

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

As a Personal Assistant, you may be employed directly by the person you're supporting (or someone acting on their behalf), or you may choose to set up as a Self-Employed PA.

This page talks through some of the things to think about if you are considering becoming a Self-Employed PA.

What is the difference between being employed and self-employed?

There are many differences between being employed and self-employed.

It is important to understand that you cannot freely choose whether you are employed or self-employed — your legal employment status is determined by how your work is set up.

It is really important to be clear on your employment status, as this has consequences for the person contracting/ employing you. It also affects your tax status and your employment rights.

The main differences are:

- If you are employed, your employer pays your tax and National Insurance on your behalf — if you are self-employed, you are responsible for paying this yourself.
- If you are employed, you are entitled to statutory holiday and sick pay — if you are self-employed, you don't get holiday or sick pay, so you need to factor this in to the fees you charge for your services.
- If you are employed, your employer chooses when you will work — if you are self-employed, you choose when you will work (in conversation with the person you are supporting).
- If you are employed, your employer decides your rate of pay — if you are self-employed you decide how much you will charge the person contracting your services.

There are many other differences, and it's not always easy to determine if you are legally employed or self-employed. Find out more in this article: [What's the difference between Employed and Self-Employed PAs?](#)

What are the advantages and drawbacks of being self-employed?

Some PAs like the freedom that being self-employed brings. It means you can more freely choose when you work, and have greater flexibility about who you work for.

Contracting self-employed PAs may be the person you are supporting's preferred way of getting support from PAs, as it means they don't have to deal with paying tax and national insurance payments themselves. However, this means they will have less control over when their PAs work and when they take holidays, so there are downsides for the person being supported too.

Being self-employed involves sorting out your own tax and National Insurance payments, among other things — so this involves more work and responsibility than if you are directly employed.

You also don't get statutory holiday pay or sick pay as a Self-Employed PA, so you need to factor this in to the fees you charge for your services.

How do I set up as a Self-Employed PA?

There are a few things you'll need to do when you set up as a Self-Employed PA:

- Register with HMRC as self-employed on the HMRC website
- Sort out the insurance you need. Some insurance providers provide an insurance package designed specifically for Self-Employed PAs that costs around £65-£100 a year.
- Create the contracts and relevant paperwork for your role as a PA. You can download a template Agreement of Services in the Resources section below.
- Think about how you want to promote yourself. You may want to get business cards printed, make contacts and networks in your local community or join local groups on social media to let people know you are available for work.
- You may also choose to join the PVG membership scheme to demonstrate to prospective employers that you are not barred from working with vulnerable children or adults. Find more information about this in the Resources section below.

How much should I charge?

Unlike an employed PA, Self-Employed PAs are responsible for paying their own tax, National Insurance and pension. This means the rate you charge is likely to be higher than the rates advertised for employed PAs, whose National Insurance, pension and other payments such as sick pay are covered by their Employer.

It is up to you to decide an appropriate rate to charge. To do this, you may find it helpful to both look at the rates Employed PAs attract locally and find out from your Local Authority what the Direct Payment rate is — this can vary depending on whether the person you're supporting lives in a rural or remote area, the job includes overnight working or requires enhanced skills or qualifications.

Then you can factor in the additional costs you will have to cover yourself, ie:

- tax
- National Insurance
- holiday and sick pay
- administrative time
- equipment
- insurance.

These costs are likely to add up to around 20% more than the rate an employed PA gets per hour.

It is important to ensure your rate is fair and competitive to make sure your service is accessible for the people that need support. As a guide, you can find out what the current minimum hourly rate for Employed PAs is [here](#).

Where can I get support as a Self-Employed PA?

There are PA-specific organisations that can support you as a Self-Employed PA.

[Personal Assistant Network Scotland](#) — is the only specialist organisation in Scotland dedicated to supporting PAs. Membership is free and the PA Network Scotland offers a range of benefits and support to PAs.

[ILG PA](#) — is a membership organisation supporting Personal Assistants in the UK. For a monthly fee you can access training, 24/7 legal support, and template documents, among other benefits.

Next steps

Take a look at the Resources below to guide you in more detail.

Please note the Template Agreement of Services below is provided as an example of the paperwork a Self-Employed Personal Assistant may use to outline the services they will provide to their client. Self-Employed Personal Assistants should seek legal advice on any agreements or contracts they draw up between themselves and their clients.

Resources

Template Agreement of Services for Self-Employed PA [53KB]

<https://handbook.scot/wp-content/uploads/2024/08/Template-Agreement-of-Services-for-Self-Employed-PA.docx>

What's the difference between Employed and Self-Employed PAs?

When someone is considering taking on a Personal Assistant (PA) it is important to understand their potential employment status, which will affect the legal relationship and financial responsibilities between both parties.

For example, a PA Employer would be responsible for paying the tax and National Insurance for the PA(s) they employ, but a self-employed PA would be responsible for paying this themselves.

This is something that everyone considering taking on a PA needs 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 pays tax 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 or relief 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
- Work which occurs more often but in an unpredictable or irregular way
- Work where there is no obligation on the part of the PA Employer to offer the work
- Work where there is no obligation on the part of the PA to accept the offer of work
- Workers are entitled to be provided with a statement of the terms that cover their engagement
- The Contract of Employment uses wording like 'casual' or 'as required'.

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.

Casual and relief workers have the right to receive holiday pay, the National Minimum Wage and to be auto enrolled into a pension scheme (if eligible).

If however, a casual/relief 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/relief workers available can really help a PA Employer manage their rota, such at times of sick leave or holidays. However, it is important to understand when casual work becomes permanent and what a PA Employer's responsibilities are if this happens. It is helpful for some PA Employers to have several casual/relief 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. More information and a tool to help determine employment status, called "Check Employment Status for Tax" can be found in the link at the bottom of this page.

We cannot freely choose our employment status and it is determined by how our work is set up.

When it comes to the PA role, here are some helpful comparisons:

Employed (including casual/relief workers) Self-employed

The person with the direct payment* determines when the PA will work.

The PA chooses when they will work.

The person with the direct payment* provides all equipment to enable the person to do their job.

The PA provides their own equipment.

The PA must agree time off for annual leave with the person with the direct payment*. The PA informs the person with the direct payment* of when they will take holiday.

The person with the direct payment* determines the rate of the pay.

The PA determines their own rate of pay and informs the person with the direct payment. They may raise their rate without notice.

The PA has employment rights eg. to Statutory Sick Pay, paid holiday and the right to request flexible working. The PA must make their own arrangements to ensure they can cover their finances in the event of sickness absence or holiday.

The person with the direct payment* supervises the PA.

The PA is not under direct supervision.

The person with the direct payment* lays out the terms of the arrangement in the form of a Contract of Employment and Statement of Particulars (written for those not working on a casual or relief basis). There is not a written agreement, or the PA operate under a contract (sometimes known as a 'contract for services') that uses terms like 'self-employed.'

*or a nominated 'other' eg. guardian or a person with power of attorney

Next steps

You can find out more information 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>

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>

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

The Open Badges Scheme for PAs



Personal Assistants can access free learning through the Open Badge scheme.

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. Open Badges are 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.

What are the benefits of doing Open Badges?

- Completing Open Badges may help with career progression
- Open Badges can back up what you say on your CV, application form or at a job interview
- You can share them on employability websites such as LinkedIn
- You own your Open 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.

Your employer may have a budget to enable you to take paid time off to complete training like Open Badges. Ask your employer if they can support you with this.

Adult Support and Protection

A Personal Assistant's responsibilities around Adult Support and Protection

The law that covers this area is called The Adult Support and Protection (Scotland) Act 2007. It deals with adults who are:

- unable to safeguard themselves, their property, rights or other interests
- at risk of harm, and
- more vulnerable to being harmed because they are disabled, have a health condition or illness (including mental ill health), or their capacity is affected.

The definition of harm

Under the law, 'harm' includes physical harm, psychological harm (eg. by causing fear, alarm or distress), harm to a person's property, rights or interests (eg. theft, fraud, embezzlement or extortion), and 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. You can find the details of all Local Authority Adult Support and Protection teams in the link at the bottom of this page.

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/>

Find your local Adult Support and Protection team

<https://www.actagainstharm.org/getting-help/find-your-local-contact/>

An Introduction to Self-directed Support (for PAs)

Self-directed Support is the name for how people get care and support in Scotland. It is often called SDS for short.

The name Self-directed Support comes from the law that says how people should get care and support in Scotland. The law came into effect in 2014 and is called the Social Care (Self Directed Support) (Scotland) Act.

All types of care and support should be arranged following the rules of Self-directed Support. This is the same for everyone:

- SDS is for people of all ages, including children and older people.
- SDS is for all people, whatever type of support they need.
- SDS is for everyone in Scotland, wherever you live.
- SDS is also for unpaid carers who get support in their own right.

Self-directed Support enables people to employ Personal Assistants

Self-directed Support is designed to enable people to have as much choice, control and responsibility as they want to have over their own care and support.

People are offered different options for how they want to manage their support.

Option 1, also known as Direct Payments, is the option that enables people to directly employ their own Personal Assistants.

As a Personal Assistant, it's helpful to understand how Self-directed Support is different from more traditional models of support that have gone before.

You can find out more about Self-directed Support, how it came about and what its aims are, in the Resources below.

Next steps

Take a look at the Resources below to find out more.

Resources

What is Self-directed Support?

<https://handbook.scot/sds-handbook/article/what-is-self-directed-support/>

How Self-directed Support came about

<https://handbook.scot/sds-handbook/article/how-self-directed-support-came-about/>

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 would not normally happen unless it is for specific reasons.

The law highlights the circumstances where it would be possible to employ a family member, provided the Local Authority (council) — usually the professional judgement of a Social Worker — 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.

Who counts as a family member?

The law defines who counts as a family member when it comes to the rules around employing them as a Personal Assistant:

- the spouse or civil partner of the supported person
- a person who lives with the supported person as their spouse or civil partner
- the supported person's parent, child, brother or sister, aunt or uncle, nephew or niece, cousin,

grandparent, grandchild

- the spouse or civil partner of any person listed in (3)
- a person who lives with any person listed in (3) as if their spouse or civil partner.

Employing a family member and Guardianship/ Power of Attorney

There are some circumstances when the family member who may be employed as a Personal Assistant already holds a Guardianship or Power of Attorney for the supported person. This can create difficulties as it means the person who is legally responsible for making some decisions on the person's behalf would essentially be employing themselves.

In all cases the wishes of the supported person, where these can be determined, should prompt Local Authorities to be creative in finding solutions that manage and mitigate risk.

It may also be possible to explore options around changing a Guardianship to enable a family member to become a Personal Assistant. For example, if the family member holds a Financial Guardianship to enable them to manage a Direct Payment, they may ask a different family member to take on this responsibility and relinquish the Financial Guardianship to enable them to become employed as a Personal Assistant. It is worthwhile speaking to an Independent SDS Support Organisation or Carer's Centre if you are considering this option. Find your local organisation using the [Find Help](#) search tool.

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>

Checking Your Employment Rights

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

Both you and your employer need to know your rights and responsibilities, so it's important to be sure of your employment status.

You might have something in writing from your employer 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.

There are three main types of employment status:

- Worker
- Employee
- Self-employed.

Your employment status can be defined by

- How dependent you are on your employer for work
- How much control your employer has over you and your work

- Whether you are expected to carry out the work yourself.

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 things like sick pay and maternity/ paternity/ adoption pay, if you meet the eligibility criteria.

As a worker you also have protection under the law if you raise concerns about health and safety issues at work.

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
- Protection against dismissal or suffering any detriment if taking action over a health and safety issue.

As an Employee, you also have protection under the law if you raise concerns about health and safety issues at work.

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 are getting work through an agency, you might be given a contract for services and be called a contractor.

In this case you might be classed as Self-employed, Worker or Employee so it's a good idea to check.

If 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, Employee or Self-employed employment status.

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

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 (see Resources section below) to check your employment status for tax purposes.

Next steps

Take a look at the resource available from ACAS on checking your employment rights to guide you in more detail, or read the article 'What's the difference between Employed and Self-Employed PAs?'

Resources

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>

ACAS checking your employment rights

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

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Next steps

You can find out more information using the links below.

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 law around child protection in Scotland is called the Children (Scotland) Act 1995. 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.

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 — there is a link at the bottom of this page.

Get more information about child protection from the Child Protection Scotland website below.

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

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/>

Child Protection Scotland website

<https://www.childprotection.scot/>

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/>

Covid-19 guidance for Personal Assistants

Following the pandemic, there are now no official Covid-19 rules or restrictions in Scotland. However, this page includes some things you may wish to consider around Covid-19 as a Personal Assistant.

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General hygiene measures

The Scottish Government have recognised that we are now living with COVID-19 as a respiratory illness like cold or flu.

They advise following simple hygiene measures to avoid the risk of infection, like:

- trying to stay at home if you have symptoms
- if you have symptoms and do need to go out, wear a well-fitting face covering
- get the vaccine if offered to give you the best possible protection
- wash your hands regularly
- meet in well-ventilated spaces.

You can find more suggestions for how to stay well at the link at the bottom of this page.

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Isolating

'Self-isolating' (staying at home) is no longer a legal requirement. But you should still tell your employer if you suspect you have Covid or have tested positive. If you feel fit to work, it is usually up to your employer whether they are happy for you to do so. There may be a clause in your employment contract that sets out what rights your employer has to determine if you are fit for work, and what will happen if they decide you are not fit to work — for example placing you on sick leave.

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Check with your employer about what is in your contract, if you have any questions about whether you're able to work.

Face masks

Personal Protective Equipment (PPE), including face masks, is no longer available for free to people working in social care.

Your employer may have a policy about the use of face masks and PPE which says that they require you to wear PPE when working for them.

It is your employer's responsibility to provide you with PPE if needed for your role.

If you need advice about how to discuss the issue of face coverings with your employer, you can contact the ACAS helpline on **0300 123 1100**. The helpline is open Monday to Friday, 8am to 6pm.

You can find more advice from ACAS at the link at the bottom of this page.

A Face Covering Exemption Card scheme, delivered by Disability Equality Scotland, closed on 22 September 2023. Cards already in circulation can continue to be used, with no time limit on their use.

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Testing

Routine free testing for Covid-19 is no longer available.

You can buy Covid-19 tests from pharmacies, supermarkets and online if you suspect you have Covid-19 and want to check.

Your employer may have a Covid-19 policy in place which sets out if they require testing. It is your employer's responsibility to provide you with tests if this is a required part of your role.

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Vaccines

Only certain groups of people are eligible for the Covid-19 vaccine on the NHS, and who is eligible

may change from time to time.

If you are eligible for a vaccine, you will receive an invitation to book a vaccine directly. You can find out more about who will be invited to get a vaccine [on the NHS Inform website](#).

If your employer wants their PAs to be vaccinated to protect their own health, they should discuss this with you and listen to your views, especially if you have any concerns about getting the vaccine. Your employer cannot force you to get a Covid-19 vaccine.

Check out the factsheet from the Independent Living Group, 'Can I insist that my PA gets the coronavirus vaccine?' at the bottom of this page for more information.

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If you are eligible for a vaccine and wish to take it up, speak to your Employer about taking time off work to get it.

You can check if you are eligible for winter vaccines, including Covid-19 and flu, [at the NHS Inform website](#).

Some local health boards are offering drop-in clinics for people eligible for the vaccine. You can find more information [on the NHS Inform website](#).

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Long covid

Some people who have had Covid-19 continue to experience symptoms that last for a long time after the infection. This is known as 'long covid'.

If you have long covid and need support to be able to continue to do your job, speak to your employer.

You can find advice from ACAS on long covid in the link at the bottom of this page.

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Next steps

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

Resources

Respiratory infections: staying well and protecting others - Scottish Government
<https://www.gov.scot/publications/coronavirus-covid-19-staying-safe-and-protecting-others/>

ACAS Website, for free employment advice
<https://www.acas.org.uk/>

Can I insist that my PA take the Covid-19 vaccine? Factsheet from Independent Living Group [166

KB]

<https://handbook.scot/wp-content/uploads/2023/11/QA-Can-I-insist-that-my-PA-take-the-vaccine.pdf>

Sickness and absence from work - long covid - ACAS

<https://www.acas.org.uk/long-covid>

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 everyday 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 should have access to training and support and receive a contract of employment (or contract of service if self employed), 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. 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. PAs can also operate on a self-employed basis (check out the article [What's the Difference Between an Employed and Self-Employed PA?](#))

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 between Employer and PA 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 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 PA's role can be, and the difference it can make.

Resources

Make an imPAct: Michael and Cameron's story

<https://vimeo.com/734012789>

Make an imPAct: Alasdair and Dianne's story

<https://vimeo.com/734001879>

Make an imPAct: Helen and Lindsay's story

<https://vimeo.com/734024140>

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 behave. Having personal boundaries in place is a necessary first step. You want to be open and friendly with your employer, but they are not going to be your best friend that you confide in; nor are you expected to solve any problems they may have. On paper, this sounds a bit harsh but you are not necessarily 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 be helpful 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.

It's important to take the lead from your employer in gauging how to communicate. For some employers, a sense of humour is really important and having a laugh together can help build your relationship together. Treating things lightly isn't always appropriate though, especially when your employer may be dealing with the stressful aspects of life. Your job will be to ensure that how you behave at work is appropriate for the relationship and the situation with your employer.

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 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.

In some cases, your employer will be the person you're providing support for. In other cases your employer might be a parent, guardian or family carer, who is employing you on behalf of the person who needs support.

In either case, you are supporting someone 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 or the person you support, 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 the person's family as well. As such, there may, from time to time, be challenges with the relationship between you and your employer.

You should discuss how issues can be addressed early on in your relationship with your employer.

Any problems should be addressed properly and as laid out within the terms of your employment documents (which should include your contract of employment, statement of particulars and job description, which may be presented as one or more documents). This information must include what do if you want to raise a grievance.

Be clear from the start

At the start of your employment, you, your employer and the person you support 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 any of you are unhappy with something.

This might include how your employer and the person you support wishes you to support them and 'house rules' (eg. there may be areas of the home that they wish to keep private from you).

Talk to your employer

Just as your employer will expect you to fulfil your employment duties, you have a right to expect your employer to treat you fairly. This includes not asking you to do anything which puts you in danger, is breaking 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 or concerns can be sorted out informally. 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). You can also speak to the Personal Assistant Network Scotland for advice. Their details can be found in the link below.

Disability Discrimination at Work

Disability is one of nine '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 is protected by discrimination law will consider themselves to be disabled
- Some people are 'deemed' to be disabled, for example those who are blind, sight impaired and partially sighted persons, or people with cancer, HIV and multiple sclerosis.Â

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 but 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'). Examples of this discrimination are something that disadvantages a disabled person which could reasonably be changed, but is not — for example a physical barrier or a policy.

Discrimination law covers

- Direct or indirect discrimination — when someone is treated less favourably or placed at a substantial disadvantage 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.

Discrimination arising from disability can also happen when a disabled person has been treated unfavourably because of something that has arisen as a consequence of their disability.

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.

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

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

Example of a change to the way things are done

A PA with epilepsy can sometimes struggle with drowsiness and lack of energy in the mornings. So their employer agrees for them 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 practice for employers

It's a good idea for the PA employer to focus on the reasonable adjustments they can make rather than trying to work out if an PA'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 a PA employer makes a reasonable adjustment for a PA, it's a good idea for them to set up a 'reasonable adjustments passport'. This also helps employees and employers make sure the reasonable adjustment is correct, practical and 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 PA employer is responsible for paying for any reasonable adjustments.

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

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

If a PA employer cannot afford a reasonable adjustment, the disabled PA might be able to apply for funding through the government's Access to Work scheme. Find out more in the resource at the bottom of this page.

Next steps

Take a look at the resources below 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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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.

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/disability/best-practice/talking-toolkit.htm>

'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/>

Access to Work

<https://www.gov.uk/access-to-work/apply>

Getting help to sort out problems

Having a strong working relationship is important for any Personal Assistant and their Employer.

There may unfortunately be times when PAs and PA Employers run into problems and need help to sort them out.

There are many places you can get help — find out more below.

Support for PA Employers

There are local Independent Support Organisations in many parts of Scotland who can help with all aspects of being a PA Employer, including any difficulties you face in the role.

If you have problems with your Personal Assistants and need advice on how to deal with this, speaking to your local Independent Support Organisation is a good place to start. You can search for details of an organisation near you [using the Find Help search tool](#).

Your insurance provider may also be able to give you advice and support around any difficulties you are having with your Personal Assistants.

Support for Personal Assistants

The Personal Assistant Network Scotland is the only specialist organisation in Scotland, dedicated to supporting PAs. A Membership is free and the PA Network Scotland offers a range of benefits and

support to PAs. Find out more on their website: <https://www.panetworkscotland.org.uk/>

ILG PA is a UK-wide membership platform which offers support, wellbeing advice, training, guidance and rewards. There is a cost for membership although some Employers may cover the cost of this. Find out more on their website: <https://www.ilg-pa.com/>

You can also find out where you can get advice on employment issues in the Resource at the bottom of this page.

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.

If there are problems between a PA Employer and their Personal Assistants, asking for help from a mediator may be a good solution. There are often costs involved in using a Mediation service, so a good place to start may be contacting the Scottish Mediation Helpline first. Find out more on the Scottish Mediation website below.

Next steps

Take a look at the Resources below for more information.

Resources

Managing your Working Relationship



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

In some cases, your employer will be the person you're providing support for. In other cases your employer might be a parent, guardian or family carer, who is employing you on behalf of the person who needs support.

In either case, you are supporting someone 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 or the person you support, 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 the person's family as well. As such, there may, from time to time, be challenges with the relationship between you and your employer.

You should discuss how issues can be addressed early on in your relationship with your employer.

Any problems should be addressed properly and as laid out within the terms of your employment documents (which should include your contract of employment, statement of particulars and job description, which may be presented as one or more documents). This information must include what do if you want to raise a grievance.

Be clear from the start

At the start of your employment, you, your employer and the person you support 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 any of you are unhappy with something.

This might include how your employer and the person you support wishes you to support them and 'house rules' (eg. there may be areas of the home that they wish to keep private from you).

Talk to your employer

Just as your employer will expect you to fulfil your employment duties, you have a right to expect your employer to treat you fairly. This includes not asking you to do anything which puts you in danger, is breaking 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 or concerns can be sorted out informally. 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). You can also speak to the Personal Assistant Network Scotland for advice. Their details can be found in the link below.

Search for a local organisation using Find Help

<https://handbook.scot/find-help/>

Where to Get Advice on Employment Issues

If you find yourself facing employment issues in your work as a PA, here is where you can get advice and support.

- ACAS (the Advisory, Conciliation and Arbitration Service) gives free employment advice and is a great place to start if you need to resolve a major issue at work. They also have a helpline you can call.

[Find out more on their website.](#)

- PAs who become a member of ILG PA can access free legal advice. You can find out more [on the ILG PA website.](#)

- You can contact the Personal Assistant Network Scotland for help and advice on employment issues.

[Find out more on their website.](#)

- 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

Take a look at the Resources below.

Scottish Mediation website

<https://www.scottishmediation.org.uk/find-a-mediator/>

History of the PA Role

The introduction of Self-directed Support 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 funding from their council.

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 everyday lives that non-disabled people take for granted. PAs are people who support their disabled employer to live an independent life.

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 manage PAs who carry out duties under the direction of the disabled person themselves.

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

As a PA you may occasionally be asked to perform duties outside of your normal job description. While this can be a normal part of any job, if it becomes frequent or you are uncomfortable with what you are being asked to do, you may need to address this with your employer.

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 your employment contract, job description, induction and training.

If 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 that are incidental, not expected to happen frequently, or come up in an emergency and which it would be impractical to include in your contract or job description.

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 PA has will vary from one employer to another, but they are likely to cover areas such as 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 tradespeople. However, they may be on an occasional basis and something that is in line with the expectations of the role of a PA.

What if I am asked to do something outwith my job description?

If your employer asks you to do something outwith your usual duties or job description, you may view this in different ways.

By its nature, the role of a PA is generally a flexible one, and many PAs will be as flexible as possible when it comes to supporting their employer. If you are asked to support with something new or additional it might be helpful to see the request in this light.

If asked to do something outwith your usual duties or job description, it may be an opportunity for you to advance your skills and knowledge.

If you are asked to do something outwith your job description that you are not comfortable with, the best approach is often to speak with your employer. You may find the article at the bottom of this page, 'If you need to say 'no' to your employer' helpful.

If asked to do something outwith your job description it's also worth considering whether you feel

you are able to do this safely and well. If you don't, speak with your employer — you could perhaps ask for training to make sure you're going to be able to do whatever has been asked, safely.

Next steps

Take a look at the articles below 'Checking Your Employment Rights' and 'If You Need to Say 'No' to Your Employer' for more useful guidance.

Resources

Checking Your Employment Rights

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

Both you and your employer need to know your rights and responsibilities, so it's important to be sure of your employment status.

You might have something in writing from your employer 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.

There are three main types of employment status:

- Worker
- Employee
- Self-employed.

Your employment status can be defined by

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

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 things like sick pay and maternity/ paternity/ adoption pay, if you meet the eligibility criteria.

As a worker you also have protection under the law if you raise concerns about health and safety issues at work.

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
- Protection against dismissal or suffering any detriment if taking action over a health and safety issue.

As an Employee, you also have protection under the law if you raise concerns about health and safety issues at work.

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 are getting work through an agency, you might be given a contract for services and be called a contractor.

In this case you might be classed as Self-employed, Worker or Employee so it's a good idea to check.

If 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, Employee or Self-employed employment status.

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

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 (see Resources section below) to check your employment status for tax purposes.

Next steps

Take a look at the resource available from ACAS on checking your employment rights to guide you in more detail, or read the article 'What's the difference between Employed and Self-Employed PAs?'

If You Need to Say 'No' to Your Employer

There are probably two 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 employer's rights and expectations are is the first step you can take. Your contract of employment should outline the duties and responsibilities that you have, so it would be useful to check this first. This may help you understand whether or not you are expected to do something in your job.

For grey areas, it could be worth considering if you have the ability or 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 outwith your role, without fear of it negatively impacting your employment.

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 and professional 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'. You can also speak to the PA Network Scotland for informal advice about how to deal with workplace situations.

ID Badges for PAs

Pre-Covid, Personal Assistants (PAs) did not have a nationally recognised form of ID to demonstrate proof of employment as a key worker if and when required.

However, from March 2022, the Personal Assistants Network Scotland (PANS), has offered ID badges, approved by the Scottish Government, **free** to all PANS members.

PA ID Badges are available to all PAs currently working as a PA in Scotland. PAs will need to provide their Employer's contact details for verification that they are working as PA. This information is not retained and will be deleted when a verification / reply has been received.

To Join the PA Network Scotland and apply for your free PA ID Badge, [visit the PANS website](#).

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 (eg. swimming or cinema), events (eg. conferences) or travel (eg. train or bus travel)
- Access to other PANS benefits such as recognised discount cards, discounted union membership, insurance links, dedicated training workshops and offers
- Increasing the recognition and awareness of the role of PAs.

Please note that a PA ID badge is optional — there is no expectation that all PAs have one.

Ordering your PA ID badge

A free PA ID Badge can be applied for only when joining the PA Network Scotland membership.

[Apply for your badge on the PA Network Scotland website.](#)

The application process involves:

- Uploading a passport style photograph (head and shoulders), and giving:
 - Your name
 - Your home address
 - Your email address
 - Your employer's name
 - Your employer's contact details — for verification that you are working as PA. This information is not retained and will be deleted when a verification reply has been received.

Your free ID badge will come with a badge holder and a PANS lanyard, delivery will be via registered mail.

The application process is secure and fully GDPR compliant.

Membership of the PA Network Scotland

All PAs who join the PA Network Scotland will automatically be eligible for a free ID badge.

As a member of PANS, you will have access to resources, employment information, tailored training opportunities, news and events. The PANS website is designed to suit the needs of PAs and provide a platform where their voices, opinions and suggestions can be heard. PANS membership is free and helps and supports PAs across Scotland.

Next steps

Visit the PA Network Scotland website to become a member and get your free 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/>

If You Need to Say 'No' to Your Employer

There are probably two 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 employer's rights and expectations are is the first step you can take. Your contract of employment should outline the duties and responsibilities that you have, so it would be useful to check this first. This may help you understand whether or not you are expected to do something in your job.

For grey areas, it could be worth considering if you have the ability or 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 outwith your role, without fear of it negatively impacting your employment.

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 and professional 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'. You can also speak to the PA Network Scotland for informal advice about how to deal with workplace situations.

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 behave. Having personal boundaries in place is a necessary first step. You want to be open and friendly with your employer, but they are not going to be your best friend that you confide in; nor are you expected to solve any problems they may have. On paper, this sounds a bit harsh but you are not necessarily 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 be helpful 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.

It's important to take the lead from your employer in gauging how to communicate. For some employers, a sense of humour is really important and having a laugh together can help build your relationship together. Treating things lightly isn't always appropriate though, especially when your employer may be dealing with the stressful aspects of life. Your job will be to ensure that how you behave at work is appropriate for the relationship and the situation with your employer.

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 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.

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 law and legal guidance around Self-directed Support and underpins the delivery of social care support in Scotland.

The law around social care in Scotland is called the Social Care (Self-directed Support) (Scotland) Act 2013. There is also legal guidance written for councils on how to implement the law, called the SDS Statutory Guidance. These are 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 (Convention of Scottish Local Authorities), the NHS and the Disabled People's Independent Living Movement.

Without social care 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, 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 people who use social care support in Scotland**. It aims to ensure that social care 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 [988 KB]

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

Independent Living Movement in the UK [89 KB]

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>

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
- Disciplinary procedures and what would be counted as a disciplinary matter
- Identifying any specific areas for training, for example, first aid or using specialist equipment
- Other information that could be valuable, for example, agreeing a backup plan should you be delayed or unable to come to work, and how to report incidents or accidents.

An induction is also a good time to discuss how to communicate with your employer, especially if either of you is unhappy, or unsure about how things are working out. It is a good idea to agree how you will communicate this, and what can be done to improve the working relationship.

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

Next steps

Ask your employer about their induction process for PAs, or find more detail about induction in the article below.

Resources

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. You can find out more about what your contract should include at the link at the bottom of this page.

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.

Both parties should be confident that they are able to raise any issues that arise and that the other party will listen to them. It is a good idea to discuss with your employer how you will communicate with each other in case any difficulties or disagreements arise.

Values

Your induction may include your employer explaining their values, to reflect what is important to them.

Shift changes

If you are on a regular shift pattern, there may be times you need to change shift. Your employer will decide what reasons they will allow for shift changes, recognising they can be disruptive to the employer and/or supported person. Your employer should give you guidance on how much notice they would like from you about changing your shifts, and how to discuss this with them.

House rules

Your employer should go over any rules that apply in the supported person's house. They should also explain what they want you to do if equipment or belongings are accidentally damaged.

Driving your employer's vehicle and insurance

If you are required to use your employer's vehicle for work, your induction should include any processes and procedures around this. Your employer should also ensure you are fully insured for using the vehicle.

Team work

If you work as part of a team of PAs, your induction may include a discussion of how to work best as a team. This discussion may also include the other PAs.

Breaks

Your employer should go over the procedures for taking breaks during work, during your induction.

Care plan or work notebook

Your employer may want you to use a care plan or work notebook to note down anything significant

that occurred while you were working. If so, they should cover how to do this in your induction, and the type of things they want you to record.

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 eg. a sick note from your doctor. They should also explain to you how to book holidays and days off.

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. They should discuss with you during the induction how your training will be provided and when.

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. In your induction your employer should make sure you know where this plan is kept and who to contact in an emergency. It should also be explained what to do if the person you are supporting is unexpectedly admitted to hospital and how this could affect your employment.

Health and safety

Your induction should cover any health and safety measures your employer has in place. You should discuss and agree your responsibilities if an emergency eg. a fire occurs when you are 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

Your induction should cover how your employer expects you to treat any information you may become party to in your work. They may have a confidentiality policy they want you to read. Your employer should also explain how they will treat your personal information. Find out more about confidentiality and data protection at work in the link to the article 'GDPR' at the bottom of this page.

Next steps

Ask your employer about their induction process and ensure you have all the information you need to do your job. Check out the articles below for more information on each of the topics.

Jury Service for PA Employers and PAs

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.

Jurors are selected at random from the electoral register and can be cited for criminal trials or for civil cases.

How does Jury Service affect PA Employers and PAs?

It is possible that both a PA Employer and a PA could be called up for Jury Service. If your name is on the Electoral Register, there is a chance you could be called up.

Anyone called for Jury Service will be expected to attend the Court, unless there is a good reason why you can't. It is not a question of whether you want to serve in a Jury or not, this is a requirement for anyone selected (unless you meet one of the reasons outlined below, such as you're over the age of 70).

If you are a PA Employer, you may need support to attend the Court if you are called up and you might want your PA to support you with this. If your PA is called up, you may need to arrange replacement care and support, either from another PA if you have one, or from a agency.

As a PA, you may need to take time off work to undertake Jury Service and you will need to inform your employer about this. Although you are not paid for attending jury service, you can claim expenses including for loss of earnings. You can find out more about what you can claim, and how, in the Resource 'Expenses for Jury Service' at the bottom of this page.

It is important for both PA Employers and PAs to be aware of a number of issues when called up for Jury Service, including what the rules are, and how you can request to be excused from Jury Service.

How will you know if you've been called for Jury Service?

If you're selected for Jury Service, you'll receive a Summons about 10 days before the first day you're due in court. You must respond to your Jury Summons within 7 days of getting it.

The Jury Summons tells you the court, date and time at which you have to be there.

You can either:

- reply to the Jury Summons online
- complete and return the form by post.

You can be fined up to £1,000 if you do not return the form or do not turn up for your Jury Service.

The Summons letter will also give you further instructions about what to do next.

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 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.

You can also apply for excusal due to another special reason, for example:

- commitments at work
- holiday plans which would be difficult or expensive to rearrange
- you're over 70 years old.

If you wish to apply for excusal, 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.

Medical certificates

If you need to request a medical certificate from your GP, you cannot be asked to pay for this. You should therefore tell the GP surgery why you are asking for the certificate, ie. for excusal from jury service.

Accessibility

If you are a disabled person, or have accessibility or support requirements, please contact the court when you get your Summons letter 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 an Induction Loop fitted for the benefit of those with hearing difficulties.

Next steps

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

Resources

Expenses for jury service

<https://www.scotcourts.gov.uk/coming-to-court/jurors/expenses-for-jury-service>

Guide to Jury Service Eligibility and Applying for Excusal

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

<https://www.scotcourts.gov.uk/docs/default-source/coming-to-court/jurors/1-guide-to-jury-service-elig>

[ibility.pdf?sfvrsn=fe3f0ad2_5](#)

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

When you work as a Personal Assistant (PA) you are employed by an individual, not by an agency.

Usually your employer will be the person that you are supporting. Your role is to follow their instructions and requests, as you are employed to support them in living independently, participating in their community and achieving the best possible quality of life.

In some instances, a PA is employed by someone other than the supported person. The employer could be the parent or Guardian of the person you support.

In the case of children and young people, the employer is likely to be the child's parent. Where the supported person is an adult who lacks a certain level of capacity, you may be employed by their Power of Attorney or Welfare Guardian.

Dealing with differences of opinion when your employer is not the person you support

When the employer is not the person receiving support, there may, at times, be conflicting requests on how the PA provides support.

The 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.

In this situation, it would be good practice to speak to your employer about it, so that they are aware of the situation and can agree with you, and the supported person, how best to manage the differences and ensure appropriate support is provided.

If you believe the difference of opinion may lead to an increased risk to the supported person or to yourself, it is a good idea to discuss this with the employer as soon as possible. Keeping clear communication with the employer and the supported person is key, and the employer might need to reconsider how the support is provided and discuss this with the supported person.

Checking who your employer is

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 specify the name of your employer
- Check your Contract of Employment, which should also specify the name of your employer.

It is important to note that some employers use a payroll service to manage PA wages and payslips. This company's name may appear on your payslips, but they are not your employer.

Next steps

Check out the article below for advice on managing your working relationship with your employer.

Resources

Managing your Working Relationship



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

In some cases, your employer will be the person you're providing support for. In other cases your employer might be a parent, guardian or family carer, who is employing you on behalf of the person who needs support.

In either case, you are supporting someone 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 or the person you support, 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 the person's family as well. As such, there may, from time to time, be challenges with the relationship between you and your employer.

You should discuss how issues can be addressed early on in your relationship with your employer.

Any problems should be addressed properly and as laid out within the terms of your employment documents (which should include your contract of employment, statement of particulars and job description, which may be presented as one or more documents). This information must include what do if you want to raise a grievance.

Be clear from the start

At the start of your employment, you, your employer and the person you support 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 any of you are unhappy with something.

This might include how your employer and the person you support wishes you to support them and 'house rules' (eg. there may be areas of the home that they wish to keep private from you).

Talk to your employer

Just as your employer will expect you to fulfil your employment duties, you have a right to expect your employer to treat you fairly. This includes not asking you to do anything which puts you in danger, is breaking 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 or concerns can be sorted out informally. 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). You can also speak to the Personal

Assistant Network Scotland for advice.Â Their details can be found in the link below.

Making Changes to your Employment Contract: Advice for PAs

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

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

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

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:

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

A written employment contract usually includes:

- The details that are legally required in your written statement
- Details about other terms and conditions
- Information about the employer's policies and procedures.

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

When employment contracts can be changed

Your employment contract can be changed when:

- either you or your employer propose a change, 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 some terms of your employment in some circumstances — sometimes known as a 'flexibility clause' or 'variation clause' (but these clauses must still be exercised 'reasonably')Â
- a change happens through 'custom and practice' — your terms and conditions change over time and everyone's agreement can be implied.

When you might propose contract changes

In some circumstances, you might want to propose changing your employment contract. 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 (you can find out more about this in the Resource below)

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

When your employer might propose contract changes

Examples of when your employer may need to consider changing your employment contract are:

- 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 employer's circumstances, for example if they're considering moving.

What your employer must do if they want to change your contract

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.

They should tell you:

- what the proposed changes are
- who might be affected
- why they believe the change is needed
- how they think the change could benefit employees
- how they may be affected if the changes are not made
- when they propose to introduce the changes
- any other options that have been considered.

Your employer should also explain to you that you can consider the proposed changes, and explain how they will deal with any questions, concerns or suggestions you have about the changes.

If you believe your employer wants to make changes to your contract without consulting you, or has not given you the right information about changing your contract, you may wish to get advice about how to challenge this. You can contact [ACAS](#) or the [Personal Assistant Network Scotland](#) for advice.

Next steps

Find out more about changes to your employment contract in the resources 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>

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>

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>

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Resources

The ACAS Website

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

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

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/>

Minimum hourly rate for PAs



Each year, the Scottish Government sets the minimum hourly rate of pay for Personal Assistants.

The minimum rate of pay for Personal Assistants is **£12 an hour from April 2024**.

Before April 2024 the minimum rate was £10.90 an hour.

The £12 an hour rate applies to all hours worked, including sleepover hours.

If a Personal Assistant is already paid more than £12 an hour, local councils have been instructed that they should use the funding which has enabled this uplift, to increase Direct Payments paid to Employers. This will allow Employers to increase their PAs' wages above £12 an hour.

Who does the minimum rate apply to?

A PA is eligible for the minimum rate if they are directly employed by someone receiving social care support, or a person who is acting on behalf of the person receiving the support.

To be eligible for the minimum rate, the funding for the PA's wages needs to come from either a Local Authority through Option 1 of Self-directed Support, or from the Independent Living Fund Scotland.

Previously, the minimum rate of pay only applied to PAs who support adults. But in June 2024 the Scottish Government announced would also apply to PAs who support children from April 2024, and payments would be backdated to this date.

PAs who are employed privately by their employer (rather than through funding from the Local Authority or Independent Living Fund) are not included in the minimum rate of pay. In this case, these PAs should still be paid at least the [National Living Wage](#). This is £11.44 for people aged 21

and over, from April 2024.

When will the uplift to the minimum rate for PAs be applied?

The £12 rate should apply for hours worked from 1st April 2024. The Scottish Government have said it may take a short time for the change to filter through to all employers.

Local Authorities and ILF Scotland have written to PA employers to advise them of the change.

What should a PA employer do if they haven't received increased funding to pay the minimum rate?

PA employers should contact their Local Authority or ILF Scotland.

What should a PA do if they aren't being paid the minimum rate?

PAs should speak to their employer to ensure they are paid the minimum rate of £12 an hour for all hours worked.

Moving from Benefits to Starting Work as a PA

You may be considering starting (or returning) to work as a Personal Assistant if you have been out of work for a period of time.

If you've been receiving benefits, you may not have to give up all of your benefits when you start work. Some benefits may carry on and there may be others available to you once you have started working.

How much can I earn as a PA without it affecting my benefits?

How much you can earn will depend on your circumstances and which benefits you are entitled to. The benefits you can claim may change when you start to work, and there may be new benefits you're eligible for. So it's worth getting advice before making a decision about whether to take a job in case it will impact your benefits.

You can use a benefits calculator like the one on the Turn2Us website to work out what benefits you will be entitled to once you start work: <https://benefits-calculator.turn2us.org.uk/>

There is a lot of variety in the PA roles on offer and it's likely you will be able to find something to suit your circumstances in your local area. Take a look at the My Job Scotland PA vacancy page in the Resources section below to find PA roles near you.

How to move from benefits to starting work as a PA

Your Jobcentre Plus work coach will help you to manage your move back into work and help you to make changes to your benefits, including tax credits.

There are other schemes you may be able to access to support you into work, including the Flexible Support Fund which can help with travel costs to attend interviews and clothing to start work. Your Jobcentre Plus advisor can let you know if you can apply for this fund.

If you are a parent, there is help and advice available about starting work. Take a look at the Parent Club website below for more information.

If you provide unpaid care to a friend or family member, you may also be able to get help and advice from your local Carer's Centre about starting or returning to work. Find details of your local Carers' Centre on the Coalition of Carers website: <https://www.carersnet.org/what-support-can-i-access/>

Next steps

Take a look at the Resources below.

Resources

My Job Scotland Personal Assistant job site
<https://myjobscotland.gov.uk/personal-assistant-jobs>

Parent Club: Help looking for a job
<https://www.parentclub.scot/articles/help-looking-job>

National Minimum Wage and Statutory Payment Rates

Personal Assistants have a minimum rate of pay set by the Scottish Government each year. [The rate from April 2024 is Â£12 per hour.](#)

However, Personal Assistants who are employed privately by their employer (rather than with funds from the Local Authority or Independent Living Fund) are not included in this minimum rate of pay.

In this instance, employers must still pay the legal National Minimum Wage/ National Living Wage.

This article explains what the latest rates are.

National Minimum Wage and National Living Wage rates

Every year the UK Department for Work and Pensions publishes changes to the National Minimum Wage and National Living Wage.

From April 2024, the new rates are:

- National Living Wage (aged 21+) = £11.44 (previously £10.42)
- 18-20 year old rate = £8.60 (previously £7.49)
- 16-17 year old rate = £6.40 (previously £5.28)

Statutory Maternity, Paternity and Adoption Pay

The rate for statutory maternity, paternity, adoption, shared parental and parental bereavement pay is **£172.48 per week**, or 90% of the employee's average weekly earnings (whichever is lower).

Statutory Sick Pay

From 6 April 2024, the rate for statutory sick pay is **£116.75 per week** (previously this was £109.40).

Next steps

Take a look at the resource available below on 'National Minimum Wage Rates' to guide you in more detail.

Resources

National Minimum Wage Rates

The DWP National Minimum Wages Rates

<https://www.gov.uk/national-minimum-wage-rates>

PA Employer Responsibilities

As a PA, it can be helpful to know what your employer's responsibilities are when it comes to following the law and good practice as an employer.

What a PA employer has to do by law

- To make sure that staff are provided with a statement of their main terms and conditions of employment on the day they start work
- 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 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
- Meet any Health & Safety requirements in the workplace and to not put the themselves or their employee at risk.
- Register as an employer with HMRC
- Purchase Employer's Liability Insurance and follow the advice of their insurance provider on

employment issues.

The PA employer's responsibilities as an employer also include

- Recruiting people fairly and not to discriminate against anyone. This includes taking up 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 make sure that PAs have an induction into the workplace
- To support PAs through supervision and ongoing training and development.

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. You can find out more about what your contract should include at the link at the bottom of this page.

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.

Both parties should be confident that they are able to raise any issues that arise and that the other party will listen to them. It is a good idea to discuss with your employer how you will communicate with each other in case any difficulties or disagreements arise.

Values

Your induction may include your employer explaining their values, to reflect what is important to them.

Shift changes

If you are on a regular shift pattern, there may be times you need to change shift. Your employer will decide what reasons they will allow for shift changes, recognising they can be disruptive to the employer and/or supported person. Your employer should give you guidance on how much notice they would like from you about changing your shifts, and how to discuss this with them.

House rules

Your employer should go over any rules that apply in the supported person's house. They should also explain what they want you to do if equipment or belongings are accidentally damaged.

Driving your employer's vehicle and insurance

If you are required to use your employer's vehicle for work, your induction should include any processes and procedures around this. Your employer should also ensure you are fully insured for using the vehicle.

Team work

If you work as part of a team of PAs, your induction may include a discussion of how to work best as a team. This discussion may also include the other PAs.

Breaks

Your employer should go over the procedures for taking breaks during work, during your induction.

Care plan or work notebook

Your employer may want you to use a care plan or work notebook to note down anything significant that occurred while you were working. If so, they should cover how to do this in your induction, and the type of things they want you to record.

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 eg. a sick note from your doctor. They should also explain to you how to book holidays and days off.

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. They should discuss with you during the induction how your training will be provided and when.

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. In your induction your employer should make sure you know where this plan is kept and who to contact in an emergency. It should also be explained what to do if the person you are supporting is unexpectedly admitted to hospital and how this could affect your

employment.

Health and safety

Your induction should cover any health and safety measures your employer has in place. You should discuss and agree your responsibilities if an emergency eg. a fire occurs when you are 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

Your induction should cover how your employer expects you to treat any information you may become party to in your work. They may have a confidentiality policy they want you to read. Your employer should also explain how they will treat your personal information. Find out more about confidentiality and data protection at work in the link to the article 'GDPR' at the bottom of this page.

Next steps

Ask your employer about their induction process and ensure you have all the information you need to do your job. Check out the articles below for more information on each of the topics.

Resources

What Your Contract of Employment Should Include



A contract between an employer and a PA is a legally binding agreement.

A contract must be in writing, and in place by day 1 of employment.

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 PA starts work.

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')
- 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 too obvious to be written

There are some terms that are so obvious that they do not have to be written in an employment contract (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 a PA.

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 PAs — for example, anyone who deals with other people should be polite when doing so
- What happens if these standards are not met — for example, the employer will report any thefts to the police and take disciplinary action.

Terms restricting a PA's actions

An employer might state that a PA cannot take certain actions during their employment or once it ends. For example, after the PA 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 below — 'Making Changes to your Employment Contract: Advice for PAs' — for more information.

Keeping information about your PAs safe

Personal Assistant (PA) employers must comply with the law around keeping information about their PAs safe.

The law around data protection is called GDPR — The General Data Protection Regulation, and it came into force in 2018.

What is GDPR?

The General Data Protection Regulation (GDPR) is there to protect the rights of individuals when their personal information is handled and processed.

As a PA Employer, GDPR says you must be open and honest with your PAs about how you use their information, and you must follow good data handling procedures.

All PA Employers that deal with personal data must comply with GDPR. Even if you only employ one PA, you are likely to hold information about them such as their home address and phone number. As an employer you must take steps to make sure you are holding this data safely.

What information can I keep about my PAs?

You must have a good reason for asking for and keeping information about your PAs. The information you may need in order to employ them includes things like:

- Name
- Address
- Date of birth
- Education and qualifications
- Work experience
- National Insurance number
- Tax code
- Details of any known disability (but only if you need this, for example you need to make adjustments to their role)
- Emergency contact details
- Their employment history with you
- Employment terms and conditions (e.g. pay, hours of work, holidays, benefits and absence)
- Any accidents connected with work
- Any training taken
- Any disciplinary action.

How should I keep information about my PAs safe?

You need to take steps to make sure that any information you keep about your PAs is safe and cannot be accessed by other people.

For example, if you have your PAs' contact details written in an address book, think about how you can keep this secure — perhaps in a locked cabinet.

If you keep information about your PAs on a computer or phone, is this password protected?

What should I tell my PAs about the information I have on them?

As an Employer, you should be open and transparent with your PAs about what information you keep on them and how you handle it. You should tell them:

- What information you kept and how you use it
- How you keep the information confidential and secure.

Next steps

You can find further information about managing information on employees at the link below. This information has been written for small businesses, but the same guidance applies to you as a PA Employer.

Payroll Services in Scotland

Payroll services support people who receive Direct Payments to employ Personal Assistants.

Direct Payments enable people to purchase services they need to lead an independent life, including employing their own Personal Assistant (PA). Many people with a Direct Payment will use a payroll service to help with their duties as an employer.

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

- Make calculations and do paperwork like 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, eg. P60 and P45 when employees start or leave
- Act as your employer's agent with HMRC to register them as an employer. If acting as an agent with HMRC, the payroll service deals with all HMRC administration.

Some may also carry out the following on behalf of the employer:

- Make payments on behalf of the employer to PAs, HMRC and a pension provider
- Deal with the management of a workplace pension scheme, including auto-enrolment, opt-in and opt-out employees.

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 worked. Your employer will tell you how often this should be done

(eg. weekly, 4-weekly, monthly). Your employer will share the timesheet with their payroll service provider. Best practice is to have a signature from both the employee and employer on the timesheet at point of submission.

You might receive your payslip directly from the payroll service, or from your employer. 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.

If you have a problem with your pay or your payslip, speak to your employer first. Your employer's payroll service will usually contact your employer to help them resolve any issues.

Next steps

Sometimes Personal Assistants are unsure who their employer is because their payslip comes from a payroll service. Your payslip should have your employer's name on it. See the article below "Knowing Who Your Employer Is" to learn more.

Resources

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

It is important to note that some employers use a payroll service to manage PA wages and payslips. This company's name may appear on your payslips, but they are not your employer.

Next steps

Check out the article below for advice on managing your working relationship with your employer.

Pensions for Personal Assistants

If you've had any previous jobs before becoming a Personal Assistant (PA) you may already be enrolled into one or more pension schemes.

As a PA, you may be eligible to be enrolled in a workplace pension through your employer.

Workplace pensions

All employers who employ at least one member of staff are legally obliged to enrol any eligible staff into a workplace pension and make contributions to it. This includes PA Employers.

If you are eligible to be enrolled in a workplace pension, you can choose to opt out if you don't want to be automatically enrolled.

In a workplace pension, you pay some of your wages towards your pension, your employer makes contributions, and the Government makes contributions too.

Am I eligible for a workplace pension as a PA?

You will be eligible for automatic enrolment in a workplace pension if, on your start date, you:

- are aged between 22 and state pension age, and
- are working under a contract of employment and
- earn more than £10,000 a year.

On the first day you start work, your Employer should formally assess you to see if you meet the criteria to be put into a pension scheme.

How PA Employers set up pensions

Many PA Employers will use a payroll service to manage PA wages, so they will ask the payroll service to set up the pension arrangements for their PAs. Some Employers choose to manage pension arrangements on their own.

If you have any questions about your pension, speak to your Employer in the first instance.

There is an article in this Handbook for PA Employers on setting up pensions — you may wish to show them this information if you think you are eligible for a workplace pension and they have not told you about this.

If your employer has not been making the contributions to your pension that you think they should have, you can find helpful information about what to do in the Resource below, 'Workplace pensions — unpaid pension contributions'.

Next steps

Take a look at the Resources below for more information.

Resources

Pensions and Auto-Enrolment (Workplace Pensions)

Every employer with at least one member of staff now has a responsibility for putting those who meet certain criteria into a workplace pension scheme and contributing towards it. This includes those who employ Personal Assistants (PAs).

This process is called automatic enrolment. This is because it is automatic for staff — they do not have to do anything to be enrolled into the pension scheme. They can choose to opt-out. However, it is not automatic for a PA Employer and there are several things that you will have to do to set this up for your PAs.

As a PA Employer you will need to:

- tell your PA(s) about pension auto-enrolment
- check whether they're eligible

- if they are eligible, set up a pension, enrol them and make the correct contributions.

You will also need to complete an online form to declare your compliance with the rules.

Where can I get help to set up a pension for my PA(s)?

Many PA Employers choose to use a payroll service to manage wages, tax and National Insurance payments for their PAs.

Many payroll services can also help you set up pension schemes for your PAs. You can find out more about payroll services in the Resources section at the bottom of this page.

The Pensions Regulator (which is in charge of auto-enrolment) also has lots of help available for employers to guide and support you through the process.

What criteria must a PA meet to be auto-enrolled?

The rules say that a PA Employer must automatically enrol all staff who on their start date are:

- aged between 22 and state pension age, and
- are working under a contract of employment and
- have 'qualifying earnings' of over £10,000 a year (the limit will be frozen at £10,000 for the foreseeable future).

On the first day a PA starts working for the PA Employer (known as their duties start date), the PA Employer should formally assess them to see if they meet the criteria to be put into a pension scheme.

Can a PA Employer postpone auto-enrolment?

It is possible for an employer to legitimately postpone assessing an employee for auto-enrolment purposes for up to three months. If the PA Employer wishes to postpone their staff, they must write to their PAs individually (within six weeks) to explain this.

How much will a PA Employer have to contribute?

There is a minimum total amount that has to be contributed by the PA Employer, the PA and the government in the form of tax relief.

If a PA is automatically enrolled, Employer contributions must be at least 3% of qualifying earnings (QE).

Qualifying earnings are anything a PA earns over £6,240 up to a limit of £50,270.

Next steps

Take a look at the Resources below to guide you in more detail.

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>

Personal Assistant Programme Board



The Personal Assistant Programme Board brings together people who employ Personal Assistants, Personal Assistants themselves, the Scottish Government and other stakeholders to improve the recognition of — and support for — Personal Assistants in Scotland. The PA Programme Board was set up in 2021.

Personal Assistants are a diverse workforce, and the nature of their role means that (unlike other parts of the social care workforce) there is no one established place where their needs can be understood and their voice heard.

The PA Programme Board provides a national space where work to recognise and support PAs, and in turn their employers, is agreed, planned and carried out.

The work of the PA Programme Board is split into subgroups which focus on:

- improving national data on Personal Assistants (data subgroup)
- improving awareness of the PA role, and recruitment infrastructure for PAs (recruitment subgroup)
- improving training opportunities for PAs and employers (training subgroup)
- work to support PAs' wellbeing (wellbeing subgroup)
- ensuring there is consistent language and messaging around PAs and Employers (communications and information subgroup)
- developing a consistent approach to Direct Payments across Scotland (direct payment subgroup)
- developing local peer support networks for PAs (PA networks subgroup).

How can Personal Assistants get involved?

The PA Programme Board is keen to hear from Personal Assistants who would like to be involved to share their experience and to help make things better for all PAs in Scotland.

The Programme Board meets online every three months and PAs can claim expenses to cover the time they contribute.

Please get contact Self Directed Support Scotland at info@sdsscotland.org.uk if you are interested in getting involved.

Next steps

Take a look at the Personal Assistant Programme Board website below for more information

Resources

Personal Assistant Programme Board

<https://www.sdsscotland.org.uk/projects/personal-assistant-programme-board/>

Preparing for a job interview as a PA



If you're invited to an interview to be a Personal Assistant, here are some tips to help you feel prepared.

Who will be involved in the interview?

There may be a few people involved in your interview for a PA role.

The person you will be assisting as a PA may also be your legal Employer, and they may choose to do the interview on their own.

Some Employers employ Personal Assistants on behalf of a loved one, who is the person needing support. In this case it's likely you will meet both the legal Employer and the person you're going to be supporting at the interview.

Some Employers ask for help from a local support organisation with interviews. So there may be someone from a local organisation, who is advising and supporting the Employer, involved in the interview too.

It's very important that you speak directly to the Employer, or the person being supported, during the interview. This is the case 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 communicate with them and/or the person you will be supporting.

Interviews are two-way

The interview is your potential employer's chance to find out about you, but it's also your chance to find out about them.

As a PA, having a good relationship with the person you're supporting and your employer (if this is someone different) is really important. The interview is your chance to get a feel for whether you would get on with the person you're going to be working for.

It's also your chance to find out more about the nature of the job — how many hours you'll be working, if there is a set shift pattern, if you'll be working alongside other PAs or on your own.

Hopefully the job advertisement will have given you a good idea of what the person you will be supporting is like, their interests and how they want to be supported. The interview is your chance to find out more. It's a good idea to make a note of anything you want to ask questions about before the interview.

Interview etiquette

When you apply for a job as a PA, remember you will be working for one individual and not a large company. If you are invited for an interview, the employer will have taken time out of their own life to arrange this, and it's important you respect that.

If for whatever reason you can't make the interview, or you decide you are no longer interested in the job, let the person who has invited you for interview know as soon as possible.

Timekeeping is likely to be very important to many PA Employers, so turning up on time for your interview is a sure fire way to make a good first impression!

Next steps

Take a look at the Resources below for more advice and tips on getting a job as a PA.

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 job site

My Job Scotland is the only place where Personal Assistant roles from across Scotland are advertised together.

You can search for roles near you by putting in your location.

Visit the site: <https://www.myjobscotland.gov.uk/personal-assistant-jobs>

PA Network Scotland

The PA Network Scotland host a jobs hub where they post PA vancancies

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

Local organisation websites

•

Aberdeen and Aberdeenshire

: Cornerstone SDS

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

•

Angus and Dundee

: Dundee Carers Centre

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

•

Ayrshire (East, North and South)

: Ayrshire Independent Living Network (AILN)

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

•

East Dunbartonshire

: Take Ctrl East Dunbartonshire

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

•

Edinburgh, East Lothian, Midlothian and West Lothian

: The Lothian Centre for Inclusive Living (LCIL)

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

•

Fife:

SDS Options Fife

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

•

Glasgow

: Glasgow Centre for Inclusive Living (GCIL)

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

•

Perth and Kinross

: Support Choices

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

- **Scottish Borders**
: Encompass

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

- **Shetland**
: Shetland Community Connections

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

- **South Lanarkshire**
: Take Ctrl South Lanarkshire

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

Other places to look for PA jobs

Jobcentre Plus

Local Jobcentre Plus centres sometimes advertise vacancies for Personal Assistants. You can search for your local Jobcentre Plus here: <https://find-your-nearest-jobcentre.dwp.gov.uk/search.php>

You can also search online for current vacancies here: <https://www.jobcentreguide.co.uk/>

Online recruitment sites

The following recruitment sites often have adverts for Personal Assistant vacancies:

- Indeed:
<https://uk.indeed.com/>
- S1Jobs:
<https://www.s1jobs.com/>
- LinkedIn: Some employers may advertise on LinkedIn. You need to create a profile to use the site.Â
<https://www.linkedin.com/home>

Facebook

Some employers use Facebook, particularly local community groups, to advertise PA vacancies. To find community Facebook groups, do a search for the name of the place where you live on Facebook: <https://www.facebook.com/>

Gumtree

Some employers use Gumtree to advertise PA vacancies. You can download the Gumtree app to a mobile or tablet, or visit the website: <https://www.gumtree.com/>

In-person adverts

Some employers place posters or notices advertising PA vacancies in their local area. Keep an eye on noticeboards in supermarkets, Post Offices and community centres.

Colleges and universities

If you are a student at a college or university, you may have access to a recruitment site hosted by your college/ university where local vacancies are advertised, and this can be a good source of PA vacancies.

Next steps

Visit the My Job Scotland website to look for Personal Assistant vacancies.

Moving from Benefits to Starting Work as a PA

You may be considering starting (or returning) to work as a Personal Assistant if you have been out of work for a period of time.

If you've been receiving benefits, you may not have to give up all of your benefits when you start work. Some benefits may carry on and there may be others available to you once you have started working.

How much can I earn as a PA without it affecting my benefits?

How much you can earn will depend on your circumstances and which benefits you are entitled to. The benefits you can claim may change when you start to work, and there may be new benefits you're eligible for. So it's worth getting advice before making a decision about whether to take a job in case it will impact your benefits.

You can use a benefits calculator like the one on the Turn2Us website to work out what benefits you will be entitled to once you start work: <https://benefits-calculator.turn2us.org.uk/>

There is a lot of variety in the PA roles on offer and it's likely you will be able to find something to suit your circumstances in your local area. Take a look at the My Job Scotland PA vacancy page in the Resources section below to find PA roles near you.

How to move from benefits to starting work as a PA

Your Jobcentre Plus work coach will help you to manage your move back into work and help you to make changes to your benefits, including tax credits.

There are other schemes you may be able to access to support you into work, including the Flexible Support Fund which can help with travel costs to attend interviews and clothing to start work. Your Jobcentre Plus advisor can let you know if you can apply for this fund.

If you are a parent, there is help and advice available about starting work. Take a look at the Parent Club website below for more information.

If you provide unpaid care to a friend or family member, you may also be able to get help and advice from your local Carer's Centre about starting or returning to work. Find details of your local Carers' Centre on the Coalition of Carers website: <https://www.carersnet.org/what-support-can-i-access/>

Next steps

Take a look at the Resources below.

Protecting Vulnerable Groups (PVG): For PAs

The Protecting Vulnerable Groups (PVG) scheme has existed in Scotland since 2011.

It is managed by Disclosure Scotland and helps make sure that people who are unsuitable to work with children and protected adults cannot work with these vulnerable groups.

If you get a job working with vulnerable people, including as a Personal Assistant, your employer may ask you to join the PVG scheme. If you are already in the PVG scheme for another reason, your employer may still ask you for a statement confirming your PVG scheme membership.

Disclosure Scotland carries out criminal record checks when you apply to the PVG scheme. It can share the results of these checks with you and, in some circumstances, your employer directly. Your employer can use this information to help decide if you are suitable for the role you're applying for.

Upcoming changes to the PVG scheme for Personal Assistants

A new law will come into force on 1 April 2025 that will make it a legal requirement for Personal Assistants to join the PVG scheme.

This page gives you everything you need to know to help prepare for the changes.

What do the changes mean for Personal Assistants?

Currently, many Personal Assistant employers ask potential Personal Assistants to join the PVG scheme, this ensures that the potential Personal Assistant is not already barred from a 'regulated role'.

Until 1 April 2025, the PVG scheme is not mandatory. A new law in Scotland, the [Disclosure \(Scotland\) Act 2020](#), means that from 1 April 2025, Personal Assistants will be legally required to join the PVG scheme.

This is because Personal Assistants — from 1 April 2025 — are doing what is called a 'regulated role' in supporting someone who may be vulnerable, for example, an elderly or disabled person, or a child.

It ensures that Personal Assistants who are unsuitable for a 'regulated role' are not given the

opportunity to work with children or protected adults.

Do all Personal Assistants have to join the scheme?

From 1 April 2025, most people working in Scotland as a Personal Assistant will be legally required to join the PVG scheme.

This includes Personal Assistants who are employed by an individual employer, and self-employed Personal Assistants.

The only exceptions are:

- Where the Personal Assistant is carrying out the role as part of a family relationship. A 'family relationship' includes a relationship between two people who live in the same household and treat each other as though they were members of the same family.
- Where the Personal Assistant is carrying out the role as part of a personal relationship where there is no commercial gain for the Personal Assistant, for example, you are not paid to work as a Personal Assistant.

When do the changes come into force?

It will be a legal requirement for Personal Assistants, who are not exempt, to join the PVG scheme from 1 April 2025. Many Personal Assistants will already be members of the PVG scheme so the change will not affect them.

If you are a Personal Assistant now and are not a member of the PVG scheme, you should join the PVG scheme as soon as possible.

Joining the PVG scheme before 1 April 2025 will mean that you do not breach the legal requirement coming into force on 1 April 2025. You can apply to join now via [Disclosure Scotland's website](#).

What does my employer have to do?

Your employer does not have to do anything. You can join the PVG scheme without your employer having any part in the process.

However, when you apply to join the PVG scheme, you can ask your employer to complete a part of the application form to add their own details and countersign your application.

You should speak to your employer about whether they want to countersign your application or not. There is no additional cost for your employer to countersign your application.

What results will be shared with my employer?

Your results will only be shared with your employer directly if they have countersigned your application to either join the PVG scheme or when you are applying as an existing scheme member. If you apply without your employer countersigning your application, you must share your result with your employer.

These results state whether you are barred from doing a 'regulated role', or if you are under

consideration for listing, for example, Disclosure Scotland has been notified that you may be unsuitable for a regulated role.

Your employer will not receive any details of any criminal convictions you may have. They are told if you are barred from a 'regulated role', or under consideration for listing to help them decide if you are a suitable person to employ.

I work for more than one Personal Assistant employer — do I have to rejoin the PVG scheme for each employer?

From 1 April 2025, it will be a legal requirement for Personal Assistants to join the PVG scheme.

If you're already in the PVG scheme carrying out another role, you should apply for a Scheme Membership Statement for your Personal Assistant role. You can apply for a Scheme Membership Statement via [Disclosure Scotland's website](#).

You should provide a statement of your PVG scheme membership to each of your Personal Assistant employers.

How much will it cost to join the PVG scheme?

Applying to join the PVG scheme costs £59.

A Scheme Membership Statement costs £18. If you're already in the PVG scheme carrying out another role, you should apply for a Scheme Membership Statement for your Personal Assistant role. You can find full details of PVG scheme fees on Disclosure Scotland's [website](#).

Either you or your employer can pay Disclosure Scotland for this fee, depending on the arrangement you make with your employer. Ask your employer about whether they will pay this, or whether you must pay for it.

How long does it take to process a PVG scheme application?

14 days.

What if I am already a member of the PVG scheme?

If you are in the PVG scheme for another reason, your Personal Assistant employer may ask you for a Scheme Membership Statement confirming your PVG scheme membership. You can apply for a Scheme Membership Statement via [Disclosure Scotland's website](#).

What if my details change?

If you are a member of the PVG scheme, you must keep your personal details up to date with Disclosure Scotland.

If, since you applied to the PVG scheme, there have been any changes to your:

- address
- email address
- contact number

you must tell Disclosure Scotland as soon as possible. You can find out how to update your details [on the Disclosure Scotland website](#).

What happens if I don't join the PVG scheme?

From 1 April 2025, it is a legal requirement for people working as Personal Assistants to be members of the PVG scheme. The onus is on you to ensure that you are a member of the PVG scheme.

The only exceptions are Personal Assistants who are carrying out the role as part of a family relationship or as part of a personal relationship, as detailed above.

If you do not meet the exceptions and you do not register to be a member of the PVG scheme and continue to work as a Personal Assistant beyond 1 April 2025, you will be committing a criminal offence, for which you could be liable for imprisonment or a fine (or both).

Where can I get more information?

You can keep up to date with the changes [on the Disclosure Scotland website](#).

If you have any questions about joining the PVG scheme as a Personal Assistant, you can contact Disclosure Scotland by phone or email, contact details can be found [on their website](#).

Next steps

If you are not already a member of the PVG scheme you can apply to join below.

Resources

Apply to join the PVG scheme if you work as a PA

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

Redundancy for PAs

If your employer is making you redundant, they must:

- Tell you why they are making you redundant and discuss the situation with you
- Tell you how long your notice period is
- Keep paying you until the end of your notice period.

If you are made redundant, you will usually carry on working until the end of your notice period. How long your notice period is depends on how long you have worked for the employer.

Sometimes your employer may want to pay you instead of having you work out your notice period.

If your employer is making you redundant, it is good practice for them to put in writing:

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

How much redundancy pay can a PA get?

You only have the right to redundancy pay if you are legally classed as an employee, and you have worked for your employer for more than 2 years.

If you're not sure if you are classed as an employee, it's a good idea to check your employment status. Read the article at the bottom of this page, 'What's the difference between employed and self-employed PAs' for more information.

How much redundancy pay you could get depends on:

- your age
- how long you have worked for your employer
- your weekly pay (before tax).

The law says that if you are classed as an employee and you've worked for your employer for more than 2 years, you should get a minimum amount of redundancy pay. This is called Statutory Redundancy Pay.

You might not be eligible for statutory redundancy pay if your employer offers a suitable alternative job and you turn the offer down.

You might get more than the statutory redundancy pay if it says you are entitled to more redundancy pay in your contract of employment.

Limits on redundancy pay

There are limits and caps on how much statutory redundancy pay you may be eligible for. Check out the Resource at the bottom of this page, 'Redundancy: Your Rights', for more information.

If your employer does not give you a redundancy payment

If you do not get the redundancy pay you expect, you should:

- Write to your employer as soon as you can. The date you should get your redundancy pay should

- be no later than your final pay date, unless you and your employer agree another date in writing.
- Tell the employer what you are entitled to and include any evidence to back this up. For example, you could include a letter that states your first day at work, or an email confirming a recent pay increase.

If you need to claim for any unpaid redundancy money, you need to do this within 6 months of your job ending.

You may wish to get advice if you are being made redundant.

PAs who are members of ILG PA can access free legal advice. [Find out more on their website.](#)

You can contact the Personal Assistant Network Scotland for advice around redundancy. [Find out more on their website.](#)

Next steps

Ask your employer about their policy on redundancy and take a look at the resources below for further guidance.

Resources

Redundancy: your rights

<https://www.gov.uk/redundancy-your-rights>

Redundancy Payment Helplines

The helpline numbers for ACAS and UK Government

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

What's the difference between Employed and Self-Employed PAs?

When someone is considering taking on a Personal Assistant (PA) it is important to understand their potential employment status, which will affect the legal relationship and financial responsibilities between both parties.

For example, a PA Employer would be responsible for paying the tax and National Insurance for the PA(s) they employ, but a self-employed PA would be responsible for paying this themselves.

This is something that everyone considering taking on a PA needs 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 pays tax 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 or relief 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
- Work which occurs more often but in an unpredictable or irregular way
- Work where there is no obligation on the part of the PA Employer to offer the work
- Work where there is no obligation on the part of the PA to accept the offer of work
- Workers are entitled to be provided with a statement of the terms that cover their engagement
- The Contract of Employment uses wording like 'casual' or 'as required'.

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.

Casual and relief workers have the right to receive holiday pay, the National Minimum Wage and to be auto enrolled into a pension scheme (if eligible).

If however, a casual/relief 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/relief workers available can really help a PA Employer manage their rota, such at times of sick leave or holidays. However, it is important to understand when casual work becomes a permanent and what a PA Employer's responsibilities are if this happens. It is helpful for some PA Employers to have several casual/relief 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. More information and a tool to help determine employment status, called "Check Employment Status for Tax" can be found in the link at the bottom of this page.

We cannot freely choose our employment status and it is determined by how our work is set up.

When it comes to the PA role, here are some helpful comparisons:

Employed (including casual/relief workers) Self-employed

The person with the direct payment* determines when the PA will work.

The PA chooses when they will work.

The person with the direct payment* provides all equipment to enable the person to do their job.

The PA provides their own equipment.

The PA must agree time off for annual leave with the person with the direct payment*. The PA informs the person with the direct payment* of when they will take holiday.

The person with the direct payment* determines the rate of the pay.

The PA determines their own rate of pay and informs the person with the direct payment. They may raise their rate without notice.

The PA has employment rights eg. to Statutory Sick Pay, paid holiday and the right to request flexible working. The PA must make their own arrangements to ensure they can cover their finances in the event of sickness absence or holiday.

The person with the direct payment* supervises the PA.

The PA is not under direct supervision.

The person with the direct payment* lays out the terms of the arrangement in the form of a Contract of Employment and Statement of Particulars (written for those not working on a casual or relief basis). There is not a written agreement, or the PA operate under a contract (sometimes known as a 'contract for services') that uses terms like 'self-employed.'

*or a nominated 'other' eg. guardian or a person with power of attorney

Next steps

You can find out more information using the links below.

ILG PA

<https://www.ilg-pa.com/>

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/>

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 more than 3 days in a row, including non-working days
- They earn on average at least £123 a week, before tax.

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 while you are off. Your employer might have a specific procedure to tell them about illness, so you should ask them and check your contract of employment to make sure you follow the procedure correctly.

If you are eligible for Statutory Sick Pay (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).

To claim SSP tell your employer by the deadline set, and complete the form they ask you to.

An employer may ask you to complete the HMRC form SC2 to ask them for Statutory Sick Pay. [You can find a link to this form here.](#)

If you are sick and off work for more than 7 days in a row (including non-working days) you must give your employer a fit note from your doctor or the hospital.

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/>

Smoking in the home: a guide for PAs and Employers

Smoking or vaping is a health, safety and wellbeing issue for Personal Assistants, the people they assist, and their employers. Sometimes the legal employer is the person being assisted and sometimes it is someone else acting on their behalf.

Either a PA or the person they are assisting may be a smoker, and this could affect the health and wellbeing of other people, including other PAs.

This article sets out key considerations that both PAs and their employers need to be aware of when it comes to the issue of smoking in a person's home environment.

If the PA employer/ person being supported is a smoker

Whilst anyone coming into the home of a smoker will need to respect their decision to smoke, people who are legal employers have responsibilities towards their employees when it comes to their health and safety.

If an employer asks someone (such as a Personal Assistant) to carry out work within a home environment, they have a general responsibility for them under civil law.

If an employer lives in a private house and employs a PA to carry out **solely domestic activities** (for example, cleaning, gardening or general personal care), it is unlikely that they will have any responsibilities under the Health and Safety at Work Act 1974 (HSWA).

However, if they employ a PA to **carry out tasks that go beyond what may be considered to be ordinary domestic service**, for example:

- Hoisting, moving and assisting
- Dealing with challenging behaviour
- Using complex medical equipment.

In these cases, they may have responsibilities under the law.

Under the law, a PA employer needs to consider their PAs' and their own safety. PA employers need to protect, so far as is reasonably practicable, the health and safety of their employees,

including any risks that arise from exposure to smoke.

Considering risk around smoking

The employer needs to undertake a risk assessment, to establish how much of a risk smoking in the home may have on their PAs and how they will mitigate any risks. Whilst it is for the employer to decide how they tackle the problem of second-hand smoke, this needs to be based on the findings of their risk assessment.

It is important to look for sensible, practical solutions and compromises that protect the wellbeing of PAs as well as respecting the rights of the employer (or person being supported) to smoke in their own home.

When doing a risk assessment, the employer may want to focus on the effects of smoke on those most at risk, such as:

- PAs with respiratory complaints
- PAs who may be pregnant
- PAs subjected to the greatest level of exposure.

To mitigate any risks, the employer may consider things like:

- Deciding not to smoke/ vape when PAs are present
- Warning PAs before lighting a cigarette/ vaping, so they can leave the room
- Opening doors and/ or windows when smoking/ vaping
- Putting on an extractor fan when smoking/ vaping
- Smoking/ vaping next to an open door or window
- Designating certain parts of the house as a smoking area, eg. the kitchen.

If a PA is a smoker

If the employer/ person being supported doesn't want anyone smoking in their home, they have the right to expect a smoke free home environment. If a Personal Assistant is a smoker, their employer should discuss with them the best way for them to manage this at work. They could consider:

- Making time for the PA to take smoking breaks while they are working
- Agreeing where the PA is allowed to smoke/ vape eg. outside the house only, or next to an open door/ window.

If an employer employs more than one PA, they need to consider the effect of one PA smoking on the other PAs too. They should include this when they do a risk assessment.

Next steps

Take a look at the Resources below for more information.

Resources

Introduction to Health and Safety

Health and safety is an important aspect of employing Personal Assistants. The moment a person is employed as a Personal Assistant, their Employer is responsible for their health, safety and welfare at work.

Health and safety also applies to people who work in the home such as self-employed PAs, agency staff or contractors.

What do PA Employers need to do?

- Firstly, you need to do a risk assessment. Employers have a legal duty to protect their Personal Assistants from harm. A risk assessment should identify what could cause injury or illness (hazards), decide how likely it is that someone could be harmed and how seriously (the risk) and take action to eliminate the hazard, or if this isn't possible, control the risk
- Secondly, you must make your Personal Assistant(s) aware of the risk assessment through the induction process
- Thirdly, you must make sure that your Personal Assistant(s) are trained to use equipment, to enable them to work in a safe manner.

Normally your Employer's Liability Insurance will require that you do a risk assessment, to minimise the risk that a Personal Assistant could make a claim against you.

Risk Assessments

To help you do a risk assessment, you can take a look at the leaflet 'Steps Needed to Manage Risk' link in the Resources section below.

The five steps are:

- identify the hazards
- decide who may be harmed and how
- think about the risks and how you can reduce or prevent them
- record your findings and implement them
- review your risk assessment and update if necessary.

In identifying the hazards you should consider the following:

- in what areas of your home will the PA work?
- will the PA need to assist you to move around your home?
- are there hazards outside the home?
- will the PA work outside the home?
- will the PA be using your car or their car to transport you?
- will the PA be assisting you with mobility inside or outside the home?
- will the PA be expected to lift anything heavy?
- what type of equipment will the PA use — is this mechanical or electrical?
- will the PA be cooking for you?
- are there any pets or animals in your home that may present a risk to your PA?
- don't forget to include smoking as a hazard if you are a smoker.

When you are thinking about who may be harmed, this could include:

- the PA(s)
- the person being supported (if this is someone different from yourself)
- any other members of your family and friends who may be affected by what the PA does
- any other visitors who may come to the home, eg. social work, support providers etc.

Once the risks are identified, write these on a risk assessment form so you can show what action is in place to prevent any harm from the hazard and also what precautions need to be taken to minimise the risk.

You will have to show how the risks can be reduced, and who by. Normally the aim is to eliminate the risk by removing it from the premises. But where this is not possible you will have to make sure that the people affected by the hazard are trained in how to avoid the risk of injury or harm.

You will have to keep training records to provide evidence that training has taken place and the PA is aware of their responsibility to work in a safe manner.

Health and Safety Training

Health and safety training is an important responsibility for PA Employers.

You must show that you have trained your PA(s) in Health and Safety matters on their first day of employment. It is not a task which can be done later, because if that person has an accident on their first day and training has not been carried out, you could be liable for prosecution depending on the seriousness and likelihood of the accident.

As well as general training on Health and Safety you will need to have some simple documents listing all the equipment the PA will be required to use. This is to demonstrate that training has been given, and that the PA is able to use the equipment safely.

Next steps

Check out the Resources below for further guidance on Health and Safety and completing a risk assessment.

Health and Safety Executive: Health and Social Care - Frequently asked Questions

These FAQs help illustrate the nature of some of the issues that the Health and Safety Executive routinely gives advice on. The list is not exhaustive and further questions and answers may be added at a later date. The FAQs cover:

- Lifting equipment and manual handling
- Health and Safety training
- Second hand tobacco smoke
- Health and safety responsibilities when employing PAs to work in your own home

<https://www.hse.gov.uk/healthservices/faqs.htm#q2>

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 practice 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.litrq.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

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/>

National Direct Payments Forum: PA Employment Status Report (June 2023)

https://www.nationaldirectpaymentforum.org.uk/wp-content/uploads/2023/06/The-National-Direct-Payments-Forum_Emp_status_PA_report.pdf

Support for PAs who are also unpaid carers

You may be working as a Personal Assistant and also support someone else in your life, unpaid — like a family member or friend. This article explains what support is available to you if you are an unpaid carer.

How do I know if I am an unpaid carer?

You're probably a carer if all of the following apply:

- you do things like helping someone to wash, dress and eat, take them to appointments, do their shopping or keep them company
- you aren't paid to look after the person you're caring for
- you spend a lot of time caring for the person — there's no legal definition of this, but it could mean anything from a few hours a day, to 24/7
- you may or may not live with the person you're caring for.

If you are under 18, or over 18 but still in school, you will be classed as a 'young carer'.

What kind of support can I get as an unpaid carer?

There may be lots of support available to you, including:

- Financial support including Carer's Allowance, help with energy costs and council tax
- Support in work
- Support to get a break from your caring role

Where can I get support as an unpaid carer?

There are local Carers' Centres across Scotland who can provide you with information, advice and support to help you with your caring role. Visit the link at the bottom of this page to find your local Carers' Centre.

Next steps

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

Resources

Find your local Carers' Centre

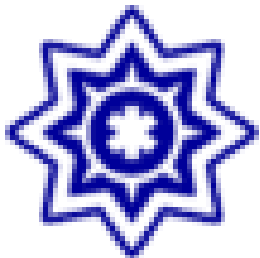
<https://www.carersnet.org/what-support-can-i-access/>

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>

The Blue Light Card



BLUE LIGHT CARD™

What is the Blue Light Card?

The Blue Light Card provides those in the NHS, emergency services, social care sector and armed forces with discounts online and in-store. It is a UK wide initiative.

The role of a Personal Assistant is not currently included as an eligible role in the list of social care workers covered by the Card. This means that at the moment, if you *only* work as a PA, you couldn't receive a Blue Light Card. If the situation changes at any point in the future, we will update this information to reflect this.

The PA Network Scotland (PANS), the Scottish Government and the [PA Programme Board](#) are working to get access to the Blue Light Card for PAs, so we'll keep this page updated with any progress. Access further information on PANS from the resource below.

If however, you also work in another role as well as being a PA, you may be eligible through this role instead. You can check the criteria below for social care workers for example. There are also other criteria for other roles, such as NHS workers, Police and the Fire service. See the full list of eligible roles in the resource below.

Eligibility for the Card

Whilst the Blue Light Card is available to social care workers, there are specific eligibility criteria that need to be met to receive one. These include:

- Being employed and not being self-employed
- Being able to provide a form of ID that shows:
 - your name
 - employer's details
 - job role
- be dated within the last 3 months

Social Care Workers Eligibility

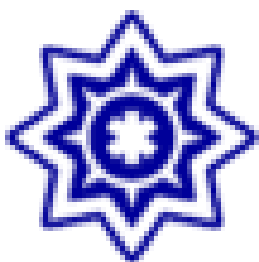
For social care workers to be eligible for the Card, they must come into one of the following categories:

- **Social Care — Care Company Workforce —**
The company must be on either the CQC, RQIA, Care Inspectorate Scotland or Care Inspectorate Wales to be eligible. ID Required: ID card or Payslip.
- **Social Care — Social Worker**
— ID Required: ID card, Payslip or SWE/SCW/SSSC/NISCC number.
- **Social Care — Care Home**
— ID Required: ID card or Payslip.
- **Social Care — Residential Care**
— ID Required: ID card or Payslip.
- **Social Care — Council**
(Working in Care Sector) — ID Required: ID card or Payslip (if these do not state job role, please include a contract alongside).
- **Social Care — Foster Carer**
— ID Required: ID card.

You can find out more about the Blue Light Card, what the eligible roles are and how to apply from the resource below.

Resources

The Blue Light Card Website



BLUE LIGHT CARD™

The Blue Light Card provides those in the NHS, emergency services, social care sector and armed forces with discounts online and in-store. It is a UK wide initiative.

<https://www.bluelightcard.co.uk/index.php>

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 Open Badges Scheme for PAs



Personal Assistants can access free learning through the Open Badge scheme.

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. Open Badges are 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.

What are the benefits of doing Open Badges?

- Completing Open Badges may help with career progression
- Open Badges can back up what you say on your CV, application form or at a job interview
- You can share them on employability websites such as LinkedIn
- You own your Open 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.

Your employer may have a budget to enable you to take paid time off to complete training like Open Badges. Ask your employer if they can support you with 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 PA's 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 (councils) in Scotland and they are responsible for providing a range of public services.

The Local Authority and Self-directed Support

The Local Authority (council) 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 described in the law. The law is called 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 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 operates as a discretionary fund providing financial awards to over 2,300 disabled people in Scotland and Northern Ireland to help them live independently.Â Â

The funding recipients receive is used to purchase social care support to help them meet independent living outcomes that are important to them. Recipients are supported in their own homes and within their own communities, and the funding helps overcome barriers they might face to independent living.

Find out more about the ILF in this article: [Independent Living Fund \(ILF\) Scotland information](#)

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 law in the UK.

Next steps

You can find further information on ILF at the websites found below.

Resources

The Independent Living Fund Scotland (ILF Scotland)



ILF Scotland provides funding support for disabled people in Scotland and Northern Ireland. They distribute public money from the Scottish Government and Department of Health in Northern Ireland.

<https://ilf.scot/>

Guidance when using ILF Scotland funding to employ a PA

PA Employer Support Information Note (31 March 2021)

The purpose of this Information Note is to provide guidance, information and signposting to help ensure that ILF Scotland funding is used to employ PAs as part of safe and effective recruitment processes, in line with relevant legislation and good practice.

<https://ilf.scot/publication/employer-support-information-note-31-march-2021/>

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. These often viewed disability as an individual, medical problem that needed to be prevented, cured or contained, or as a charitable issue that viewed disabled people as needing 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 or minimised 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 [2 MB]

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) [867 KB]

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 Personal Assistant (PA) or if you need help or 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 others are more generic for any worker.

The PA Network Scotland

The PA Network Scotland is available for any Personal Assistant in Scotland. Visit their website at the link below.

Local organisations

You can also find local organisations or groups in your area that can offer you help and advice using our [Find Help](#) service.

The National Wellbeing Hub and Helpline

There is lots of helpful advice about topics including mental, financial and physical wellbeing on the National Wellbeing Hub — visit the website using the link below.

The National Wellbeing Helpline is also available for everyone working in health and social care services, including PAs. It is a compassionate listening service which you can access whenever you need it — 24 hours a day, 7 days a week — by calling **0800 111 4191**.

Next steps

Get in touch with the PA Network — you can find their contact details on their website below. Or visit the National Wellbeing Hub website using 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/>

National Wellbeing Hub

The National Wellbeing Hub was established in 2020 to help support the wellbeing of everyone working in Health and Social Care in Scotland. It has information and advice about topics including mental, financial and physical wellbeing.

<https://wellbeinghub.scot/>

Thinking about Becoming a PA

This can be a rewarding and varied role, and 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, eg. in moving and assisting or first aid.

Being a PA can be a very flexible role. Some employers only want support for a few hours a week, others employ a team of PAs for 24/7 support. You can usually find a role or roles to suit you, supporting one or more people in your community.

Next steps

Find out more about the PA role, and where to look for PA vacancies, in the links below.

Resources

Uniqueness of the PA Role

A Personal Assistant (PA) works directly with one or more individuals, to support them with various aspects of their daily life so that they can live in a way they choose. They are directed by the needs, wishes and interests of that person.

The PA is usually employed directly by the person who needs support and who manages and pays for this through a personal budget or with their own money.

The PA employer might also be the carer, parent or guardian of the person the PA supports.

These are very specific examples of where the PA role differs from other social care workers in Scotland. Anyone working for an agency, the Local Authority or NHS, is employed by that organisation. The contract of employment is between the organisation and their member of staff. For PAs, the contract of employment is between the individual employer and themselves. This means that the employer has the responsibility to manage the PA as well.

Being a PA means that the person responsible for your employment needs, such as training, support and supervision, could be the person that you support on a day to day basis. This means that the relationship between you and your employer is of central importance to the way in which you work.

Your employer might have very specific ways of doing things that are very personal to them. Your ability as a PA to respond to your employer's needs in such a personal, individualistic way enables your employer to live their life in the way they would like to. This very personalised approach is also a strong feature of the PA role.

In practice you might be supporting people in a whole range of different ways. This might include support with personal care needs but could also involve support to access opportunities in the community, such as taking part in a local community group, attending college or classes, getting to work, meeting friends and family and managing household finances and correspondence. You might also be asked to do something you've not done before. The opportunity to focus directly on the

needs and interests of an individual, and the diversity of the role, is what often attracts people to this type of work.

PAs are often ordinary people who see the chance to work with someone in their own home and community as a unique opportunity to work, live and learn with their employer in an unusual and unique way.

The fact you are paid directly by the person you are assisting is not how most people receive care and support. As a PA you will work when and how the employer requires assistance and be built around a strong and active partnership approach where the care, support and assistance planning is agreed and undertaken centred on the needs and wishes of your employer.

One of the other things that's different about being a PA is it can be a very flexible role. There are usually no forms to fill in, no meetings to attend, and just acting and reacting to the immediate needs and wishes of the person you are supporting, and any opportunities that arise, is what is unique to this role.

Next steps

Find out more about the role of Personal Assistant and how it came about in the article below, 'Description of the PA'.

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 job site

My Job Scotland is the only place where Personal Assistant roles from across Scotland are advertised together.

You can search for roles near you by putting in your location.

Visit the site: <https://www.myjobscotland.gov.uk/personal-assistant-jobs>

PA Network Scotland

The PA Network Scotland host a jobs hub where they post PA vacancies

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

Local organisation websites

- **Aberdeen and Aberdeenshire**
: Cornerstone SDS

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

•
Angus and Dundee
: Dundee Carers Centre

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

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

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

•
East Dunbartonshire
: Take Ctrl East Dunbartonshire

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

•
Edinburgh, East Lothian, Midlothian and West Lothian
: The Lothian Centre for Inclusive Living (LCIL)

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

•
Fife:
SDS Options Fife

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

•
Glasgow
: Glasgow Centre for Inclusive Living (GCIL)

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

•
Perth and Kinross
: Support Choices

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

•
Scottish Borders
: Encompass

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

•
Shetland
: Shetland Community Connections

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

- **South Lanarkshire**

: Take Ctrl South Lanarkshire

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

Other places to look for PA jobs

Jobcentre Plus

Local Jobcentre Plus centres sometimes advertise vacancies for Personal Assistants. You can search for your local Jobcentre Plus here: <https://find-your-nearest-jobcentre.dwp.gov.uk/search.php>

You can also search online for current vacancies here: <https://www.jobcentreguide.co.uk/>

Online recruitment sites

The following recruitment sites often have adverts for Personal Assistant vacancies:

- Indeed:
<https://uk.indeed.com/>
- S1Jobs:
<https://www.s1jobs.com/>
- LinkedIn: Some employers may advertise on LinkedIn. You need to create a profile to use the site. <https://www.linkedin.com/home>

Facebook

Some employers use Facebook, particularly local community groups, to advertise PA vacancies. To find community Facebook groups, do a search for the name of the place where you live on Facebook: <https://www.facebook.com/>

Gumtree

Some employers use Gumtree to advertise PA vacancies. You can download the Gumtree app to a mobile or tablet, or visit the website: <https://www.gumtree.com/>

In-person adverts

Some employers place posters or notices advertising PA vacancies in their local area. Keep an eye on noticeboards in supermarkets, Post Offices and community centres.

Colleges and universities

If you are a student at a college or university, you may have access to a recruitment site hosted by your college/ university where local vacancies are advertised, and this can be a good source of PA

vacancies.

Next steps

Visit the My Job Scotland website to look for Personal Assistant vacancies.

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/>

UNISON website
<https://www.unison.org.uk/>

Training for PAs

There are many different training courses available to Personal Assistants (PAs), most of which will be specific to the job you do.

The types of training you may do will depend on the needs of the person you are assisting. Some employers will require you to do training as a condition of their insurance or to comply with laws such as those around Health & Safety, for example to keep you and the person you are assisting safe.

Some roles will not require any formal training at all whilst others may require you to do several different training courses.

Responsibility for providing training

The PA employer is responsible for ensuring any training you are required to do for your role is available to you. They should agree with whoever is funding the support, and their insurance provider, what training must be done. They should also cover the costs of the training — in many cases this will be included in their support budget.

PAs should be paid for their time when completing required training and the employer should also make sure that they have funds to pay for replacement cover, if necessary, when their PA is attending training. The employer is also responsible for organising training and some employers are likely to need help to do this. You as their PA could assist them.

Training PAs are often required to complete

The most common types of training a PA may be required to complete are:

- Moving and Assisting of People

- Safe Administration of Medicines

If a PA is required to prepare or cook meals for the supported person then Food Hygiene Training is normally required. In these circumstances, training should always be accredited and certificated as proof that it has been successfully completed.

Other types of training PAs may be required to complete

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 other training courses available and your employer should regularly review how you are developing and should encourage you to continue to enhance your existing skills and personal development.

Where possible all PA training should be accredited, certificated and delivered by a fully qualified competent professional training company.

Training that is specific to your particular job role, such as your employer or the person you support training you on the way they like things done, can be done 'on the job'. This kind of training will not be certified.

Personal Assistants can access free learning through the Open Badge scheme. Find out more in the resource below.

A national training framework for PA Employers to enable them to identify training for their PAs is currently being developed. This page will be updated as more information becomes available.

Next steps

Find out more about the free learning available through the Open Badge scheme below.

Resources

The Open Badges Scheme for PAs



Personal Assistants can access free learning through the Open Badge scheme.

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. Open Badges are 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.

What are the benefits of doing Open Badges?

- Completing Open Badges may help with career progression
- Open Badges can back up what you say on your CV, application form or at a job interview
- You can share them on employability websites such as LinkedIn
- You own your Open 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.

Your employer may have a budget to enable you to take paid time off to complete training like Open Badges. Ask your employer if they can support you with this.

Uniqueness of the PA Role

A Personal Assistant (PA) works directly with one or more individuals, to support them with various aspects of their daily life so that they can live in a way they choose. They are directed by the needs, wishes and interests of that person.

The PA is usually employed directly by the person who needs support and who manages and pays for this through a personal budget or with their own money.

The PA employer might also be the carer, parent or guardian of the person the PA supports.

These are very specific examples of where the PA role differs from other social care workers in Scotland. Anyone working for an agency, the Local Authority or NHS, is employed by that organisation. The contract of employment is between the organisation and their member of staff. For PAs, the contract of employment is between the individual employer and themselves. This means that the employer has the responsibility to manage the PA as well.

Being a PA means that the person responsible for your employment needs, such as training, support and supervision, could be the person that you support on a day to day basis. This means that the relationship between you and your employer is of central importance to the way in which you work.

Your employer might have very specific ways of doing things that are very personal to them. Your ability as a PA to respond to your employer's needs in such a personal, individualistic way enables your employer to live their life in the way they would like to. This very personalised approach is also a strong feature of the PA role.

In practice you might be supporting people in a whole range of different ways. This might include support with personal care needs but could also involve support to access opportunities in the community, such as taking part in a local community group, attending college or classes, getting to work, meeting friends and family and managing household finances and correspondence. You might also be asked to do something you've not done before. The opportunity to focus directly on the needs and interests of an individual, and the diversity of the role, is what often attracts people to this type of work.

PAs are often ordinary people who see the chance to work with someone in their own home and community as a unique opportunity to work, live and learn with their employer in an unusual and unique way.

The fact you are paid directly by the person you are assisting is not how most people receive care and support. As a PA you will work when and how the employer requires assistance and be built around a strong and active partnership approach where the care, support and assistance planning is agreed and undertaken centred on the needs and wishes of your employer.

One of the other things that's different about being a PA is it can be a very flexible role. There are usually no forms to fill in, no meetings to attend, and just acting and reacting to the immediate needs and wishes of the person you are supporting, and any opportunities that arise, is what is unique to this role.

Next steps

Find out more about the role of Personal Assistant and how it came about in the article below, 'Description of the PA'.

Resources

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 everyday 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 should have access to training and support and receive a contract of employment (or contract of service if self employed), 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. 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. PAs can also operate on a self-employed basis (check out the article [What's the Difference Between an Employed and Self-Employed PA?](#))

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 between Employer and PA 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 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 PA's role can be, and the difference it can make.

Use of Transport (Own Vehicle and Employer's) at Work

Some PAs may be required to use their own transport (eg. car) or be asked to drive a vehicle belonging to their employer or the person they are supporting (eg. a mobility car). Examples include:

- Using your own car to travel to and from the home of the person you're supporting. This may be required depending on where they live
- Using your car as part of your working role. This may include shopping or doing errands for the person you're supporting
- Using your car to drive 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 employer's 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 is important for you to familiarise yourself with any adaptations and have the opportunity to practice

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

- Being respectful
- Being encouraging and enabling
- Having understanding and empathy
- Flexibility
- Responsibility and reliability
- Being committed to equality and diversity
- Understand the challenges faced by disabled people
- Being willing to learn.

Skills

- Listening skills
- Interpersonal skills
- The ability to be personal yet professional
- Being able to communicate effectively with different people
- Advocacy skills
- Knowledge of the local area
- Some employers may need support with cooking, cleaning and household management so these skills can be useful

- Some employers need their PA to be able to drive.

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 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 carers 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 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.

If there is a change in your employer's circumstances, they may wish to change the terms and conditions in your contract. If they want to do this, they must inform you and other employees who might be affected.

Reduction in the number of hours employed

If your employer is looking to reduce the number of hours you work, this may mean a change in the terms and conditions of your employment. The employer needs 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 the person you support is moving into a residential or nursing home, your PA role might no longer be needed. If this is the case, you might be made redundant from your PA role and the employer would be expected to follow the requirements of employment legislation around redundancy.

If a PA employer chooses a different SDS Option

If your employer decides that they do not want to continue to be a PA employer and would prefer to change to another Option under Self-directed Support, then there are rules around employment that have to be checked.

If your employer decides to choose an agency to provide the 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 in this case, where a PA employer has chosen an agency to provide the support instead, there will need to be a discussion to see if their PAs can be transferred to the employment of the agency.

The person being supported moves to a different area

If the person being supported decides to move home, whether that be in the same Local Authority area or not, this might affect their PAs' ability to continue to provide support. In this case there should be a discussion about possible changes to the contract of employment, or it may lead to the PA being made redundant due to a change in the location of the workplace.

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 is 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 employer's 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 PA's employer, which would require a change to the contract of employment.

If the person being supported passes away

If the person being supported passes away, then their PAs' employment comes to an end. In this situation, the rules around redundancy apply, and whoever is managing the person's estate will need to consider this issue.

Next steps

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

Resources

Redundancy for PAs

If your employer is making you redundant, they must:

- Tell you why they are making you redundant and discuss the situation with you
- Tell you how long your notice period is
- Keep paying you until the end of your notice period.

If you are made redundant, you will usually carry on working until the end of your notice period. How long your notice period is depends on how long you have worked for the employer.

Sometimes your employer may want to pay you instead of having you work out your notice period.

If your employer is making you redundant, it is good practice for them to put in writing:

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

How much redundancy pay can a PA get?

You only have the right to redundancy pay if you are legally classed as an employee, and you have worked for your employer for more than 2 years.

If you're not sure if you are classed as an employee, it's a good idea to check your employment status. Read the article at the bottom of this page, 'What's the difference between employed and self-employed PAs' for more information.

How much redundancy pay you could get depends on:

- your age
- how long you have worked for your employer
- your weekly pay (before tax).

The law says that if you are classed as an employee and you've worked for your employer for more than 2 years, you should get a minimum amount of redundancy pay. This is called Statutory Redundancy Pay.

You might not be eligible for statutory redundancy pay if your employer offers a suitable alternative

job and you turn the offer down.

You might get more than the statutory redundancy pay if it says you are entitled to more redundancy pay in your contract of employment.

Limits on redundancy pay

There are limits and caps on how much statutory redundancy pay you may be eligible for. Check out the Resource at the bottom of this page, 'Redundancy: Your Rights', for more information.

If your employer does not give you a redundancy payment

If you do not get the redundancy pay you expect, you should:

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

If you need to claim for any unpaid redundancy money, you need to do this within 6 months of your job ending.

You may wish to get advice if you are being made redundant.

PAs who are members of ILG PA can access free legal advice. [Find out more on their website.](#)

You can contact the Personal Assistant Network Scotland for advice around redundancy. [Find out more on their website.](#)

Next steps

Ask your employer about their policy on redundancy and take a look at the resources below for further guidance.

Redundancy Payment Helplines

The helpline numbers for ACAS and UK Government
<https://www.gov.uk/redundancy-payments-helpline>

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>

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>

What is a Casual Worker?

The term 'casual worker' describes an individual who is not part of an employer's 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.

If you are a casual worker, your employer isn't obliged to offer you any work, and you are not obliged to accept work when offered.

There are many different types of casual worker, which can include those on zero hours contracts (meaning they have no minimum guaranteed hours).

Finding out your 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. So, it is essential to correctly identify your employment status.

Casual workers must be on the employer's payroll

All casual workers must be included on the employer's 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.

It is also important to know that:

- 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>

What's the difference between Employed and Self-Employed PAs?

When someone is considering taking on a Personal Assistant (PA) it is important to understand their potential employment status, which will affect the legal relationship and financial responsibilities between both parties.

For example, a PA Employer would be responsible for paying the tax and National Insurance for the PA(s) they employ, but a self-employed PA would be responsible for paying this themselves.

This is something that everyone considering taking on a PA needs 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 pays tax 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 or relief 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
- Work which occurs more often but in an unpredictable or irregular way
- Work where there is no obligation on the part of the PA Employer to offer the work
- Work where there is no obligation on the part of the PA to accept the offer of work
- Workers are entitled to be provided with a statement of the terms that cover their engagement
- The Contract of Employment uses wording like 'casual' or 'as required'.

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.

Casual and relief workers have the right to receive holiday pay, the National Minimum Wage and to be auto enrolled into a pension scheme (if eligible).

If however, a casual/relief 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/relief workers available can really help a PA Employer manage their rota, such at times of sick leave or holidays. However, it is important to understand when casual work becomes a permanent and what a PA Employer's responsibilities are if this happens. It is helpful for some PA Employers to have several casual/relief 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. More information and a tool to help determine employment status, called "Check Employment Status for Tax" can be found in the link at the bottom of this page.

We cannot freely choose our employment status and it is determined by how our work is set up.

When it comes to the PA role, here are some helpful comparisons:

Employed (including casual/relief workers) Self-employed

The person with the direct payment* determines when the PA will work.

The PA chooses when they will work.

The person with the direct payment* provides all equipment to enable the person to do their job.

The PA provides their own equipment.

The PA must agree time off for annual leave with the person with the direct payment*. The PA informs the person with the direct payment* of when they will take holiday.

The person with the direct payment* determines the rate of the pay.

The PA determines their own rate of pay and informs the person with the direct payment. They may raise their rate without notice.

The PA has employment rights eg. to Statutory Sick Pay, paid holiday and the right to request flexible working. The PA must make their own arrangements to ensure they can cover their finances in the event of sickness absence or holiday.

The person with the direct payment* supervises the PA.

The PA is not under direct supervision.

The person with the direct payment* lays out the terms of the arrangement in the form of a Contract of Employment and Statement of Particulars (written for those not working on a casual or relief basis). There is not a written agreement, or the PA operate under a contract (sometimes known as a 'contract for services') that uses terms like 'self-employed.'

*or a nominated 'other' eg. guardian or a person with power of attorney

Next steps

You can find out more information using the links below.

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 a PA is a legally binding agreement.

A contract must be in writing, and in place by day 1 of employment.

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 PA starts work.

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')
- 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 too obvious to be written

There are some terms that are so obvious that they do not have to be written in an employment contract (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 a PA.

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 PAs — for example, anyone who deals with other people should be polite when doing so
- What happens if these standards are not met — for example, the employer will report any thefts to the police and take disciplinary action.

Terms restricting a PA's actions

An employer might state that a PA cannot take certain actions during their employment or once it ends. For example, after the PA 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 below — 'Making Changes to your Employment Contract: Advice for PAs' — for more information.

Resources

Making Changes to your Employment Contract: Advice for PAs

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

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

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

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:

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

A written employment contract usually includes:

- The details that are legally required in your written statement
- Details about other terms and conditions
- Information about the employer's policies and procedures.

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

When employment contracts can be changed

Your employment contract can be changed when:

- either you or your employer propose a change, 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 some 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 you might propose contract changes

In some circumstances, you might want to propose changing your employment contract. 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 (you can find out more about this in the Resource below)

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

When your employer might propose contract changes

Examples of when your employer may need to consider changing your employment contract are:

- 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 employer's circumstances, for example if they're considering moving.

What your employer must do if they want to change your contract

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.

They should tell you:

- what the proposed changes are
- who might be affected
- why they believe the change is needed
- how they think the change could benefit employees
- how they may be affected if the changes are not made
- when they propose to introduce the changes
- any other options that have been considered.

Your employer should also explain to you that you can consider the proposed changes, and explain how they will deal with any questions, concerns or suggestions you have about the changes.

If you believe your employer wants to make changes to your contract without consulting you, or has not given you the right information about changing your contract, you may wish to get advice about how to challenge this. You can contact [ACAS](#) or the [Personal Assistant Network Scotland](#) for advice.

Next steps

Find out more about changes to your employment contract in the resources below.

What's the difference between Employed and Self-Employed PAs?

When someone is considering taking on a Personal Assistant (PA) it is important to understand their potential employment status, which will affect the legal relationship and financial responsibilities between both parties.

For example, a PA Employer would be responsible for paying the tax and National Insurance for the PA(s) they employ, but a self-employed PA would be responsible for paying this themselves.

This is something that everyone considering taking on a PA needs 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 pays tax 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 or relief worker applies to PAs who work with a supported person on a temporary basis or ad hoc basis.

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- Work which occurs more often but in an unpredictable or irregular way
- Work where there is no obligation on the part of the PA Employer to offer the work
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*or a nominated 'other' eg. guardian or a person with power of attorney

Next steps

You can find out more information 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.litrq.org.uk/sites/default/files/files/LITRG-factsheet-PA-employed-self-employed.pdf>

Check Employment Status for Tax

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

HMRC Factsheet Employed or Self-Employed for tax and National Insurance contributions [93 KB]

Working out your employment status

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

Where to Get Advice on Employment Issues

If you find yourself facing employment issues in your work as a PA, here is where you can get advice and support.

- ACAS (the Advisory, Conciliation and Arbitration Service) gives free employment advice and is a great place to start if you need to resolve a major issue at work. They also have a helpline you can call.

[Find out more on their website.](#)

- PAs who become a member of ILG PA can access free legal advice. You can find out more [on the ILG PA website.](#)

- You can contact the Personal Assistant Network Scotland for help and advice on employment issues.

[Find out more on their website.](#)

- 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

Take a look at the Resources below.

Resources

ACAS Website, for free employment advice

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

ILG PA

<https://www.ilg-pa.com/>

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/>

Law Society of Scotland website

You can search for Solicitors that specialise in employment law.

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

Where to get support as a PA

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.

Personal Assistant Network Scotland

The Personal Assistant Network Scotland is the only specialist organisation in Scotland, dedicated to supporting PAs.

Membership is free and the PA Network Scotland offers a range of benefits and support to PAs.

Find out more on their website: <https://www.panetworkscotland.org.uk/>

ILG PA

ILG PA is a UK-wide membership platform which offers support, wellbeing advice, training, guidance and rewards

There is a cost for membership although some Employers may cover the cost of this.

Find out more on their website: <https://www.ilg-pa.com/>

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.

You can access the Forum here: <https://forum.sdsscotland.org.uk/>

Help with employment issues

There are other organisations who can give advice specifically on employment issues. Check out the article in the Resources section below.

Next steps

You can find further information at the resources found 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/>

ILG PA
<https://www.ilg-pa.com/>

Self Directed Support Forum (Online)

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

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If you find yourself facing employment issues in your work as a PA, here is where you can get advice and support.

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Next Steps

Take a look at the Resources below.

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 job site

My Job Scotland is the only place where Personal Assistant roles from across Scotland are advertised together.

You can search for roles near you by putting in your location.

Visit the site: <https://www.myjobscotland.gov.uk/personal-assistant-jobs>

PA Network Scotland

The PA Network Scotland host a jobs hub where they post PA vacancies

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

Local organisation websites

- **Aberdeen and Aberdeenshire**
: Cornerstone SDS

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

- **Angus and Dundee**
: Dundee Carers Centre

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

•

Ayrshire (East, North and South)

: Ayrshire Independent Living Network (AILN)

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

•

East Dunbartonshire

: Take Ctrl East Dunbartonshire

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

•

Edinburgh, East Lothian, Midlothian and West Lothian

: The Lothian Centre for Inclusive Living (LCIL)

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

•

Fife:

SDS Options Fife

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

•

Glasgow

: Glasgow Centre for Inclusive Living (GCIL)

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

•

Perth and Kinross

: Support Choices

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

•

Scottish Borders

: Encompass

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

•

Shetland

: Shetland Community Connections

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

•

South Lanarkshire

: Take Ctrl South Lanarkshire

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

Other places to look for PA jobs

Jobcentre Plus

Local Jobcentre Plus centres sometimes advertise vacancies for Personal Assistants. You can search for your local Jobcentre Plus here: <https://find-your-nearest-jobcentre.dwp.gov.uk/search.php>

You can also search online for current vacancies here: <https://www.jobcentreguide.co.uk/>

Online recruitment sites

The following recruitment sites often have adverts for Personal Assistant vacancies:

- Indeed:

<https://uk.indeed.com/>

- S1Jobs:

<https://www.s1jobs.com/>

- LinkedIn: Some employers may advertise on LinkedIn. You need to create a profile to use the site.Â

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

Facebook

Some employers use Facebook, particularly local community groups, to advertise PA vacancies. To find community Facebook groups, do a search for the name of the place where you live on Facebook: <https://www.facebook.com/>

Gumtree

Some employers use Gumtree to advertise PA vacancies. You can download the Gumtree app to a mobile or tablet, or visit the website: <https://www.gumtree.com/>

In-person adverts

Some employers place posters or notices advertising PA vacancies in their local area. Keep an eye on noticeboards in supermarkets, Post Offices and community centres.

Colleges and universities

If you are a student at a college or university, you may have access to a recruitment site hosted by your college/ university where local vacancies are advertised, and this can be a good source of PA vacancies.

Next steps

Visit the My Job Scotland website to look for Personal Assistant vacancies.

Resources

My Job Scotland Personal Assistant job site

<https://myjobscotland.gov.uk/personal-assistant-jobs>

You Decide to Leave: Giving Notice

If you decide to leave your job as a PA, you will most likely need to give notice to your employer.

Your contract should say how much notice you must give.

If it does not, and you have worked for your employer for less than a month, legally you do not have to give notice.

If you have worked for your employer for at least 1 month, you should give at least 1 week's notice unless you 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 your 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).

When you may not be required to work your notice

When you give your notice, you will usually carry on working for your employer until the notice period is up.

There are some circumstances where you may not need to do this.

These are:

- You ask to leave during your notice period, and your employer agrees this in writing. If you do this, your employer only has to pay you for the time you've worked.
- Your employer offers you payment in lieu of notice (PILON). They cannot force you to agree to this if it is not in your contract.
- Your employer offers you 'garden leave'. They cannot force you to agree to this if it is not in your contract.

Next steps

Take a look at the article 'Checking Your Employment Rights' below for more information.

Resources

Checking Your Employment Rights

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

Both you and your employer need to know your rights and responsibilities, so it's important to be sure of your employment status.

You might have something in writing from your employer 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.

There are three main types of employment status:

- Worker
- Employee
- Self-employed.

Your employment status can be defined by

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

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 things like sick pay and maternity/ paternity/ adoption pay, if you meet the eligibility criteria.

As a worker you also have protection under the law if you raise concerns about health and safety issues at work.

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
- Protection against dismissal or suffering any detriment if taking action over a health and safety issue.

As an Employee, you also have protection under the law if you raise concerns about health and safety issues at work.

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 are getting work through an agency, you might be given a contract for services and be called a contractor.

In this case you might be classed as Self-employed, Worker or Employee so it's a good idea to check.

If 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, Employee or Self-employed employment status.

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

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 (see Resources section below) to check your employment status for tax purposes.

Next steps

Take a look at the resource available from ACAS on checking your employment rights to guide you in more detail, or read the article 'What's the difference between Employed and Self-Employed PAs?'

Your Health and Safety as a PA

Your employer legally 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, your employer should carry out a risk assessment 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 your employer aware of anything that may impact your work, eg. pregnancy, injury, long-term health conditions
- Identify training needs and ensure that your training is kept up to date (eg. 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 also keep an accident/incident book to keep a record of any accidents, and it is your responsibility to report any work related accident or incidents to your employer.

Other times that risk assessments might be carried out

Risk Assessments could be carried out when:

- A PA is returning to work after a period of absence
- There has been a change to the health or support needs of the person being supported
- A new piece of equipment is required to be used
- New medication is prescribed.

Next steps

Read the guidance for PA Employers around health and safety below. If you have any concerns about your health and safety at work you may find it helpful to speak to your employer about this guidance.

Resources

Introduction to Health and Safety

Health and safety is an important aspect of employing Personal Assistants. The moment a person is employed as a Personal Assistant, their Employer is responsible for their health, safety and welfare at work.

Health and safety also applies to people who work in the home such as self-employed PAs, agency staff or contractors.

What do PA Employers need to do?

- Firstly, you need to do a risk assessment. Employers have a legal duty to protect their Personal Assistants from harm. A risk assessment should identify what could cause injury or illness (hazards), decide how likely it is that someone could be harmed and how seriously (the risk) and take action to eliminate the hazard, or if this isn't possible, control the risk
- Secondly, you must make your Personal Assistant(s) aware of the risk assessment through the induction process

- Thirdly, you must make sure that your Personal Assistant(s) are trained to use equipment, to enable them to work in a safe manner.

Normally your Employer's Liability Insurance will require that you do a risk assessment, to minimise the risk that a Personal Assistant could make a claim against you.

Risk Assessments

To help you do a risk assessment, you can take a look at the leaflet 'Steps Needed to Manage Risk' link in the Resources section below.

The five steps are:

- identify the hazards
- decide who may be harmed and how
- think about the risks and how you can reduce or prevent them
- record your findings and implement them
- review your risk assessment and update if necessary.

In identifying the hazards you should consider the following:

- in what areas of your home will the PA work?
- will the PA need to assist you to move around your home?
- are there hazards outside the home?
- will the PA work outside the home?
- will the PA be using your car or their car to transport you?
- will the PA be assisting you with mobility inside or outside the home?
- will the PA be expected to lift anything heavy?
- what type of equipment will the PA use — is this mechanical or electrical?
- will the PA be cooking for you?
- are there any pets or animals in your home that may present a risk to your PA?
- don't forget to include smoking as a hazard if you are a smoker.

When you are thinking about who may be harmed, this could include:

- the PA(s)
- the person being supported (if this is someone different from yourself)
- any other members of your family and friends who may be affected by what the PA does
- any other visitors who may come to the home, eg. social work, support providers etc.

Once the risks are identified, write these on a risk assessment form so you can show what action is in place to prevent any harm from the hazard and also what precautions need to be taken to minimise the risk.

You will have to show how the risks can be reduced, and who by. Normally the aim is to eliminate the risk by removing it from the premises. But where this is not possible you will have to make sure that the people affected by the hazard are trained in how to avoid the risk of injury or harm.

You will have to keep training records to provide evidence that training has taken place and the PA is

aware of their responsibility to work in a safe manner.

Health and Safety Training

Health and safety training is an important responsibility for PA Employers.

You must show that you have trained your PA(s) in Health and Safety matters on their first day of employment. It is not a task which can be done later, because if that person has an accident on their first day and training has not been carried out, you could be liable for prosecution depending on the seriousness and likelihood of the accident.

As well as general training on Health and Safety you will need to have some simple documents listing all the equipment the PA will be required to use. This is to demonstrate that training has been given, and that the PA is able to use the equipment safely.

Next steps

Check out the Resources below for further guidance on Health and Safety and completing a risk assessment.

Your Rights and Responsibilities as a PA

As an employed Personal Assistant (PA) there are certain rights that you have under employment law. These cover a whole range of areas including:

- Employment contracts
- Working hours
- Pay and wages
- Flexible working
- Holiday, sickness and leave
- Redundancy
- Dismissals
- Health and wellbeing
- Time off for family (maternity, paternity, parental, adoption and shared parental leave) and time off for dependants.

You can find helpful information about these rights throughout this Handbook — take a look at the Resources at the bottom of this page as a first step.

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.

Your responsibilities as a PA

Your responsibilities as a PA will be outlined in your contract of employment and job description.

It is your employer's responsibility to decide how they want you to assist them, and you should follow their guidance and direction.

There are other general expectations of PAs that are outlined in national standards called the Health and Social Care Standards. These Standards have been written to make sure that individuals accessing care and support are treated with respect, dignity, and have their human rights upheld.

Reading the Health and Social Care standards will give you an idea of the expectations you should be working to. You can read the Standards at the bottom of this page.

As a PA you may deal with an adult or child who is at risk of harm. This means you also have a responsibility to report any concerns you may have about someone who has been a victim of harm or is at risk of harm. Find out more in the articles below, 'Adult Support and Protection' and 'Child Protection'.

Next steps

Take a look at the Resources below to find out more.

Resources

PA Employer Responsibilities

As a PA, it can be helpful to know what your employer's responsibilities are when it comes to following the law and good practice as an employer.

What a PA employer has to do by law

- To make sure that staff are provided with a statement of their main terms and conditions of employment on the day they start work
- 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 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
- Meet any Health & Safety requirements in the workplace and to not put themselves or their employee at risk.

- Register as an employer with HMRC
- Purchase Employer's Liability Insurance and follow the advice of their insurance provider on employment issues.

The PA employer's responsibilities as an employer also include

- Recruiting people fairly and not to discriminate against anyone. This includes taking up 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 make sure that PAs have an induction into the workplace
- To support PAs through supervision and ongoing training and development.

Next steps

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

Minimum hourly rate for PAs



Each year, the Scottish Government sets the minimum hourly rate of pay for Personal Assistants.

The minimum rate of pay for Personal Assistants is **£12 an hour from April 2024.**

Before April 2024 the minimum rate was £10.90 an hour.

The £12 an hour rate applies to all hours worked, including sleepover hours.

If a Personal Assistant is already paid more than £12 an hour, local councils have been instructed that they should use the funding which has enabled this uplift, to increase Direct Payments paid to Employers. This will allow Employers to increase their PAs' wages above £12 an hour.

Who does the minimum rate apply to?

A PA is eligible for the minimum rate if they are directly employed by someone receiving social care support, or a person who is acting on behalf of the person receiving the support.

To be eligible for the minimum rate, the funding for the PA's wages needs to come from either a Local Authority through Option 1 of Self-directed Support, or from the Independent Living Fund Scotland.

Previously, the minimum rate of pay only applied to PAs who support adults. But in June 2024 the Scottish Government announced would also apply to PAs who support children from April 2024, and payments would be backdated to this date.

PAs who are employed privately by their employer (rather than through funding from the Local Authority or Independent Living Fund) are not included in the minimum rate of pay. In this case, these PAs should still be paid at least the [National Living Wage](#). This is £11.44 for people aged 21 and over, from April 2024.

When will the uplift to the minimum rate for PAs be applied?

The £12 rate should apply for hours worked from 1st April 2024. The Scottish Government have said it may take a short time for the change to filter through to all employers.

Local Authorities and ILF Scotland have written to PA employers to advise them of the change.

What should a PA employer do if they haven't received increased funding to pay the minimum rate?

PA employers should contact their Local Authority or ILF Scotland.

What should a PA do if they aren't being paid the minimum rate?

PAs should speak to their employer to ensure they are paid the minimum rate of £12 an hour for all hours worked.

What Your Contract of Employment Should Include



A contract between an employer and a PA is a legally binding agreement.

A contract must be in writing, and in place by day 1 of employment.

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 PA starts work.

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')
- 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 too obvious to be written

There are some terms that are so obvious that they do not have to be written in an employment contract (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 a PA.

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 PAs — for example, anyone who deals with other people should be polite when doing so
- What happens if these standards are not met — for example, the employer will report any thefts to the police and take disciplinary action.

Terms restricting a PA's actions

An employer might state that a PA cannot take certain actions during their employment or once it ends. For example, after the PA 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 below — 'Making Changes to your Employment Contract: Advice for PAs' — for more information.

Checking Your Employment Rights

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

Both you and your employer need to know your rights and responsibilities, so it's important to be sure of your employment status.

You might have something in writing from your employer 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.

There are three main types of employment status:

- Worker
- Employee
- Self-employed.

Your employment status can be defined by

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

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 things like sick pay and maternity/ paternity/ adoption pay, if you meet the eligibility criteria.

As a worker you also have protection under the law if you raise concerns about health and safety issues at work.

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
- Protection against dismissal or suffering any detriment if taking action over a health and safety issue.

As an Employee, you also have protection under the law if you raise concerns about health and safety issues at work.

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 are getting work through an agency, you might be given a contract for services and be called a contractor.

In this case you might be classed as Self-employed, Worker or Employee so it's a good idea to check.

If 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, Employee or Self-employed employment status.

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

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 (see Resources section below) to check your employment status for tax purposes.

Next steps

Take a look at the resource available from ACAS on checking your employment rights to guide you in more detail, or read the article 'What's the difference between Employed and Self-Employed PAs?'

Your Rights as an Unpaid Carer when Working

If you are an unpaid carer as well as a Personal Assistant, you have certain rights when it comes to your job.

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.

Previously, you had to have been working for an employer for at least six months before you could request flexible working. In April 2024, the law changed and this means you have the right to

request flexible working from day one of your job. You can also make formal requests for flexible working twice in every 12 months (previously you could only do it once every 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/ the person you support
- How you think this can be dealt with.

Employers must have a sound business reason for rejecting any request. If an employer rejects your request they must also discuss the reasoning behind the decision with you, as well as the impact that any flexible working with have on your role and how this could be limited.

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.

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/>

Adult Support and Protection

A Personal Assistant's responsibilities around Adult Support and Protection

The law that covers this area is called The Adult Support and Protection (Scotland) Act 2007. It deals with adults who are:

- unable to safeguard themselves, their property, rights or other interests
- at risk of harm, and
- more vulnerable to being harmed because they are disabled, have a health condition or illness (including mental ill health), or their capacity is affected.

The definition of harm

Under the law, 'harm' includes physical harm, psychological harm (eg. by causing fear, alarm or distress), harm to a person's property, rights or interests (eg. theft, fraud, embezzlement or extortion), and 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. You can find the details of all Local Authority Adult Support and Protection teams in the link at the bottom of this page.

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.

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 law around child protection in Scotland is called the Children (Scotland) Act 1995. 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.

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 — there is a link at the bottom of this page.

Get more information about child protection from the Child Protection Scotland website below.

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.

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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 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

As a PA, you may have a contract that says you work a fixed number of hours a week, or you may have a zero-hours contract. 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.

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. Find out more about establishing your employment status in the Article '[Checking your Employment Rights](#)'.

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 if your employer wants to end your contract.

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.

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 deductions.

Next steps

Take a look at the Resources below to guide you in more detail.

Resources

Checking Your Employment Rights

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

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- 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 things like sick pay and maternity/ paternity/ adoption pay, if you meet the eligibility criteria.

As a worker you also have protection under the law if you raise concerns about health and safety issues at work.

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- 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
- Protection against dismissal or suffering any detriment if taking action over a health and safety issue.

As an Employee, you also have protection under the law if you raise concerns about health and safety issues at work.

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

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- 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

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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 (see Resources section below) to check your employment status for tax purposes.

Next steps

Take a look at the resource available from ACAS on checking your employment rights to guide you in more detail, or read the article 'What's the difference between Employed and Self-Employed PAs?'

ACAS rest breaks

<https://www.acas.org.uk/rest-breaks/employees-on-call>