

# A Guide to Employing your own Support Workers





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**Note: Support workers are people who are paid to assist you with personal care and other health and lifestyle activities. They are also sometimes called support persons, paid carers or personal assistants.**

# Do I want to employ my own support workers?

Many people with disability feel more in control of their life if they can choose their own support workers and manage the employment arrangements themselves. However, being the employer or engaging an independent contractor requires you to accept and meet certain legal and regulatory responsibilities, such as:

- 🕒 taxation
- 🕒 employment relations
- 🕒 workplace health and safety

Each of these topics is discussed in **Attachment 8**. It is vital that you read through these topics to understand your legal obligations before you choose to employ or engage your own support workers.

## What will this resource help me to do?

1. Employ or engage your own support workers
2. Prepare a Budget, Weekly Plan and Roster
3. Prepare a Job Description
4. Prepare an Individual Employment Agreement
5. Advertise for support workers
6. Determine what you are looking for in a support worker
7. Interview applicants
8. Choose the best applicant
9. Conduct a pre-employment interview
10. Appoint your support workers
11. Train your support workers
12. Keep your support workers safe
13. Manage and supervise your support workers
14. Terminate your support workers

**Note:** It will be tempting to skip some of these steps or hope to complete them later.

**It is very important not to do this**, because all of the steps are important. Issues that might not seem important at the moment can become extremely important and lead to serious disagreements that can have legal consequences.

# 1 Planning to employ or engage your own support workers

You should start by listing the tasks you want your support worker to assist you with. Your funder will have agreed on these with you during the Needs Assessment process. They are usually categorised as Personal Care or Household Management but may also include tasks related to supporting you to access the community or achieve goals agreed between you and the NASC.

You will need to consider how long it will take your support worker to assist you with each task, taking into account any travel time involved. Generally support workers are not paid for the time it takes them to travel to and from their place of work, but if you will be asking them to use their private vehicle for work-related activities you will need to agree how they will be reimbursed for fuel and wear and tear.

## Example plan of weekly tasks

	<b>MORNINGS</b>	<b>AFTERNOONS</b>	<b>EVENINGS</b>
Monday	Showering, dressing, breakfast, clean up	Shopping	Cooking, tidy up, transfer to bed
Tuesday	Showering, dressing, breakfast, clean up	Visit sister	Cooking, tidy up, transfer to bed
Wednesday	Showering, dressing, breakfast, clean up	Go for a drive	Cooking, tidy up, transfer to bed
Thursday	Showering, dressing, breakfast, clean up	Shopping	Cooking, tidy up, transfer to bed
Friday	Showering, dressing, breakfast, clean up	Pay bills	Cooking, tidy up, transfer to bed
Saturday	Showering, dressing, breakfast, clean up	Shopping and football	Cooking, tidy up, transfer to bed
Sunday	Showering, dressing, breakfast, clean up	Go to movies	Cooking, tidy up, transfer to bed
Occasional		Visit doctor, paperwork for funding	Entertain friends at home, go out to dinner

# 2 Preparing a Budget, Weekly Plan and Roster

Your funder will provide you with information about the amount of funding available to you. In most cases you will be allocated an annual budget, however it is also possible the allocation will be for a shorter period. This is often the case when a person first begins managing their supports themselves and they have previously been receiving services from a contracted provider.

Whatever the period your funding has been allocated for, it is useful to consider how much funding you will have available on a weekly basis and plan your support accordingly.

Developing a Weekly Plan (There is a blank version for you to use in **Attachment 1**) showing the number of hours of support you need each day of the week is an important part of preparing your Budget. While these might be similar for every day of the week for some people, others might have quite different needs for different days of the week.

You may also want to consider any holidays or other upcoming commitments you might have that you will require temporary additional support for. You should allow for this in your Weekly Plan by averaging the additional hours you will be needing across the number of weeks your funding has been allocated for.

Once you are sure how many hours of support you are going to need you should estimate any expenses your funding must cover.

In addition to the fee charged by your service provider, you will need to take into account payroll related expenses such as KiwiSaver contributions, annual and other leave entitlements, and ACC levies. These payroll expenses can be adequately accounted for by adding 20% to the hourly rate you will pay your support worker.

You may also have additional costs relating to the employment of your support workers such as mileage, employer insurance, and training.

If you employ more than one support worker, it will be helpful to draw up a Roster (There is a blank version for you to use in **Attachment 1**) that shows which support worker will be on duty for each day of the week and each time period.

When you have a clear idea of the types of support that you want and when you want those supports, you can start preparing a Job Description.

**Note:** On your Weekly Plan it is wise not to plan to use all of the hours available to you. It is important to keep some support hours for use if you need extra assistance because you are not well, if you need extra help to go to medical appointments, or even to go on vacation.

# 3 Preparing a Job Description

A Job Description is just a list of the things that you want your support workers to do. The example in **Attachment 2** is not likely to be exactly right for you. You will need to develop your own, or modify the sample Job Description, until you are satisfied that it covers everything that you need and want.

This is a good time to think about whether you want your support worker to have a First Aid Certificate and to list any specific needs you might have such as the ability to; handle medications, assist with transfers, operate a hoist, drive a car (yours or theirs), or use other special equipment.

Keep in mind the importance of naming the role to attract the kind of person you're looking for. For example, advertising for a gym buddy if you are needing assistance with an exercise program may attract more suitable applicants than if you were to advertise for a support worker.

# 4 Preparing an Application for Employment form

When you have completed your Job Description and Weekly Plan, you are ready to advertise for support workers. You will need to decide whether you want people to contact you by telephone or to complete a written application form.

**Note:** While you might not want the bother of a lot of telephone calls you can often learn quite a lot about the applicant - especially if you ask them to tell you something about themselves. You can also tell them a little about the job and they can start thinking about whether it interests them. This may save you and the applicant time and energy. You might be better able to choose those who you will interview if you have already had a telephone conversation with them.

If you do not want to give out your home address, you can arrange a post office box and have all applications posted there or you can ask them to send an electronic application to your e-mail address. Even if you do not want to ask people to complete an application form, it is worthwhile preparing one so that you know the questions to ask when they contact you.

It is also very useful to have an application form if a lot of people apply for the job, because it is not always easy to remember the details of lots of telephone conversations. If you ask people to complete an application form (see the sample in **Attachment 3**) this will provide

you with a lot of the information you will need to decide if they are suitable. Of course, you will need to change the example given to suit your Job Description and to add any other questions you might want to ask.

If you have a partner or other people living with you, when you have drafted the application it is a good idea to discuss it with them to see if they can think of anything else that should be included.

## 5 Advertising for support workers

Now that you know the tasks you want your support worker to do and the days and times you want them to work, you can prepare your advertisement. Your advertisement should be short and clear (see the samples in **Attachment 4**).

It is important to say if you want them to have such things as:

- ☉ a First Aid Certificate,
- ☉ the ability to assist with lifting and transfers, or
- ☉ experience working with people with disability

You might like to say whether they need to have prior experience or whether you will arrange training after the support worker has been appointed.

Advertising in major newspapers and major Internet job sites can be quite expensive and can result in enquiries from people from distant suburbs. Local community newspapers sometimes have a free advertisement section. Community Facebook pages are becoming a good way of finding local people looking for work. You might be able to claim the cost of advertising from your support budget.

Local libraries, shopping centres, churches, and community centres often have notice-boards where you can place free advertisements. These have the advantage of usually attracting people who live locally.

Universities and other training institutions often have students looking for part-time work. Institutions that provide training in health care such as nursing, physiotherapy and occupational therapy have students who might have knowledge and skills that could be useful for you. Advertising on Student Job Search is a great way to find young people looking for part time employment. You can find out more about advertising on Student Job Search at [www.sjs.co.nz](http://www.sjs.co.nz)

You could also consider your own family and friends network. Many people seek work by asking their friends. The advantage of using this network is that they know you well and are likely to suggest people who would be right for you.



**Note:** When writing an advertisement it is important to remember it is usually against the law to discriminate people on the basis of:

- gender, sexual orientation, family responsibilities or marital status
- religious or ethical belief (which includes the lack of a religious belief)
- colour, race, ethnic or national origin (including nationality or citizenship)
- disability
- age
- political opinion
- employment status (e.g. being unemployed)

If you need your support worker to assist you with personal matters such as showering and dressing, then it can be appropriate to state whether you want a male or female.

## 6 Qualities you want in your support workers

It is worthwhile making a list of the qualities you want in your support workers. These qualities could include:

- 🕒 friendly and easy-going
- 🕒 punctual and reliable
- 🕒 possessing common sense
- 🕒 discreet around visitors and others
- 🕒 sensitive to what is happening in your home
- 🕒 able to maintain confidentiality
- 🕒 flexible and adaptable
- 🕒 suitable for accompanying you to appointments/activities
- 🕒 patient and understanding
- 🕒 not likely to try to take over from you
- 🕒 willing to learn new skills
- 🕒 dressing suitably
- 🕒 being able to communicate easily with them
- 🕒 feeling comfortable about being with them
- 🕒 having some initiative
- 🕒 anticipating difficulties
- 🕒 being calm in an emergency
- 🕒 understanding their role as a support worker
- 🕒 has a sense of humour
- 🕒 is a good listener

# 7 Interviewing applicants

After you (hopefully) have several applications, it is time to look through them to choose the best applicants to interview. It is not necessary to interview all applicants.

It is very important to interview applicants before considering them for employment. You get a chance to meet them and listen to their answers and questions.

You should begin by choosing the top two or three on the basis of your telephone conversation and/or their written application. Of course, if none of these seem suitable, you can always interview some more.

When you have enough applicants that seem likely to be suitable, it is important to cancel your advertisement.

**Note:** It is strongly recommended that you interview people away from your own home. Interviews could be held at the local library, shopping centre or other safe place. As you do not know the applicants, you might not want them to know where you live or what you have in your house. It is **important to be careful**.

Before setting times for the interviews, you need to decide the list of questions that you intend to ask (see sample in Attachment 5).

Allow at least 30 minutes for each interview. It is recommended that you ask your partner (if you have one), a friend or family member to join you for the interview. It is important that the people living in the house feel comfortable with your support worker - especially if you have a partner. Having more than one interviewer will enable you to discuss the applicants after each interview and, if you share asking the questions, this will give you greater opportunity to watch how the applicant reacts during the interview.

At the beginning of the interview you should introduce yourself and any other interviewers, tell the applicant that you have a list of questions you would like to ask them and say that there will be an opportunity at the end of the interview for them to ask you questions. It is polite and friendly to ask at the beginning if they are comfortable to begin or whether they have any questions they would like to ask before getting started.

When they are ready, an easy way to get started is to ask the applicant to tell you something about themselves. This gives you an opportunity to learn something about them and it shows that you are interested in them.

A relaxed and comfortable applicant will give you a more accurate understanding of how they might be as your support worker.

**Note:** It is not necessary to decide on who you will choose on the day of the interview - if indeed you decide to choose any of the applicants. It is better that you take the time to think about your choice, and even to invite someone back for a second interview if you are not certain about them and want to ask further questions.

## 8 Choosing the best applicant

When you are choosing between the applicants you have interviewed, it is helpful to go back to your Job Description and ask yourself how you feel about each of them performing those tasks.

It is not sufficient that the applicant can do the tasks. The support worker comes into your home and works extremely closely with you; assisting you perhaps, with showering and using the toilet. It is very important that you feel comfortable with the support worker performing those sorts of tasks – and that they also feel comfortable.

You should re-read your list of the qualities you want in a support worker and ask yourself whether you think that each applicant has those qualities. It is, of course, difficult to guess whether people will have these qualities on the basis of a short interview.

Keep in mind that employing someone who doesn't share similar values to you can be a source of conflict, particularly if you are going to be spending a lot of time together.

Some indication can be gained from the way they are dressed and the way they handled the interview questions. However, a big part of the choice depends upon the sort of people you like. For example, if you are easily frustrated when people do not have a good grasp of English, or talk continuously, or who speak very quietly (or loudly), it might not be a good idea to employ such people.

If you have doubts about the suitability of a particular person, it is usually a good idea to choose a different person. If you think that a person might be suitable, but are not quite sure, you could invite them to a second interview.

# 9 Conducting a pre-appointment interview

Even if you are confident that one of the applicants will be suitable, it is wise to arrange a second interview with them. You might like to say that you are thinking about offering them a position, but that before you do, you want to:

- 🕒 ask a few more questions,
- 🕒 provide further information about the role,
- 🕒 answer any questions they have, and
- 🕒 tell them the forms they need to complete before they can be appointed.

The second interview should cover the following matters in some detail.

- a. Detailed discussion of the Job Description
- b. Your Personal Profile
- c. Getting a Medical Certificate and undergoing Police Vetting (or conducting a Children's Worker Safety Check)
- d. Employment Agreement
- e. Occupational Health and Safety

It is important that all of these issues are clarified. Misunderstanding can easily occur and can complicate future working relationships, or even put you or the support worker in danger.

## a Detailed discussion of the Job Description

A useful starting place for the second interview is a detailed discussion of the Job Description. At this stage you could describe typical working sessions and explain what is expected of them. You should describe any training provided such as whether they can watch another support worker for some sessions before they undertake the tasks themselves.

During this discussion, or at the end, you should ask the interviewee whether they have any questions or concerns and then discuss these with them until they are satisfactorily resolved.

## b Personal Profile

The next step in the second interview would be to provide them with a copy of your Personal Profile (see sample in **Attachment 6**). It can be extremely helpful for the new support workers to know something about you such as:

- 🕒 your disability
- 🕒 what assistance you need
- 🕒 your likes and dislikes
- 🕒 how you like to be addressed

- 🕒 what you do and don't like to eat
- 🕒 the things you do (if this is applicable to their role)
- 🕒 any other people living in the house and how the support worker should interact with them

Support workers need to know what to do if they have an emergency and can't come when they are expected, or what to do if you have an emergency when they are working with you. A simple Personal Profile can help you remember all of the things you want to cover and, if you give the support worker a copy, it will be a valuable reminder for them.

## C Police Vetting & Working with Children Safety Checks

At this second interview it is useful to tell the applicant if you require that they undergo Police Vetting or a Children's Worker Safety Check. If you are employing a person to care for a disabled child with funding from the New Zealand Government and you are not the parent or guardian of the child, you may be required under the Vulnerable Children's Act to conduct a safety check on that person.

**Note:** Police vetting is only available to approved agencies, not for individual or personal use. Your service provider will be able to make an application on your behalf.

For more information about children's worker safety checks and your responsibilities, go to <http://childrensactionplan.govt.nz/childrens-workforce/> or contact Manawanui on 0508 462 427.

## d Individual Employment Agreement

If you have decided to offer the applicant the position of support worker, then this is an appropriate time to begin working through the Employment Agreement. Once signed by both parties this will become a legal document that shows the agreement between you and the support worker.

An Employment Agreement must be offered in writing. This is the law and helps the employer and employee have the same understanding of the terms and conditions.

The Employment Agreement must include:

- 🕒 the names of the employer and the employee (to make clear who are the parties to the agreement)
- 🕒 a description of the work to be performed (to make clear what the employee is expected to do)
- 🕒 an indication of the place of work

- 🕒 the hours or an indication of the hours that it has been agreed that the employee will work
- 🕒 the wage rate (must be equal or greater than the relevant minimum wage) and how it will be paid
- 🕒 a plain explanation of how to help resolve employment relationship problems including advice that personal grievances must be raised within 90 days
- 🕒 a statement that the employee will get time-and-a-half payment for working on a public holiday
- 🕒 any other matters agreed on, such as trial periods or probationary arrangements

Some things (like rest and meal breaks, or four weeks annual holidays) do not need to be in the Employment Agreement but the employer must still provide them by law. If an employee and employer agree to better terms and conditions than minimum rights, these should be recorded in the Employment Agreement.

An Employment Agreement can contain any other terms and conditions that the employee and employer have agreed to, for example, the notice period required for resignation and termination, a trial period provision, or whether the employee can be made to work on a public holiday.

You need to think carefully about your specific needs before you draft an Employment Agreement. For example, if there's a possibility that you may need to spend periods of time in hospital and wish to provide your support worker reasonable compensation during these periods, it should be described in the Employment Agreement.

It is important that you and your support worker understand and agree upon all of the details and that both of you know that it is a legal agreement.

Changes can be made to the document if both parties agree. This should be done in writing by preparing a variation to agreement that needs to be signed by both parties.

**Note:** You can use the Employment Agreement Builder on the Employment New Zealand website (<https://eab.business.govt.nz>) to develop employment agreements. It is particularly helpful in that it provides information and tips on mandatory and optional clauses.

# 10 Appointing your support workers

When you have worked through the Employment Agreement with the applicant you have selected, it is a good time to ask them how they feel about the job and whether they have any questions or concerns.

It is important to ensure that the Employment Agreement has all the things that you and the employee agreed during the course of the interviews.

You must give them a chance to take home a copy of the Employment Agreement so that they can think about it and discuss it with family or friends. It is also good practice to provide the applicant with a Letter Offering Employment (see the sample in **Attachment 7**). If their employment is dependent on the outcome of a Police Vetting application (and any other requirements you have listed) you should spell this out in the letter.

If they are comfortable with the proposed conditions as set out in the Employment Agreement and Letter Offering Employment, and have signed them both, then you will be able to confirm the appointment of the applicant as your support worker.

# 11 Training your support workers

During the second interview with your chosen applicant you should discuss with them the training program that you have in mind and seek their suggestions as to any areas where they might like some additional training. You will need to clarify how much you are willing to contribute to any such training.

It is almost always useful (if this is possible) to enable your new support worker to watch the people who are currently providing support. After watching several times your new support worker can be invited to undertake some of the tasks themselves under the supervision of the more experienced support worker or family/friends - whoever is currently providing your services.

It is important to remember that people will vary enormously in their level of confidence, their skills and their ability to learn. Some will be extremely nervous, some might be over confident, some will listen carefully and others might think they understood what you said, but really have misunderstood in important ways.

In these early stages building the relationship between you and your support worker will be as important as the speed at which they are learning to perform the tasks you need.

Most people will thrive on words of encouragement, whereas criticism or any negative comments are almost guaranteed to slow their progress. Feedback that begins "That is really well done. I'm amazed at how quickly you have learnt to do that!" can be followed by "Next time it would be even better if you were able to ...". This will make your new support worker feel useful, valued and supported.

Training should continue until you and your support worker are confident that they can complete the tasks themselves, or you decide that they are just not suitable for the role. If you decide at the end of extensive training that they just cannot perform the required tasks, then it will be time for a polite and frank discussion about what they are not able to do to the required standard.

# 12 Workplace Health and Safety

If you employ or engage a support worker, you must ensure, so far as is reasonably practicable, their health and safety while they are providing support to you. Remember, while it is your home, it is their workplace (Employers' legal obligations under the Health and Safety at Work Act 2015 are discussed further in Attachment 8).

At a practical level you should look for obvious things such as electrical cords or mats where they might trip people, slippery tiles, uneven steps, obstructions, limited access or inadequate equipment for lifting and transferring, poor lighting, inadequate ventilation, or unsafe electrical equipment. Think about whether there are any dangerous situations that you have been ignoring. Fixing these could also benefit you. Also consider whether you have all of the lifting equipment such as hoists, wheelchair tie down equipment and vehicles or any other safety equipment such as RCDs, smoke detectors, first aid kits, fire extinguishers, fire blankets or any other equipment that might help make life safer for you and your support workers. Think about how you will go about training them to do their job properly and safely.

**Note:** To download a useful handbook that will provide you and your support workers with information to get you thinking about health and safety, as well as templates you may need visit [www.incharge.org.nz/health-and-safety/](http://www.incharge.org.nz/health-and-safety/)

# 13 Managing and supervising your support workers

At the end of the first week, the first month and perhaps every month in the early stages it is important to provide your new support worker with feedback on how they are progressing in regards to meeting your needs.

It is polite and constructive to begin feedback sessions by inviting them to say how they are finding their role and whether they see any areas where they need further training or support. If they make suggestions regarding further technical training, then it might be useful to contact your service provider or funding host to see whether they provide or know of any such training.

Agree with your support worker regular times when you can both have an opportunity to air any concerns or issues, and to share what is working well. It is good practice to acknowledge when your support worker is doing a good job and to give them constructive feedback if there are things to improve. Effective communication is key to lasting and positive employment relationships.



# 14 Terminating the employment of a support worker

If after extra training and several discussions you become convinced that a support worker is just not going to be suitable for you then it is important to plan carefully before taking any action to end their employment.

If you have included a trial period in your Employment Agreement and the trial period isn't going well you may decide to dismiss your support worker. Trial periods are for a maximum of 90 days from the start of the employment and must be agreed to by the employer and employee. They allow you as the employer to dismiss a support worker (within the 90 days) without providing a reason and without the risk of the person raising a personal grievance.

It is important that you give notice to the employee that they will be dismissed. For example, you can't tell your support worker that they are dismissed effective immediately if there is a one week notice period in their employment agreement.

**Note: For more information on Trial Periods visit [www.employment.govt.nz/](http://www.employment.govt.nz/) and enter the words 'trial periods' into the search field.**

Given the very personal nature of many support arrangements it is well worth agreeing with any new support worker that a trial period be included in their Employment Agreement. If you don't have a trial period in the agreement and the support worker isn't meeting your needs you will need to manage the situation very carefully if you intend to dismiss them.

# 15 Conclusion

Employing your own support workers can be empowering and deeply satisfying. It puts you more firmly in charge of your own life. However, you will need to plan carefully and make good decisions to achieve these benefits.

The approach will not suit everybody. Some people will prefer to have an agency to do the hiring/firing, training, preparing of rosters, payroll, staff evaluation and maintaining of administrative records. Some agencies offer models whereby they undertake some of the above tasks while the person with a disability chooses the tasks that fit within their interests.

You are encouraged to choose the model that suits you best. If you do choose to employ your own support workers we encourage you to use the information and samples provided in this booklet.

**Note:** The documents in the Attachments are examples only. It is not anticipated that they will be appropriate for you in their present form. It is expected that you will change them to meet your needs. Some of the Attachments are quite technical and it is recommended that you seek your own advice from a suitably qualified person. You can download a modifiable version of the Attachments from [www.incharge.org.nz](http://www.incharge.org.nz).



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