

Carers Rights Factsheet – Did you know?

Adult Carers

Care Act 2014

The Care Act gives carers the legal right to recognition and entitlement to support in their own right including:

A focus on promoting wellbeing

A right to a carer's assessment based on the appearance of need

A duty on councils to prevent, reduce and delay the need for support, including the needs of carers

A right for a carer's eligible needs to be met

A duty on local councils to provide information and advice to carers in relation to their caring role and their own needs

A duty on NHS bodies to c-operate with local authorities in delivering the Care Act functions

Care Act Definition: *Adult carers provide, or intends to provide, 'necessary' care for another adult who has care and support needs.*

Carers Wellbeing Assessment

If a carer is identified and they appear to have a need for support, they **must** be offered a carer's assessment to talk about the impact of their caring responsibilities. They are entitled to an assessment no matter what their level of need, the amount of care they provide, their financial circumstances or whether the person they care for accesses services.

The assessment **must**:

- establish the carer's needs for support, the sustainability of the caring role and any associated risks;
- consider whether the carer is willing and able to provide care;
- consider the carer's activities beyond their caring responsibilities, and the impact of caring upon those activities.

The local authority **has a duty** to determine whether carers meet the national eligibility criteria, and if so decide, with the individual, how to meet their needs. Carers can be eligible for support if they:

- are providing necessary care;
- need support to help them maintain their caring role and/or;
- their caring role is having a significant impact on their wellbeing.

Local authorities **must** also provide all carers, even those not eligible for services in their own right, with information and advice in regards to:

- How to access care, support and services that can prevent or delay a carers' needs increasing.
- Support services available to them.
- Where to get independent financial advice.
- Information about safeguarding and who to contact if they have concerns about a vulnerable person being at risk of harm or neglect.

Human Rights Act (1998)

The Human Rights Act 1998 sets out the fundamental rights and freedoms that everyone in the UK is entitled to. Many of the rights listed in the Human Rights Act may be relevant to carers, or the person they care for. The following rights are likely to be especially important to carers in their caring role:

- The right to respect for private and family life, home and correspondence (Article 8).
- Freedom from inhuman and degrading treatment (Article 3).
- The right to be free from discrimination - protected by both the Human Rights Act (Article 14) and Equality Act 2010.

In general, the Government is responsible for ensuring that human rights are respected, protected and promoted. The Human Rights Act also imposes legal obligations on 'public authorities' to look after human rights. Public authorities may include local authorities, NHS Trusts and other public bodies. Private or voluntary service providers and even individuals may also count as public authorities.

Equality Act 2010 – Carers Protection from Discrimination

If carers are looking after someone who is elderly or disabled, the law will protect them from direct discrimination or harassment because of their caring responsibilities. This is because carers are counted as being 'associated' with someone who is protected by the law because of their age or disability.

The Equality Act covers carers and the person they care for in relation to:

- Employment (e.g. applying for jobs or work place practices).
- Education (e.g. school, colleges, universities).
- Housing (e.g. buying and renting houses or flats).
- Goods or services (e.g. shops, restaurants and public services etc.).
- Travel and transport.
- Public authorities (e.g. local council, NHS, local authority schools).

The Equality Act 2010 states that employers and providers of goods and services **must** not treat carers less favourably than those without caring responsibilities.

Carers in the Workplace

Carers have certain employment rights such as:

- **Flexible Working** – Carers have the right to request flexible working hours to help manage their caring responsibilities. The request can cover changing hours, times or places of work. The law gives carers the right to make two applications per year for flexible working from day 1 of employment.
- **Time off for Emergencies** – Carers have the right to take a 'reasonable' amount of time off work to deal with an emergency, or an unforeseen matter, involving a dependent. It is at the employer's discretion whether the leave is paid or unpaid.
- **Parental Leave** – If carers have been in employment for over a year and have responsibility for a child, they are entitled to 18 weeks unpaid leave up to their 18th birthday. It is at the employer's discretion whether the leave is paid or unpaid.
- **Carers Leave** – Carers have the right to request 1-week unpaid off work in order to arrange care for a dependant. This leave can be taken every 12 months and can be taken as half days, fully days or a full week if required.

Benefits and Other Financial Support

The benefits system is complicated. It is a good idea to get advice to make sure carers and the person they are looking after are claiming all the benefits that they are entitled to.

- The main benefit for carers is **Carers Allowance/Carers Credit**.
- The main benefit and for the person they care for is **DLA** (Disability Living Allowance) for children aged under 16, **PIP** (Personal independence Payment) for those aged 16-64, and **Attendance Allowance** for people aged 65 or over.

Carers Rights Factsheet –

Did you know?

- Carers on Universal Credit can apply for **Carer's Element** to be added to their claim if they are eligible.
- Other benefits and financial assistance that may be available to carers include; **Universal Credit, Housing Benefit** and **Council Tax Reduction**, help with fuel costs and help with NHS health costs.