

A Guide to Employing your own Support Workers



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.

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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

	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	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

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/

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/ 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.

Attachments

1 Weekly Plan and Roster



Total funding per year \$ _____

Minus expenses (e.g. mileage/employer insurance) \$ _____

Total funding (remaining) per week \$ _____

Hourly rate (plus 20% payroll provisions) \$ _____

Number of support hours available per week \$ _____

Weekly Plan

Day	Morning	Afternoon	Evening	Total Hours
Monday				
Tuesday				
Wednesday				
Thursday				
Friday				
Saturday				
Sunday				

Weekly Plan of Available Hours

Day	Morning	Afternoon	Evening	Total Hours
Monday				
Tuesday				
Wednesday				
Thursday				
Friday				
Saturday				
Sunday				

Weekly Staff Roster

Day	Morning	Afternoon	Evening	Total Hours
Monday				
Tuesday				
Wednesday				
Thursday				
Friday				
Saturday				
Sunday				

2 Sample Job Description for a support worker



Lifestyle Support

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

Health Care Support

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

Daily Living Support

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

Community Access Support

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

General

- Maintain proper records, where requested.
- Undertake other duties, where requested.

3 Sample Application for Employment form



Date of Application: _____

Position Applied for: _____

If your application is successful when could you commence employment? _____

APPLICATION FOR EMPLOYMENT

Note: The completion of this form does not indicate that there is any obligation on the Employer to engage the applicant.

This information is collected for the purpose of assessing your suitability for employment with [Insert name / organisation]

PLEASE PRINT

Personal Details

Name _____ Home Phone _____

Address _____ Mobile Phone _____

Email _____

Legal Work Status

Are you legally entitled to work in New Zealand? Yes No

- If yes, I am :
- New Zealand Citizen
 - Permanent resident
 - Holder of a current work visa

Qualifications

Please briefly detail your relevant qualifications, including certificates, licenses or courses attended:

Please describe some of your skills which are relevant to this position:

Employment History

Present or Most Recent Employer

Company _____ Hours /week _____

Address _____ Time employed _____

Main Duties

Reason for Leaving:

For the purposes of compliance with the Privacy Act 1993, do you consent to the Employer contacting your present employer for the purposes of reference checking? Yes No

Next Most Recent or Relevant Employer

Company _____ Hours /week _____

Address _____ Time employed _____

Main Duties

Reason for Leaving:

Are you in secondary employment? Yes No

If yes, please specify:

Referees

Name _____ Name _____

Position _____ Position _____

Address _____ Address _____

Phone _____ Phone _____

I consent to the Employer seeking verbal or written information on a confidential basis about me from representatives of my previous employers and/or referees and authorise the information sought to be released by them to the Employer for the purposes of ascertaining my suitability for the position for which I am applying. I understand that the information received by the Employer is supplied in confidence as evaluative material and will not be disclosed to me.

Signature: _____ Date: _____

General

Are you prepared to work overtime if required? Yes No

Do you have any criminal convictions, not including any concealed under the Clean Slate Act?, Yes No

Do you have a current drivers licence? Yes No

Do you have any demerit points or endorsements? Yes No

Do you have any legal proceedings against you pending? Yes No

If yes, please detail:

What are your interests/hobbies/sports/clubs or community activities?

Medical

Do you have any health related issues that may impact on your ability to perform the tasks listed in the Job Description for the job that you are applying for? Yes No

If yes, please detail:

Declaration

I, _____(full name) declare that to the best of my knowledge the information provided in this application and in any resume enclosed is accurate. I understand that if any false or misleading information is given, or any material fact suppressed, I will not be employed, or if I am employed, my employment may be terminated.

Signed: _____ Date: _____

4 Sample Advertisements

For a newspaper or the internet

Part time support worker needed for a man with quadriplegia living in **[insert suburb]**. Experience is not essential.

Must have own transport and live no more than 15 minutes drive away.

Email **[insert email address]** for application form.

For a notice board or shop window

Support Worker Needed

Part Time Position

Support worker required for a male with quadriplegia living in [insert suburb] to assist with showering, dressing, and other household activities.

Experience is not essential.

Training will be provided.

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

Own transport preferred

\$ [insert] per hour

Email [insert email address] for application form

5 Sample Initial Interview Questions



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. 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?

9. If you were selected, when could you start?

6 Sample Personal Profile



Personal Profile for [Insert Full Name]

How to contact me

Preferred Name	_____	Home Phone	_____
Address	_____	Mobile Phone	_____

	_____	Date of birth	_____

How to contact my family

Name	_____	Home Phone	_____
Relationship	_____	Work Phone	_____
		Mobile Phone	_____

Name	_____	Home Phone	_____
Relationship	_____	Work Phone	_____
		Mobile Phone	_____

Name	_____	Home Phone	_____
Relationship	_____	Work Phone	_____
		Mobile Phone	_____

How to contact my support staff

Name	_____	Phone	_____
Name	_____	Phone	_____
Name	_____	Phone	_____

In an emergency

If you have an emergency, are running late or are otherwise unable to be at work on short notice please contact _____ on _____

If I have an emergency please contact _____

on _____

My Doctor is _____ Phone _____

Other emergency contacts can be found _____

Important things to know about me

Information about my disability and health and wellbeing including allergies

Things I particularly like in a support worker

Things I don't like

Skills you will need to support me properly

7 Sample Letter Offering Employment



[insert date]

[insert name of successful applicant]

[insert address]

Dear [insert name]

Offer of Employment

I am pleased to offer you employment in the position of [insert title of position] starting on [insert date]. The attached draft individual employment agreement contains your proposed terms and conditions of employment.

You can discuss this offer of employment and the proposed employment agreement and seek advice from your family, lawyer, or someone else you trust. If you would like information about your employment rights, see www.employment.govt.nz or phone the Ministry of Business, Innovation and Employment's free information line on 0800 20 90 20.

I note that you have given your consent for Police vetting and that this offer is made on the condition that the results are satisfactory.

If there is anything in this offer of employment that you are unclear about, disagree with, don't understand and want to discuss, please contact me.

Acceptance of employment offer

If you agree with the proposed terms and want to accept this offer of employment, please sign [both] a copy of this letter [and the employment agreement] and return [it or them] to me by [insert date that gives the person a reasonable chance to get advice]. If I don't receive a signed copy of this letter [and employment agreement] by [5pm] on that date, this offer will be automatically withdrawn and you will not be able to accept it.

I look forward to working with you.

Yours sincerely,

[insert employer's name, title]
[and contact details]

I, [insert name of successful applicant], have read and have had a chance to get advice about the terms and conditions of employment set out in this letter and in the attached individual employment agreement. I fully understand and accept this offer and terms and conditions of employment.

Signed by _____ Date _____

8 Your legal responsibilities

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).

The characteristics of an Employee include:

- Being paid for the time they worked
- You provide the equipment for them to do the work
- 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 presentation of an invoice at agreed intervals or at the completion of the service
- They provide their own equipment
- They have freedom in how and when they perform their work
- They are free to sub-contract the work to someone else.

If you hire someone as a contractor when they are actually an employee, you may later be held liable for extra costs including:

- unpaid PAYE tax
- unpaid minimum wages
- unpaid KiwiSaver contributions
- holidays and leave entitlements.

You may also be at risk of receiving penalties from Inland Revenue and/or the Employment Relations Authority.

Note: For more information on the differences between Employees and Independent Contractors visit www.employment.govt.nz and type 'Contractor versus Employee' into the Search box.

If you would like to purchase a template contract for engaging a contractor you can do so from the Employers and Manufacturers Association (EMA). You can contact them on 0800 300 362; or email the EMA Adviceline at advice@ema.co.nz

Outside of the above two working relationships, there are Private Domestic Workers (also known as IR56 Taxpayers).

Private Domestic Workers are people who:

- 🕒 work in someone else's home
- 🕒 do work for their employer that is not related to the employer's business
- 🕒 are paid directly by their employer, and
- 🕒 work no more than 30 hours per week on average for each employer

If your support worker is a Private Domestic Worker:

- 🕒 you are not required to deduct PAYE from their earnings
- 🕒 they are employees not independent contractors
- 🕒 they are responsible for paying their own PAYE
- 🕒 they must register with Inland Revenue as an IR56 taxpayer

Note: Inland Revenue provide a downloadable guide on their website called IR56 taxpayer's handbook IR356. Visit www.ird.govt.nz and enter 'ir356' into the search box.

Taxation

If you engage your support worker as an Employee, you will have to withhold an amount from the support worker's pay to give to Inland Revenue as Pay As You Earn (PAYE) income tax.

You're responsible for deducting from their pay:

- 🕒 the correct amount of KiwiSaver contributions, if they're a member of KiwiSaver
- 🕒 child support payments, if they owe child support, and
- 🕒 student loan payments, if they have a student loan.

Note: Most commonly people choose to purchase payroll services to help them manage the payment of income tax and payments to their employees.

If the support worker is deemed to be an Independent Contractor, they are responsible for their own tax payments.

Note: If the Independent Contractor is GST registered they are likely to charge a higher hourly rate than Contractors who are not GST registered. This will have an impact on your budget and the number of hours of support your funding will cover.

Private Domestic Workers are deemed to be employees but they are responsible for paying their own PAYE.

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 and you run the risk of getting into a legal dispute.

Health and safety at work

According to the WorkSafe NZ website a person conducting a business or any similar undertaking must ensure, so far as is reasonably practicable, the health and safety of workers and that other people are not put at risk by its work. This is called the 'primary duty of care'.

This means ensuring, so far as is reasonably practicable:

- the health and safety of workers who work for you (this includes Employees and Contractors) while they are at work
- that other persons are not put at risk by the work they are undertaking (e.g. a visitor to the workplace, or members of the public who could be affected).

While it is uncertain what the exact legal obligations are on individuals who employ or contract support workers to provide services in the home environment, it makes good sense to provide your support workers with a safe work place. They in turn should take care to perform their work in a way that ensures not only their own safety but the safety of any person they come in contact with while performing their duties.

Insurance

a. Public Liability

Public Liability Insurance covers individuals and business's 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 business's negligence. The cover does not extend to support workers that you employ.

b. Employment Disputes

Employment Disputes Insurance provides protection to employers for personal grievance actions taken by employees and prospective employees as a result of unjustified dismissal, discrimination or other disadvantage.

c. Employers' Liability

Provides cover for personal injury to any employee of the insured. This includes any obligation for which the insured may be held liable under the Injury Prevention, Rehabilitation and Compensation Act 2001, or any similar or amending legislation. Cover includes defence costs.

d. 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, you may just want to have it for peace of mind - especially if you have support workers coming into your home.

e. Motor Vehicle

If a support worker will be driving your vehicle, it is advisable to consider taking out comprehensive motor vehicle insurance to cover any damage or loss, and to include the support worker as an insured driver.

Note: While most funders accept the cost of employment related insurance can be covered by disability support funding, motor vehicle and home and contents insurance are viewed as expenses a person would be reasonably expected to pay for themselves if they did not require disability support services.

9 Checklists for engaging your support workers



Recruiting, selecting and training your support workers.

- Advertise or ask around your networks (including your existing support workers) to locate prospective employees.
- Prepare interview questions to find out whether the prospective employees have experience in the desired duties.
- Conduct the interviews with the help of one or two other trusted people and select the best applicant.
- Check Police Clearances (or conduct a Children's Worker Safety Check, if required).
- Draw up a contract for the support worker that sets out all of the details relating to their employment.
- Take out Employment Disputes and/or Employer Liability Insurance.
- Agree upon the method of payment, usually a fortnightly bank transfer.
- Agree what travel or other expenses the support worker may claim in providing your support.
- Discuss leave entitlements and agree the process for making leave applications.
- Ensure the support person has completed all necessary paperwork before starting.
- 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.
- Discuss special requirements, safety considerations and emergency contacts.
- Explain any relevant policies and procedures.
- Develop a care support roster, if required.
- Have cover arrangements in place for sickness, emergencies and any leave.
- Introduce the new support worker to any other people that they might meet and show them the places in which they will be working.
- Provide training in the correct use of equipment and manual handling techniques.

- Look for opportunities in the community for free training or apply for grants that will provide further training for your support person.
- Ensure that you have adequate replacements available to cover for situations where your support person is attending a training course.
- Have regular discussions with support workers about their role and performance.
- At least annually, or when your requirements change, consider whether any further training is needed for your support worker.
- 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 on their minds.
- Ensure your support worker feels valued and supported.

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.

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

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