



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 your 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 compliance with health and safety requirements. These may include the safe working environment of your support worker but also the responsibility of the support worker not to cause harm to you or others;
- Recovering the funds for your support each month from the relevant funding body that holds your DSA. This will require you to raise and submit appropriately detailed invoices as well as supporting these invoices with signed timesheets for the work carried out by your NMH support worker.

You will be responsible for dealing with any queries raised by the funding body as well as making arrangements for additional funding if required.

In addition to the requirements above you will be responsible for organisational matters such as reference checks, training, finding alternative support, undertaking risk assessments, and recording hours worked.

4. Examinations

If you want to make your own arrangements for examinations you must obtain approval from the Academic Support Service in advance in order to maintain academic integrity.

The University reserves the right to prevent NMH support workers attending examinations if there is concern about their independence from the student.

Arrangements will be made for deaf students who require modified papers for examinations.

A change of mind?

If you are making your own arrangements you may at a later stage switch to using the University of Bolton's partnership providers by contacting the Disability Service at disabilityinfo@bolton.ac.uk.

However you need to be aware of your legal responsibility as an employer when switching arrangements, especially in relation to dismissing any NMH support worker (you will be responsible as an employer up to the agreed switch date). You are advised to seek your own legal advice on this.

You cannot combine the University of Bolton's partnership arrangements with your own support worker recruitment.

If you have any queries regarding this Information Sheet please contact disabilityinfo@bolton.ac.uk.