



## The University of Bolton

### Disability Services

#### INFORMATION FOR STUDENTS ON RECRUITING YOUR OWN NON-MEDICAL HELPERS (NMH) /SUPPORT WORKER(S)

This Information Sheet does not constitute legal advice and you are advised to seek your own independent legal advice in relation to your legal rights and responsibilities.

#### 1. Background

The non-medical helpers allowance is available through the Disabled Students' Allowance (DSA) to help meet the extra course costs students face because of their disability.

**This document does not apply to students whom the University of Bolton funds directly.**

#### 2. DSA NMH Allowance

For those students who are likely to exceed their DSA NMH allowance, who would like to organise their own support, you must update your Disability Adviser at least a monthly on your actual DSA spending, and also the point you predict you are likely to exceed your DSA limits.

If the University suspects that you, or your chosen provider, are mismanaging you NMH, the University retains the right **NOT** to underwrite any support costs that have been incurred.

#### 3. NMH Support Worker Recruitment

If you choose to recruit your own NMH support worker you can select the support worker yourself. Whilst this option enables you to have direct control over who supports you, it can also be more time consuming and demands more organisation on your part. The University of Bolton's Disability Service cannot be involved in any issues to do with recruiting your own worker if that is the choice you make.

**You will need to take the following into account:**

Employing the support worker or engaging a self-employed worker. It is important to be aware that regardless of what an individual calls him or herself, HM Revenue and Customs have guidelines for determining whether an individual is actually self-employed;

If you employ the support worker directly you will have certain legal responsibilities as an employer. These responsibilities will include the following:

- (i) providing your NMH support worker with a contract of employment, setting out the terms and conditions of employment that satisfies Section 1 of the Employment Rights Act 1996;
- (ii) job title and work duties;
- (iii) wage details and hours of work;
- (iv) holiday entitlement;
- (v) sickness absence;
- (vi) Statutory rights (such as statutory sick pay, maternity pay, paternity pay and access to a stakeholder pension).

paying your NMH support worker and ensuring they (as your employee) pay Tax and National Insurance to meet legal requirements;

you may need to arrange a short-term overdraft facility to pay your NMH support workers (each month as a minimum) once you have approved their time sheets, before you have recouped these monies from your funding body;

Ensure appropriate insurances are in place. These may include Employer's Liability Insurance;

Ensure that your NMH support worker has complied with all appropriate checks. These may cover immigration status checks and Disclosure and Barring Service (DBS) checks;

Ensure

