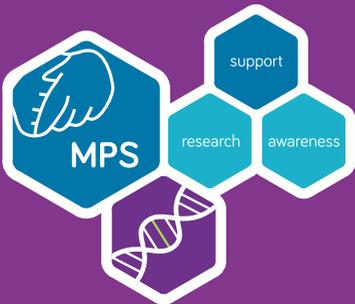


INFORMATION & RESOURCES FROM THE MPS SOCIETY

Carers Legal Rights



Society for Mucopolysaccharide Diseases
mpssociety.org.uk



Caring

The Care Act 2014 came into force in April 2015. This act means that local councils and NHS bodies need to consider the wellbeing of carers. They have to provide information and advice to carers, assess the needs of carers and meet any needs where these are considered eligible for support.

The Children and Families Act 2014 supports the rights of young carers and parent carers to receive a Carers Assessment, where it appears there is an assessment needed. fee and make sure everyone knows what great cause you are raising money for.

Assessments

A local authority can carry out an assessment to see how the role of caring impacts your life, to see if there is the support that would help enable you to continue your caring role. The support received will depend on the type of caring role you provide and the eligible needs you are assessed as having. Some support services may be charged for depending on your and the cared-for person's financial circumstances.

In Scotland

In Scotland, the Carers (Scotland Act 2016) came into effect in 2018. Assessments for carers will focus on the impact their role has on them, rather than the number of hours they are providing care for. They will be known as Adult Carer Support Plans or Young Carer Statements for carers under the age of 18 years.

In Wales

In Wales, the Social Services and Well-being (Wales) Act 2014 came into force in 2016. A carer is defined as someone who provides or intends to provide care for an adult or disabled child. Assessments can be requested by carers and should be offered to carers by their local authority if it appears that the carer has support needs. As with assessments in other areas of the UK, the assessment should focus on the well-being of the carer

In Northern Ireland

In Northern Ireland, carers assessments are usually offered to those who are over the age of 16 and are providing a significant amount of regular care.

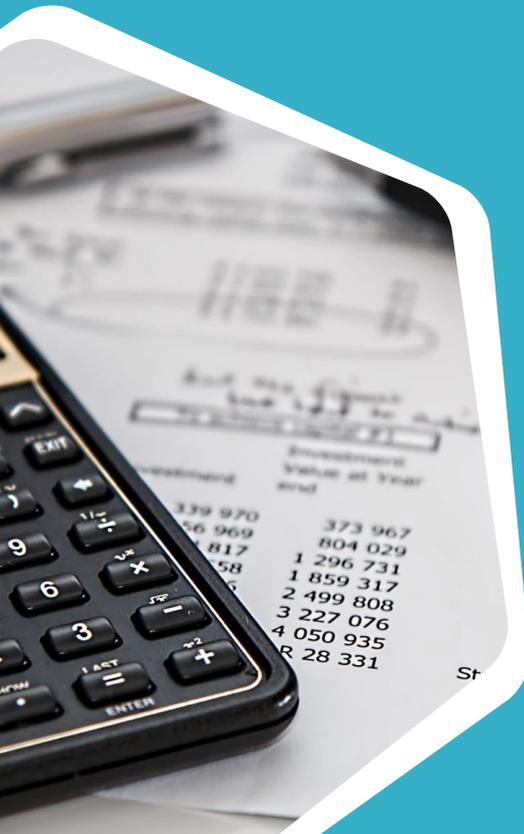
Requesting an Assessment

Usually, carers assessments are requested by adults who are caring for another adult who is elderly or has a disability. Your local adult social services would undertake the assessment.

Young carers should not have to formally request an assessment. The local authority should consider the needs of young carers when assessing the needs of the cared for person. If the local authority is not aware of a young carer, because the person they are caring for has not had an assessment of needs, then an assessment

should be requested. A young carer who is approaching the age of 18 may also be able to access a carers assessment if they are likely to have needs as an adult carer.

Parents with parental responsibility for disabled children may be otherwise known as parent carer. A carer's assessment for parent carers can either be requested by the parent carer separately from the child's assessment or may be included in the child's assessment of need. Local Authorities have a duty under the Children and Families Act to provide an assessment when one is requested by a parent carer or when they are aware that the parent has needs.



Carers UK has a factsheet about Carers Assessments, which can be downloaded from their website. Alternatively, they can be contacted on their helpline:

**Mondays and Tuesdays
10am-4pm
0808 808 7777**



Employment

Under the Employment Rights Act 1996, anyone has the right to apply for flexible working after a 26 week employment period. An application can only be made once every twelve months.

Employers must consider any requests for flexible working, but they do not have to agree on them if there is a good business reason why an agreement cannot be reached. Employers should have a policy regarding flexible working which will set out how they can apply and appeal any decision made.

The Right to Time Off for Emergencies

Every working person is entitled to take 'reasonable time off' to deal with any emergency involving a dependent, a close family member you live with, or someone else who relies on your help in an emergency. Time is usually unpaid unless otherwise agreed with your employer.

Situations, where leave might be taken, include:

- A disruption or breakdown in care arrangements
- If there has been a death, illness or accident involving the person who depends on you.
- To make arrangements of care, but not to provide long term care yourself
- An incident involving a child during school hours.

The Right to Parental Leave

If you have worked for your employer for twelve months and have parental responsibility for a child under the age of 18, you are entitled to 18 weeks leave per child.

Most employers will have their own policy set up for employees wishing to take parental leave, and the time taken will be unpaid unless otherwise agreed with your employer.



Protection Against Discrimination

The Equality Act 2010 protects carers from discrimination or harassment in England and Wales in respect of their caring duties.

In Northern Ireland carers are protected by the Human Rights Act and the Northern Ireland Act. Public bodies are to promote equal opportunities for carers.



Bereavement of a Child Under 18 Years of Age

The Parental Bereavement Leave and Pay Regulations also known as Jack's Law was set to be implemented in April 2020. Parents who lose a child under 18 years of age will be able granted two weeks of paid leave from their work. The leave can be taken in one block or a block of two weeks during the first year after losing their child.

Parents that have worked a continuous period of 26 weeks with their current employer and earn less than £118 per week may also be entitled to Statutory Parental Bereavement Pay.

Useful Websites and Further Reading

Factsheet 8, The Care Bill – The law for carers
bit.ly/TheLawForCarers
Department for Health and Social Care (2013)

Carers and the law
www.carers.org/carers-and-the-law
Carers Trust

Recognising and understanding carers rights
bit.ly/RecognisingCarersRights
An article from David Mowat, Community Health and Care Minister

For more information

please contact the MPS Advocacy team:

advocacy@mpssociety.org.uk | 0345 389 9901



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