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Employing Family Members

A guide to Employing a Personal Assistant who is a family member

Working as a PA is unlikely to be like any other role within the health and social care arena. It can be complicated and intense, but also rewarding and fulfilling. PAs can be involved in all aspects of an individual's life, and this involves trust on both sides for it to be effective. It's a collaboration and partnership but there are underlying employment law responsibilities by all parties.

Please read this guide alongside the Guides *Introduction to Direct Payments* and *Employing a Personal Assistant*.

Can I employ a family member using my Direct Payment?

The Social Services and Wellbeing (Wales) Act 2014 does not prevent family members being employed by Direct Payment Recipients (DPR), where the family member lives outside of the Direct Payment Recipients home. However, where a family member living in the same household is requested then the local authority must be satisfied that employing family members living in the same household is the most appropriate solution.

Some examples of when using family living in the same household may be beneficial.

- For reasons of ethnicity or religious belief.
- Where the likelihood of being unable to recruit an appropriate carer locally.
- When delivery of personal care by a third party would cause genuine distress.
- Where care needs are intermittent and unpredictable.
- Where this is the only practical way of meeting the care needs during a temporary breakdown of other service arrangements.

Using family members living in the same household should be clearly stated on your care and support plan and the reasons why this is the chosen option.

You must be aware of the impact employing a family member living in the same household may have on you and/or your family member. It may seem like a good idea but being with someone 24/7 and not having reasonable breaks from one another can soon impact on a relationship.



Things to consider

Employing family can work for many people and be very positive but there are some things you will need to think about. As an employer, you agree to undertake the legal responsibility of employing staff. You enter a formal 'contract of employment' as employer and employee, even though they may be a family member.

Please consider the issues below:

Employment: is subject to receiving funding from the local authority and will be based on your assessment alongside your care and support plan. Think about what might happen if you reduce or increase your employees' hours, need to reprimand them, make them redundant or there is a significant change and your Direct Payment ends.

Relationship: as an employer you have certain expectations and standards of your employee. What would happen if you fell out but were still relying on them to help you with personal care.

Employment liability insurance: if your family member provides you with informal unpaid support as well as being employed the insurance cover will only be during the hours they are employed and paid to undertake tasks.

The local authority must be sure you and your employee will have a 'safe' working relationship and you have a good back up plan in case of an emergency.

Consideration must be given to the crossover between 'formal' employed role and your family members 'informal' family role. Both parties must be comfortable with providing and receiving care and support within the formal employer/employee relationship. This is important as some tasks may have never been part of your informal relationship such as personal care tasks.

If you spend a lot of time together boundaries can easily become blurred and as an employer, you will be legally responsible for ensuring your employee has enough breaks and utilises their holiday entitlement. You need to ensure your employee works safely and any risks are managed. This might mean your employee requires training to use moving and handling equipment despite them being a close relative.

You should always ensure you have a probationary period to make it relatively easy to end employment if things are not working on either side of the agreement.

What if the arrangement goes wrong?: if the issues cannot be resolved and you need to give notice to your employee in the early stages then your chosen liability insurers can advise you. However, you will need to make alternative arrangements for your support. Ideally you should have a robust back up plan in place, so you are not left without support.

Useful Contacts

Each Local Authority will have experienced Direct Payments teams who are there to support you with any queries or information that you need. They will endeavour to provide you with as much help and reassurance as you need, until you feel confident to manage arrangements yourself. But remember, if you need periodic support, or advice the teams are only a phone call/email away.

This guide provides you with basic information on employing Family Members using Direct Payments.

For further information please contact your local Direct Payments Support Service.

**Blaenau Gwent County Borough Council
Direct Payments Team Office**

e. directpayments@blaenau-gwent.gov.uk

**Caerphilly County Borough Council
Direct Payments Team Office**

e. directpayadvisors@caerphilly.gov.uk t. 01495 235522

**Monmouthshire County Borough Council
Direct Payments Team**

e. mccdirectpaymentteam@monmouthshire.gov.uk

**Newport City Council
Direct Payments Support Team**

e. direct.payments@newport.gov.uk

**Torfaen County Borough Council
Independent Living (Direct Payments) Team**

e. independentlivingteam@torfaen.gov.uk

