

Policy 31 - Relatives Living with a Recipient as a Paid Personal Assistant

Version: 2

Last Amended: 31 March 2023

Next Review: 31 March 2024

1.0 Background

ILF Scotland is committed to supporting independent living for its recipients without compromising their family relationships. For that reason, ILF Scotland will not normally fund a relative living in the same house as the recipient to act as a paid Personal Assistant.

2.0 Definition of relative

The Family Law Act (1996) defines a “relative”, in relation to a person, as:

“(a) the father, mother, stepfather, stepmother, son, daughter, stepson, stepdaughter, grandmother, grandfather, grandson or granddaughter of that person or of that person’s spouse or former spouse, or

(b) the brother, sister, uncle, aunt, niece or nephew (whether of the full blood or of the half blood or by affinity) of that person or of that person’s spouse or former spouse, and includes:

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- in relation to a person who is living or has lived with another person as husband and wife, any person who would fall within paragraph (a) or (b) if the parties were married to each other.”

3.0 Definition of a house

A house is normally a self-contained building or part of a building used as a person’s home and a single household. We will consider the recipient and relative to live in separate houses if each house has:

- exclusive occupation and access
- separate postal addresses
- separate council tax billing
- separate utilities
- the ability to be sold separately from each other
- no conditional restrictions on occupancy

4.0 Policy

ILF Scotland will not normally fund a relative living in the same house as a recipient to act as a paid Personal Assistant to the recipient.

ILF Scotland can only agree to fund a relative living in the same house in exceptional circumstances and as a last resort after exhausting all other alternatives. For example, if this is the only option to avoid admission to a care establishment, where the relative is the best person to provide specialist support or where it is difficult to recruit an alternative Personal Assistant / lack of available agency / care provision.

It must be evident that this option of employing a relative living in the same household is the preferred choice of the recipient and is the only satisfactory means of providing the necessary support to allow the recipient to achieve their independent living outcomes.

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ILF Scotland's Management Team must consider on an individual basis, any request to fund a relative living in the same household as the recipient to act as a paid Personal Assistant.

Where this request is unsuccessful, the recipient can appeal to ILF Scotland's Chief Executive, who will not be involved in considering the initial request.

4.1 Key Factors in considering a request:

- The recipient's independence is in danger of being lost
- All other care/support avenues have been exhausted
- The recipient would need to move out of their current home to residential / nursing care or an alternative model of care and support
- The recipient's health will significantly deteriorate if an exception is not made
- Professional evidence of a need for the relative to be the paid carer e.g. key tasks / specialist support can only be carried out by that person
- Previous abuse or a traumatic event has led to extreme lack of trust
- Specific cultural / religion or faith issues
- Geographical isolation
- Ability to secure recipient's agreement – if a recipient is unable to communicate with anyone other than the relative (it is rare that an individual cannot communicate with anyone outside their immediate family), the Assessor will make all attempts to establish the persons wishes including Independent advocacy.

5. Procedure

ILF Scotland will only consider a request to employ a relative living in the same house as a recipient once one of its Assessors carries out a review visit. The Assessor will ask to see the recipient and relative

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separately. Where required, the Award Manager / HSCP / HSCT / an advocate will be involved in the visit.

The ILF Scotland Assessor will make a professional assessment and recommendation following the request for the application and will subsequently refer the decision to ILF Scotland's Management Team. The Assessor will also establish, where relevant, if the HSCP / HSCT is likely to support the plan.

ILF Scotland Assessors will also refer cases to the Management Team where it becomes evident that a relative who lives in the same house as the recipient was employed without prior ILF Scotland agreement. Payments will continue until the management team make a decision about whether the situation can be approved or not and if not, this might mean that an overpayment of ILF Funding will occur.

6. History

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