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# I am thinking of employing a relative or close friend as my Personal Assistant.

## - What do we both need to consider?

Some people who use Direct Payments choose to employ relatives, friends, and neighbours. As long as the person you want to employ does not live with you, then this can work well however it can raise some tricky issues that you both should think about carefully. This factsheet asks you to consider these and work out what's best for you.

In a few 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 is only agreed on an individual basis.

If you both still want to keep the 'informal' (family or friendship) relationship going outside of the agreed formal working hours, please consider the issues highlighted below.

### **Stop and think**

There are many positives to employing a family member or friend but both you and your potential employee must think about all the opportunities or drawbacks.

Anyone employing a Personal Assistant (PA) is taking on a legal responsibility, and you, as an employer and them, as a PA, are both entering into a formal 'contract of employment' with duties and responsibilities you both have to agree and follow.

### **The plus side**

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

Having someone who already knows you, your likes and dislikes, can be really helpful and having someone who already knows about some, or all, of your care and support needs is one less thing to worry about when being an employer.

You should already have a good relationship built on trust, honesty and respect and therefore feel comfortable in their presence and having them support you. Having a good relationship will help you communicate your wishes and expectations easily.

## **The relationship**

The cross over between 'formal' and 'informal' care may be difficult. If you spend a lot of time together, the boundaries can so easily become blurred. This may strain your relationship. An employee who is supporting you in a paid role as well as on an informal basis can easily become very tired as it is not easy to 'switch off' or have breaks between roles.

As their employer you will need to ensure your employee works safely and any risks are carefully managed. You'll need to watch out for 'health, safety and well-being'. You will be legally responsible for things like ensuring they have enough breaks and take their holiday entitlement.

This might mean you have to do things differently between you. For example your employee would need to undertake training to use moving and handling equipment, whereas at times of informal support they might just 'lift' you. It can be extremely difficult for you both to appreciate where one role ends and another begins.

If you are employing a family member or friend, you would be paying their wages and are likely to have expectations of them in what they do for you and when. After all, you have decided to have Direct Payments and employ your own PAs so you have more choice and control in what you do and when.

Now consider the following, how would you tell them if you were not happy with their work? For example, if you, as their employer, had to tell them they were always late and thus told them that they must be on time, how would you do this? Would it affect any planned social time together or your relationship outside of work?

What would happen if you had a fall out but with them, but you were still relying on them to help you with personal care? You might have had a huge row as family or friend but still expect them to help you use the toilet or do tasks during their working day. How would you both cope with that?

## **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 and therefore the number of hours you could then afford to pay your employee.

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

## **Support to help you**

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 Direct Payment Support Service can work alongside you to help you set up contracts, and they will be there to guide you with organising and setting up support. We would strongly recommend you agree a three-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 is also available about being a good employer in the Employing Personal Assistants Handbook. This along with other employment resources are available on the Sheffield City Council website: [Employing a personal assistant | Sheffield City Council](#) and further information can be found on the Skills for Care website <http://www.skillsforcare.org.uk>.

## **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 about the positives and drawbacks beforehand.

If it goes wrong we will do our best to support you. The Direct Payment Support Service can work with you, as sometimes difficulties can be solved by talking with a third party.

If the issues cannot be resolved and you need to give notice to your employee, or they chose to leave, 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 other support such as an agency as an interim or a respite break while we sort out a way forward.

## **Employing someone who lives with you**

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

The Council has to be satisfied of the reasons that employing someone you live with is the only appropriate way of meeting your support needs and that you understand any implications. We need to consider changes it will make to your relationship, how you will manage 'formal' and 'informal' care boundaries and that there is not unsustainable pressure put on informal carers.

As you can see there are pros and cons to employing somebody you know and already have a relationship with. We encourage you to think carefully about both sides of the coin when considering employing a friend, or family member as your Personal Assistant.

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**Author:** Mary Gardner  
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