



Chapter 5

If there's a problem

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Hopefully you and your PA will get along well and you will be happy with their work. You will probably never need this section of the guide! But sometimes things don't go as smoothly as we would like, and if this happens it's useful to know that there is a clear procedure to follow. In dealing with a discipline problem or grievance, always get advice from your **Personal Budget Advisor**, or call your Insurance Advice Line or ACAS.



The ACAS Code of Practice for Disciplinary and Grievance Procedures is included at the end of this guide. Read this and talk it through with your **Personal Budget Advisor**. There is further information on the ACAS website or call their helpline (see **Contacts page**).

What to do if you're unhappy with your PA's work or behaviour

Some problems can be sorted out easily just by sitting down and talking with your PA. So, if there is something about their work or behaviour you're not happy with, this is the first thing you should do.

If talking informally doesn't resolve the problem, speak to your PA again, explaining clearly and calmly what behaviour you are unhappy with, that this behaviour is not acceptable, and that you do not want it to be repeated. This is known as a 'verbal warning'. At this stage, if you are worried, speak to your **Personal Budget Advisor** and tell them about the problem. Or you could call the ACAS employment helpline for advice (see the **Contacts page**).

You should record in your PA's file that you have had the discussion.



Very serious misconduct is called gross misconduct. Some examples include:

- Stealing from you or forging your signature
- Hitting, beating, verbal abuse or serious harassment
- Deliberately damaging property
- Being seriously incapacitated by alcohol or drugs (while on duty)
- Serious negligence which causes or might cause unacceptable loss, damage or injury



In cases of misconduct it is strongly recommended that you speak to your Personal Budget Advisor about what has happened, and ring your Insurance Advice Line - they will guide you through what to do next. It's very important to get up-to-date advice on how best to handle a serious disciplinary issue. The ACAS helpline can also provide information (see the Contacts page).

While you are looking into a case of gross misconduct you may decide to suspend your PA - but you will still need to keep paying them. **Any decision to dismiss them can only be taken after you've gone through the full formal disciplinary procedure.** Speak to your **Personal Budget Advisor** and call your **Insurance Advice Line** to let them know what has happened. The **ACAS helpline** can also provide further support.

For further information, read the ACAS Code of Practice for Disciplinary and Grievance procedures **(at the end of Chapter 6)**.



Unfair dismissal

It is very important to follow the right procedure for dismissal, otherwise the dismissal could be considered unfair and an employment tribunal claim could be brought against you.

What to do if your PA makes a complaint

If your PA tells you that they are unhappy about something to do with you or the job they are doing for you, this is known as a 'grievance'.

Sometimes, differences of opinion or other problems can be dealt with by just sitting down to talk.

If the grievance can't be sorted out this way, it can be dealt with through the formal grievance procedure.

For further information, read the ACAS Code of Practice for Disciplinary and Grievance procedures **(at the end of Chapter 6)**.



If your PA has a serious complaint which you have not been able to sort out, it is strongly recommended that you speak to your Personal Budget Advisor about what has happened, and ring your Insurance Advice Line - they will guide you through what to do next. It's very important to get up-to-date advice on how best to handle a grievance. The ACAS helpline can also provide information (see the Contacts page).

Some problems can be sorted out easily just by sitting down and talking with your PA. So, if there is something about their work or behaviour you're not happy with, this is the first thing you should do.





Checklist – if there's a problem

- Give your PA a copy of the ACAS Code of Practice for Disciplinary and Grievance Procedures when they start working for you (at the end of Chapter 6).
- If you give your PA a 'verbal warning', keep a note on file that the discussion has taken place (page 37).
- If there is a serious problem with your PA's behaviour or work performance, read the ACAS Code of Practice for Disciplinary and Grievance Procedures (at the end of Chapter 6), speak to your **Personal Budget Advisor** and contact your **Insurance Advice Line** (see page 38 and the **Contacts** page).
- Do not stop paying your PA if they are suspended from work while you are looking into a case of gross misconduct (page 38).
- Be careful to follow the correct procedure for dismissal otherwise it might be considered unfair and an employment tribunal claim could be brought against you.