

EAPA UK – Legal & Financial Elements **of a core EAP**

Signpost Service

Legal and Financial Information provided as an integral part of an employee assistance service is delivered within a mental health model with the aim of supporting the emotional wellbeing of the individual accessing the service. The Legal and Financial information provided is restricted to a signposting service. The signposting service seeks to put a framework around the issue for the employee such that they feel able to cope and, as required, feel able to take the next step in resolving their issue.

The information provided is limited to high level, non specific, general guidance such that the employee is able to identify the most suitable next step to take outside of the employee assistance programme to seek a satisfactory conclusion to their legal or financial issue. It is not until this next step is taken that any tangible taxable benefit is gained such is the limitations of the employee assistance signposting service.

Legal Advice

The legal information component of an employee assistance programme aims to support employees faced with emotional and performance issues. In addressing these emotional and performance issues it may be necessary to provide a legal component as part of supporting the employee. Legal information from an employee assistance programme that keeps this component of the service within the taxable benefit guidelines must follow the guidelines below:

1. All calls to the employee assistance service must be assessed/ screened for emotional issues before any kind of legal information service is provided to a caller. Therefore:
 - a. There must be only one helpline number for the employee assistance service; a separate legal helpline number would make the service a taxable benefit.
 - b. As above, the employee assistance helpline should not have a recorded voice message that requests the caller to select services with options to press 1,2 or 3 etc to direct the caller directly for legal information,
 - c. Lawyers should not answer the initial call to the employee assistance service unless they had received specific training on how to conduct an initial EAP assessment first. They should not provide legal information that goes wider than the legal signposting service that a non-legally trained EAP counsellor could offer.

2. Legal information provided must be at a high level and provided in the context of giving clear simple information about where to start with next steps and whom to approach to seek advice outside the framework of an EAP. This high level information (which should not go beyond a signposting service) does not need to be restricted to those areas of the law which are most obviously linked to emotional issues e.g. information on wills, contact with children after divorce and criminal offences linked to psychological problems e.g. alcohol addiction.
3. Legal information of the types described above is provided as an integral component of an employee assistance service. It must not be customised to the circumstances of the particular employee and must only offer limited information around an individual's rights, obligations and options in the context of any given area of law and should primarily signpost to where more in depth advice/representation can be obtained.
4. The limited element of the legal service would mean that it could be delivered by trained EAP counsellors and would not need to be delivered by lawyers, although the information booklets and help sheets may well have been prepared by lawyers. It is hard to envisage circumstances where an employee would need to be transferred to a lawyer for delivery of the type of information that qualifies within the terms of the tax exemption but were this to be necessary; the consultation would be expected to last less than 15 minutes.
5. Equally, legal representatives do not offer a second opinion on an existing legal issue/case will not read/review any legal letter/documents and will not provide more than one consultation on a particular legal issue.
6. Legal information will be provided as a once only single session, employees will not be able to return to the provider for subsequent information. The service is not an ongoing legal support.

Example

Examples of acceptable legal services with an employee assistance service which keeps the overall service with the welfare counselling exemption:

An employee rings the employee assistance service emotionally distressed about a problem with their neighbour focusing on a boundary dispute. During the course of talking through how the employee is feeling about the boundary dispute, it becomes clear that one of the things that is concerning the employee is a lack of knowledge about where to start in taking the boundary dispute any further. The counsellor transfers the employee to an information specialist who, having researched the issue on the internet offers to e-mail the employee a copy of the help sheet that summarises this information and also advises the employee in general terms about how to go about appointing a solicitor, should the employee choose to do so.

An employee called the employee assistance service in a state of extreme distress because he had just been caught speeding by a speed camera and this would mean 3 more points on his driving licence. As he already had 9 points on his licence from previous offences, he was very anxious because he feared losing his driving licence and this would probably mean he would have to leave his current employment. The caller spoke to a counsellor about his feelings and once they had come to terms with their anxiety and felt able to cope, they were transferred to an information specialist to explore if there were any ways he could keep his driving licence and to identify what next steps he could take to find specialist legal advice (consistent with signposting) in handling driving offence cases.

An employee called the counselling line distressed and suicidal at the breakdown of their marital relationship. They discussed their distress and emotional state with the counsellor, and ways to better manage their emotional state and suicidal thoughts. At the conclusion of the session the counsellor transferred the employee to an information specialist who agreed to send the employee copies of some leaflets about legal rights over the property and children. The information specialist gave some general advice about how the employee would go about appointing a suitable solicitor, should they choose to do so.

Examples of legal services which are not acceptable as part of an employee assistance service if the overall service wishes to keep within the welfare counselling exemption:

An employee calls the employee assistance service because they want someone to read the warranty agreement on their car because they feel a major repair which they have just been billed for should be covered by their extended warranty.

Return calls to the service to seek legal advice subsequent to the initial legal discussion.

Review of legal documents, e.g. will, rental agreement, employment contract.

Meeting the employee face to face.

Financial Advice

Employee assistance programmes do not offer any financial advice as a component of their services to employees. Support in this area is limited to debt counselling and budget management.

Services for Dependents

An employee assistance service is aimed at improving workplace effectiveness and performance of the client organisation's employees. However, sometimes the personal issues which are causing work performance problems are difficulties in the employee's family. Therefore limited services can be provided to an employee's dependents by employee assistance services and still remain within the welfare counselling exemption provided the guidelines below are followed:

1. There must not be a separate helpline number for spouse/partner/dependents.
2. Couple or family counselling is an acceptable clinical intervention, but a spouse/partner/dependent will not be offered face to face counselling on their own.
3. Spouse/partner/dependents will not be offered access to the legal information component of the service.

**EAPA Executive
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