

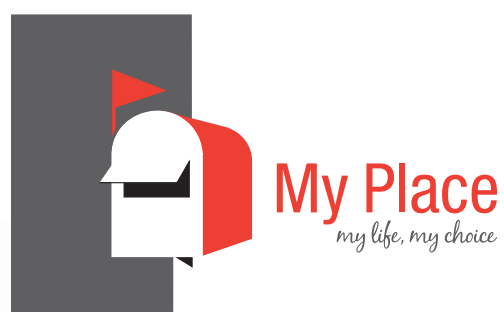
A Guide to Engaging your own Support Workers

This resource was independently developed by My Place (WA) Pty Ltd and is funded by a grant from the Australian Government Department of Families, Housing, Community Services and Indigenous Affairs.



My Place
my life, my choice

This resource, along with editable attachments, can be downloaded from www.myplace.org.au/engagingyourownsupports.



The opinions, comments and/or analysis expressed in this consultation process are those of the author, do not necessarily represent the views of the Minister for Disability Reform and cannot be taken in any way as expressions of government policy.

This booklet will help you if:

1. You have funding for your personal support through a funding body,
2. You have thought about the best ways to arrange your support (that is, through an agency that provides these services versus organising it all yourself), and
3. You have decided to employ or contract your own support workers and manage your funding yourself.

If you have not carefully explored points 2 and 3 above, it is strongly recommended that you work through Attachments 9 and 10 at the end of this resource, and decide what will work best for you.

If you decide to employ your support workers yourself then follow the steps in this booklet. Even if you choose to have a provider employ your support workers, you may find the material in this resource useful.

Note: *Support workers are people who are paid to assist people with disability 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 responsibilities and meet certain legal and regulatory responsibilities, such as:

- taxation
- superannuation
- insurance and
- work health and safety

Each of these topics is discussed in Attachment 9. 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. If after reading through these obligations, you choose not to employ your support workers yourself, you will have a clear idea about the services you want and will be in a better position to purchase those services from a provider.

After you have carefully read Attachment 9, you should work through Attachment 10 to decide which “management model” will work for you.

What will this resource help me to do?

1. Employ or engage or your own support workers
2. Prepare a Budget, Weekly Plan and Roster
3. Prepare a Duty Statement
4. Prepare an Application for Employment form
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 and hope perhaps 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 making a list of the areas of your life where you want the help of a support worker. Begin by listing any help you need with your personal care. Next, think about whether you want help with your health care (such as attending doctors, dentists, therapists or hospitals). Think about whether you need assistance in getting out and about in your community: perhaps to go to the library, attend a class, visit a friend, do your shopping or go on an outing.

Also think about whether you will need any assistance to write letters, send e-mails, pay your bills, call your service provider, keep a record of your expenses and payments, or acquit your funds to your funder.

It will take some time to make this list, so expect to work on it several times before it covers all of your needs and interests.

Example of a Weekly Plan

	MORNINGS	AFTERNOONS	EVENINGS
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 transfer to bed	Cooking, tidy up,
Friday	Showering, dressing, breakfast, clean up	Pay bills transfer to bed	Cooking, tidy up,
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
Occasionally		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 per year. The funder may also have guidelines as to rates per hour to pay your support workers.

You will need to reserve some of your funds for expenses such as: worker's compensation, personal liability insurance, home or vehicle insurance, superannuation, annual leave or leave relief, and training. You can then estimate the funding you have left each week for paying support workers.

To do this, divide the annual funding by 52.

If you divide the amount of funding available each week by the hourly rate you intend to pay your support workers, you will know the number of hours of support you have available each week.

$$\frac{\text{Week Funding}}{\text{Rate per hour}} = \text{Hours of support available per week}$$

Now you can develop a Weekly Plan showing the number of hours of support you want each day of the week (there is a blank version for you to use in Attachment 1). 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.

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.*

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

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 Duty Statement.

3 Preparing a Duty Statement

A Duty Statement is just a list of the sorts of things that you want your support workers to do for you. 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 Duty Statement, until you are satisfied that it lists all of the assistance 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 special needs you might have such as to be able to prepare and give you your medications, be able to assist with transfers, operate a hoist, drive a car (yours or theirs), or use other special equipment.

4 Preparing an Application for Employment form

When you have completed your Duty Statement 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 show your private address on the advertisement, you can always arrange a post office box and have all applications posted there. Alternatively, 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 advertisement, because it is not always easy to remember the details of all of those 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 if you decide if they are suitable.

Of course, you will need to change the example given to suit your Duty Statement 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,
- 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 can be quite expensive and can result in enquiries from people from distant suburbs. Local community newspapers sometimes have a free advertisement section. Some employment agencies will advertise for you for no cost or for a very low fee.

Local libraries, shopping centres 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, TAFEs 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.

You should also consider your own family and friends network. Many people seek work by asking their friends. The advantage of your family and friend 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 that it is against the law to discriminate between people on the basis of:

- Race or ethnic origin
- Religion or religious beliefs
- Gender, marital status, family responsibilities or sexual preference
- Pregnancy or potential pregnancy
- Physical, intellectual or psychiatric disability or disfigurement
- Trade union activity or political opinion, or
- Age

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

7 Interviewing applicants

After you (hopefully) have several applicants, it is time to look through them to choose the best ones 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 for 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 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 Duty Statement 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: helping you perhaps with showering and toileting. It is very important that you feel comfortable with the support worker performing those sorts of tasks – and that they feel comfortable also.

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.

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 Duty Statement
- b. Your Personal Profile
- c. Getting a Medical Certificate and Police Clearance (or Working with Children Clearance)
- d. Letter of Appointment
- e. Work 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 Duty Statement

A useful starting place for the second interview is a detailed discussion of the Duty Statement. 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 some 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. Medical Clearance & Police Clearance (or Working with Children Clearance)

At this second interview it is useful to tell the applicant that you and/or the funder requires that they have a Medical Clearance and Police Clearance (or Working with Children Check if they are supporting a person with disability under the age of 17 or there are children in the house) before they can be engaged.

Note: *National Police Clearances can be applied for at most post offices or on-line at <https://www.nationalcrimecheck.com.au>. Information about a Working with Children Check can be found by entering those words into your Internet browser along with the initials of your state or territory.*

d Letter of Appointment

If you have decided to offer the applicant the position of support worker, then this is an appropriate time to begin working through the Letter of Appointment (see the sample in Attachment 7). Once signed by both parties this will become a legal document that shows the agreement between you and the support worker.

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. In such cases a replacement document needs to be prepared. The replacement document will become legally binding after being signed by you and your support worker.

The Letter of Appointment also should set out the terms under which the agreement can be ended by either party.

The Letter of Appointment should set out the details of the financial agreement between you and the support worker. That includes:

- the rates of pay per hour,
- approximate number of hours per week that they will be expected to work,
- sick pay, holiday pay, parental leave
- whether there is a salary loading for weekends, evenings and public holidays.

Your funder will probably require regular information from you about how your funding is being spent and the wages your support workers are receiving. It is vital that you understand what is expected of you and that you arrange any support you need in order to maintain these records and forward the required information to your funder within the required timeframe.

The Letter of Appointment should set out how taxation will be managed. It is very important that this information is part of your legal agreement and that it has been arranged appropriately for your situation (see Attachment 9 for further information).

The Letter of Appointment should set out whether the support worker will receive superannuation payments under the Superannuation Guarantee legislation (see Attachment 9 for further information).

10 Appointing your support workers

When you have worked through the Letter of Appointment 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.

You may also want to offer them a chance to take home a copy of the Letter of Appointment so that they can think about it and discuss it with family or friends.

If they are comfortable with the proposed conditions as set out in the Letter of Appointment, then you can both sign the contract. It is important to remind the applicant that the contract will not apply until an appropriate Medical Clearance and Police Clearance (and any other requirements you have listed) have been received by you and/or the funder.

You will need information about how your newly appointed support worker would like their wages to be paid. It is best to get them to complete a Payment Instruction form (see sample in Attachment 8). If payments are being made through your funder, it is likely that they will have a payment form that they would want you to use.

When the Letter of Appointment has been signed by you and your chosen applicant and you and/or your funder has received an acceptable Medical Clearance and Police Clearance (or Working with Children Clearance if required), 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 and whether and how much they will be paid during the training sessions.

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 a time for a polite and frank discussion about what they are not able to do to the required standard.

12. Work 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. Your legal obligations under the Work Health and Safety Act (2011) include:

- maintaining your home so that it is free of risks to health and safety
- providing and maintaining safe equipment
- providing and maintaining safe systems of work
- providing for safe use and storage of substances
- providing adequate facilities for your support worker's welfare
- providing proper information, training, instruction and supervision to minimise injury or illness
- monitoring the health of your support worker, and the work conditions in your home to minimise injury or illness

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, 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.

Work health and safety is becoming increasingly complex, far-reaching and punitive in the event of non-compliance. The Worksafe departments in each state and territory will be able to provide advice and resources about making your home a safe workplace. Just type 'worksafe' and the initials of your state or territory into your Internet search engine. Alternatively, you may wish to engage a WHS consultant to give you comfort that you are doing all you reasonably can and are not at risk of breaching any laws.

Note: A comprehensive Work Health and Safety checklist for home - based support can be downloaded at http://www.commerce.wa.gov.au/WorkSafe/PDF/Infokits/Home_based_care.pdf

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 with regard 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 funder to see whether they provide or know of any such training.

If you have included a probationary period in your letter of appointment, then you need to have a formal meeting before the probationary period expires to give the support worker feedback tell them whether you intend to keep them on after the probationary period.

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.

The steps required depend on the nature of the agreement between the two of you. If the arrangement is completely informal and no contract has been signed, then it may be possible simply to tell the support worker that their help will not be required after a particular date - or to give them payment in lieu of notice. (See Attachment 9 for further information about termination).

However there are state and federal laws regarding unfair dismissal designed to protect workers and it is important to know whether these apply in your situation.

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 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 choose to employ your own support workers then you are urged to act upon the information provided in this booklet and so enjoy the benefits of this approach.

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.myplace.org.au/engagingyourownsupports.*

Total funding per year \$ _____

Total funding per month \$ _____

Total funding per month \$ _____

Hourly rate suggested by your funder \$ _____ per hour

Number of hours of support per week you have available _____

Weekly Plan of Available Hours

	Mornings	Afternoons	Evenings	Total
Monday				
Tuesday				
Wednesday				
Thursday				
Friday				
Saturday				
Sunday				
Total				

Note: The above Roster can also be used as a Timesheet where you or your support worker can record the actual hours worked.

Roster showing the times each support worker is on duty

	Mornings	Afternoons	Evenings	Total
Monday				
Tuesday				
Wednesday				
Thursday				
Friday				
Saturday				
Sunday				
Total				

Note: The above Roster can also be used as a Timesheet where you or your support worker can record the actual hours worked.

1 Lifestyle support

1. Provide personal and practical assistance to enable the person to live their chosen lifestyle.
2. Liaise with the person, other support workers and family members to ensure consistency and continuity of care.
3. Advocate for and with the person, where appropriate.
4. Respect the person's right to privacy and maintain confidentiality at all times.
5. Immediately inform the person of anything which may impact on the person's living arrangement (such as health issues, accidents, or hazards).

2 Health care support

1. Arrange and collect prescriptions, where requested.
2. Attend medical appointments, where requested.
3. Monitor the person's general health.

3 Daily living support

1. Assist with showering, dressing and basic hygiene, where requested.
2. Assist the person to transfer to and from the bed to the wheelchair/shower chair/ vehicles, where requested.
3. Assist with washing, ironing and personal presentation, where requested.
4. Assist with shopping for food, domestic and personal requirements, where requested.
5. Assist with preparation and cooking of meals, where requested.
6. Assist with eating and drinking, where requested.
7. Assist with setting, clearing and washing of dishes, where requested.
8. Assist with home cleaning duties, where requested.
9. Drive the person to and from appointments and events, where requested.

4 Community access support

1. Accompany the person on outings and activities, where requested.

5 General

1. Maintain proper records, where requested.
2. Undertake other duties, where requested.

Personal Details

Surname: _____

First Names: _____ D.O.B. _____

Address: _____

Postcode: _____ Tax File Number: _____

Telephone: _____ Private: _____ Other: _____

Male/Female (circle) _____ Married/Single (circle) _____

Driver's Licence: _____ Number Class State _____

Do you have any previous driving convictions? (If so, please describe)

Can you provide a vehicle if requested? Yes / No

Are you an Australian Citizen? Yes / No

If no, do you have a valid working visa? Yes / No (provide evidence of visa status)

Recent Employment Record (last job first)

Employer: _____ From: _____ To: _____

Main duties: _____

Employer: _____ From: _____ To: _____

Main duties: _____

Qualifications and Skills

Relevant qualifications or Training Courses _____ Date Completed _____

Proof of qualifications and training listed above may be requested.

Health

Do you have a current workers compensation claim? Yes / No

If you answered "yes" please give details:

Have you ever had a work related injury, illness or workers compensation claim?

Yes / No If you answered "yes" please give details:

Has the claim been finalised? Yes / No

Referees

Name

Company / Position

Ph

Name

Company / Position

Ph

Persons to be notified in case of emergency

Name

Address

Ph

Name

Address

Ph

I understand that an offer of employment is subject to the employer receiving a

- a) satisfactory National Police Clearance Certificate (and Working with Children Card if the consumer or other people commonly in the house are under 18);
- b) satisfactory references;
- c) satisfactory medical examination report; and
- d) current First Aid Certificate or enrolment in an upcoming course (if required).

I declare that the information provided to me on the Application for Employment is complete and accurate. I also understand that should any information that I have provided be false or misleading I could be dismissed.

Signature of Applicant _____ Date: _____

1 For a newspaper or internet

Part time support worker needed for man with quadriplegia living in _____ (suburb). Experience is not essential. Must have own transport and live no more than 15 minutes drive away. Ring _____ for application form.

2 For a notice board or shop window

Support Worker Needed

Part Time Position

Support worker required for male with quadriplegia living in _____ (suburb) to assist with showering, dressing, and other household activities. Experience is not essential. Training will be provided.

Support needed Wednesday and Saturday from 7.30 am to 11.30 am (approximately)

Own transport preferred

\$ _____ per hour

Phone _____ for application form

1. Please tell us a little about yourself and your recent employment history.
2. Have you had any experience as a support worker or working in an area related to people with a disability? (If you have specific needs change this question to ask about them.)
3. How do you feel about working with a person with a disability?
4. What do you see as the key things to be aware of when working with a person with a disability?
5. Would you tell us about your general health and in particular whether you have had any problems with lifting (if this is relevant)?
6. It is extremely important that support workers are completely reliable. Can you give us an example where you have demonstrated reliability in your previous employment?
7. You will have seen in the advertisement that the request is for a person to work (state the days and times when you need support). Are you available to work some or all of those times?
8. You have seen in the advertisement the salary that is being offered. This is a fixed casual rate, which does not vary for weekends and evenings and (does or does not) include holiday or sick leave. Is this acceptable to you?
9. If you were appointed, you would observe another support worker for a few days so that you can learn what is required. At this stage can you think of any areas where you would require a different form of training before commencing?
10. If you were selected, when could you start?

My (the person's) full name

Telephone

Preferred name for the support worker to use when addressing me

My address

Date of birth

My family members

Relationship

Telephone

Relationship

Telephone

Relationship

Telephone

If I have an emergency contact

Doctor

Telephone

or If for any reason you have an emergency such that you will be late or not able to attend contact me on

Telephone 1

or Telephone 2

Contact information for other support workers:

Name

Telephone

Name

Telephone

Name

Telephone

Information about my disability and health/allergies

Information about my life

Information about my family

The types of support I need

What a typical day's support looks like

Things I particularly like in a support worker

Things I don't like

Skills you will need to support me properly

(Name of support worker)

(Address)

I, _____, am pleased to engage you as one of my support workers on the terms and conditions set out below. Upon acceptance of this offer, this letter will record the terms and conditions of your engagement from the date of your acceptance.

1 Probation

- (a) You will/will not (cross out whichever is non-applicable) be employed on a probationary period of three months.
- (b) During this period I will assess your performance and conduct to determine your suitability.
- (c) Prior to the conclusion of the probationary period I will advise you whether or not your employment is to continue on a permanent basis.
- (d) In the event that you or I wish to terminate the contract during the probationary period, we must provide the other party with at least one week's notice, or payment in lieu of notice.

2 Place of Work

You will be requested to work at my home, currently located at:

3 Duties

- (a) Your specific duties are as set out in the attached document.
- (b) Your duties may change during the course of your employment. Any changes will be discussed with you before implementation.
- (c) You must perform your duties faithfully and diligently using all of your skill and competence.
- (d) You must inform me immediately if your circumstances change in any way that prevents you from performing all of your requested duties. For example, changes to your medical fitness or where you no longer hold the necessary qualifications as set out in clause 4.

4 Qualifications

- (a) You are required to have and to maintain the following (cross out if non-applicable):
 - (i) current police clearance that is less than one year old at the time of your employment and renewed every five years thereafter;
 - (ii) current working with children clearance;

- (iii) current first aid certificate;
 - (iv) manual handling qualification;
 - (v) successful completion of the following training courses:
-

- (b) If at any time you are charged with/convicted of a criminal offence or no longer have all the qualifications in paragraph (a), you must inform me immediately.

5. Hours of Work

- (a) You are requested to work the following hours: _____

OR (cross out whichever is non-applicable)

- (a) You are requested to work approximately _____ hours per week, and to show the times actually worked on the Timesheet I will provide you.

6 Meal arrangements

- (a) The following arrangements will apply to mealtimes that occur during work hours:
-

7 Telephone calls

- (a) The following arrangements will apply to private telephone calls during work hours:
-

8 Remuneration

- (a) You will be paid at the rate of \$ _____ per hour worked between Monday to Friday and \$ _____ per hour on weekends and public holidays. You will be paid to the nearest half hour.
- (b) You may be asked to sleep over on occasions and, if you agree, you will be paid at the rate of \$ _____ per sleep-over between the hours of _____ and _____ .
- (c) Your wages will be paid fortnightly (in arrears) by direct credit into your nominated bank account in Australia.
- (d) I will make superannuation contributions for you at the minimum rate prescribed by the *Superannuation Guarantee (Administration) Act 1992 (Cth)*, which contributions will be paid into a superannuation fund nominated by you or, if you prefer, by me.

9 (Name of Funder or Provider)

- (a) A (*Funder or Provider*) employee may from time to time (either pre-arranged or unexpectedly) visit your place of work to inspect and supervise your work to ensure that you are adequately complying with your duties.
 - (b) You must make yourself available and fully co-operate with any (*Funder or Provider*) employee during their visit to your place of work.
-

10 Leave

- (a) You **are/are** not (*cross out whichever is not applicable*) entitled to paid annual leave and/or personal (e.g. sick, bereavement) leave.
- (b) You may request and I may grant you periods of unpaid leave.
- (c) You must provide at least two weeks notice of the intention to take annual leave if you are entitled to annual leave. The granting of annual leave is still dependent on being able to mutually agree on a leave period.
- (d) There may be occasions where you cannot be usefully employed due to the person you support going on holiday, or otherwise making alternative care arrangements such as a family member providing assistance. In such instances you may elect to take some or all of any leave you have accrued and/or take leave without pay.

11 Confidential Information/Privacy

- (a) During the course of your work you may become aware of, or come into possession of, confidential or private information about me.
- (b) By accepting this contract you agree to maintain the confidentiality of this information and not divulge it to any person, at any time, without my consent unless it is necessary for the purpose of carrying out your duties.

12 Dress code

Although you will work in a home you should wear neat casual clothes that would be appropriate if you were assisting me to go shopping or to an appointment.

13 Emergencies

- (a) While it is important that you attend at the times that had been arranged, if you have a serious emergency you agree to contact me as quickly as possible to tell me whether you will be late or are not able to attend.
- (b) You acknowledge that such emergencies should be extremely rare and will occur only for unavoidable situations.

14 Termination

- a) Other than during probation, if I wish to terminate this contract, I must provide you with two weeks notice (if I have employed you for less than three years) and four weeks (if I have employed you for more than three years) or make payment in lieu of notice.
- b) If you are over 45 and been continuously employed by me for more than two years, you are entitled to an additional weeks notice to the above notice periods.
- c) You are required to give me two weeks notice if you wish to terminate this contract or forfeit payment in lieu of notice.
- (a) I reserve the right to summarily terminate this contract if you commit any act that would be considered to be serious misconduct.

Please confirm your acceptance of this offer of employment by signing both copies of this letter, and returning one copy to me.

Signed: _____ (employer) _____ (date)

Name: _____

Address: _____

EMPLOYEE ACCEPTANCE

I have read, understand and accept the terms set out in this contract.

Signed: _____ Date: _____

Signed by the Parent/Guardian if employee is under 18 years old

Signed: _____ Date: _____

Attachment 8 SAMPLE SALARY/WAGES PAYMENT INSTRUCTION FORM

Name: (in full) _____ Ph: _____

Date of Birth: _____

Address: _____

Suburb: _____ Postcode _____

Tax File Number: _____ (Must be 9 Digits)

Name of Employer: _____ Start Date: _____

Banking Details: _____

Name of Bank: _____ Bank Branch : _____

Branch Number/BSB No. _____ (Must be 6 Digits)

Account Number: _____ (Maximum of 9 Digits)

I (insert name) _____ authorise (add you, your Funder or Provider) to deposit my salary/wages directly to my bank account as stated above.

Signed: _____ Dated: _____

Your legal responsibilities will depend on the working relationship between you and the support worker. The two most common working relationships are:

- Employee (known as a contract OF service), and
- Independent Contractor (known as a contract FOR service).

According to the Australian Taxation Office web-site, the characteristics of an Employee include: being paid for the time they worked; you providing most of the equipment to them to do the work (or you providing them with an allowance or reimbursement for using their own equipment); you having the right to direct the way in which they perform their work; they cannot pay someone else to do the work.

The characteristics of an Independent Contractor include: they are paid on results achieved for the quote provided (rather than the time worked); they provide most of their own equipment (and don't receive an allowance or reimbursement for buying/using that equipment); they are legally responsible for rectifying any defects in their work; they have freedom in how they perform their work; they are free to sub-contract the work to someone else.

Note: For more information on the differences between Employees and Independent Contractors visit www.ato.gov.au and type 'Employee or Contractor? Get the facts' into the Search box.

Outside of the above two working relationships, there is also what is known generally as 'private and domestic arrangements'. The terms 'private' and 'domestic' are not specifically defined anywhere in legislation, so the ordinary meanings of these words have to be relied upon. A Superannuation Guarantee Ruling made in 2005 (SGR 2005/1) makes reference to the Macquarie Dictionary definition of domestic to mean 'of or relating to the home, household or household affairs' and private to mean 'belonging to oneself' or 'individual or personal'.

Therefore, if a person with disability or a family member engages a support worker to provide support in their own home that is wholly of a private and domestic nature (such as providing personal care and support to a person with disability) and it is provided on a 'flexible' basis, the support worker should complete a Statement by Supplier (ticking the 'wholly of a private and domestic nature' box), or supplying a similar form of words, and provide it to the person with disability or family member.

Most support work is flexible and provided in limited periods of time. These times may be the same each week for a while, then they may change to suit the person's or family's needs. They may cease altogether for a while if the person goes away on holiday or becomes ill. However, if the support worker provides support on a regular

and continual basis, then the person or family should apply for a Pay As You Go (PAYG) Withholding Account, which is discussed in the next section.

Note: To download a *Statement by Supplier form*, visit www.ato.gov.au and type 'NAT 3346' into the Search box.

The national (Fair Work Australia) Award that typically covers support workers is the Social, Community, Home Care and Disability Services Industry Award (2010). However, it is unlikely that this Award would apply to a support worker engaged by a person to support them in their private home.

Although there is no automatic Award coverage for support workers you employ yourself to work in your own home, there are several minimum conditions of employment that apply to all classes of workers (including private and domestic workers) regardless of whether or not they are covered by an Award.

Support workers (whether they are full-time, part-time or long-term casual) will usually be entitled to 52 weeks unpaid parental leave after 12 months continuous service. The Paid Parental Leave Act (2010) also provides eligible working parents with up to 18 weeks pay for the birth or adoption of a child. This is a Commonwealth Government income support payment, and is not paid by the employer.

Support workers (including those employed under private and domestic arrangements) are entitled to one weeks Notice on Termination after one years continuous service, two weeks notice after one to three years, three weeks notice after three to five years and four weeks notice after more than five years. A further week of notice must be added if the support worker is over 45 years old and has been continuously employed by you for more than two years.

Taxation Issues

If the support worker is deemed to be an Employee, Section 12-35 of the Taxation Administration Act (1953) applies, which means that you will have to withhold an amount from the support worker's pay to remit to the Tax Office as Pay As You Go (PAYG) income tax.

If you are employing the support worker through an incorporated body such as a business (with a GST turnover of more than \$75,000 per year) or non-profit organisation (with a GST turnover of more than \$150,000 or registered as a Deductible Gift Recipient or Income Tax Exempt Charity), you will first need to apply for an Australian Business Number (ABN). Even if the incorporated body does not turnover these amounts, it may still be able to apply for an ABN.

Note: To find out whether your incorporated body is eligible for an ABN or to register for an ABN, visit www.ato.gov.au and type 'ABN Registration' into the Search box.

If you (or a family member) are employing the support worker, and do not have an ABN, you will need to apply to the Tax Office to register for a PAYG Withholding Account before you pay any wages to your support worker.

Note: To register for a PAYG Withholding Account, visit www.ato.gov.au and type 'NAT 3377' into the Search box.

The person or family would also need to obtain a signed Tax File Number Declaration form from the support worker and send a copy to the Tax Office.

Note: To register for a PAYG Withholding Account, visit www.ato.gov.au and type 'NAT 3092' into the Search box.

If the support worker is deemed to be an Independent Contractor, they are generally responsible for their own tax payments. However, in the relatively unlikely event that the Independent Contractor does not provide you with an ABN, you may or may not be required to withhold tax. If the total payment is less than \$50, or if you are paying as an individual (i.e. not as an incorporated body) and the services are for personal rather than business use, you do not have to withhold tax. You are advised to talk to your tax accountant about this if the situation of an Independent Contractor not giving you an ABN arises.

In all of these areas it is vital that you and the person you are proposing to appoint as a support worker have the same understanding of what will happen with regard to all of these financial matters. If this is not the case, confusion and disagreement are almost certain to occur once you begin working together.

Note: You can calculate the amount of tax payable visiting www.ato.gov.au and typing 'Individual Income Tax Rates' into the Search box or calling the Australian Taxation Office's General Tax Line on 13 28 61.

Superannuation Issues

Under the superannuation guarantee law you must pay superannuation contributions for your eligible support workers, at a minimum rate of 9% of their ordinary time earnings. This rate will increase to 9.25% from 1 July 2013 and increase each financial year until it reaches 12% in July 2019.

The Superannuation Guarantee Administration Act does not limit itself to employees in the traditional sense of the word. Even if your support worker is an Independent Contractor (refer to previous discussion), but the work they perform for you is wholly or principally made up of physical or mental (or even artistic) labour, then they will be deemed an employee for superannuation purposes.

Within this broader definition of an employee, the Act exempts support workers who:

- are under the age of 18 or over the age of 69
- earn less than \$450 gross in a month
- are engaged 30 hours or less per week and that work is principally or wholly private and domestic in nature

Prior to their appointment, applicants should be asked to indicate whether they wish to choose the fund into which their superannuation payments will be paid, or whether they wish to leave this to you.

Note: For more information contact the Superannuation Info Line on 13 10 20 or visit www.ato.gov.au

Insurance Issues

a. Public Liability

Public liability insurance covers individuals and incorporated bodies against financial risk of being found liable to a third party (e.g. a neighbour, visitor or a friend) for death or injury, loss or damage of their property or their economic loss as a result of the individual's or incorporated body's negligence. The cover does not extend to support workers that you employ.

b. Home and Contents

Home and contents insurance covers your home and its contents against theft or damage. Whilst you are not legally required to maintain such insurance, your funder may require it, or you may just want to have it for peace of mind – especially if you have support workers coming into your home.

c. Motor Vehicle

While compulsory third party insurance is built into motor vehicle registration and covers injury or death as a result of an accident, it does not cover property damage or vehicle theft. If a support worker will be driving your vehicle, it is advisable to consider taking out comprehensive motor vehicle to cover damage or loss, and to include the support worker as an insured driver.

d. Worker's Compensation

The definition of 'worker' under the Work Health and Safety Act (2011) is broad. It includes all workers on a wage or salary, commission workers, piece workers, working directors, independent contractors and sub-contractors (and their employees), employees of a labour hire company, outworkers, apprentices, trainees, students on work experience and volunteers. Worker's compensation is compulsory if a support worker meets the above definition of 'worker'.

Attachment 10 CHOOSING THE MANAGEMENT MODEL THAT BEST SUITS YOU

This Attachment explores several different management models for utilising support workers. You may need to discuss these models with your funder or provider.

It is your responsibility to obtain all the information you need to make this important decision. You are encouraged to seek up-to-date advice directly from relevant government agencies and support organisations.

Carefully thinking about the way of managing your support workers that best suits you will ensure that you receive the highest quality support and live the lifestyle you choose.

The Attachment will assist you to consider the level of involvement and responsibility you want to have in the selection and management of your support workers.

Decisions need to be made about how involved you want to be in the management of your support workers. For example, you will need to decide what you want to do and what you want your funder or provider to do.

As you work through this Attachment, make sure you understand each step and then decide:

- which of these tasks you want to do yourself,
- which you want to do with the help of your funder or provider,
- which you would like your funder or provider to do for you.

It is recommended that you record your choices as you work through the booklet by ticking the relevant box to show your decision about each task.

Step 1: Deciding who will be the employer

A major decision is who will be responsible for hiring and firing your support workers.

If you choose to employ your support workers yourself you will have:

- complete control over who provides your care and support,
- greater flexibility to change your support program to suit your changing needs and interests.

The responsibilities of being the 'hirer and firer' are set out in Options 1 and 2 on the following pages. If you choose to have your support workers employed by a service provider (Option 3), you will want to check that you have:

- the opportunity to be involved in the selection and training of your support workers,
- the option of changing your support arrangements to suit your changing needs and interests, and
- much less work and responsibility than if you chose Options 1 or 2.

To make this choice work through Options 1, 2 and 3 and then record your choice in the space provided.

Option 1: You employ your own support workers

If you are going to employ a support person the following tasks need to be undertaken.

Responsibility	I want to do this myself	I want to do this with my funder or provider	I want my funder or provider to do this
1. Develop a Job Description setting out the duties required and Selection Criteria to show the characteristics required to perform the required work.			
2. Draw up a suitable contract of employment.			
3. Register with the Australian Taxation Office as an employer.			
4. Take out workers compensation and public liability insurance to cover your support worker and you.			
5. Withhold and remit tax to the Australian Taxation Office for the amount required for each support worker.			
6. Make regular contributions to the employee's nominated superannuation fund as required by law			
7. Provide your support workers with pay slips.			
8. Issue your support workers with pay and allowances summaries (group certificates) at the end of each financial year.			

Option 2: You engage your support workers as Independent Contractors

Sometimes support workers can be hired as Independent Contractors. There are rules about who is an independent contractor and, if they are found not to be, you may be fined for not checking properly. If they operate as a registered business you are probably okay. If you do engage an Independent Contractor, the following points may provide a guide.

Responsibility	I want to do this myself	I want to do this with my funder or provider	I want my funder or provider to do this
1. Draw up a document setting out the tasks to be performed.			
2. Advertise or ask around to locate a suitable contractor.			
3. Prepare interview questions to find out whether the prospective contractor has experience in the desired duties.			
4. Interview the prospective contractor(s) usually with help from somebody else you trust.			
5. Check Police Clearances (or Working With Children Cards), if required.			
6. Draw up a contract for the contractor that sets out all of the key duties.			
7. Check that the contractor has an ABN and that will provide a tax invoice at the end of each fortnight or month for the work they have done.			
8. Take out sufficient public liability insurance.			
9. Provide a safe working environment as your home is the workplace of the contractor and Work Health and Safety regulations apply.			
10. Make contingency plans for non-attendance or emergencies.			

Option 3: A service provider employs your support workers.

If you choose to have a service provider employ your support workers, you should still be involved with deciding when you want your supports, how you want it to be provided and who you want to provide it. You should join in when potential support workers are being interviewed and be part of the final decision.

I choose to:

	Tick One
Option 1: Employ my own support workers	
Option 2: Engage my support workers as independent contractors	
Option 3: Have a service provider employ my support workers	

Now that you have determined which option best suits you, you are able to work through Responsibilities Guide on the following pages to clarify exactly who does what. Every responsibility outlined in Steps 2 - 6 will need to have a cross in each of the rows, so that it is clear who will undertake that responsibility.

In general, if you have chosen Option 1, you will have more crosses in Column 1 ('I want to do this myself'), as you are the legal employer. If you have chosen Option 3, there will be more crosses in Column 3 ('I want my funder or provider to do this') and Column 2 ('I want to do this with my funder or provider'), as they are the legal employer. If you have chosen Option 2, there will be less crosses in Column 1 because, among other things, independent contractors are paid for results, have freedom in how they perform their work and are free to sub-contract the work to someone else.

Step 2: Recruiting, selecting and training your support workers.

Think about the following tasks and who you want to be responsible for each task.

Responsibility	I want to do this myself	I want to do this with my funder or provider	I want my funder or provider to do this
1. Advertise or ask around your networks (including your existing support workers) to locate prospective employees			
2. Prepare interview questions to find out whether the prospective employees have experience in the desired duties.			
3. Conduct the interviews with the help of one or two other trusted people and select the best applicant.			
4. Check Police Clearances (or Working With Children Cards, if required).			
5. Draw up a contract for the support worker that sets out all of the details relating to their employment.			
6. Agree upon the method of payment, usually a fortnightly bank transfer.			
7. Agree what travel or other expenses the support worker may claim in providing your support.			
8. Agree leave entitlements, if any.			
9. Ensure the support person has completed all necessary paperwork before starting.			
10. When the support person starts, assess their knowledge and skills and decide if there are any gaps that may require them to have further training.			

11. Discuss special requirements, safety considerations and emergency contacts.			
12. Explain any relevant policies and procedures.			
13. Develop a care support roster.			
14. Have cover arrangements in place for sickness, emergencies and any leave.			
15. Introduce the new support worker to any other people that they might meet and show them the places in which they will be working.			
16. Provide training in the correct use of equipment and manual handling techniques.			
17. Look for opportunities in the community for free training or apply for grants that will provide further training for your support person.			
18. Ensure that you have adequate replacements available to cover for situations where your support person is attending a training course.			
19. Have regular discussions with support workers about their role and performance.			
20. At least annually, or when your requirements change, consider whether any further training is needed for your support worker.			
21. Hold regular informal meetings with your support workers to discuss any issues you or they might have and to answer any questions that might be in their minds.			
22. Ensure your support worker feels valued and supported.			

Step 3: Monitoring and supervising your support workers

Providing regular feedback to your support workers about how they are going in their role is important and will strengthen your relationship with them.

Responsibility	I want to do this myself	I want to do this with my funder or provider	I want my funder or provider to do this
1. During the support worker's probationary period provide regular feedback on their performance and advise them about their progress.			
2. If their performance is not satisfactory during the probationary period consider giving them a notice of termination before the end of the probationary period.			
3. Hold regular one-to-one meetings with your support worker to discuss any issues or concerns that you or they might have.			
4. If there are matters requiring changes or corrections to your support worker's behaviour, provide constructive feedback and suggest how they can improve.			
5. Carefully consider the legal issues relating to unlawful termination before issuing a dismissal notice.			
6. Before considering terminating a support worker's employment consider whether providing further resources or training might improve the situation.			
7. Ensure that your support workers understand that any misconduct will require investigation and serious situations will lead to dismissal.			

Step 4: Paying and protecting your support workers

Payments have to be managed for a wide range of expenses including wages, superannuation, taxation, insurances and workers compensation.

Responsibility	I want to do this myself	I want to do this with my funder or provider	I want my funder or provider to do this
1. Make payments for public liability insurance and any other insurance.			
2. Pay and manage the costs involved in recruiting new support workers (such as advertising).			
3. Organise and make the payments for wages, travel and other allowances.			
4. Organise and make the remittances to the Australian Tax Office for your support workers.			
5. Organise and make payments to the nominated superannuation fund for your support workers.			
6. Organise and pay for necessary safety equipment, including training in its correct use.			

Step 5: Record keeping and budget planning

Record keeping and budget planning are important administration tasks that will provide an accurate record of how funding has been spent.

Responsibility	I want to do this myself	I want to do this with my funder or provider	I want my funder or provider to do this
1. Prepare a budget that provides a guide as to how your funding will be spent over the months and year.			
2. Keep signed records of the work times your support workers.			
3. Keep accurate records of support rosters and duties			
4. Keep accurate records of wages, allowances and reimbursements paid to each support worker.			
5. Keep records of any leave entitlements and leave taken.			
6. Keep appropriate records of any superannuation payments and PAYG tax withheld and paid to the Australian Tax Office.			
7. Keep copies of insurance and workers compensation policies.			
8. Maintain up-to-date personal records and support plans in a safe, secure and confidential place.			
9. Maintain the appropriate financial records and receipts to enable an auditor or the funder to confirm and classify all payments.			

Step 6: Monitoring and reporting on your support arrangements

Information and reports need to be provided during and/or at the end of the financial year.

Responsibility	I want to do this myself	I want to do this with my funder or provider	I want my funder or provider to do this
1. Review the supports provided regularly to make sure that everything is progressing well.			
2. Record the number of hours of support purchased.			
3. Monitor your expenditure at least monthly against your budget.			
4. Produce individual financial accounts at least annually or more often if requested by the funder or provider.			

Notes

Notes

Notes





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