

Direct Payments for care in North Somerset

Fact sheet 4

Using a direct payment to employ family and friends

A direct payment can be used to employ a personal assistant, an agency, family and friends or other services that will meet your outcomes. You can also use a combination of the options.

This fact sheet is about using a direct payment to employ family and friends.

It is possible to employ a family member or a friend to provide your care and support. However, a family member who lives in the same household as you can only be paid to provide your care and support in exceptional circumstances, this means when there is no viable alternative available.

Personal preference to have care provided by family in the same household does not count as exceptional circumstances when alternative and appropriate care providers are available.

Some examples of exceptional circumstances are if you were unable to accept an available care worker to provide your support on the grounds of:

- your culture or religion
- or due to your mental health or learning disability.



Some other examples would be to cover sickness or holiday of a PA or to cover crisis situations where this has been agreed as part of your contingency arrangements. This should be clearly stated on your support plan.

Where you want to do this and believe exceptional circumstances exist, you should contact the council to discuss this with your worker. Approval for such an arrangement must be given by the Assistant Director of Adult Social Services.

Any such exception is subject to review. The council reserve the right to withdraw an exceptional agreement if circumstances change.

Employing family or friends can work for many people but there are some things you will need to consider. As an employer you will be taking legal responsibility. You and your prospective PA will both enter a formal 'contract of employment' as employer and employee.

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

Finance

- The employment is subject to you receiving funding from a third party. You need to think about what might happen if you have to reduce their hours or make your employee redundant.
- Also people's circumstances can change. In the 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.
- Remember that you may be employing someone who relies upon the income for their livelihood.

The relationship

- As an employer you would have expectations of your employee. Think about how you would feel if you had to tell them you were not happy with their work? Or you had to broach the fact they were always late?
- 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, such as help you to use the toilet.

- 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.

The crossover between 'formal' and 'informal' care

- You might be thinking about employing someone formally who will continue to give you informal support as well.
- Will both parties be comfortable with providing care and support within the formal employer/employee relationship that has never been part of their informal relationship such as personal care tasks.
- If you spend a lot of time together the boundaries can easily become blurred.
- As an employer, you will be legally responsible for ensuring your employee has enough breaks and utilises their holiday entitlement.
- You will need to ensure your employee works safely and that any risks are carefully managed. This might mean your employee requires training to use moving and handling equipment, whereas your friend might simply 'lift' you themselves. Be clear of the boundaries from the beginning of the employment.

Available support

The council's direct payment support service will work alongside you to help you set up contracts, and they can assist you with the organisation of training and setting up support sessions for you and your employee.

We recommend that you agree a six-month 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 the direct payments team can advise you and help you make alternative arrangement for your support. Ideally you should have a good contingency plan in place so you are not left without support in the case of an emergency. Otherwise, we will support you to organise temporary support as an interim arrangement.

How to contact North Somerset social services:

Care connect is the first point of contact for all social services adult care general enquiries.

Care Connect

Town Hall
Walliscotte Grove Road
Weston-super-Mare
BS23 1UJ

Telephone: 01275 888 801

email: careconnect@n-somerset.gov.uk

Council documents can be made available in large print, audio, easy read and other formats. Documents on our website can also be emailed to you as plain text files. Help is also available for people who require council information in languages other than English. Contact Jennifer.monks@n-somerset.gov.uk