

I am thinking of employing a close friend or relative as my Personal Assistant. What do we both need to consider?



1. The plus side:

Firstly you both need to consider the potential benefits. Working with someone you already know can work really well for both of you!

Many people use 'cash personal budgets' (also called *direct payments*) to employ relatives, friends and neighbours. As long as the person you want to employ does not live with you, there should not be a problem in setting this up.

In certain, *exceptional* circumstances, it may be possible to employ someone who lives with you but this needs to be very carefully considered by the Council and agreed on an individual basis.

2. Stop and think:

There are many positives but this leaflet asks both you and your potential Employee to sit back and think very carefully about a few things.

Anyone employing is taking a legal responsibility, and you are then both entering into a formal 'contract of employment' as Employer and Employee. Help is available with this from the Council's Direct Payment Support Team.

If you already know the person you want to employ, and if you both still want to keep that 'informal' relationship going outside of the agreed working hours, please consider the issues below.

3. The financial side of things:

If you are employing someone and they are relying on that wage for their livelihood, what happens if you have to reduce the hours or make them redundant?

People's circumstances can change. Your health might improve and you might need less support, or a different type of support (for example residential care.)

Government policy can also change. In future councils might be asked to deliver services in a different way, which might alter how much money you receive and how you can spend it.

With all of these circumstances the change could affect the amount of money you would receive from the Council and the number of hours you could then afford to pay your Employee.

This is difficult under any circumstances, but especially so if you know a lot about this person and how much they rely on the job and the money it brings in.

4. The relationship:

You would be paying someone's wages and would have expectations of them. How would you tell them you were not happy with their work? If you, as their Employer, broached the fact they were always late, how would that affect your planned social night out together?



If you are employing someone very close to you, what would happen if you fell out but were still relying on them to help you with personal care? You might have had a huge row with them but still have to ask them to help you to the toilet. How would you both cope with that?

The Council also has to be very sure that both you and your Employee will have a 'safe' working relationship and that you have a good contingency plan in case of an emergency.

5. The cross over between 'formal' and 'informal' care:

You might be thinking about employing someone formally who will continue to give you informal support as well.

If you spend a lot of time together, the boundaries can so easily become blurred. This may strain your relationship. An Employee in this situation can so easily become very tired as it is not easy to 'switch off'.

You will also need to watch out for 'health and safety' requirements. As an Employer you will be legally responsible for ensuring they have enough breaks and their holiday entitlement.

You will need to ensure your Employee works safely and any risks are carefully managed. This might mean you have to do things differently between you (e.g. your Employee would need to undertake training to use moving and handling equipment, whereas your friend might just 'lift' you.)

You can see how it can be extremely difficult for you both to appreciate where one role ends and another begins.

6. What help is available?

The Council's Direct Payment (DP) Support Service will work alongside you to help you set up contracts, and they will be there to guide you with organising training and setting up support sessions for you and your Employee.

We strongly recommend you agree a six months probationary period agreed to make it relatively easy to end the employment if things are not working on either side.

A lot of information and guidance are available – the DP Support Team can provide you with a simple 'Employers Pack', and there is a lot of information on the internet (e.g. Skills for Care website) <http://www.skillsforcare.org.uk>

7. What happens if we do go ahead and it all goes wrong?

Remember 'life happens', and all we are asking is that you have a good think beforehand. If it goes wrong we will do our best to support you.

The Council's Direct Payment Support Team will be on hand to work with you, and sometimes difficulties can be solved by talking through with a third party.

If the issues cannot be resolved and you need to give notice to your Employee, we will advise you and help you make alternative arrangements for your support. If you have a good contingency plan you may be able to fall back on this. Otherwise we will support you to



organise agency support as an interim or a respite break in a care home while we sort out a way forward.

8. Employing someone who lives with you:

As explained earlier in the leaflet, this is only agreed in exceptional circumstances and on an individual basis. This is because the Direct Payment legislation states it should only be considered under exceptional circumstances.

Consider for example, if for whatever reason you can no longer employ the carer, do they continue to live with you? If not, do they become both jobless and homeless because it has not worked out?

(Also see 'Employing a 'close person' living in the same household')

9. Going forward:

Please do not be put off by all of the negatives. As we said earlier, there are many more positives. We just want you to be prepared, and have had a chance to think things through. Please call the DP Support Team on 01275 882900 if you want to discuss any of the issues further.

This publication is available in Braille or audio formats on request. Help is also available for people who require council information in languages other than English. Please contact: **Public Information on 01275 884 022.**

For information on all council services, visit the web site at: www.n-somerset.gov.uk

Updated: November 2013