

Putting you first

Factsheet 8 Employing a personal assistant: disciplinary and grievance

This range of fact sheets has been designed to support and advise you through the process of employing a personal assistant.

We know that some of the things mentioned in these fact sheets are quite complicated so please don't worry if you find any of it difficult to understand - the self directed support team can offer you help, advice and information.



You can discuss a referral or assessment by contacting Adult Social Care Direct on **0191 433 7033**.

You can also contact the team on **0191 433 2379 / 433 2425** or email **selfdirectedsupportteamenquiries@gateshead.gov.uk**

When things are not working

As an employer you need to make sure that you are aware of the statutory procedures around discipline, dismissal and grievances, which were issued on 1 October 2004.

The point of having a policy for grievances and disciplinary matters is that this can often mean things get sorted out informally, through discussion, well before difficulties occur. This can be reassuring to you and anyone you employ.



As the relationship with a personal assistant is such a close one, it is a good idea to include a list of the actions or behaviour you would consider so serious that it could result in them losing their job. This will mean your personal assistant knows exactly where they stand and will make it much easier for you if you have a personal assistant who behaves badly.

Disciplinary & Grievance Procedures

The procedures that you will use for dealing with disputes and poor behaviour should be explained clearly and included in your personal assistant's written contract of employment.

Your personal assistant should know from the start that they will need to use these procedures if it is necessary, but also that they have a right to raise grievances with you.

Disciplinary action is intended to encourage an unsatisfactory employee to improve. Here are some key points to enable you to discipline effectively:

- Be fair; try to be objective and consistent.
- Talk and consult with your personal assistant: encourage them to tell you their point of view and take it seriously

- Let your personal assistant have someone to help and advise them if they want this - this could be a union representative or a friend.
- Avoid snap decisions made in the heat of the moment.
- Be firm - you need to maintain satisfactory standards of support for yourself.
- Handle the matter promptly. Do not let yourself brood upon it.
- Write down what the misconduct was, what procedure you followed and what you both said about it and decided to do

It is a good idea to include the disciplinary procedure as part of the contract and it is important that you inform your personal assistant in writing of every stage that you take.

What if your personal assistant has a grievance?

You might find it helpful to have a grievance procedure. As part of the self directed support team standard contract a grievance procedure is included which you may feel is appropriate. The employee is entitled to have independent support through the grievance procedure.

A number of issues experienced by your employee which may be classed as grievances are:

- They may not like the terms and conditions of their employment
- They may think they are being treated unjustly

- They may have a more general issue

As their employer you may like to recommend they have independent support. They can contact the Arbitration, Conciliation and Advice Service (ACAS) for support and advice, and/or receive support from a trade union or a friend.

Glossary of terms

Probationary contract: Probation is the testing of a person's conduct and character etc. During a probationary contract phase you can assess whether the person you've selected is suitable - if they are not then you will not have to extend their contract or stick to the usual notice period.

Employee: A person who works for another person or business for money.

Employer: This is a person or a business which pays other people money for their work.

Statutory: This refers to something the government has ruled as law.

Grievance: A wrong considered as grounds for complaint, or something believed to cause distress. In employment terms this word would be used if your employee felt they had been treated unfairly by you and wanted to make a serious complaint.

Disciplinary / disciplinary procedure: Employers use disciplinary procedures to tell employees that their performance or conduct isn't up to the expected standard and to encourage improvement.

Arbitration, Conciliation and Advice Service (ACAS): ACAS has a range of services which can help individuals or groups of employees to avoid or resolve problems and disputes in the workplace.

Useful contacts

Business Link: For advice on handling disciplinarys, call **0845 600 9 006** or visit **www.businesslink.gov.uk**

Arbitration, Conciliation and Advice Service (ACAS): for support and advice, call **08457 474747**, Minicom **08456 06 16 00** or visit their website at **www.acas.org.uk**

National Centre for Independent Living **www.ncil.org.uk**

Government information site **www.directgov.uk**

The other fact sheets in this series help you think about some of these issues so you can decide if you want to employ a personal assistant.

Other fact sheets in the the 'Employing a personal assistant' series are:

Factsheet 1: an introduction

Factsheet 2: pay and tax

Factsheet 3: recruitment and selection

Factsheet 4: choosing a personal assistant

Factsheet 5: contract of employment

Factsheet 6: health and safety

Factsheet 7: being a good employer - supervision

Factsheet 8: disciplinary and grievance

Factsheet 9: ending the employment period

