

Factsheet G4 – Carers Rights

There has been increasing recognition in legislation since 1995 of the key role that carers play in society and we are indebted to Luke Clements booklet '**Carers and their Rights – the law relating for carers**' for much of the information written here.

Full text of this useful booklet can be obtained from CarersUK (tel: 0207 378 4999 / 0808 808 7777) or downloaded from their website www.carersuk.org/ - an excellent source of more information for and about carers.

LOCAL AUTHORITIES (SOCIAL SERVICES)

Right to assessment

- The Carers and Disabled Children Act 2000 says that any carer regularly providing a substantial amount of care is entitled to a carer's assessment. This is not about his/her ability to care, but a chance to look at his/her own needs and the impact caring has on his/her life. This applies whether or not the cared for person has received, or agreed to have, their own community care assessment. **More information** on carer's assessment on factsheet G3.

Right to services

- Assessments can lead to the provision of services to meet 'assessed need'. These can be directly provided or 'direct payments' given to people to make their own arrangements. A carer's service can be anything that could 'help the carers care for the person cared for' e.g. trips, driving lessons, transport costs, training, laundry, gardening, housework help, mobile phone. However it cannot include intimate care for the cared for, which must come through their own assessment.

Right to be consulted

- Assessment of need for community care services for the cared for is also a duty for local authorities and the views of carers should be taken into account in making these decisions. If it is felt to be inappropriate to include the carer, e.g. in situations of conflict, a record should be made of the reasons why.
- If the cared for person refuses an assessment, or services that are needed to relieve the carer, the local authority is still obliged to look for ways to help e.g. by providing services direct to the carer.
- If the cared for person is excluded from services because of their behaviour, the implications for the carer should be considered and the local authority has an obligation to work to find a resolution.

To arrange an assessment in Hertfordshire contact:

Health and Community Services (if caring for an adult) **0300 123 4042**

Children, Schools and Families (if caring for a disabled child) **0300 123 4043**

There is **more information** on the county council website www.hertsdirect.org/

EMPLOYMENT

- Carers should be supported to stay in work, or to return to work where this is what they want to do rather than it be assumed that they will give up work to care. **More information** on factsheet G5 Carers and Employment
- Apart from employment aspirations, a carer's assessment should also give active consideration to the help required to enable the carer to undertake education, leisure or training opportunities if they so wish.

Rights to time off

- Carers have some rights to take time off work to care for a dependent if there is an emergency. Parent carers (with a disabled child under 18 in receipt of disabled living allowance) who have worked for their employer for six months, have the right to ask for flexible working arrangements and employers must give this due consideration. If they have worked for their employer for a year, parent carers also have the right to up to four weeks leave a year to care for that child (to a total maximum of eighteen weeks). Any carer's leave taken is likely to be unpaid. **More information** on employment legislation can be found on www.direct.gov.uk/ or www.acas.org.uk/index.aspx?articleid=1362

NATIONAL HEALTH SERVICE

Right to have views taken into account / be consulted

- Government guidelines advise that the needs of carers should be taken into account in planning health services.
- Carers should also be consulted when hospital discharge is being planned. This may well include arranging for them to have a carer's assessment with a social worker. The hospital has a duty to satisfy itself that the discharge is safe, taking into account the circumstances at home, and to ensure that support services are in place, including the additional help that will be needed if a carer is the patient.

Right to have requests considered

- The NHS has a 'duty to cooperate' with local authorities in providing health and welfare services. A health authority must now give 'due consideration' to any request from the local authority to provide a specific service for a carer or to assist them in planning carer services.

www.carersinherts.org.uk

*The information contained on this sheet is correct at the time of issue.
Carers in Hertfordshire takes no responsibility for any inaccuracy in facts supplied to them.*

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FINANCE AND BENEFITS

Rights in care services charging

- Social Service departments can charge disabled people for services received. This will be based on their income not that of their carer. However for married couples where the disabled person has the higher income, liability to maintain a spouse should also be taken into account.
- If a carer lives with someone who goes into residential care, the use of the value of the house towards the costs of care may be restricted.

Rights to benefits

- The main state benefits of relevance to carers are:
 - Attendance Allowance (AA) - for disabled people over 65
 - Disabled Living Allowance (DLA) - for disabled people under 65
 - Carers Allowance - paid to carers who are looking after someone receiving AA or DLA and are either not working or are earning a low amount and who are not receiving certain other benefits.
- If on a low income carers may also be entitled to the normal range of means tested benefits eg Income Support, Pension Credit, Housing Benefit, and Council Tax Benefit. **More information** on benefits factsheet G2
- PLEASE NOTE: From April 2013 Disability Living Allowance will be replaced by Personal Independence Payment (PIP) for those between the ages of 16-64. For up to date information on this please see <http://www.dwp.gov.uk/gov/>

GENERAL RIGHTS

- Right to be protected from discrimination (Equality Act 2010). In particular, if you are a carer looking after someone who is elderly or disabled, the law now protects you against direct discrimination or harassment because of your caring responsibilities.
- This is because you're counted as being 'associated' with someone who is protected by the law because of their age or disability.
- An example might be that you wish to book a local pub for your daughter or brother who has Downs Syndrome. They refuse to take your booking because it's not the "image" they want.
- For further information download "Equality Act 2010: What do I need to know as a Carer" from www.adviceguide.org.uk or contact us for a copy.