

Putting you first

Factsheet 6 Employing a personal assistant: health and safety

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.



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

Health and safety

When employing a personal assistant, you need to make sure that:

- Your working environment will not put your employee at risk of injury.
- The equipment your employee uses is safe and well maintained, and that they have been properly trained on how to use it.
- You provide all necessary safety equipment such as protective clothing, and ensure it is used properly.
- There are no obvious hazards.
- You never ask your personal assistant to do anything that could endanger themselves or you.
- You are aware of any statutory health and safety measures, including working time regulations.
- He or she is aware that they also have a responsibility not to do anything that might endanger either your safety or their own.



It's a good idea to keep an accident book or log where incidents can be written down immediately. Each time you do this, both you and your personal assistant should agree what went wrong and why.

Risk assessment

Before you employ your personal assistant you should do a risk assessment to identify things that could put them or you at risk. Some things may be common and avoidable - like sharp knives - but other things are unnecessary, like electrical appliances that are incorrectly wired, or cleaning materials that are not properly labelled.

It is important to take time to meet with your personal assistant and look at what health and safety risks there might be in your home and in the work that you are asking them to do.

Manual handling

It is also your responsibility to ensure that your personal assistant meets your manual handling needs correctly, as sometimes there is a difference between what professional people and those with a disability think is the best solution for moving and handling.

It is your body and you know best what is comfortable and safe for you, so you can advise your personal assistant of this. However you must ensure that your personal assistant is also safe, properly trained and equipped.

Insurance

Having insurance means that you will be able to pay for any legal disputes that may arise. You need to make sure that all of the requirements and tasks likely to be carried out by your personal assistant, including driving you around, are covered by your insurance. If you are unsure of the level of cover you need it is a good idea to send a copy of your personal assistant's job description to your insurer and ask them to confirm in writing.

As a minimum, Gateshead Council will expect you to have:

- **Employer's liability cover.** This covers your employee if they have an accident or become ill whilst working for you and there is a chance that you are responsible. The policy should pay for any awards or compensation made against you, including your legal costs for action under the Health and Safety at Work Act to a minimum of £10 million. It should also include the costs of your employee attending court, court judgements and costs for your personal legal representatives. Your home insurance provider may include employer's liability cover and you should check with them first to see what cover they offer as this may save you money.

- **Public Liability cover.** This is in case you or your employee cause damage or injury to a member of the public. The cover should include any awards for compensation made against you, including legal costs, and expenses for a minimum of £5 million per occurrence. It should include any employee's costs of attending court, liability for any leased premises, court judgements and costs for your legal representatives, and compensation.
- **Legal expenses and compensation awards.** This provides cover for any disputes with your personal assistant. Check the policy to ensure that it provides £100,000 cover for:
 - Defending your legal rights prior to legal proceedings following the dismissal of your employee.
 - Defending your legal rights for any dispute with your employee or ex-employee.
 - Defending your legal rights for any dispute with an employee, ex-employee or prospective employee under unlawful discrimination.
 - Cover for any compensation awards in relation to disputes with your employee or ex-employee up to £1 million.
- Many insurance companies include a free 24 hour employer helpline in their cover which can offer support and advice.
- The National centre for Independent Living can advise on insurance companies for people who employ their own personal assistants.

Important words - and what they mean

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.

Insurance: A way of guaranteeing against loss or harm, which can help you financially if something goes

wrong. You will have to pay a contribution to the insurance company.

Working Time Regulations: The government has set restrictions on how many hours people can work and these have to be followed by law. As an employer it is important that you are aware of this.

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.

Useful contacts

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

Government information site
www.directgov.uk

Health and Safety Executive
0845 345 0055

British Insurance Broker's Association
0870 950 1790 or www.biba.org.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

Factsheet 10 : employing a personal assistant: keeping yourself safe

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