



# Family Members as Paid Support Workers

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## 1. Key words

Family, carer, formal, informal, support, support worker, guardian, administrator, exceptional circumstances.

## 2. Policy statement

Department of Communities (Disability Services) recognises the integral role of family and carers in providing informal support to people with disability. Disability Services encourages and assists families and carers to maintain this informal support.

Disability Services may fund formal supports that are reasonable and necessary as a result of a person's disability. Funded supports are not intended to replace the natural role of families and carers.

An individual will not be paid for acting as a support worker to a family member with disability, except where approved for a strictly time-limited period due to demonstrated exceptional circumstances.

## 3. Compliance

Compliance with this policy is mandatory.

## 4. Principles

- People with disability have the right to be able to determine their own best interests and make decisions that will affect their lives to the full extent of their capacity. People with disability will be supported to exercise choice and control in the selection, design and implementation of their supports and services.
- People with disability have a right to live in an environment free from neglect, abuse, violence, intimidation and exploitation. Disability Services has a role in supporting the safety and wellbeing of people with disability.
- Planning will incorporate individualised strategies that encourage and prioritise the use of the person's informal support networks, such as family and carers.

- Funded disability supports will not replace informal supports or mainstream supports.

## 5. Definitions

**Family member** - an individual who is related to a person with disability through one of the following relationships: wife, husband, father, mother, grandfather, grandmother, step-father, step-mother, son, daughter, grandson, grand-daughter, step-son, step-daughter, brother, sister, half-brother, half-sister, step-brother, step-sister, mother-in-law, father-in-law, daughter-in-law, son-in-law, sister-in-law, brother-in-law, aunt, uncle, niece, nephew, first cousin, boyfriend, girlfriend.

This also includes any legally recognised variation to these relationships, such as de facto, adoptive, ex-nuptial relationships, same sex relationships and changes resulting from separation/divorce of family members.

**Guardian/Administrator** - an individual appointed by the State Administrative Tribunal as a Guardian and/or Administrator (whole or in part) for a person with disability will be considered a family member for the purposes of this policy.

**Carer** - an individual who provides ongoing care or assistance to a person with disability on a voluntary (unpaid) basis.

**Support Worker** - an individual who is paid to provide personal care or community access supports to a person with a disability, either as an employee or independent contractor.

**Exceptional circumstances** - a unique situation which prohibits the provision of formal supports through standard service delivery mechanisms to a person with disability. Exceptional circumstances may include a situation where the person with disability:

- has specific requirements that cannot be met through other formal support systems
- lives in an isolated or remote locality where there are no alternative support systems available
- has no suitable alternative available once all other support options have been explored.

## 6. Policy

### 6.1 Funded disability supports

Disability Services acknowledges the vital importance of a person's family and carers in providing informal support to the person with disability. Disability Services will support the person's family and carers to continue this role. A person's plan may include funded supports that assist the person's family and carers to maintain their support of the person.

There is a general expectation in the community about the informal support which can be provided by a person's family or carers. Funded disability supports are intended to complement, not replace, this support.

Family members who act as a carer to a person with disability may be eligible for income support through the provisions of the Australian Government Carer Payment and Carer Allowance. Funded disability supports are not intended to replace or supplement existing Australian Government income supports.

## **6.2 Safeguarding**

The rights of the person with disability are paramount. The payment of a family member to act as a support worker to the person with disability may:

- restrict the person's choice and control in the implementation of their supports
- decrease the person's capacity to develop independence
- heighten the person's vulnerability to abuse, neglect and exploitation
- constitute a perceived and/or actual conflict of interest between the person's best interests and the income support for the family member
- result in limited respite for the family member in the support worker role
- negatively impact on family relationships.

## **6.3 Exceptional circumstances**

A family member will not be paid for acting as a support worker for a person with disability, except where approved for a strictly time-limited period due to demonstrated exceptional circumstances.

Where a family member considers that exceptional circumstances may apply, the family member may discuss this with the Local Coordinator in the first instance; or with their disability service provider where the person is not yet linked with a Local Coordinator. The Local Coordinator will collaborate with the family member to explore all support options for the person with disability.

The Local Coordinator or the disability service provider may refer the matter to the Disability Services Out-of-Policy Management Committee (OPMC) to determine whether exceptional circumstances have been demonstrated. In areas under the National Disability Insurance Scheme (NDIS) in Western Australia (WA), the Local Coordinator may refer the matter to the Executive Director, Local Operations to determine whether exceptional circumstances have been demonstrated.

Where a family member is approved to be paid for acting as a support worker for the person, this will be reviewed within three months or as otherwise appropriate based on the person with disability's circumstances. This will be determined by either OPMC or the Executive Director, Local Operations.

## **7. Communication**

This document will be published on the Disability Services' website and intranet, and relevant employees and other stakeholders advised of its existence.

## **8. Evaluation and review**

This policy will be reviewed in 24 months or whenever required by a significant change to relevant policy, people, process, technology and/or information. Evaluation of the policy will take into account operational learning, feedback from stakeholders and relevant data.

## **9. Related documents**

Disability Services Act 1993

Guardianship and Administration Act 1990

Carers Recognition Act 2004

The following Local Coordination and WA NDIS Operational Policies:

- Plan Development and Plan Changes
- Funded Supports in a Plan - Reasonable and Necessary
- Safeguarding
- Engagement and Monitoring
- Review of Plans