

# Putting you first

## Factsheet 8 Employing a personal assistant: disciplinary and grievance

The 'Putting you first' factsheets have been designed to guide you through the process of employing a personal assistant.

We know that some of the things we mention in these factsheets are quite complicated, so don't worry if you find them difficult to understand - the Adult Social Care Direct team are on hand to offer guidance, advice and information.



For help, or to discuss a referral or assessment, contact Adult Social Care Direct on **0191 433 7033**.

## 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.

Having a policy for grievances and disciplinary matters can often mean that issues are sorted out informally through discussion, long 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 ways that you can discipline effectively:

- Be fair by being objective and consistent.
- Talk and consult with your personal assistant and encourage them to tell you their point of view - and make sure you take it seriously.
- Let your personal assistant have someone to help and advise them. For example, 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, and do not 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 your personal assistant's contract. It is also important that you inform your personal assistant in writing of every step that you take.

## What if your personal assistant has a grievance?

You might find it helpful to have a grievance procedure. As part of our standard contract, a grievance procedure is included which you may want to use. Your employee is also entitled to independent support through the grievance procedure.

Examples of issues which your employee may consider to be grievances are:

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

As their employer, you may want to recommend that they have independent support. You can suggest that they can contact the Arbitration, Conciliation and Advice Service (ACAS), a trade union or a friend for advice and support.

## Important words - and what they mean

**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.

**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.

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

**Employer:** A person or a business which pays other people for their work.

**Grievance:** Something that can be considered as grounds for complaint, or something believed to cause distress. For example, this word would be used if your employee felt they had been treated unfairly by you and wanted to make a serious complaint.

**Probationary contract:** During a probationary contract phase you can assess whether the person you've selected is suitable for the job. If they are not then you will not have to extend their contract or stick to the usual notice period.

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

## Useful contacts

**National Centre for Independent Living**  
[www.ncil.org.uk](http://www.ncil.org.uk)

**Government information site**  
[www.directgov.uk](http://www.directgov.uk)

**Business Link**  
Call 0845 600 9 006 or visit  
[www.businesslink.gov.uk](http://www.businesslink.gov.uk)

**Arbitration, Conciliation and Advice Service (ACAS)**  
Call 08457 474747, Minicom 08456 06 16 00 or visit [www.acas.org.uk](http://www.acas.org.uk)

# If you have concerns

You may be vulnerable at times because of your age, illness or disability, and our advice is to try to keep yourself safe at all times.

However you may have concerns or worries that someone is harming you, abusing you, or neglecting you and the

care you need - in a physical, emotional, verbal or financial way.

We will always take your concerns seriously. We call this adult safeguarding, and you or a friend or someone you trust can contact us on **0191 433 7033** if you need help or support in dealing with a situation.

**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**

**Factsheet 10 : employing a personal assistant: keeping yourself safe**

**Factsheet 11 : starting direct payments: what happens once your direct payment has been agreed?**