



CARERS RIGHTS INFORMATION PACK

Your rights and entitlements as an unpaid carer, at home, at work and in hospital. From the Improving Lives carers team at Improving Lives Plymouth.

What are carers rights and entitlements

RIGHTS

Fundamental privileges or claims which are recognized and protected by law.

ENTITLEMENTS

Specific benefits and privileges that individuals can claim, usually based on meeting a criteria or condition set by law or policy.

Specific rights — In the UK Carers we have both rights and entitlements which are designed to support us in our caring role.

● **Financial support**

● **Employment rights**

● **Access to services**

● **Support for own health and wellbeing**

Statutory guidance and legislation

- Each piece of legislation comes with statutory guidance and or codes of practice. They have different legal standings.
- Statutory guidance are created by govt depts to provide detailed advice on how to implement the law. The purpose it to provide consistency across different jurisdictions or agencies. As such they are required to be reviewed regularly.
- Codes of practice provide practical help advice and best practice standards but do not usually have the same legal authority as statutory guidance.
- The legal case that made statutory guidance mandatory for Local Authorities and NHS Trusts in the UK is R(Munjaz) v Mersey Care NHS Trust (2005) UKHL58
- National Institute for Health and Care Excellence (NICE) Guidelines serve to benchmark best practice. Although not legally binding they carry significant weight and NHS agencies are expected to adhere to them.

THE LEGISLATION

Human Rights Act 1998

Employment Rights Act 1996, as amended by Employment Relations Act 1999

Equality Act 2010

Care Act 2014

Children Act 1989 – Children and Families Act 2014

Health and Care Act 2022

Employment Relations (Flexible Working) Act 2023

Carers Leave Act 2023

Know your rights

At home

- Right to a carer's assessment
- Financial support entitlements (benefits and discounts)
- Right to access support

At work

- Protection from discrimination
- Right to request flexible working
- Time off in emergencies
- Parental and shared parental leave
- Time off for planned carers leave

At hospital

- Right to be involved in care planning (Patient consent)
- Rights in relation to Hospital Discharge
- Right to be identified including having your carer role coded on your medical records

Know your rights — at home

Carers assessments

Carers have the right to request a carers assessment from their local authority. This assessment evaluates the impact of caring on the carers life and what support they might need, such as respite care or help with household tasks.

Access to support services

Carers can access local and national support services that provide practical advice information and support.

[Carers UK – Carers Assessments](#)

Financial entitlements — conditional

Carers Allowance

A benefit for people who spend at least 35 hours a week caring for someone who is ill or disabled

Carers Credit

National Insurance credits for carers who don't qualify for Carer's Allowance but care for someone at least 20 hours a week

Universal Credit

Includes additional elements for carers who meet certain conditions

[Carers UK – Financial Support](#)

At work

- Right to time off in emergencies to care for dependents (Employment Rights Act 1996, as amended by Employment Relations Act 1999)
- Parental leave and shared parental leave (Children and Families Act 2014)
- Right not to be discriminated against or harassed because of association with disability or age (Equality Act 2010)
- Right to request flexible working – enhanced right introduced by Employment Relations (Flexible Working) Act 2023
- Right to take up to a week's unpaid leave to care - introduced by Carer's Leave Act 2023

Carers UK – Your rights at work

DISCRIMINATION BY ASSOCIATION

- The Equality Act 2010
- You have the right not to be discriminated against by association
- Coleman v Attridge Law & Steve Law (2008)

Carers UK - Protection against discrimination

In hospital

- The Health and Care Act 2022 - Section 91 - Places a duty on NHS hospital trusts to ensure that unpaid carers of all ages are involved as soon as feasible when plans for the patient's discharge are being made.
- The new statutory guidance is clear about the need to ensure that carers and young carers are identified, kept safe during the discharge process and signposted to sources of help and assessment of their needs. The guidance also highlights the need to “ensure that no carers are left without adequate support or an assessment of their longer-term needs (if needed).”

Carers UK – Hospital Discharge

Hospital discharge

Carers will need to be:

Identified

Recognised and heard

**Involved in Discharge Planning
(where patient provides consent)**

**Supported (right to their own
needs assessment whether
patient provides consent or not)**

Carers UK – Coming out of hospital checklist

Carers health and wellbeing

ALTHOUGH NOT A RIGHT

Best practice states that carers are entitled to register as a carer with their GP to ensure they receive additional support where health programs include them e.g. Annual Flu Vaccination, health checks, access to mental health services etc.

[Carers UK – Why it's important to talk to your GP](#)

Human rights

Human rights are basic rights which belong to everyone. They are based on universally agreed values. They ensure that every individual's self-respect and dignity is not abused by those with the power to do so. Their roots lie deep in the histories of many different civilizations and cultures.

Human rights were first internationally agreed after the Second World War in the Universal Declaration of Human Rights. Human rights have now been set down in national and international law. The UK Government has agreed to abide by these laws.

Two key national laws protecting human rights are the Human Rights Act and the Equality Act.

- 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 extreme circumstances, your right to life (Article 2)

[Bringing rights to life – Carers pocket guide](#)

Summary

“Every country throughout the world relies on families and close friends to provide support. But without rights, carers can quickly be overwhelmed. Rights provide a balance and a basis on which families can ask for more help so that they have the opportunity of living a more fulfilled life.”

CARERS UK

Talk to us

If you would like help understanding any of these rights, or support to request an assessment, the Improving Lives carers team is happy to help.

The Improving Lives carers team

Support, advice and information to help you and your family whilst you are caring.

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