.litr.org.uk/sites/default/files/files/LITRG-factsheet-PA-employed-self-employed.pdf>

HMRC Factsheet Employed or Self-Employed for tax and National Insurance contributions

Working out your employment status

<https://handbook.scot/wp-content/uploads/2022/04/Employed-or-self-employed-for-tax-NI-Cont.pdf>

PVG Scheme Membership Statement for self-employed PAs

How to apply for a Statement of Scheme Membership as a self-employed PA

<https://www.mygov.scot/apply-for-pvg/self-employed-or-work-for-a-personal-employer>

A Guide to National Insurance Rates for self-employed workers

A Guide to what is National Insurance is and the rates for self-employed workers, provided by Simply Business.

https://www.simplybusiness.co.uk/knowledge/articles/2022/08/self-employed-national-insurance/?utm_source=email&utm_medium=kcnurt&utm_campaign=day_160_sme

Sick Pay for PAs

If you are off work sick then you might have a right to sick pay. Both physical and mental health issues can count as sickness.

Checking sick pay

Your contract should tell you:

- How much sick pay is paid
- How long sick pay can last
- Any rules the employer has for using sick pay

Statutory Sick Pay (SSP) is the minimum amount employers must pay. If an employer pays more than SSP it's known as 'company', 'contractual' or 'occupational' sick pay.

Statutory Sick Pay (SSP)

By law, employers must pay Statutory Sick Pay (SSP) to employees and workers when they meet eligibility conditions, including when:

- They've been off sick for at least 4 days in a row, including non-working days
- They earn on average at least £123 a week, before tax
- They've told their employer within any deadline the employer has set or within 7 days

Agency, casual and zero-hours workers can get SSP if they meet the eligibility conditions.

What do I do if I am ill and can't work?

If you are ill and can't work you should tell your employer as soon as possible so that they can arrange for cover to be provided while you are off. Your employer might have a specific procedure around notifying them of illness, so it would be good to check your contract of employment to make sure you follow the procedure correctly.

If you are eligible for SSP then your employer is responsible for covering SSP, in full, for up to 28 weeks. You could lose some of your SSP if you do not tell your employer in time before the deadline they set (or within 7 days if they have not set one).

You will need to give your employer a 'sick note' from your doctor or the hospital if you are off work

for more than 7 days in a row (including non-working days).

Next steps

Check with your employer for their policy on sick pay and take a look at the resources below on Statutory Sick Pay eligibility.

Resources

Statutory Sick Pay Eligibility

You can find full details on Statutory Sick Pay eligibility on the UK Government website

<https://www.gov.uk/statutory-sick-pay/eligibility>

Getting money when you're off work sick

You can get advice for getting money while off sick from the Citizens Advice website.

<https://www.citizensadvice.org.uk/work/rights-at-work/sick-pay/getting-money-when-youre-off-work-sick/>

Signposting to Relevant Sources of Information for Self-Employed PAs

There are a number of resources available for self-employed Personal Assistants (PAs):

HMRC factsheet: Employed or self-employed for tax and National Insurance contributions:

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/865507/ES-FS1.pdf

HMRC check employment status for tax:

<https://www.gov.uk/guidance/check-employment-status-for-tax>

Health and Social Care Standards: My Support My Life:

<https://www.gov.scot/publications/health-social-care-standards-support-life/>

Care Inspectorate:

Which has information on Registering a Care Service here:

<https://www.careinspectorate.com/index.php/registercare>

Scottish Social Services Council (SSSC) have developed a Code of Practice for Social Service Workers:

<https://www.sssc.uk.com/the-scottish-social-services-council/sssc-codes-of-practice/>

Business Gateway provide a range of information and training relevant to PAs who might want to be self-employed. Training can include courses on:

- An Introduction to Self-Employment and Starting your own Business
- An Introduction to Running Your New Business — Webinar

They also provide support on:

- Stating a Business
- Running a business
- Finance
- Marketing
- Digital presence

Next steps

Take a look at the resources available to guide you in more detail.

Resources

HMRC Employment Status factsheet (ES/FS1)

HMRC Employment Status factsheet (ES/FS1)

<https://www.gov.uk/government/publications/employment-status-factsheet-esfs1/employment-status-factsheet-esfs1>

Check Employment Status for Tax

<https://www.gov.uk/guidance/check-employment-status-for-tax>

Scottish Government Health and Social Care Standards

Health and Social Care Standards: My Support My Life

<https://www.gov.scot/publications/health-social-care-standards-support-life/>

Care Inspectorate registering a service

Care Inspectorate

[Whish has information on Registering a Care Service here:](#)

<https://www.careinspectorate.com/index.php/registercare>

SSSC code of practise for social care workers

Scottish Social Services Council (SSSC)

<https://www.sssc.uk.com/the-scottish-social-services-council/sssc-codes-of-practice/>

Low Income Tax Reform Group: Working out a PAs employment status

<https://www.litrg.org.uk/tax-guides/disabled-people-and-carers/independent-living/taking-your-own-pa#toc-is-my-pa-employed-or-self-employed->

A Guide to National Insurance Rates for self-employed workers

A Guide to what is National Insurance is and the rates for self-employed workers, provided by Simply Business.

https://www.simplybusiness.co.uk/knowledge/articles/2022/08/self-employed-national-insurance/?utm_source=email&utm_medium=kcnurt&utm_campaign=day_160_sme

Social Care Staff Support Fund

The Scottish Government has established the Social Care Staff Support Fund to ensure that social care workers, including PAs, receive their expected income if they are ill or self-isolating in line with public health guidance, as a result of the Coronavirus (COVID-19).

PA employers are asked to pay eligible staff who meet all of the Funds criteria their normal pay should the PA be ill with confirmed or suspected Coronavirus (COVID-19), or self-isolating in line with public health guidance. The Funds criteria is set out in the information on the Scottish Government website.

Where a PA employer has paid out a sum from a direct payment in line with this purpose, the local authority should increase the direct payment by the relevant amount.

If a PA needs to self-isolate due to the Coronavirus (COVID-19), and where contingency arrangements are exhausted, the employer may need to ask the local authority for additional funding for replacement care and support for the duration of the PAs period of self-isolation.

Fund Criteria

The Fund will ensure that social care workers receive their expected income (normal pay) when all of the following criteria are met:

Criteria 1

A relevant worker's ability to undertake health and care work is, or has been, restricted for a reason relating to coronavirus.

Criteria 2

The worker's income has been reduced as a result of not being able to work for a reason relating to coronavirus. For example, a worker's income may have been reduced if they only receive statutory

sick pay, or another amount less than their expected income, when sick or self-isolating.

Criteria 3

The worker is experiencing financial hardship during the time when the Fund is active. The expectation is that social care workers who have been, or will be, paid less than their expected income would experience financial hardship.

The Fund is active from 27 May 2020, its purpose is to ensure that social care workers do not experience financial hardship. To receive financial assistance from the Fund, the social care worker must be experiencing financial hardship on or after 27 May 2020.

Eligible social care workers may still be experiencing financial hardship if they received less than their expected income due to being ill with suspected or confirmed coronavirus, or self-isolating in accordance with public health guidance, between 23 March and 27 May 2020.

Criteria 4

The worker is unable to work because they have coronavirus, or are self-isolating in accordance with public health guidance.

Public health guidance means NHS Scotland guidance for the general public on NHS Inform or specific social care infection prevention control guidance published by Public Health Scotland or the Scottish Social Services Council.

Long COVID

Provided that all the eligibility criteria have been met, the Fund can be accessed for a period of absence of up to four weeks.

Where the Fund does not apply

The Fund is not to be used for social care workers who are shielding, this is not within scope of the 2020 Regulations.

The Fund is not available when the reason for absence is not as a result of coronavirus, for example this may be where someone is isolating before or after elective (planned) surgery or travel that requires quarantine.

Staff are not eligible to access the Fund where they are absent from work to provide childcare. For example, if their child tests positive for coronavirus and is unable to attend school or nursery.

Next steps

Take a look at the Scottish Government guidance for social care staff to guide you in more detail.

Resources

Scottish Government Guidance on Social Care Staff Support Fund

The Social Care Staff Support Fund Guidance

<https://www.gov.scot/publications/coronavirus-covid-19-social-care-staff-support-fund-guidance/pages/fund-criteria/>

Social Care Worker Death in Service Payment

The Coronavirus (COVID-19): social care worker death in service payment scheme recognises the vital contribution of social care workers in tackling the coronavirus pandemic. It was introduced following the high risk workers are exposed to when performing frontline duties and providing hands-on care to coronavirus patients.

This scheme provides a one-off payment of £60,000 to a named survivor of a social care worker who has died in service as a result of, or the suspected result of, contracting COVID-19 at work.

The scheme will be eligible to claim retrospectively to 17 March 2020.

Who is eligible?

You can apply to the scheme, regardless of existing pensions or life assurance cover, if you are the survivor of a member of the social care workforce who has died in service and any of the following apply:

- They had been working in a social care setting in the course of their employment, including self-employed during the period of the COVID-19 outbreak, had been working in environments where it may reasonably be concluded that they contracted the disease in the course of performing their duties; and had COVID-19 as a factor in their death documented on their death certificate, or
- Their cause of death is known or suspected (but not necessarily documented on a death certificate) to be at least partly attributable to COVID-19 infection, and they had been working in, or adjacent to, areas in which there had been persons with a confirmed COVID-19 diagnosis being cared for

How to apply

The applicant should complete parts 1 to 13 of the claim form and attach copies of the full death certificate and marriage/civil partnership certificate, or any other requested supporting documentation, where applicable.

Supporting documentation should still be scanned and emailed, where possible. We appreciate that there will be cases where a scanned document cannot be provided, so we are now accepting electronic photographs of documents (providing that they are clear and complete images of the entire document).

The completed form and supporting documents should be returned to the deceased's employing authority for completion. They will forward the form and documentation to the Scottish Government.

What happens next?

Part 14 of the claim form should be completed by the Social Care Workers employer, or beneficiary if they were self-employed, who should then, as soon as reasonably practical, pass the application to Scottish Ministers for determination by emailing the completed form along with any supporting documentation to SocialCareDiS@gov.scot.

Please note no personal or sensitive information should be submitted to SocialCareDiS@gov.scot if it relates to a general query and should only be provided if specifically associated to a claim.

It is the responsibility of each organisation involved in the claim process to ensure the data they collect and retain complies with the relevant UK General Data Protection Regulations (GDPR).

Appeals procedure

Claims for the NHS Scotland and Social Care Coronavirus Life Assurance Scheme 2020 should be submitted by the employer of eligible dependents of a social care worker who has died in service.

All decisions made regarding the claim by the Scottish Government will be fully explained in writing. If you are unhappy with the initial decision your employer will be able to explain this to you in full.

It is important for PAs to

- Identify a beneficiary in the event of their death in service and to let that person know

For the PAs beneficiary it is important to know

- The rules governing the death in service payment scheme
- How to access the Claim Form
- Knowing that the PAs employer has to make the application to Scottish Government for the payment

Next steps

Take a look at the resources available on the Scottish Government life assurance scheme to guide you in more detail.

Resources

Scottish Government guidance care worker death in service payment

Details on the social care worker death in service payment scheme can be found here <https://www.gov.scot/publications/coronavirus-covid-19-social-care-worker-death-in-service-payment/>

The Open Badges Scheme for PAs



The Scottish Social Services Council (SSSC) and many other social service organisations offer Open Badges to support ongoing learning and evidence of professional development in your role as a Personal Assistant (PA). Open Badges are free digital certificates that demonstrate the knowledge, skills and achievements gained by completing courses and passing the assessments.

How can I apply for an Open Badge?

To get started with Open Badges offered by the SSSC [click here](#) to create an Open Badge account (you will need your own email address to do this).

To view all Open Badges available [click here](#). These are available to anyone who completes the training.

It is recommended that you begin by completing two introductory Badges to help you become familiar with the type of reflective evidence that is required to achieve Open Badges. To access these two introductory Badges click on the following links:

- [Getting started with Open Badges](#)

-

[Writing evidence for Open Badge applications](#)

There are number of areas of training available for PAs that may be useful in your day-to-day work or specific to the needs of the person that you provide assistance.

The following links give examples of Open Badges that may be a good starting point to support your role as a PA:

-

[Where to go for Self-directed Support Information](#)

-

[Principles of care: Personalisation and enablement](#)

-

[Understanding Personal Outcomes](#)

Each Badge includes the description of the achievement and the evidence to support the badge award.

Why should I collect Open Badges?

- Training that may help with career progression
- Badges can provide evidence for and back up what you say on your CV, application form or at a job interview
- You can share them on social media and employability websites such as LinkedIn
- You own your badges and they won't disappear if you change jobs
- You can work at your own pace

Next steps:

Visit the SSSC — [Getting Started – What you need to know about Open Badges](#) webpage for more information.

The self-directed Support of your employer's budget may include paid time to enable their PAs to dedicate to training. Speak to your employer about this.

Resources

Video: Getting started with Open Badges

A video explaining how you can get started with the Open Badges scheme

<https://www.badges.sssc.uk.com/badges/starter/>

The Role and Responsibilities of a PA (for PAs)



One of the main reasons people choose to employ their own staff is the flexibility it offers in terms of how and when their support is given, to best meet their outcomes.

The Personal Assistant (PA) role involves much more than personal care. There are many potential roles and responsibilities for a PA; supporting an employer at work, at college, or in social activities. Some PAs may be only asked to provide a low level of personal care and may be involved in supporting the person in a variety of other ways. There may be a team of PAs with different roles based on their skills, with each team member having a different role. The tasks required of each role should be decided before the PA is recruited.

The tasks carried out by the PA will generally be set by their employer and should be set out in the job description.

PAs have the same responsibilities as other employees in relation to attendance and performance at work. As with other members of the social care workforce, PAs should meet the following requirements of the Scottish Social Services Council (SSSC) Code of Practice:

- Protect the rights and promote the interests of supported individuals and carers
- Work to establish and maintain the trust and confidence of supported individuals and carers

- Promote the independence of supported individuals while protecting them as far as possible from danger or harm
- Respect the rights of supported individuals while making sure that their behaviour does not harm themselves or other people

Regular Conversations

Good communication between PA Employer and PA is essential. It is good practice to have regular meetings to discuss work issues and to give both parties the opportunity to raise any issues around work. Both parties should be confident that they are able to raise any issues and will be listened to by the other.

PA Training

It is a PA Employer's responsibility to ensure that their PAs receive all mandatory training so that they can carry out their job safely. It is the PAs responsibility to work as trained. More information about training can be found in the resource section below.

Absence procedure

PA Employers should let their PAs know what is expected of them if they are unwell and unable to come to work. This should include information around letting them know they are unwell and what documentation has to be produced during an extended absence period.

Care plan or work notebook

It is good practice for a PA to note down anything significant that has occurred during their shift, especially if their employer has other PAs who should know what has been done before they start their shift. This helps with continuity of support and keeps everyone informed.

Emergency plan

It is good practice for PA Employers to have a plan in place in the event of an emergency. It is important that PAs know where this plan is and what is expected of them in an emergency.

Next steps

Independent support and guidance is available to PAs from the Personal Assistants Network Scotland who can be contacted via resource link below.

Resources

PA Network Scotland Website

Further information on ID Badges for PAs can be found at the PA Network Scotland website <https://www.panetworkscotland.org.uk/>

The Role of the Local Authority and ILF Scotland as Funders of Self-directed Support

There are 32 Local Authorities in Scotland and they are responsible for providing a range of public services.

The Local Authority and Self-directed Support

The Local Authority is the organisation responsible for delivering Self Directed Support in their area. They have the responsibility to assess a person's need for social care support. If a person meets local eligibility criteria, this may result in the Council offering the person further support, either by allocating money to give the person to pay for their support, or by identifying a service that the person can use. The Council has certain legal duties and responsibilities to enable them to do this.

The Local Authorities responsibilities for delivering Self Directed support are outlined in the Social Care (Self-directed Support) (Scotland) Act 2013.

The Local Authority has a duty to consider certain general principles under the Act:

- Collaboration
- Informed choice
- Involvement
- Participation
- Dignity

The Local Authority has a duty to offer the 4 options of SDS when someone has been assessed as being eligible for Self-directed Support. The 4 options outline the different ways that the money made available by the Local Authority, can be paid for the support that people need. The 4 options are:

•

Option 1:

A Direct Payment, where the person receiving support get sent the money directly to their bank account or onto a pre-payment card

•

Option 2:

An Individualised Service Fund, where the money goes to an organisation or an individual of the person's choosing, who will look after the money and work with them to arrange their support

•

Option 3:

A more traditional approach where the Local Authority pays the money to a service provider or agency for the service they are offering person who

•

Option 4:

A mix and match of any 2 or more of the above options

The 4 options are intended to support the flexibility and creativity that people need to enable them to meet their personal outcomes and the needs identified by their Local Authority.

The Independent Living Fund Scotland

Following the closure of the UK Independent Living Fund (ILF) on 30th June 2015, the Scottish Government established a new organisation, Independent Living Fund (ILF) Scotland, to administer ILF for existing recipients of the fund in Scotland.

ILF Scotland is a public body, governed by a Board of Directors, appointed by and accountable to Scottish Ministers.

ILF Scotland operates as a discretionary fund providing financial awards to over 3,000 disabled people in Scotland and Northern Ireland to help them live independently.

Their funding enables individuals to pay for care so that they can be supported in their homes and within their local communities.

ILF Scotland funding maximises SDS for disabled adults. There is a positive incentive to retain ILF additional funding, which can be up to £9m in one partnership area to complete SDS assessments, which promote independent living. ILF Scotland's policy suite flexes across all the differences between the 32 variations of SDS in Scotland and the 5 variations in Northern Ireland. It makes payments of different amounts for different services on an individual basis after a bi-annual assessment, which is person centred and outcomes focused.

ILF Scotland involves disabled people at the heart of the organisation in every facet of its operations and it is this which maintains their innovation and ability to remove barriers.

ILF funding increases the portability of care packages; it reduces inconsistency and inequality of provision for disabled people and creates a dialogue for all disabled people to challenge for their best SDS outcomes.

Self funders or people who pay for their own care

Some people pay for the care and support they need without receiving any money from their Local Authority or ILF Scotland. They might do this because the cost of receiving support, in the form of a charge (Care Charge) that is levied by the Local Authority, is the same as the cost of purchasing the support yourself, directly from a care agency for example.

Some people might also not wish to go through the assessment process that the Local Authority uses to decide if people have eligible needs that they need to fund.

However, it is helpful for self-funders to know that everyone in Scotland who is assessed as needing support for Personal Care and Personal Support, can receive this type of service free of charge, regardless of the person's age, income or financial position.

It might be possible that as a PA, you are employed by someone who is not funded by their Local Authority, which gives the employer greater flexibility over what support they might ask you to provide. However, the employer is still covered by the expectations of employment legislation in the UK.

Next steps

You can find further information on ILF at the websites found below.

Resources

A Brief History of ILF Scotland and their Current Context

A Brief History of ILF Scotland and their Current Context

<https://ilf.scot/wp-content/uploads/2020/08/ILF-Scotland-and-Northern-Ireland-A-Brief-History-and-Current-Context-002-Web-Document.pdf>

Details on Financial Management Support from ILF Scotland

Details on Financial Management Support from ILF Scotland

https://paemployer.handbook.scot/ft6382d88ee18844d4bf6ca80efe59a84f?chosen_stage_id=a3S4J0000005F2XUAU&curr_section_id=a2z4J000000UqNhQAK

The Social Model of Disability

Traditional Models of Disability

The Social Model of Disability was developed by Disabled people to identify and take action against Disabled people's oppression and exclusion. It was developed as a direct challenge to the prevailing models of disability that viewed disability as an individual, medical problem that needed to be prevented, cured or contained; and/or as a charitable issue that viewed Disabled people as unfortunates who needed to be pitied and catered for by segregated, charitable services.

The Social Model of Disability

The Social Model of Disability



The Social Model of Disability states that the oppression and exclusion people with impairments face is caused by the way society is run and organised.

The Social Model of Disability, developed over the last 40 years by Disabled people, is a radically different Model to the Medical and Charitable approach to disability described above. It states that people have impairments but that the oppression, exclusion and discrimination people with impairments face is not an inevitable consequence of having an impairment, but is caused instead by the way society is run and organised.

The Social Model of Disability holds that people with impairments are 'disabled' by the barriers operating in society that exclude and discriminate against them.

The Social Model not only identifies society as the cause of disability but, equally importantly, it provides a way of explaining how society goes about disabling people with impairments. Sometimes referred to as a "barriers-approach", the Social Model provides a "route map" that identifies both the barriers that disable people with impairments and how these barriers can be removed, minimised or countered by other forms of support.

Next steps

Take a look at the resources available below for additional reading about the Social Model of Disability.

Resources

Social Model of Disability Factsheet

Inclusion Scotland's Factsheet on the Social Model of Disability

<https://handbook.scot/wp-content/uploads/2022/06/Inclusion-Scotland-Factsheet-Social-Model-of-Disability.doc>

Social Model of Disability (Easy Read)

Inclusion London's Factsheet: Social Model of Disability Easy Read

<https://handbook.scot/wp-content/uploads/2022/06/Social-Model-of-Disability-Easy-ReadInclusion-London.pdf>

Sticks and Stones: The Language of Disability

Spectrum's Guide to empowering language when talking about Disability and Disabled People

<https://spectrumcil.co.uk/wp-content/uploads/2018/02/ULO19-The-Language-of-Disability.pdf>

There is free support available for PAs

There are friendly and free services available to talk through the decision to become a PA or if you are feeling isolated as a PA. Organisations that provide a range of information, advice and support to PAs across Scotland are available. Some of these are specifically focussed on PAs needs whilst other are more generic for any worker.

The PA Network Scotland is available for anyone in Scotland and you can also search using our [Find Help](#) service for organisations or groups in your area.

Next steps

Introduce yourself to the PA Network with a quick call, social media or visit their website with the link below

Resources

PA Network Scotland Website

Further information on ID Badges for PAs can be found at the PA Network Scotland website <https://www.panetworkscotland.org.uk/>

Thinking about Becoming a PA

This can be a rewarding and varied job although each job will be as unique as your employer. If you are the kind of person who gets on with people, who is flexible and adaptable, who is competent in life skills and can maintain a steady temperament in the face of ups and downs, you may like to consider a role as a Personal Assistant (PA).

Experience and qualifications are good to have but usually not necessary. Because the job is one-to-one, it more often than not comes down to the personal relationship between PA and employer. A lot of learning is achieved on the job, but there is also the opportunity to bring the skills you already possess to the job (for example, can you drive, are you good at gardening, do you play sport, etc). Your employer may also be able to access training for you, e.g. in moving and positioning or first aid etc.

You might want to consider the hours and how they fit into your life — in particular consider if it involves split shifts which involves extra travel and therefore extra time.

Next steps

Think about the rate of pay and if your employer offers holiday pay and/or sick pay and a pension scheme.

Trade Union Membership

A trade union is an organisation with members who are usually workers or employees.

Trade unions exist to get the best deal possible for their members. This means being on your side if there is a problem, and always fighting for better when it comes to:

- Pay, terms and conditions
- A decent work life where workers are safe and treated with dignity
- Better work/life balance
- Fairness — making sure working people have their rights at work and are treated fairly and legally when there's a problem.
- When you're at work, it's always good to know that someone is on your side — that's our job.

Trade union membership subscriptions

All unions will charge a membership fee ('membership sub'). This can be the same amount for all employees or based on how much you're paid. Your trade union will tell you how you can pay your subscription when you join.

Trade unions for PAs

There are a number of trade unions that offer membership to Personal Assistants (PAs). These include:

The General, Municipal and Boilermakers Union (GMB)

GMB is a trade union that represents all workers.

They have over 500,000 members who work in every type of job imaginable across public services and in private companies too. Their members work in full-time jobs, part-time jobs or are working while they study.

UNISON

UNISON is the UK's largest union, serving more than 1.3 million members. They represent full-time and part-time staff who provide public services, although they may be employed in both the public and private sectors.

Next steps

You can find further information on GMB and UNISON trade union websites found below.

Resources

GMB Union website

GMB Union website

<https://www.gmb.org.uk/>

GMB Union Membership for Care Workers

<https://www.gmb.org.uk/union-care-workers>

UNISON website

<https://www.unison.org.uk/>

Training and Support for PAs

There are many different training courses available to Personal Assistants (PAs), most of which will be specific to the job you do. Some are **mandatory training** which means you must do them, for

example to keep you and your employer safe. Some roles will not require any formal training at all whilst others might see a PA do several different training courses.

Responsibility for providing training

The PA employer is responsible for ensuring any mandatory PA training is done. They should agree with whoever is funding their support exactly what mandatory training must be done. They should also ensure that the cost of this training is included in their care package. PAs should be paid to do this training and the employer should also ensure that they have funds to pay for replacement cover, if necessary, when their PA is attending mandatory training. The employer is also responsible for organising mandatory training and some employers are likely to need help to do this. You as their PA could assist them.

The most popular types of mandatory training are:

- Moving and Assisting of People
- Safe Administration of Medicines

You will find further sections within this chapter on these two subjects. This training will be mandatory for the personal safety of both the employer and the PA and because the employer's indemnity insurers are likely insist upon it. If a PA is required to prepare or cook meals for the supported person then **Food Hygiene Training** is normally mandatory in these circumstances. Mandatory training should always be accredited and certificated as proof that it has been successfully completed.

Where possible **all PA training should be accredited, certificated and delivered by a fully qualified competent professional training company**. Training that might not be considered as mandatory but can often be very helpful and informative for a new PA can include:

- First Aid at Work
- Health & Safety
- Person Centred Care
- Confidentiality
- Infection Control

There are many others and PAs should be encouraged to undertake any training that will enhance their skills and personal development. Information that is only specific to your particular job role, which might consist purely of the employer's personal preferences, can be done 'on the job'. This kind of training will not be certificated.

Moving and assisting of people

Moving and assisting of people training will be mandatory if your employer requires assistance with mobility and you need to use specific equipment to help you to move the supported person safely. The cost of such training should be built into the employer's care package. The training should be tailored to the equipment that you need to do your job safely.

This training is designed to show you how to move the supported person safely and to ensure your own safety whilst carrying out the tasks. You should not under any circumstances invent shortcuts, for example if the task has been assessed as requiring two people to do it then you should never attempt to do it on your own.

Safe administration of medicines

When your work involves the medication of the supported person there are three distinctly different ways that you as a PA can be involved in this.

Prompting

Prompting of medication is reminding the supported person of the time and asking if they have or are going to take their medicines. The individual is still in control of their medicines, and may decide not to take them or to take them later. Prompting can be useful when a person knows what medicines to take and how to take them, but may simply forget the time.

Assisting

The supported person may be able to retain control of his or her medicines but might need assistance with simple tasks, such as:

- Ordering repeat prescriptions from their GP surgery
- Picking up prescriptions from the GP surgery or collecting dispensed medicines from the chemist
- Bringing packs of medicines to the person, at their request, so that the supported person can take their medicines

With prompting or assisting the supported person has been assessed as being able to self-medicate and be in control of their own medicines. This independence should be supported. No formal training is required to prompt or assist with medication.

Administration

If a supported person cannot take responsibility for managing their medication then you as their PA may be needed to ensure that they get offered or are given — the correct medication

- At the correct time
- In the correct way

It must be considered administration of medicines if a PA does one, all or a combination of the following tasks:

- Deciding which medicines have to be taken and when
- Is responsible for selecting the medication
- Giving the supported person medicines where the person receiving them does not have the capacity to know what the medicine is for or what the medicine is
- Giving medicines (even when requested by the supported person) where a degree of skill is required to ensure that it is given in the correct way

PAs who are involved in the administration of medicines **MUST** be trained in medication administration by a suitably qualified professional person. They should also be regularly assessed to retain competency.

The following link will give you more detailed information —

<https://www.careinspectorate.com/images/documents/2786/Prompt%20assist%20administer%20medication%20in%20a%20care%20setting%20guidance.pdf>

Ongoing support

A PA employer should regularly review how their PA is developing and should encourage them to continue to enhance their existing skills and personal development.

Personal Assistants Network Scotland currently offer PAs free online training covering a variety of different topics. This training is accredited, certificated and industry recognised, the training is via Social Care TV, a leading social care training provider. PAs can request this training by emailing palearning@wea.org.uk

Next steps

You can find further information on the Care Inspectorate and PA Network Scotland website links below.

Resources

Guidance from the Care Inspectorate on registering a service

The following link will give you more detailed information

<https://www.careinspectorate.com/images/documents/2786/Prompt%20assist%20administer%20medication%20in%20a%20care%20setting%20guidance.pdf>

PA Network Scotland Website

Further information on ID Badges for PAs can be found at the PA Network Scotland website

<https://www.panetworkscotland.org.uk/>

Use of Transport (Own Vehicle and Employers) at Work

Some PAs may be required to use their own transport (e.g. car) or be asked to drive their employers vehicle (e.g. a mobility car). Examples include:

- Using your own car to travel to and from your employers home. This may be required depending on where your employer lives
- Using your car as part of your working role. This may include shopping or doing errands for your employer
- Using your car to transporting the person you are supporting, say to an appointment, to go

shopping or to access opportunities in the community

Using your own car

To use your own vehicle you will need to have:

- A full driving licence which is relevant for the vehicle you use. For example, if you have a non-manual license you can only use this to drive a non-manual vehicle
- Up to date road tax for the vehicle
- An up to date valid MOT for the vehicle
- Insurance cover for business use that enables you to travel to and from work, as well as use your vehicle for work

Whilst it is not required, your employer may want to ensure that you either:

- Are the registered keeper on the registration document or
- Have the permission of the registered keeper to use the vehicle to show you are the registered owner of the car and have permission to use it

Mileage Allowance Payments

If you are asked to use your own vehicle as part of your role as a PA you may be entitled to Mileage Allowance Payments (MAP). You will need to ask your employer about this.

Driving your employer's car

A PA may also be requested to drive the car that belongs to the person they provide support to. In this situation your employer will be responsible for:

- paying the road tax
- paying the car insurance. The insurance must also allow other people to drive the vehicle
- paying for the petrol

You will still be required to have a full driving licence to drive your employers vehicle.

If the vehicle is one you've never driven before, especially if it is a specially adapted vehicle, you will need to receive training on the use of any ramp or specially adapted part.

So for example, some employers might have adaptations to the steering wheel and controls. It would be important for you to familiarise yourself with any adaptations and have the opportunity to practise driving the vehicle so that you can get used to it. Some vehicles might be larger or longer than you are used to driving, so it can take some time to get used to them.

You may also have to consider other health and safety concerns, such as weather and road conditions before driving the vehicle.

Next steps

Check with your employer for their policy on use of own transport. Take a look at the Mileage Allowance Payments on the HMRC website to guide you in more detail.

Resources

Mileage Allowance Payments

UK Government website detailing business travel mileage for employees' when using own vehicles
<https://www.gov.uk/expenses-and-benefits-business-travel-mileage/rules-for-tax>

Values and Skills of a PA

As a Personal Assistant (PA) there are certain values and skills that you might need in your PA role, including:

Values

- Responsibility and reliability
- Respectful
- Encouraging and enabling
- Understanding and empathy
- Flexibility
- Committed to equality and diversity
- Understand the challenges faced by disabled people
- Willing to learn

Skills

- Listening skills
- Interpersonal skills
- the ability to be personal yet professional
- Written and verbal communication skills
- Literacy and numeracy skills
- Advocacy skills
- Strong local knowledge
- The ability to treat people with dignity

Next steps

To find out if you've got what it takes to work as a PA, try the 'A Question of Care' interactive video challenge below.

Resources

Skills for People video on a question of care

'A Question of Care' interactive video challenge.

<https://www.aquestionofcare.org.uk>

What does my Employer have to do to Protect me from COVID-19?

Employers have a legal duty to make the workplace safe for all staff. It's the employer's responsibility to regularly carry out workplace risk assessments and take steps to reduce COVID-19 risk. Employees also have a responsibility to follow safe working practices.

There is a range of information and advice available for employees on COVID-19. These cover such areas as:

- Who can go into the workplace
- Self isolation and sick pay
- Protecting yourself as a PA at work and protecting your employer and others
- Government Guidelines and employer requirements
- Getting the vaccine
- Access to PPE and testing
- Long COVID
- Other financial support
- Standard Infection Control Precautions (SICPs)

ACAS has produced a range of information on COVID-19 for employers and employees, which you can find here: <https://www.acas.org.uk/coronavirus>

The Scottish Government has also produced guidance for businesses and workplaces on reducing the risk of COVID-19 and supporting staff and customers, which can be found here:

<https://www.gov.scot/publications/coronavirus-covid-19-general-guidance-for-safer-workplaces/>

COVID still remains a concern for public health and therefore employers are encouraged to continue with all protective measures identified by their risk assessment, to make appropriate adaptations to workplace practices and to maintain a vigilant approach to managing COVID-19.

Employers are encouraged to continue following the advice in the COVID-19: Fair Work Statement. It states that no worker should be financially penalised by their organisation for following medical advice, and any absence from work relating to COVID-19 should not affect future sick pay entitlement, result in disciplinary action or count towards any future sickness absence related action.

Face coverings when in close contact with people

For close contact treatments provided to the face, mouth or nose area people, must follow any advice given. Individuals who have received COVID-19 vaccinations and booster(s) are still required

to follow the rules on face coverings.

Risk assessments

Staff are at the highest risk of exposure to COVID-19 when working in close proximity to the face, nose or mouth of another person. For this reason, risk assessments should be carried out to consider what measures need to be implemented to protect the health and safety of all staff and PA employers, including whether or not to carry out the support required.

Risk assessments and COVID-19

The requirement for every employer to explicitly consider COVID-19 in their risk assessment will be removed on 1 April 2022.

The most important thing is what is actually done to manage and control risk associated with COVID-19 in the workplace.

Public Health Scotland has published guidance on how to carry out risk assessments that sets out further detail on managing workplace public health risks

The Scottish Government are encouraging employers to take the needs of those on the Highest Risk List into consideration when completing a risk assessment.

For those PAs returning to the workplace it is advised that employers carry out an individual risk assessment to look at your individual risk. This can help individuals and employers to discuss any additional changes that may be needed to make the workplace and duties safer.

Employers are encouraged to consult closely with employees on the Highest Risk List

Managing risk in the workplace

Employers can manage risks to their PAs by:

- Encouraging staff to wear face coverings in enclosed, busy areas, or places which are less well ventilated
- Maximising ventilation and the use of outside space if possible
- Reinforcing enhanced cleaning, particularly of frequently touched surfaces, and hygiene measures such as providing alcohol based hand sanitiser
- Supporting the distance aware scheme
- Encouraging staff to travel safely when going to and from the workplace. PAs should not travel to work or car share if you have symptoms of coronavirus
- Vehicle sharing at work involves close contact with other individuals therefore, PAs should wear face coverings, ensure vehicles are well ventilated by opening windows and clean after each journey
- Protecting those at highest risk via conducting an individual risk assessment
- Continue to support workers to follow self-isolation guidance. From the end of April 2022 anyone experiencing COVID-19 symptoms will be advised to stay at home
- Reducing the overall contacts between people
- Regularly communicating with employees
- Developing plans to adjust shift patterns to protect the workforce
- Reducing the need for travel at peak times and providing opportunities for flexible working
- Continuing to work with staff on health and safety matters such as providing training around any new processes and protocols introduced
- Considering available resources to support the welfare and mental health of staff

- Encouraging the uptake of vaccination

Working hours

Employers should be mindful of the issue of overworking and should support staff to set clear boundaries between work and home-life.

Employers should be mindful of the legal requirements for rest breaks:

- At least 20 minutes break during each working day lasting longer than 6 hours
- The time period between stopping work one day and beginning the next is not less than 11 hours
- Have at least one complete day each week when no work is done

Employers should ensure that their staff take their contractual paid leave if they wish — in order to comply with Working Time Regulations paid leave entitlements, and ensure rest and employee wellbeing.

Vaccination

Employers can help encourage vaccine take up by:

- Supporting staff to get the COVID-19 vaccine once it is offered to them. This may require paid time off to attend the appointment
- Encouraging vaccine take up by sharing the benefits of being vaccinated with staff. It could help to display material from the NHS COVID-19 vaccination marketing toolkit which includes information leaflets in a number of languages

Standard Infection Control Precautions (SICPs)

SICPs are the basic infection prevention and control measures necessary to reduce the risk of transmission of infectious agent from both recognised and unrecognised sources of infection.

The Scottish Government has set out the SICPs that are to be used by all staff, in all health and care settings, at all times, for all service users, whether infection is known to be present or not to ensure the safety of those being cared for, staff and visitors in the care environment.

As PA employers have the responsibility for health and safety of their staff members, it will be the responsibility of PA employers to assess risk from COVID19 and to put in place appropriate Infection Control Precautions.

Next steps

Take a look at the resources available below to guide you in more detail.

Resources

ACAS COVID-19 employer responsibilities

ACAS has produced a range of information on COVID-19 for employers and employees, which you can find here

<https://www.acas.org.uk/coronavirus>

Scottish Government COVID-19 fair work statement

Coronavirus (COVID-19): fair work statement

<https://www.gov.scot/publications/coronavirus-covid-19-fair-work-statement/>

Scottish Government Guidance on reducing risk of COVID-19

The Scottish Government has also produced guidance for businesses and workplaces on reducing the risk of COVID-19 and supporting staff and customers, which can be found here

<https://www.gov.scot/publications/coronavirus-covid-19-general-guidance-for-safer-workplaces/>

What Happens if There's a Change in my Employer's Personal Circumstances?

There may be a change in your employer's life that could affect your employment in some way. These could include:

- A change in the person's health and well-being. This could be a deterioration in their health or an improvement
- A change in family circumstances, such as moving home to another area
- A change in a carer's circumstances, where they might not be able to continue to provide the support they have previously
- The person needing to move into residential or nursing care
- The person being admitted to hospital with the result that they cannot return home
- The person no longer having capacity to manage the employment relationship
- An adult protection concern being raised
- The person not wishing to be an employer anymore and wanting to receive support under a different SDS option

The result could be:

- The person no longer requires assistance or support to live at home
- The person is no longer eligible for SDS funded support
- The level of assistance or support they might need decreases
- The type of assistance or support the person needs changes

The effect on a PA of such a change could be:

- Reduction in the number of hours employed
- Redundancy — as assistance or support is no longer required
- A change in the type of assistance or support that is required, such as use of specific medical

equipment

These potential changes could result in the employer looking to change the terms and conditions in a PAs contract. There are specific rules about changing employment contract changes and employers must inform:

- You and other employees and workers who might be affected
- Any relevant employee representatives, for example trade union or other elected employee representatives

Reduction in the number of hours employed

If the employer was looking to reduce the number of hours you work, this may mean a change in the terms and conditions of your employment. The employer would need to follow the requirements of employment legislation in relation to changing an employment contract.

The person you assist or support goes into residential care

If someone needed to move into a residential or nursing home, your PA role might no longer be needed. If this was the case, you might be made redundant from your PA role and the employer would be expected to follow the requirements of employment legislation.

The PA employer is no longer eligible for SDS funding

If a PA employers eligibility for assistance or support reduces to the point they are no longer eligible for SDS funding, they may be unable to pay for the assistance or support that the PA provides. Therefore, this might be a redundancy situation, unless the employer was able to continue to pay the PAs wages, but for a reduced level of support. This might result in a discussion about changes to the contract of employment.

If a PA employer chooses a different SDS Option

If the PA employer decides that they do not want to continue to be an employer and would prefer to change to another Option under SDS, for whatever reason, then there are other rules around employment that would have to be checked.

If the PA employer decided to choose an agency to provide their support instead, they may need to check if TUPE regulations apply. TUPE refers to the Transfer of Undertakings (Protection of Employment) Regulations 2006. This is where an employee may have the right to continue their employment, but for this to be transferred to another employer. This protects the employee's rights and employment status. So for example in this case, where a PA employer has chosen an agency to provide their support instead, there will need to be a discussion to see if their PA employees can be transferred to the employment of the agency and to continue to provide support to the PA employer.

The employer moves to a different area

If an employer decides to move home, whether that be in the same Local Authority area or not, this might affect the PAs ability to continue to provide the assistance or support they do. Therefore, there

might need to be discussions about possible changes to the contract of employment, or the PA being made redundant due to a change in the location of the work place.

Where an employer becomes ill and is unable to continue as an employer

There may be a situation where the PA employer becomes ill and is unable to continue to manage their PAs effectively, even with the support of other people. If this was the case, it might be possible to find someone else to take on the role of the PA employer, such as another family member or friend. In the case of an employers capacity diminishing, it may require another person to have the legal authority to manage that person's financial and welfare needs. They might therefore need to apply for Financial and/or Welfare Guardianship. This person may then become the PAs employer, which would require a change to the contract of employment.

Where a PA Employer Passes Away

If an employer passes away, then their PA(s) employment comes to an end. In this situation, the rules around redundancy might apply and whoever is managing the employers estate will need to consider this issue.

Next steps

Take a look at the resources available below to guide you in more detail.

Resources

ACAS: Employee Rights During a TUPE Transfer

What a TUPE transfer is and protecting your rights as an employee when you transfer to a new employer.

<https://www.acas.org.uk/employee-rights-during-a-tupe-transfer#:~:text=TUPE%20regulations%20protect%20your%20rights,from%20one%20employer%20to%20another>

Redundancy Payment Helplines

The helpline numbers for ACAS and UK Government

<https://www.gov.uk/redundancy-payments-helpline>

Redundancy

If you're making an employee redundant, you must:

- Consult with you about this,Â tell you why and discuss matters with you if you have more than 2 years serviceÂ
- Tell the employee why the redundancy has arisen and discuss the situation (this is called consultation)
- Tell the employee how long their notice period is — whether it's statutory or contractual
- Keep paying the employee you until the end of the notice period

- You'll usually carry on working until the end of your notice period. How much notice depends on how long the employee has worked for the employer
- Sometimes the employer may want to pay you instead of having you working out your notice period. This is called paying you in lieu of notice

It's a good idea to talk with your employer if there's any part of the redundancy notice you're not sure about. It is good practise to put in writing:

- The length of the notice period
- The date the notice period starts
- If they can leave before the end of your notice period
- If they need to take any unused holiday before you leave
- If they still get contractual benefits, for example a fuel card or mobile phone, during your notice period

Eligibility for redundancy pay

Only employees have the right to redundancy pay if they have worked for the employer for more than 2 years.

If you're not sure if your PA is classed as an employee, it's a good idea to take advice and check employment status.

How much redundancy pay will a PA get?

How much redundancy pay a PA can get depends on:

- Age
- Length of time working for the employer

They might get more than the minimum amount the law says you should get ('statutory'), if it's in their contract.

Up to £30,000 of redundancy pay is tax free.

Employees may not be eligible for statutory redundancy pay if the employer offers a suitable alternative job and the employee you turns it down.

Redundancy pay is based on

- Weekly pay before tax (gross pay)
- The years worked for your employer ('continuous employment')
- Age

Weekly pay should also include

- Regular overtime, if your contract says you must get paid for it
- Any bonuses or commission

If the employee is aged 17 to 21

The employer must give them half a week's pay for each full year that has been worked.

If You're Aged 22 to 40

Your employer must give you:

- 1 week's pay for each full year you worked from age 22
- half a week's pay for each full year you worked before that

If the employee is aged 41 or Over

The employer must give them:

- 1.5 weeks' pay for each full year worked from age 41
- 1 week's pay for each full year worked between age 22 and 40
- half a week's pay for each year worked between 17 and 21

As an employer you must tell your employee in writing how their redundancy pay has been worked out.

Limits on redundancy pay

There are limits to how much redundancy pay an employee can get. They can only get it for up to 20 years of work. This means, for example, that if the employee has worked for you for 22 years they only get redundancy pay for 20 of those years.

The maximum weekly amount used to calculate redundancy pay is £571 from 6 April 2022 — even if the employee's wage is more per week.

The maximum statutory redundancy pay they can get in total is £17,130 from 6 April 2022.

When the employee will get paid

As an employer you should tell your employee when they'll get their redundancy pay — this should be on or before the final pay date. You and your employee can agree to a different date, which should be put in writing. You should also tell the employee how they'll get paid, for example in their monthly pay or in separate payments.

If the employer does not make the redundancy payment

If the employee does not get the redundancy pay they should:

- Write to their employer as soon as they can. The date they should get their redundancy pay should be no later than their final pay date, unless they and their employer agree another date in writing.
- Tell the employer what they're entitled to and include any evidence to back this up. For example, they could include a letter that states their first day at work or an email confirming a recent pay increase.

The employee has to claim for any unpaid redundancy within 6 months of their job ending.

If the Employer becomes insolvent

If the employer is insolvent, the employee can apply for redundancy pay from the government's Redundancy Payments Service (RPS).

Next steps

The employee can check with their employer for their policy on redundancy and take a look at the resources below for further guidance.

GOV.UK - Applying to Redundancy Payments Service (RPS)

Guidance for customers who need to apply to the Redundancy Payments Service (RPS)

<https://www.gov.uk/government/publications/redundancy-payments-links-to-further-information-and-guidance/redundancy-payments-links-to-further-information-and-guidance>

What is a Casual Worker?

The term 'casual worker' describes an individual who is not part of a business or employers permanent workforce. Casual workers will not normally be guaranteed a minimum number of hours and are usually expected to work on a flexible "as required" basis, for example, covering holidays and sickness in the permanent workforce.

Employment contracts

If a PA doesn't have any agreed hours, your employer doesn't need to provide you with a contract of employment. However, it is advisable to ask for a casual worker agreement to record working requirements and arrangements to avoid problems or misunderstandings.

Under a casual contract, the employer isn't obliged to offer any work, and the employee is not obliged to accept work when offered.

There are many different types of casual worker, which can include those engaged for:

- Zero hours contracts (e.g., no minimum guaranteed hours)

Determining employment status

Casual workers' legal status, and therefore their rights, depend on whether they are classed as

employed, self-employed or a worker. This can often involve an assessment of all the circumstances of the relationship. Staff who are not employees generally fall into two categories — independent contractors such as the self-employed or workers.

Workers have limited rights, such as:

- Being paid the National Minimum Wage
- To benefit from the Working Time Regulations 1998
- To be paid for statutory annual leave

However those who are self-employed have far fewer rights. Consequently, it is essential to correctly identify your employment status.

Casual workers must be on the employers payroll

All casual workers must be included on the employers payroll in the same way as a permanent employee, under HRMC rules. This is the case whether they are only employed for a few days or longer:

- Casual workers are entitled to holiday pay
- Casual workers may be entitled to protection from unfair dismissal if they are in reality employees
- Casual workers may have some basic employment rights
- Casual workers may also be entitled to family related benefits

Next steps

Take a look at the resources available below to guide you in more detail.

Resources

Employment Status

HMRC provide more information on casual workers' rights

<https://www.gov.uk/employment-status/worker>

Zero Hours Contract

ACAS provides more information on your rights under a Zero Hours Contract

<https://www.acas.org.uk/zero-hours-contracts>

What Your Contract of Employment Should Include

A contract between an employer and an employee or worker is a legally binding agreement. This could be a 'Contract of Employment' or a 'Contract of Service'.

A contract can be agreed verbally or in writing.

What an employer must provide in writing

Anyone legally classed as an employee or worker has the right to a written document summarising the main terms of their employment.

The legal term for this document is the 'written statement of employment particulars'. It includes information such as pay and working hours.

This document is often referred to as the 'employment contract'. but by law, the employment contract is broader than just these written terms.

For example, employment law is also part of an employee's contract but usually the law will not be written in full in the document.

When an employment contract begins

An employment contract begins when the employee starts work, even if there's nothing in writing.

The contract might begin even earlier if all the following apply:

- Someone accepted the job offer verbally or in writing
- The offer was unconditional or the person met all the conditions (for example, the employer was satisfied with their references)
- The employer set out the terms of the job in a clear and definite way, verbally or in writing

Terms of a contract

An employment contract is made up of:

- Specific terms agreed in writing ('express terms'), such as the employee's pay and working hours
- Terms that are part of employment law ('statutory terms')
- Terms too obvious to be written ('implied terms') — it can still be a good idea to put these in writing, so everyone's clear about their rights and responsibilities (implied terms include the duty of good faith owed by an employee to an employer)Â Â
- Terms put into the contract from other sources ('incorporated terms') such as a staff handbook or an agreement affecting many employees

Information in the contract must follow the law. For example, stating that an employee is paid £4 per hour would be against the law, because this amount is below the minimum wage.

Terms that are part of employment law

The employer does not need to put these types of terms into writing.

The exception is any information that must be in the written terms. For example, if the employer

pays an employee the minimum wage, they must display that amount in the written document.

Terms too obvious to be written

There are some terms that are so obvious that they do not have to be written (such as not stealing from your employer — although this is likely to be contained in a Disciplinary Procedure as an example of Gross Misconduct).

Even if they're unwritten, these types of terms are often crucial for an effective working relationship between an employer and employee.

To prevent misunderstandings, it's still a good idea for the employer to make the following clear (for example, by writing them in an employee handbook):

- The standards of behaviour expected from employees — for example, anyone who deals with other people should be polite when doing so
- What happens if these are not met — for example, the employer will report any thefts to the police and take disciplinary action

Custom and practise

'Custom and practice' terms are often unwritten. This type of term could become part of the employment contract when all of these apply:

- It's generally well-known in the employment role, usually over a period of time ('notorious')
- It's reasonable
- It's certain

For example, an employee could expect a Christmas bonus of £100 this year if their employer has paid that annually for the last 10 years, to everyone in their team.

To prevent misunderstandings, it's still a good idea for the employer to put specific custom and practice terms into writing. For example, that getting a Christmas bonus depends on the employers financial position.

Terms restricting an employee's actions

An employer might state that an employee cannot take certain actions during their employment or once it ends. For example, after the employee has left, preventing them from contacting other staff members for a certain period of time.

These types of terms are known as 'restrictive covenants'. They will not usually be legal unless they're in writing and are clear, specific and time-restricted. Even then, this area of the law can be complex.

Next steps

Take a look at the article on 'Making Changes to your Employment Contract: Advice for Employees' for more information.

Resources

Making Changes to your Employment Contract: Advice for Employees

A contract between an employer and an employee or worker is a legally binding agreement.

The terms and conditions of your contract can be agreed:

- In writing
- Verbally, for example during a conversation when you're offered your job

You or your employer can propose changes to your terms and conditions.

Any changes must be agreed by both you and your employer.

In some circumstances, your employer may have an agreement with a trade union which allows the union to negotiate and agree certain contract changes on your behalf.

Where to find your terms and conditions

All employees and workers have a legal right to a 'written statement of employment particulars'. This is a written document summarising the main terms and conditions of your employment.

You have a legal right to a written statement even if your contract is agreed verbally.

A written statement can be given to you:

- In a separate document
- As part of a written employment contract, if you have one

A written employment contract usually includes:

- Details legally required in your written statement
- Details about other terms and conditions
- Information about the employers policies and procedures

Some terms and conditions might be in other places too, for example, in a staff handbook.

Changes to employment contracts can be agreed in different ways, including when

- A change is proposed by either you or your employer, which you then discuss and agree with your employer
- Your employer has a 'collective agreement' with a trade union and the union agrees changes to your terms and conditions on your behalf
- You agreed to a term in your contract that allows your employer to make changes to certain terms of your employment in some circumstances — sometimes known as a 'flexibility clause' or 'variation clause' (but these clauses must still be exercised 'reasonably')
- A change happens through 'custom and practice' — your terms and conditions change over time

and everyone's agreement can be implied

When your employer might propose contract changes

Examples of when your employer may need to consider employment contract changes include:

- To make sure your contract is up to date with new laws or regulations
- To better reflect your job role, if it has changed
- To introduce or change terms and conditions for staff, for example contractual redundancy pay, enhanced maternity or paternity leave, or details of a pension scheme
- To reflect changes to your employers circumstances, for example if they're considering moving

If your employer is considering changes that may affect your contract, they must:

- Explain the change they're considering and the reasons why
- Consult with you — this means they must ask for and genuinely consider your views
- Consult with trade union or other employee representatives, in some circumstances

When you might propose contract changes

In some circumstances, you might want to propose an employment contract change to your employer. For example, if:

- Your job role has changed since you started working for your employer
- You want to ask for improved terms and conditions, such as a pay rise or extra holiday
- You want to make a flexible working request find more information here:

<https://www.acas.org.uk/making-a-flexible-working-request>

Your employer does not have to agree to every change you propose, but they should always listen to you and consider your proposal.

Next steps

Find out more about you or your employer proposing changes to your employment contract in the resources below.

What's the Difference Between an Employed and Self-Employed PA?

When someone is considering becoming a Personal Assistant (PA) employer it is important to understand the difference between an employee and a self-employed worker. A worker's employment status can affect the legal relationship and financial responsibilities between the PA Employer and that worker. So for example, a PA Employer would be responsible for paying the tax

and National Insurance for the PA(s) they employed, whilst a self employed worker would be responsible for paying this themselves.

This is something that all PA Employers need to be aware of. To help understand this, there are some basic definitions of different employment statuses that a PA could have.

When a PA is an employee

- A PA who has a Contract of Employment is an employee
- The PA Employer is required to offer the PA work under the terms of the contract
- The PA is required to accept the work offered under the terms of the contract
- The PA must perform their work personally and cannot send someone else to do this instead of them
- The PA will be working under the control and direction of the PA Employer
- The PA will be provided (by the PA Employer) with any equipment they need to enable them to fulfil their role as a PA
- The PA is paid through Pay As You Earn (PAYE) and National Insurance payments will be made on their behalf by the PA Employer
- The PA will receive statutory benefits, such as statutory sick pay
- The PA will be entitled to holiday pay
- The PA will be subject to the disciplinary procedures set up by the PA Employer

It may be that the relationship you intend having with the worker is better described under a casual work agreement.

Casual worker

The term casual worker applies to PAs who provide assistance or support their employer on a temporary or ad hoc basis. Temporary/ad hoc work is defined as being:

- Work which occurs only once, and for a short period of time
- Work which occurs more often but on an unpredictable or irregular way
- Work where there is no obligation on the part of the PA Employer to offer the work (e.g. there is no contract between the two people)
- Work where there is no obligation on the part of the PA to accept the offer of work (e.g. there is no contract between the two people)
- Workers are entitled to a written statement of the terms of their engagement

Where there is no written contract of employment

In situations where there is no written contract of employment, such as when you're asking a PA to work now and again at different times on a casual basis, there may be no requirement for the PA Employer to offer work and no requirement for the PA to accept any work.

If however, a casual worker's working pattern becomes, over time, set and regular, then this arrangement would have to be reconsidered as they may be regarded as a permanent employee. A casual worker's working periods should consist of short, irregular work with gaps in between so that a continuity of employment is not established.

Having casual workers available can really help a PA Employer manage gaps in their PAs capacity, such as times of sick leave or holidays. However, it is important to understand when casual work

becomes employment and what a PA Employers responsibilities are if this happens. It is helpful for some PA Employers to have several casual workers available for them to approach to cover holidays and unscheduled emergencies.

Working out if a PA is self-employed or not

There are two areas to consider when trying to work out whether a PA is a self-employed worker or not. These relate to:

- Employment status for tax purposes
- Employment status for work purposes

HMRC have outlined certain questions to help decide if a worker is self-employed for tax purposes. If the worker can answer yes to one or more of these questions, they are likely to be self-employed:

- Can the PA hire someone to do the work for them, or take on helpers at your their expense?
- Can the PA decide where to provide the support needed, when to work, how to work and what to do?
- Can the PA make a loss as well as a profit?
- Does the PA agree to do a job for a fixed price regardless of how long the job may take?

If the PA cannot answer yes to any of the questions above, they are still likely to be self-employed if most of their answers to the following questions are yes:

- Does the PA risk their own money?
- Does the PA provide the main items of equipment (not the tools that many employees provide for themselves) needed to do the job?
- Does the PA regularly work for a number of different people and require business set up in order to do so?
- Does the PA have to correct unsatisfactory work in their own time and at your own expense?

Next steps

Take a look at the article on self-employment and also the HMRC webpage on UK Government check employment status for tax purposes.

Resources

UK Government check employment status for tax
<https://www.gov.uk/guidance/check-employment-status-for-tax>

A Guide on how to set up as a Self-Employed PA

If you are looking to become a self-employed Personal Assistant (PA), there are a number of things that might be helpful to do. These include:

- Checking what a self-employed status really means, what your responsibilities will include and

how this might affect the way you work

- Thinking about your 'business plan', in terms of who you are looking to be a PA for, what level of resources that people might have to contract with you (e.g. from their Local Authority, ILF Scotland, from benefits or funding the full cost of their support themselves)
- Thinking about the local level of need
- Being aware of local understanding and approaches to self-employed PAs, whether this will support your role or work against it
- What additional sources of information and support are available to you on an on-going basis (e.g. with business development)

At some point you need to decide if being self-employed is the right status for you.

Working out if you are self-employed or not

There are two areas to consider when trying to work out whether you would be self-employed or not. These relate to:

- Employment status for tax purposes and
- Employment status for work purposes

HMRC have outlined certain questions to help you decide if you are self-employed for tax purposes. If you can answer yes to one or more of these questions, you are likely to be self-employed:

- Can the PA hire someone to do the work for them, or take on helpers at their expense?
- Can the PA decide where to provide the support needed, when to work, how to work and what to do?
- Can the PA make a loss as well as a profit?
- Does the PA agree to do a job for a fixed price regardless of how long the job may take?

If you cannot answer yes to any of the questions above, you are still likely to be self-employed if most of your answers to the following questions are yes:

- Does the PA risk their own money?
- Does the PA provide the main items of equipment (not the tools that many employees provide for themselves) needed to do the job?
- Does the PA regularly work for a number of different people and require business set up in order to do so?
- Does the PA have to correct unsatisfactory work in their own time and at their own expense?

Working for yourself

If you start working for yourself, you're classed as a sole trader. This means you're self-employed — even if you haven't yet told HM Revenue and Customs (HMRC) yet.

Things you need to do to set up as a Self-employed PA:

- Register with HMRC as self-employed on the HMRC website
- You will then receive your Unique Taxpayer Reference (UTR) as a self-employed worker
- You need to develop your business plan

- Secure the Insurances that you need, such as:

- Professional indemnity
- Public and product liability
- Contents and stock
- Business interruption
- Cyber cover
- Legal expenses
- Create the contracts and relevant paperwork for your role as a PA. This might include entering into a contractor/consultancy agreement with your client i.e the person you provide care to

Consider that all relevant legal responsibilities are covered, such as:

- Health and safety
- Risk assessments
- First Aid
- Marketing and promoting your business (e.g. through leaflets, cards website etc)
- Feedback from customers and review your business plan

Next steps

Take a look at the article, "Self-Employed PAs" and the other resources below.

Signposting to Relevant Sources of Information for Self-Employed PAs

There are a number of resources available for self-employed Personal Assistants (PAs):

HMRC factsheet: Employed or self-employed for tax and National Insurance contributions:

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/865507/ES-FS1.pdf

HMRC check employment status for tax:

<https://www.gov.uk/guidance/check-employment-status-for-tax>

Health and Social Care Standards: My Support My Life:

<https://www.gov.scot/publications/health-social-care-standards-support-life/>

Care Inspectorate:

Which has information on Registering a Care Service here:

<https://www.careinspectorate.com/index.php/registercare>

Scottish Social Services Council (SSSC) have developed a Code of Practice for Social Service Workers:

<https://www.sssc.uk.com/the-scottish-social-services-council/sssc-codes-of-practice/>

Business Gateway provide a range of information and training relevant to PAs who might want to be self-employed. Training can include courses on:

- An Introduction to Self-Employment and Starting your own Business
- An Introduction to Running Your New Business — Webinar

They also provide support on:

- Starting a Business
- Running a business
- Finance
- Marketing
- Digital presence

Next steps

Take a look at the resources available to guide you in more detail.

A Guide to National Insurance Rates for self-employed workers

A Guide to what is National Insurance is and the rates for self-employed workers, provided by Simply Business.

https://www.simplybusiness.co.uk/knowledge/articles/2022/08/self-employed-national-insurance/?utm_source=email&utm_medium=kcnurt&utm_campaign=day_160_sme

When an Employer May Make a Decision Based on a Protected Characteristic

According to the law, discrimination is when someone is treated unfairly because of sex, race, age, disability or any other 'protected characteristic'.

Protected characteristics are covered by the Equality Act 2010.

In some cases it might be legal for an employer to make a decision that's based on a protected characteristic, if at least one of these points apply:

- A decision they take helps a disadvantaged or under-represented group (known as 'positive action')
- They have a good business reason to discriminate (known as 'objective justification')
- The protected characteristic is essential for the job (known as an 'occupational requirement')
- They're asking if they need to make their workplace more accessible (known as 'reasonable adjustments') — however they must remember not to ask about disability except in limited circumstances
- They want to find out about the diversity of their workforce to help make it as inclusive as possible

— but they should still follow specific rules, including making sure the information is provided voluntarily and anonymously

Next steps

It's a good idea to get legal advice before making a decision based on a protected characteristic.

When You Might need to Say “No”™ to Your Employer

There are probably 2 aspects to being able to say no:

- One is about having the confidence to say no
- The other is about you and your employer knowing your rights so that it's clear when to say no

Checking what you and your employers rights and expectations are is the first step you can take. It will potentially make it clear whether or not you are expected or required to do something.

Your contract of employment might also outline the duties and responsibilities that you have, so it would be useful to check this first.

For grey areas, it could be worth considering if you have the ability/competence/relevant training to do what you have been asked.

You should be able to say no to anything which is not a reasonable instruction or request or which is out with your role without fear of it negatively impacting your employment.

On a practical level, you can ask for or wait for your next supervision session where issues can be raised and discussed in a safe manner.

It is a very useful life skill to have the personal confidence to say no. You could be saying no as a matter of personal safety or maintaining personal boundaries or as a personal choice. It may be that you have to practice saying no if you are the type of person who usually says yes.

Knowing you are making a reasonable request in a reasonable manner will help you feel confident in saying no.

Next steps

Take a look at the article on 'Developing Your Relationship With Your Employer'.

Resources

Developing Your Relationship With Your Employer



This is going to be a key factor in you enjoying your job and also in wanting to keep going in your job. While you can't necessarily predict what kind of person your employer is, you can decide yourself how you are going to act/react. Having personal boundaries in place is a necessary first step. You want to be open and friendly with your employer, but he/she is not going to be your best friend that you confide in; nor do you need to get involved in their problems. On paper, this sounds a bit harsh but you are not there to solve problems rather to support the person to solve their own problems. You are also not there to offload your own problems onto your employer, so it's necessary to be professional in your approach.

Having a non-confrontational approach will probably be useful in maintaining a smooth relationship. Some actions or comments are not meant to be taken personally but even if they are, you can choose to ignore them. If you feel your employer's behaviour is inappropriate, then you might have to seek help in how to approach this. Seeing your job and yourself as professional can help you take a step back from a difficult situation and allow you to seek help like any other professional person.

A good sense of humour also can't be over rated. An ability to laugh at yourself and with your employer will lighten lots of situations. Ideally you want to enjoy your job and be able to have fun and laugh together.

Being reliable and trustworthy are important. No matter how nice you are, your employer won't want someone who doesn't turn up on time or who lets them down at short notice or who takes advantage

of them.

Kindness and a willingness to learn are also on my list of key ingredients to a good relationship. You are there to support your employer to live their own life, not to judge them for their choices or their way of doing things. It can help to imagine how you would explain to someone how to support you to get dressed, for example, and you realise you are just as fussy as your employer. So being willing to learn their way of doing things and then doing it, is important, with kindness.

Next steps

Take a look at the article on 'Managing your Working Relationship' for more information.

Where to Look for PA Jobs

There are a number of places where Personal Assistant (PA) jobs are regularly advertised in Scotland. These include advertisers with both a local and national focus.

My Job Scotland Personal Assistant adverts

To look nationally: <https://www.myjobscotland.gov.uk/personal-assistant-jobs>

Adverts on specific websites

There are adverts posted by a range of organisations working across Scotland including:

- PA Network Scotland: (covering all of Scotland)

Website:

<https://www.panetworkscotland.org.uk/jobs>

- Ayrshire Independent Living Network (AILN): (covering East, North and South Ayrshire)

Website:

<https://www.ailn.org/jobs>

- Cornerstone SDS: (covering Aberdeen and Aberdeenshire)

Website:

<https://www.cornerstonesds.org.uk/vacancies/>

- Dundee Carers Centre: (covering Angus and Dundee)

Website:

<https://directpayments.org/pa-vacancies/>

- Encompass: (covering the Scottish Borders)

Website:

<https://www.encompassborders.com/job-vacancies/>

- Glasgow Centre for Inclusive Living (GCIL): (covering the Greater Glasgow area)

Website:

[advertised on Indeed](#)

- The Lothian Centre for Inclusive Living (LCIL): (covering Edinburgh and East, Mid and West Lothians)

Website:

<https://www.lothiancil.org.uk/how-we-help/independent-living-support/personal-assistant-recruitment/current-personal-assistant-vacancies/>

- SDS Options Fife: (covering the Fife area)

Website:

<https://www.sdsoptionsfife.org.uk/employers-adverts.html>

- Shetland Community Connections: (covering Shetland)

Website:

<https://shetlandcommunityconnections.co.uk/pa-opportunities/>

- Support Choices: (covering Perth and Kinross)

Website:

<https://www.supportchoices.co.uk/pa-adverts>

- Take Ctrl East Dunbartonshire: (covering the East Dunbartonshire area)

Website:

<https://uk.indeed.com/cmp/Glasgow-Centre-For-Inclusive-Living-1/jobs>

- Take Ctrl South Lanarkshire: (hosted by GCIL)(covering South Lanarkshire)

Website:

<https://uk.indeed.com/cmp/Glasgow-Centre-For-Inclusive-Living-1/jobs>

- Thistle: (covering Edinburgh)

Website:

<https://isw.changeworknow.co.uk/thistle/vms/e/careers/search/new>

What is the Jobcentre Plus?

Jobcentre Plus is a government-funded employment agency and social security office that can be found in most cities, whose aim it is to help people of working age find employment in the UK. It was formed when the Employment Service merged with the Benefits Agency and was renamed Jobcentre Plus in 2002. It is a part of the Department for Work and Pensions (DWP).

Jobcentre Plus provides resources to enable job-searchers to find work, through Jobpoints (touch-screen computer terminals), Jobseeker Direct (telephone service) and the Jobcentre Plus website. They offer information about training opportunities for the chronically unemployed. They administer claims for benefits such as Income Support, Incapacity Benefit, and Jobseeker's Allowance (currently being phased out in favour of Universal Credit).

You can find all the relevant details here: <https://www.jobcentreguide.co.uk/>

Providing assistance to the unemployed

In the past, Jobcentre Plus helped those who were currently employed, as well as the unemployed. Now they only provide assistance to those who are unemployed and claiming benefits, though anyone can search for a job at the Jobcentre Plus website online, touch screen Jobpoints or via Jobseeker Direct. Employers and employment agencies can register their vacancies online by calling Employer Direct. These vacancies will be immediately listed through Jobpoints, Jobseeker Direct, and the Jobcentre Plus website.

You can find more details on how to search for jobs here:

<https://www.jobcentreguide.co.uk/jobcentre-plus-guide/4/what-is-the-jobcentre-plus>

Jobcentre guide and job hunting advice

Your independent guide to benefits and services, FREE CV advice, job searching, CV preparation and interview techniques. It's their aim to provide you with all the information you'll need to help you find a rewarding job. They also have links to many job websites that list the most up-to-date vacancies.

Their guide is broken down into the following sections:

Jobcentre Plus guide

In this section they will tell you about the services your local Jobcentre Plus can provide and details of benefits you might be entitled to. Their guide aims to be simple and easy to understand.

Job Searching

There are many places to find job vacancies advertised. They will show you how using a job search engine can save you hours searching online, how employment agencies can help you find a job, and where to look for vacancies not advertised online.

You can also quickly and easily search for jobs in your area by using the search bar at the top of every page. You can also get notifications when job listings matching your criteria come up in your area and you can subscribe for email notifications.

CV tips and preparation

When applying for jobs, you will often need to submit your CV / resume. In this part of the guide they give you tips and advice on how to prepare your CV and what you can do with it to help employers and recruiters find you. You can also find advice on sending cover letters.

Interview tips and preparation

Here they offer advice on how to best prepare and present yourself at a job interview. They cover everything from how to dress, how to handle tricky interview questions and how to handle salary negotiation.

Career websites

They have a guide to the many websites available to help you find work. They have divided their guide into separate sections for job websites, job search engines, and CV advice and preparation services.

Linkedin

Many employers advertise jobs on LinkedIn. This is a website where you can search for jobs, as well as advertise your skills and knowledge, by creating your own professional profile. You can find details on how to join here:

<https://www.linkedin.com/home>

Gumtree

This is a website where PA employers can advertise for PAs and where you can reply directly to potential employers. You can register and find more details here: <https://www.gumtree.com/>

Facebook

Facebook is a social networking website where users can post comments, share photographs, and post links to news or other interesting content on the web, chat live, and watch short-form videos. It is also a place where PA employers advertise for Personal Assistant jobs.

You can sign up to Facebook here: <https://en-gb.facebook.com/>

Twitter

Twitter is an online news and social networking site where people communicate in short messages called tweets. Tweeting is posting short messages for anyone who follows you on Twitter, with the hope that your words are useful and interesting to someone in your audience. Another description of Twitter and tweeting might be microblogging.

Some PA employers might use Twitter to advertise PA roles in their area.

You can sign up to Twitter here: <https://twitter.com/>

Instagram

Instagram is a free photo and video sharing app available on iPhone and Android. People can upload photos or videos to and share them with their followers or with a selected group of friends. They can also view, comment and like posts shared by their friends on Instagram. Anyone aged 13 and over can create an account by registering an email address and selecting a username.

You can sign up to Instagram here: <https://www.instagram.com/>

Next steps

Take a look at the article on 'Job Interview Tips'.

Resources

Job Interview Tips

Interviews can be nerve-wracking and it is best to be well prepared.

Advance preparation

You should also find out in advance where the interviews are taking place and work out a route to

get there. Tardiness for an interview will have a strong negative impact on your chances of getting the job. You should aim to arrive around 5 minutes before the interview is scheduled to take place. When you arrive, switch off your mobile phone and take a breath mint to freshen up. You can ask for a glass of water to help clear your throat and steady your nerves. Take a spare copy of your CV.

Be confident and enthusiastic

Confidence is one the most important traits to creating a positive impression. Smile, be courteous and address the interviewers by name whenever possible. Always remember, something in your CV or job application impressed the employer enough for them to ask you to attend an interview. This is no small thing considering the volume of applications most employers receive. Therefore, you have already made a positive impression on them. Your task at the interview is to allow the employer to learn more about you and to see if they like your personality. This is hard to do if you clam up with nerves.

Follow-up to your interview

After your interview, write to the employer and thank them for their time in seeing you. This is a courteous thing to do and will also confirm to the employer that you are still interested in the position. Sometimes you might need to check a fact or clarify a point raised during the interview. You can use the follow-up letter/email to relay this information to them.

How to dress for a job interview

It is very important to create the right impression with your interviewer. Before you even have a chance to say hello, they will make dozens of conscious and unconscious decisions about you based on your appearance. If the interview forms an instant negative opinion about you, you will find it hard to overcome this during the interview. In all cases you should make every effort to present yourself as clean and as well-groomed as possible.

How to handle tricky interview questions

Tricky interview questions are part of every job interview. But they needn't cause you too many problems if you are prepared. Here are some of the common questions that are often asked at an interview:

Tell me about yourself

This is one of the toughest questions for a lot of people. For the most part, the interviewer wants to know a little bit about your career so far and what you aim to achieve, but they also want to know a little bit about what you are like as a person and what other interests you have outside of work. Before you attend an interview, write down approximately ten bullet points that would fall in to this category, then turn that list in to a short description you can easily remember and recite when asked the question. You may need to practice to make your answer sound natural. Remember, preparation is the key to a good interview.

What are your strengths?

It is a good idea to skip the standard cliché answers such as: "I'm a fast learner" or "I am really passionate about what I do", and focus on specific tasks you are genuinely strong in. It helps if you can embellish the points you raise with examples and try to explain why you are good at something

and what your unique approach is. This will help to distinguish you from most of the other applicants and will show you have given careful consideration to your answers.

What are your weaknesses?

There are so many wrong answers to this question. Try to avoid the obvious pitfalls such as: "I find it hard to get out of bed in the morning" or "I drink too much at weekends". Also avoid answers that make it sound like you are sucking up to the interviewer, such as: "I work too hard" or "I spend too much time working after hours". The best answers to give are genuine answers, so find an area you are not so strong in and explain how you are working to improve in that area and highlight any training or self-study you are undertaking. This will show you are keen to improve and will make a good impression.

Do you have any questions?

The answer should always be yes. Ask about what the employer likes to do and what interests they have. Ask about any need to be flexible in your approach. It is important to take a personal interest in the employer, their life and what is important to them.

Why did you leave your last job?

If you are currently unemployed, this question will arise. At all costs, avoid the temptation to speak badly of your former employers. The best approach to take with this question is show that you have left to work on progressing with your career and that you take your career seriously and are dedicated to working hard, learning the skills required, and are prepared to make tough decisions to help you progress. If it is true, you could highlight the lack of upward mobility offered by your last employer. If you were fired, it is usually better to tell the truth and explain what you have learned from the experience.

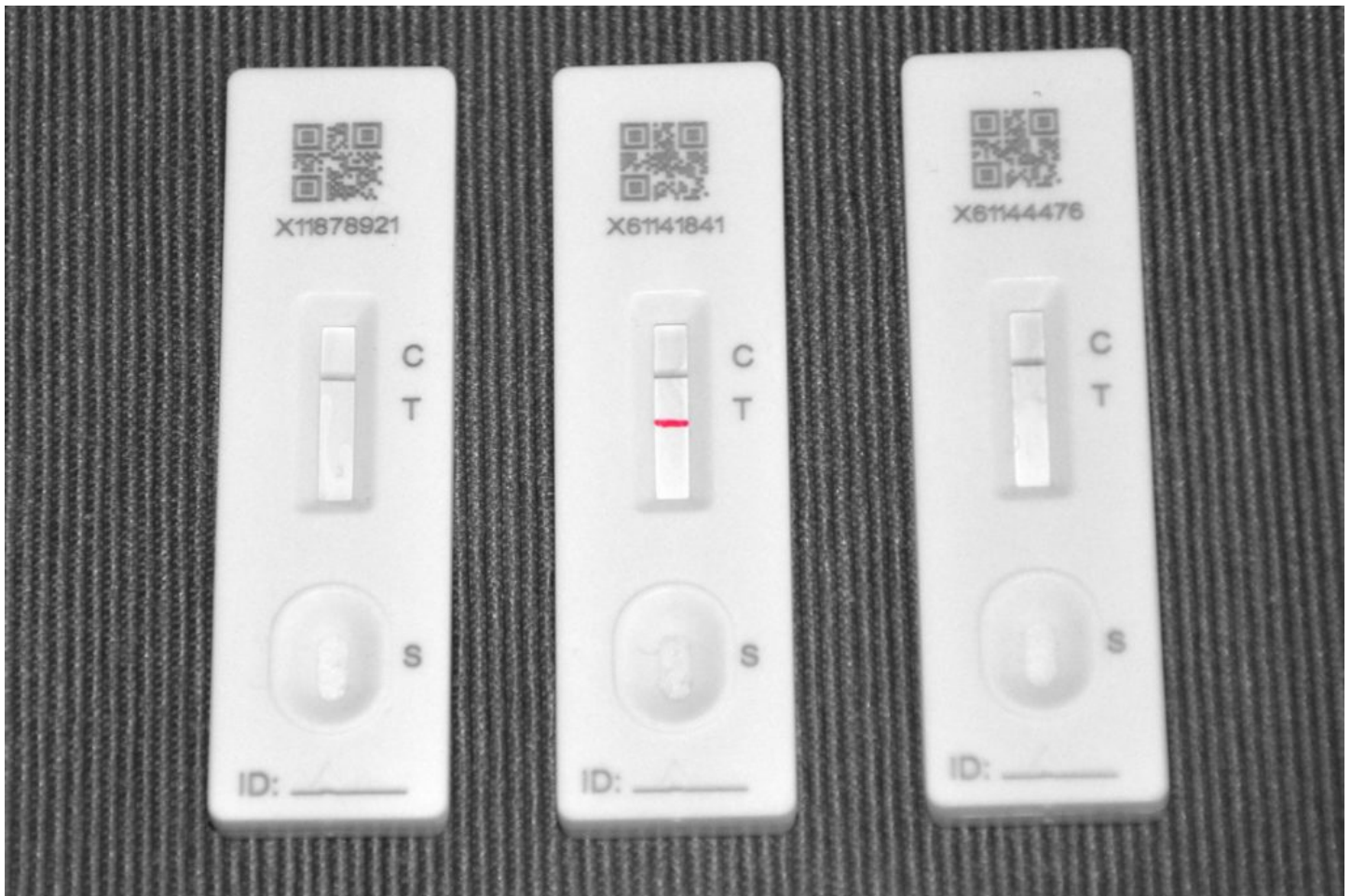
Speak to the employer

It is very important that you speak directly to the employer and the person you would be supporting if they are different people. This would still be important even if someone else is helping the employer to ask the interview questions. The employer is the person who will ultimately decide who is employed and they will want to see how you speak to the person you would be supporting.

Next steps

Take a look at the article on 'Where to Look for PA Job Ads' and 'Help with Moving from Benefits to Starting Work' for help with finding PA employment.

Workplace Testing for Coronavirus (COVID-19)



There's no law that says staff must be tested for coronavirus (COVID-19), but some employers might want to bring in testing as part of their workplace policy.Â

If an employer wants to test PAs

If an employer wants to test Personal Assistants (PAs) for COVID-19, they should first discuss and agree a policy with:

- Their PAs
- A recognised trade union or other employee representatives

It's a good idea to discuss:Â

- How testing would be carried out
- How you would get their test results
- The process to follow if test positive for COVID-19
- Pay if you are self-isolating but cannot work from home
- How your absence would be recorded if you need to take time off work
- How testing data will be used, stored and deleted, in line with data protection law (UK GDPR)

Any decision after that discussion should be:Â

- Put in writing, for example in a workplace policy
- Made in line with the organisation's existing disciplinary and grievance policy

If the employer cannot reach agreement with their PAs, it's a good idea to get legal advice before bringing in a testing policy.

If PAs are tested, everyone must still follow guidelines on:

- Keeping the workplace safe
- Self-isolation for COVID-19 — for example, if they have symptoms or test positive

If PAs are worried about testing

PAs may not want to get tested because they're worried that if they test positive they will get paid less for being off work, or will get treated differently.

To help reassure PAs about being tested, employers could consider changing the way they deal with time off after testing positive for COVID-19. For example:

- Keeping PAs on their usual rate of pay instead of just paying them sick pay
- Not counting the time off in their absence record or towards any 'trigger' system the employer may have

Protecting personal data

Employers must make sure they follow data protection law if they test PAs for COVID-19.

Resolving issues about staff testing

If a PA does not agree to be tested, the employer should listen to their concerns. It's important for the employer to be flexible and try to find ways to resolve any issues.

It can help for the employer and PA to talk about:

- The reason the PA does not want to get tested
- What might help resolve the issue

Next steps

Check with your employer for their policy on testing for COVID-19.

You Decide to Leave: Giving Notice

An employee's contract should say how much notice they must give to their employer.

If it does not, and an employee has worked for their employer for less than a month, legally they do not have to give notice.

An employer is obliged to give at least the statutory minimum notice period, which depends on length of service. If the notice period in the contract is different from the statutory minimum notice period, then the employee will be entitled to receive whichever period of notice is the longer.Â

If an employee has worked for their employer for at least 1 month, they should give at least 1 week's notice unless they are entitled to resign without notice.Â

When the notice period starts

It's a good idea to check your employment contract as it might say when the notice period starts.

If the employment contract does not say when the notice period starts, your notice period starts when: Â

- You tell your employer in person that you're resigning
- Your employer tells you in person that you're being dismissed or made redundant
- Giving notice face-to-face takes effect immediately (unless a letter confirming the notice in writing needs to be provided if the contract requires it — in which case notice starts to run from the date of the letter)Â

If your employer gives you notice in writing, your notice period would start when you've had a reasonable amount of time to read it.

When an employee is not required to work their notice

Instead of working your notice period, an employee may:

- Ask to leave during their notice period and this is agreed by the employer
- Be offered payment in lieu of notice (PILON)
- Be offered garden leave

Leaving before the notice period ends

The employee can ask if they can leave before their notice period ends.Â

They should get agreement from their employer in writing. If the employee does not get agreement to leave early they could be in breach of contract.Â

If the employee leaves early, the employer only has to pay them for the time that they've worked.Â

Payment In Lieu of Notice (PILON)

A clause in an employee's contract might allow payment instead of working their notice. This is called 'payment in lieu of notice' or 'PILON'. This means they would stop working straight away.

Depending on the wording of the clause, the employer might be able to insist on payment in lieu of notice.Â The employer cannot force an employee to agree to payment in lieu of notice if it's not in

their contract.

The employer must give the employee full pay for their notice period. The contract will end straight away, so it's unlikely they'll have to provide other contractual benefits. Check your contract for more information.

Garden leave

Garden leave (or gardening leave) is when an employer tells an employee not to work either part or all of their notice period and to remain at home. The employer cannot force an employee to take garden leave unless it is in the contract of employment.

This could be because the employer does not want the employee to have access to sensitive or confidential information they could use in a new job.

The employee must get paid as usual during their notice period, including for any work benefits in their contract.

The employee is still employed during garden leave, even though they're not working.

Next steps

Take a look at the article 'Checking Your Employment Rights' and 'Paperwork: Contract of Employment for a PA' for more information.

Resources

Checking Your Employment Rights

Your 'employment status' is your legal status at work. It affects what employment rights you're entitled to.

There are 3 main types of employment status under employment law (Employment Rights Act 1996):

- Worker
- Employee
- Self-employed

Both employers and the people doing work for them need to know their rights and responsibilities, so it's important to be sure of employment status.

You might have something in writing from the employer you work for that suggests what your employment status is. However, the way you and your employer work together in practice is ultimately what will determine your employment status for employment rights purposes.

Your employment status can be defined by

- How dependent you are on the employer for work
- How much control the employer has over you and your work
- Whether you're expected to carry out the work yourself

Your employment status is important as it affects your legal rights, what you're entitled to and what can be expected of you.

Employment status for tax purposes

Your employment status for tax purposes is not the same as your employment status for employment rights purposes. You can use HMRC's employment status for tax tool to check your employment status for tax purposes.

Worker

You're more likely to be classed as a worker if:

- Your work for your employer is more casual or ad hoc, for example your work is less structured or not regular
- You're employed to do the work yourself
- You're not offered regular or guaranteed hours by your employer
- You have very little obligation to make yourself available for work, but should do work you've agreed to

As a worker, you have rights including:

- Written terms (a 'written statement of employment particulars') outlining your job rights and responsibilities
- National Minimum Wage
- Paid holiday
- Payslips
- Protection for 'whistleblowing'
- Protection against unlawful discrimination
- Not being treated unfairly if you work part time

You may also be entitled to Statutory Sick Pay (SSP), Shared Parental Pay, parental bereavement pay and maternity, paternity and adoption pay, provided you meet the eligibility criteria. As a worker, you are generally not entitled to SSP while on sick leave (as SSP is paid only to 'employees'), paid maternity or other types of parental leave (which are available to 'employees' only), but you can take time off because you do not have to make yourself available for work.

As a worker you also have protection against experiencing any 'detriment' if you:

- Reasonably believe being at work or doing certain tasks would put you in serious and imminent danger
- Take reasonable steps over a health and safety issue, for example complaining about unsafe working conditions
- Inform your employer about your health and safety issue in an appropriate way

Detriment means your employer treats you in a way that leaves you worse off, for example:

- Your hours are reduced
- You experience bullying or harassment
- Your training requests are turned down without good reason

Workers could include:

- Casual workers
- Agency workers
- Freelance workers (however depending on your personal working pattern and circumstance you might be classed as a worker or self-employed)
- Zero hour contract workers (however depending on your personal working pattern and circumstances you might be classed as a worker or an employee)

Employee

You're more likely to be classed as an employee if:

- Your employer, manager or supervisor is in charge of your workload and how your work should be done
- You're required to work regularly unless you're on leave
- You can expect work to be consistently available
- You cannot refuse to do the work
- You're employed to do the work yourself

Employees have all the rights that workers do, as well as extra rights and responsibilities, including:

- Parental leave and pay
- Shared Parental Leave and Pay
- Maternity, paternity and adoption leave and pay
- Parental bereavement leave and pay
- Time off for dependents
- Time off for public duties
- Redundancy pay after 2 years' continuous service
- Being able to claim unfair dismissal after 2 years' continuous service
- Getting the minimum notice period if dismissed or made redundant
- The right to flexible working requests after 26 weeks' continuous service
- Protection against dismissal or suffering any detriment if taking action over a health and safety issue

As an employee, you also have protection against dismissal or experiencing any 'detriment' if you:

- Reasonably believe being at work or doing certain tasks would put you in serious and imminent danger
- Take reasonable steps over a health and safety issue
- Inform your employer about your health and safety issue in an appropriate way

You could have a case for automatically unfair dismissal if you're dismissed in these circumstances.

Self-employed

You're more likely to be classed as self-employed if you:

- are responsible for how and when you work
- are the owner of a company or are a freelancer
- invoice for your pay instead of getting a wage
- get contracts to provide services for clients
- are able to send someone else to do the work for you, if appropriate
- are able to work for different clients and charge different fees

If you're self-employed you have some rights including:

- protection for your health and safety on a client's premises
- protection against discrimination

You do not have the same rights and responsibilities as employees or workers.

Contractors and Freelancers

If you're self-employed, or a worker or employee getting work through an agency, you might be given a contract for services and be called a contractor.

In this case you might have self-employed, worker or employee employment status and rights for the duration of the contract, so it's a good idea to check.

It's important to check the difference between being employed and being self-employed so both sides know their legal rights and responsibilities.

When your employment status is not clear

It might not be clear from the type of agreement you have or the nature of your working relationship whether you have worker or employee employment status.

For example, if you're:

- Zero-hours staff
- Bank staff
- On a fixed-term or rolling contract
- A piece worker

If you're in one of these types of work, it's a good idea to check if your situation matches with one of the 3 types of employment status. This includes looking at how any written agreement or documents provided by the PA employer compares to the reality of your working relationship in practice.

For example, you might have a written contract which says you're self-employed, but in reality have less control over how, when and whether you work, meaning you're more likely to be a worker or an employee.

Next steps

Take a look at the resource available from ACAS on checking your employment rights to guide you in more detail.

Paperwork: Contract of Employment for a PA

It is a legal requirement that as an employer, you must give your employees a document stating the main conditions of employment when they start work. This is often known as a 'written statement of employment particulars.' This must include the 'principle statement' and a 'wider statement.' More details on the requirements can be found via the Gov.uk resource link.

Your local independent support project may be able to assist you to develop a person-centred job description to go with the contract of employment (containing the legally required information) and we recommend you have your insurance indemnifier check your employment paperwork as you may not be covered by your insurer if you don't.

What should be included in employee paperwork?

- Application form
- Interview paperwork
- Job offer letter
- References
- Contract/ statement of terms
- Record of holidays
- Record of sickness
- PA next of kin details
- PA bank details for making payment
- Records of any staff supervision
- Privacy Notice in relation to how your personal information will be processed

Next steps

Take a look at the resources below, including a sample contract of employment which contains all of the mandatory elements required in a statement of particulars and a wider statement.

Your Employer Proposes Changes to Your Contract of Employment

If your employer is proposing changes to your contract of employment that are likely to affect you, they must inform:

- You and other employees and workers who might be affected
- Any relevant employee representatives, for example trade union or other elected employee representatives

How your employer should inform you and why it's important

Your employer must provide relevant information about the proposed changes. They should provide this clearly and as early as possible.

Information should be shared with you in private if any proposed changes are specific to you. For example, in a meeting between you and your employer.

If the proposed changes apply to a number of employees or workers, your employer might arrange initial group meetings to discuss the broad context of the proposed changes.

After any meeting, your employer should put information in writing and share it with you.

What information your employer should provide

The information your employer should provide to you or any employee representatives will depend on the circumstances. They should usually include the following in the initial information:

- What the proposed changes are
- Who might be affected
- Why your employer believes the changes may be needed
- Their view on how the changes could benefit employees
- Their view on how the employer may be affected if the changes are not made
- When they propose to introduce the changes
- Any other options that have been considered

The information should also explain

- That you and other affected employees should consider the proposed changes
- A consultation process will follow to consider any questions, concerns or suggestions
- If any discussions have already taken place with relevant employee representatives
- How you can ask questions and give feedback about the proposed changes, or make any alternative suggestions
- Where you can get help or support if you're finding a period of change difficult, for example if there's an employee assistance programme (EAP)

If your employer does not provide relevant information

In some circumstances, it may be reasonable for your employer to refuse a request for certain information. For example, if information cannot be shared because it is confidential.

If they feel they need to refuse a request, they should explain the reasons as clearly as possible.

If your employer unreasonably refuses to provide information

If your employer unreasonably refuses to provide information and then makes a contract change, you might be able to challenge this at an employment tribunal. For example, it might be a relevant factor in claims of breach of contract or constructive dismissal.

Flexibility clauses

You might have previously agreed a clause in your contract that may allow your employer to change certain terms and conditions in some circumstances. These are sometimes called 'flexibility' or 'variation' terms or clauses. These must still be exercised 'reasonably', for example:

- Your contract might say that in certain circumstances your working days or work location can be changed.
- Your employer should make sure any flexibility clause:
 - Is clear and easy to understand
 - Provides a reasonable notice period before introducing any relevant changes

Before your employer uses a flexibility clause

Before using a flexibility clause, your employer should always consult with you and any employee representatives to:

- Make sure you are clear about what has been proposed
- Understand your circumstances and how the proposed changes might affect you
- Listen to and resolve any concerns you may have
- Avoid any misunderstandings
- Reduce any risks of discrimination
- Check if the clause is reasonable to use in the circumstances

Using flexibility clauses reasonably

Flexibility clauses must only be used to make reasonable changes.

For example, it may be unreasonable to expect someone to move at short notice to another work location which is not within reasonable commuting distance. If it's not reasonable, doing this may be a breach of contract even if there is a flexibility clause that appears to allow it.

If an employer uses a flexibility clause without taking into account someone's individual circumstances, it could sometimes be unlawful discrimination.

For example, it could be disability discrimination if an employer changes an employee's contractual working hours and this makes it difficult for them to effectively manage their disability.

Resolving concerns about flexibility clauses

If your employer is proposing to use a flexibility clause to make a change that you feel is unreasonable or unlawful, you should first try to resolve your concerns with your employer. If needs be, you can make use of your employer's Grievance Procedure.

It can sometimes help to discuss with your employer if there is an alternative solution that might work for both of you.

Next steps

You can find further information changing an employment contract at the ACAS website found below.

Resources

ACAS Information on changing an employment contracts for Employees

Find out more about what should happen if your employer proposes changes to your employment contract here

<https://www.acas.org.uk/changing-an-employment-contract/advice-for-employees/if-your-employer-proposes-employment-contract-changes>

Your Rights and Expectations as a PA

As an employed Personal Assistant (PA) there are certain rights that you have under employment legislation. These cover a whole range of areas including:

- Employment contracts
- Working hours
- Pay and wages
- Flexible working
- Holiday, sickness and leave
- Lay offs and short-time working
- TUPE transfers
- Redundancy
- Dismissals
- COVID-19
- Health and wellbeing
- Time off for family (maternity, paternity, parental, adoption and shared parental leave) and time off for dependants

You can find a lot of useful information on employment rights on the ACAS website here:

<https://www.acas.org.uk/advice>

One important area to be aware of is your contract of employment. There are certain requirements related to employment contracts.

The right to written terms

Anyone legally classed as an employee or worker has the right to a written document summarising the main terms of their employment.

The legal term for this document is the 'written statement of employment particulars'. It includes information such as pay and working hours.

Many people think this document is the 'employment contract', but legally the contract is much broader than the written terms of their employment.

Your expectations as a PA

As any employee, you can expect your employer to consider your needs in a number of different areas, including:

- Training
- Support and Supervision
- Learning and development
- Health and safety
- Any reasonable adjustments you might require
- Any caring role that you might have

Employers expectations of PAs

Whilst the responsibilities of your role as a PA will be outlined in your contract of employment, there are other general expectations outlined in national standards. These include the Health and Social Care Standards 'My support, my life'. You can find more details here:

<https://www.gov.scot/publications/health-social-care-standards-support-life/documents/>

What are the Standards?

The Health and Social Care Standards set out the expectations that someone should have when using health, social care or social work services in Scotland. They seek to provide better outcomes for everyone, to ensure that individuals are treated with respect and dignity and that the basic human rights we are all entitled to are upheld. The objectives of the Standards are to drive improvement and promote flexibility in the delivery of care and support.

The 5 Outcomes that the Standards are designed to meet are that people receiving support:

- 1) Experience high quality care and support that is right for them
- 2) Are fully involved in all decisions about their care and support
- 3) Have confidence in the people who support and care for them
- 4) Have confidence in any organisation that provides my care and support
- 5) Experience a high quality environment if an organisation provides the premises

PAs would also be expected to work to the expectations of the Health and Social Care Standards.

Next steps

You can find further information on Health and Social Care Standards at the Scottish Government website found below.

Resources

Health and Social Care Standards Scotland

<https://handbook.scot/wp-content/uploads/2022/04/Health-and-Social-Care-Standards-My-Support->

[My-LifeJune-2017.pdf](#)

Scottish Government Health and Social Care Standards

Health and Social Care Standards: My Support My Life

<https://www.gov.scot/publications/health-social-care-standards-support-life/>

Your Rights as a Carer when Working

Your rights in work come from two sources:

- The law gives you 'statutory rights' which everyone has
- Your contract of employment gives you 'contractual rights' which can be more generous than statutory rights

The right to request flexible working

All employees have a right to **request flexible working after they have worked for the same employer for 26 weeks (six months)**, as long as they haven't already made a flexible working request within the last 12 months.

Flexible working requests should be made in writing and should include:

- Details of the revised working pattern you are seeking
- How you think this may affect your employer's business
- How you think this can be dealt with

Only one request is allowed in a year.

Employers must have a sound business reason for rejecting any request.

Examples of flexible working include:

- Home working
- Part-time working
- Term-time working
- Working compressed hours
- Working staggered hours
- Working annualised hours
- Flexi-time
- Shift working
- Job sharing

The right to time off in emergencies

All employees have the right to take a 'reasonable' amount of time off work to deal with an emergency or an unforeseen matter involving a dependant. This may be your partner, child or parent, or someone living with you as part of your family — others who rely on you for help in an emergency may also qualify. The time off is unpaid unless your employer is willing to give paid time off as a contractual right.

Examples of emergency situations include:

- A disruption or breakdown in care arrangements
- The death of a dependant
- If a dependant falls ill or is in an accident
- To make longer-term arrangements for a dependant who is ill or injured (but not to provide long-term care yourself)
- An incident involving a child during school hours

Protection from discrimination

In England, Wales and Scotland, if you are looking after someone who is elderly or disabled, the law — under the Equality Act 2010 — will protect you against direct discrimination or harassment because of your caring responsibilities.

The right to parental leave

If you have worked for the same employer for 12 months and you are responsible for a child aged under 18, you are entitled to 18 weeks' leave per child, which must be taken by the child's 18th birthday. This time off is unpaid unless your employer is willing to give paid time off as a contractual right.

Next steps

Take a look at the resources available below from Carers UK to guide you in more detail on your rights in work.

Resources

Carers UK Factsheet: Your Rights in Work

Outlining carers rights when they are employed.

<https://www.carersnet.org/wp-content/uploads/2021/06/Your-rights-in-work.pdf>

Carers UK Help and Advice with Employment for carers

Further information and support for carers who are working.

<https://www.carersuk.org/help-and-advice/work-and-career>

Zero Hours Contracts

If you have a zero-hours contract:

- Your employer does not have to give you any minimum working hours
- You do not have to take any work offered

Types of work that might use zero-hours contracts include:

- Bank work (for example, for the NHS)
- Casual hours (for example, students who only work during holidays)
- Care work
- Delivery driving
- Gig economy work (for example, delivering takeaway food or giving car rides)
- Hospitality work
- Warehouse work

Your rights under a zero hours contract

If you're on a zero-hours contract you can be classed as an employee or a worker. By law, this means you have employment rights including:

- National Minimum Wage and National Living Wage
- Paid holiday
- Pay and work related travel
- Pay for being on call

Depending on your contract and circumstances, you might be legally classed as an employee and have more employment rights. It's a good idea to check your employment status matches with your contract.

If you're an employee, you also have protection from being dismissed or experiencing any 'detriment' if you:

- Reasonably believe being at work or doing certain tasks would put you in serious and imminent danger
- Take reasonable steps over a health and safety issue, for example complaining about unsafe working conditions
- Inform your employer about your health and safety issue in an appropriate way

You could have a case for automatically unfair dismissal if you're dismissed in these circumstances. Find more information [here](#):

Detriment means treatment that leaves you worse off, for example:

- Your employer reduces your hours
- You experience bullying or harassment

- Your employer turns down your training requests without good reason

If you're legally classed as a worker you also have protection from experiencing any 'detriment' if you:

- Reasonably believe being at work or doing certain tasks would put you in serious and imminent danger
- Take reasonable steps over a health and safety issue
- Inform your employer about your health and safety issue in an appropriate way

Working for more than one employer

If you're on a zero-hours contract, by law, your employer must not:

- Stop you working for another employer by putting an 'exclusivity clause' in your contract
- Treat you unfairly if you do work for another employer
- Dismiss you for it if you're legally classed as an employee

This law still applies even if your employer says you've broken your contract by working for another employer.

Rest breaks

Under zero-hours contracts, you have the same rights as other employees and workers to:

- Rest breaks at work
- Rest between working days or shifts
- Weekly rest periods

If your employment contract ends

A zero-hours contract could be an ongoing contract or a series of short contracts each time you do work for your employer.

It's important to know which type of contract you have because if your contract ends, your employer must pay you:

- Any holiday you've built up and not taken
- Outstanding wages and notice pay (if you were employed for more than a month, or if your contract says so)

Continuous employment

When your employment has been continuous, with no break, you build up more employment rights. For example:

- For employees, you have the right to make an unfair dismissal claim after 2 years service, but this could reset if there was a break in employment

- For employees, you have the right to a statutory redundancy payment after 2 years' continuous service
- An employee must be continuously employed for one month to be entitled to statutory minimum notice

It's important to know if your employment has been continuous or if there has been a break. It might not be clear if there has been a break if you have short contracts each time you do work for your employer, or if you leave a job and return back to it. If you're unsure, you should check with your employer.

What counts as a break in employment

If you've not provided work for a full calendar week (7 consecutive days from Sunday to the following Saturday), and the employment relationship is not governed by a contract of employment, that week may still count for continuity purposes. In some situations, it may not count as a break in employment. For example, when:

- You're off work for up to 26 weeks with sickness or injury
- You're seasonal or academic work regularly stops temporarily (a 'temporary cessation' of work)
- You and your employer have an agreement, such as a career break

If you're unsure, you can ask your employer how it affects your contract.

Employers responsibilities for zero hours workers

The employer is responsible for:

- Zero-hours workers' health and safety at work
- Paying their wages through PAYE, including tax and National Insurance (NI) deductions

Next steps

Take a look at the resources available below to guide you in more detail.

Resources

ACAS checking your employment rights

<https://www.acas.org.uk/checking-your-employment-rights>

ACAS unfair dismissals

<https://www.acas.org.uk/dismissals/unfair-dismissal>

ACAS treated unfairly at work

<https://www.acas.org.uk/if-youre-treated-unfairly-at-work>

ACAS business tax and paye

<https://www.gov.uk/topic/business-tax/payee>

ACAS holiday entitlement

<https://www.acas.org.uk/checking-holiday-entitlement>

ACAS national minimum wage entitlement

<https://www.acas.org.uk/national-minimum-wage-entitlement>

ACAS rest breaks

<https://www.acas.org.uk/rest-breaks/employees-on-call>

ACAS travelling to work

<https://www.acas.org.uk/working-time-for-someone-who-travels-for-their-job>