



counsel + care   
for older people, their families and carers

guide

Information from Counsel and Care: 10

# Carers: what support is available?

As the age of the population increases, many people are taking on the role of carer to friends, neighbours and family. This can occur at any time but a large proportion of carers are over the age of 60, looking after older relatives. There are different entitlements and benefits that carers of all ages can receive.

This guide will explain what these benefits and entitlements are and what services are in place to help carers.

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Counsel and Care is a national charity; however the creation of the Scottish Parliament, and the Welsh and Northern Ireland Assemblies means there are differences in the ways each nation cares for and supports older people. The information in this guide applies essentially to England although there may be similarities with Scotland, Wales and Northern Ireland.

We also produce five separate guides for both Scotland and Wales covering the community care assessment of need process; paying care home fees and making a formal complaint which are the key areas where the policy and legislation differ significantly to England. All of the guides we publish can be downloaded from

<http://www.counselandcare.org.uk/advice-and-information>

or posted to you by calling the guide order line on 020 7241 8522.

For information about being a carer in Scotland or Wales, please see:

**Assessment and Services from your local council in Scotland** (guide number 50); or

**Assessment and Services from your local council in Wales** (guide number 70).

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# 1 Practical support

## 1.1 Who are carers?

A carer is defined by the government as 'a person who provides a substantial amount of care on a regular basis for a disabled person living at home'. This is in the Disabled Persons (Services, Consultation and Representation) Act 1986, section 8.

There are two types of carer. There are paid carers, known as 'care workers' or 'home helps', who are paid by local council social services or care agencies. The second type of carer is an unpaid carer, who may be a partner, relative, friend or a neighbour providing free care or supervision.

This guide explains the rights and entitlements of unpaid carers.

The Carers (Equal Opportunities) Act 2004 gives unpaid carers a number of rights:

- Carers have rights to information. Local councils have a duty to inform carers of their right to a carer's assessment.
- In the carer's assessment, the wishes of the carer regarding their own training, education and leisure must be considered.
- Local councils have the power to enlist the support of other agencies when considering how to meet the needs of the carer, for example, through the housing department.

As a result of the Work and Families Act 2006, carers also now have the right to request flexible working. This means that if you care for an older person, you are able to request flexible working so that you can more easily fit your employment around your caring responsibilities. The exact nature of your flexible working can be worked out on an individual basis with your employer, but may include working from home on particular days each week, starting work later in the morning and/or finishing later in the afternoon so that you can visit the person you care for before work, and so on. It may also make things easier if you want to take time off work for emergencies, or to take the person you care for to a hospital appointment, for instance.

Your employer has a duty to consider seriously your request for flexible working, but they are under no obligation to grant it at this time – see section 1.2 about future legislation changes to encourage flexible working. They can refuse a request for flexible working if they have a business case for doing so, but they must put their reasons in writing.

### **1.1.2 Carers who are grandparents**

In some families, grandparents may look after a dependent grandchild, either on a short or long-term basis. Under certain circumstances, the grandparent may be able to collect benefits such as Child Benefit on their behalf. This is a complex area, and, if you are in this situation, you should seek more information from a support organisation such as The Grandparents' Association (tel.: 0845 434 9585; [www.grandparents-association.org.uk](http://www.grandparents-association.org.uk)).

## 1.2 National Carers Strategy

The Coalition Government published a revised Carers Strategy in November 2010 - 'Recognised, valued and supported: Next steps for the Carers Strategy'. The strategy identified what the government intends to do over the next decade to ensure the best outcomes for carers and those they support.

The Department of Health has consulted with carers and carers' organisations and has identified four priority areas:

- Supporting those with caring responsibilities to identify themselves as carers at an early stage, recognising the value of their contribution and involving them from the outset, both in designing local care provision and in planning individual care packages;
- Enabling those with caring responsibilities to fulfil their education and employment potential;
- Personalised support both for carers and those they support, enabling them to have a family and community life;
- Supporting carers to remain mentally and physically well.

You can read or download a copy of 'Recognised, valued and supported: Next steps for the Carers Strategy' from:

[http://www.dh.gov.uk/prod\\_consum\\_dh/groups/dh\\_digitalassets/@dh/@en/documents/digitalasset/dh\\_122393.pdf](http://www.dh.gov.uk/prod_consum_dh/groups/dh_digitalassets/@dh/@en/documents/digitalasset/dh_122393.pdf) for further information on how the government intends to support carers and how the strategy

will be implemented across health, social care, education and other services. It also explains the government's vision of involving local communities, individuals and carers' groups in the changes.

### **1.3 Care for a carer**

If you are an unpaid carer you may not necessarily have undertaken the role by choice, but because an older relative or friend needs your support. You may have undertaken this role so that the person you care for can stay in their own home. The support you provide may include: monitoring their health; ensuring that they are washed and dressed; making sure that they have eaten the right foods; checking that they have taken any medication as prescribed.

Now that you have taken on these caring responsibilities, you may find your own life is affected in many ways. This may include:

- A need for practical support and assistance or regular respite breaks.
- Financial costs of caring and loss of income if you are unable to carry on working (or working on a full time basis) because you are a carer.
- Having a mixture of emotions, which may include feelings of inadequacy, frustration, resentment, being taken for granted or guilt for not doing enough.
- Restrictions on your lifestyle.
- A need for recognition as a carer, reassurance about what you are doing and information about what help is available to you.

## **1.4 How to find out about available support services**

Your local council has a duty to provide information about support services available in your area. This information should include leaflets and more detailed documents and may be obtained either from your local council social services department, the council's information desk, your local library, or your GP's surgery or hospital. It should also include face-to-face information provided by a social worker who has a duty to tell you about your right to your own assessment of need.

Please see the Carers Direct section of the NHS Choices website:

<http://www.nhs.uk/carersdirect/Pages/CarersDirectHome.aspx>

which includes information for carers about money, legal matters, keeping well, working, studying and sources of support.

## **1.5 The Carer's Assessment**

In order to decide whether you are entitled to an assessment, and possibly eligible for council-provided services, a social worker or care manager should establish if you are providing, or intend to provide, 'a substantial amount of care on a regular basis'. A 'substantial amount of care' is not defined in law; therefore the interpretation is up to social services, having taken into account your individual circumstances.

However, social services can, at their discretion, assess all of a carer's needs even though the care provided by the carer may not be deemed 'substantial'.

The introduction of the Carers (Equal Opportunities) Act 2004 in April 2005 ensured that there are some aspects of a carer's life which must be

taken into account during the carer's assessment. The assessment must consider:

1. The sustainability of the caring relationship - this takes into account the carer's ability to continue to provide the caring role, whether this is sustainable and how great the risk is of the caring role becoming unsustainable.
2. The work, education and leisure needs of the carer - this includes whether the carer works or wishes to work, and is undertaking, or wishes to undertake, any education, training or leisure activity.

If these points are not addressed in your carer's assessment you should ask your social worker about them.

Each council can set eligibility criteria for the level of services they are able to provide related to the resources they have available. This means that there is variation in service provision between councils across the country. The eligibility criteria for carers' assessments are modelled on the Department of Health guidance 'Prioritising need in the context of Putting People First: a whole system approach to eligibility for social care – guidance on eligibility criteria for adult social care, England 2010' (February 2010), which supercedes the previous government guidance 'Fair Access to Care Services'. This guidance is used to assess the cared-for person's eligibility to services but local councils have discretion about whether to meet the carer's needs by providing community care services for the cared-for person.

The 'Prioritising need in the context of Putting People First' guidance suggests that the risks to the sustainability of the caring role can be categorised into one of four levels:

- Critical
- Substantial
- Moderate
- Low.

Local councils should prioritise the needs of the carer according to the immediate and longer-term risk if their needs were not met.

When assessing the risk, social services should focus on:

- The autonomy and freedom of the carer to make choices;
- Health and safety including freedom from harm, abuse and neglect, taking in the wider issues of housing and community;
- The ability to manage personal and other daily routines;
- The involvement in family and wider community life.

Your carer's assessment can be carried out at the same time as an assessment for the cared-for person. Alternatively, you may wish to have your assessment carried out separately, so that you can speak more openly to the social worker about your needs without fear of causing distress to the person you care for. Arrangements can be made for an assessment to take place in another setting, over the phone or whilst the cared-for person is not at home. Ask your social worker for a separate assessment in confidence. Some councils offer a carer's self-assessment option on their website. Ask your local council or a social worker about this if you would prefer this to a face-to-face assessment.

For more information about assessments and eligibility to local council services, see our guide:

**Assessment and Services from your local council in England** (guide number 12).

Prior to the carer's assessment, it can be useful to think about how being a carer has affected you. You may want to consider things such as:

- Are you able to get enough sleep, or is it disturbed by your caring role?
- Is your health being affected? If so, how?
- Do you have any time for yourself?
- Are you able to go out without worrying about the safety of the person you care for?
- Are any of your other relationships being affected?
- Do you need information about benefits or other support available?
- Is your caring role having an impact on your job?
- How many hours per week are you caring, including night times and weekends?
- What equipment is needed by the cared-for person to enable you to care for them safely?
- Do you need any training, for example, in moving and handling the person you care for?

It may be helpful to record some of the above in a diary so that you can raise points during the assessment. During the carer's assessment, try

to provide as much information as you can about how caring has affected you, so that all of your needs are considered. If you do not feel that your assessment was adequate, or your circumstances have changed since you had an assessment, you can ask for a re-assessment. The local council social services department will use the assessment to decide what help, if any, can be provided for you.

The results of the carer's assessment should be recorded in a care plan if services are being provided to you. A copy of your written care plan should be given to you. This document is a written statement of your needs as a carer in your own right, detailing what support is necessary for you so that you can continue caring. These services should be in addition to any support services provided to the cared-for person by the local council social services.

## **1.6 Caring for people with mental health issues**

Carers who are looking after a person receiving care from specialist psychiatric services and assessed under a Care Programme Approach, (CPA) should also have their physical and mental health needs assessed, in addition to the basic assessment rights under the Carers Acts of 1995, 2000 and 2004. This also includes the provision of their own written care plan.

## **1.7 Delays in assessment**

There is no time limit for how quickly a carer's assessment should be carried out. How long you wait will depend on the urgency of your situation. However, your local social services should complete an assessment within a 'reasonable' time. Many social services

departments will have their own internal targets for providing assessments. These may be included in their 'customer charter' or 'long-term care charter', which may be available on the council website. If you feel the need is urgent, for example, the person you care for has become acutely unwell and you feel you may need more help, an 'emergency' assessment by a duty social worker can be arranged for both you and the person you care for, if it is decided the person you care for does not need to go into hospital for treatment. Social services may then arrange a temporary care package until a full and comprehensive assessment and care plan can be arranged.

## **1.8 Receiving support services**

Carers' services are not defined in law but can include anything that could help the carer care for the cared-for person. The sort of services you may be eligible to receive from social services could include:

- Respite care to give you a break from your caring role. For example, a sit-in service, day care for the cared-for person, or a short-term placement in a care home for the cared-for person;
- Respite vouchers for short breaks;
- Moving and handling training;
- Emotional support from other carers or people who understand your situation by way of attending a local carers' group (some groups also provide sit-in services);
- Welfare benefits advice;
- Activities for the person you care for;
- Trips such as holidays or special events;
- Driving lessons;

- A laundry or cleaning service;
- Gardening;
- Travel assistance (including help with taxi fares);
- Relaxation therapy.

The services you receive as a result of your assessment may be provided directly by social services or by a private or voluntary agency commissioned (paid for) by social services.

### **1.9 Direct Payments and Personal budgets**

Direct Payments and personal budgets are available to carers. Both schemes mean that money is provided by your local council social services which allows you to purchase the services you are assessed as needing, instead of them being provided directly by social services. For instance, this could mean that you employ a care worker to visit once a week, or someone to help you do the weekly food shopping. Direct Payments or personal budgets give you the choice about how to meet your needs to enable you to continue in your caring role and to maintain your own health and wellbeing.

As a carer, you cannot use Direct Payments or a personal budget to purchase services to meet the assessed needs of the person you are caring for. The payment must only be used to meet your own needs. For example, it may be used to pay someone to sit with the cared-for person for three hours once a week so you can go shopping or meet up with friends. The cared-for person is also able to apply for Direct Payments or a personal budget if they are assessed as needing support

as a result of their assessment. For more information about these personalised payments see our guide:

**Home Care: using direct payments or a personal budget** (guide number 23).

### **1.10 Community Care (Delayed Discharges etc) Act 2003**

This Act introduced a system of cost reimbursement to the NHS if a patient is in hospital receiving acute care and their discharge is delayed. A fine is payable by the council social services if it fails to either assess the patient's needs and/or put the assessed services in place within the timescales set out in the Act.

The Act has increased carers' rights to assessments and services. If the person you care for has to enter hospital, the Act ensures that the NHS body responsible for them has a duty to consult the patient and the carer regarding the discharge date, before giving notice to the council.

Services for the patient or those needed to assist you in your caring role after the patient has been discharged from hospital may be available to you free-of-charge for 6 weeks after the discharge date. This support is known as intermediate care. Any equipment the patient has been assessed as needing, up to the value of £1,000, will be provided free-of-charge.

Generally, the hospital social worker will be responsible for overseeing the patient's care package for a period of 6 weeks following discharge from hospital. However, following a review of the care package (within

2 weeks of the care package first being provided), it may be that the person's case will be transferred to the community social services department if the person's care needs are being adequately met. If it is not, services should be adjusted accordingly.

### **1.11 Charges for support services**

Only the cared-for person's financial circumstances can be taken into account in the financial assessment for care services for them.

Therefore, you cannot be charged for community care services provided to the cared-for person, unless the services are directly provided for you.

## 2 Financial support

If you are caring for someone, you may be entitled to claim the benefit, Carer's Allowance of £55.55 a week, as well as being provided with practical support.

### 2.1 Qualifying for Carer's Allowance

Carer's Allowance is a state benefit to help you look after someone with a disability. In order to qualify for Carer's Allowance, you must:

- Be aged 16 or over
- Be caring for someone for 35 hours or more a week
- Be caring for someone who receives Attendance Allowance, or the middle or higher rate care component of the Disability Living Allowance, or Constant Attendance Allowance (of £58.40 or more) paid with an industrial, war or service pension
- Be a resident in the UK
- Have lived in the UK for 26 weeks at least during the past 12 months
- Have no immigration conditions on your stay in the UK (subject to specified exceptions).

However, you do not qualify for Carer's Allowance if:

- You earn over £100 a week net (after tax, National Insurance contributions, half of any contribution you make towards an occupational or personal pension and any allowable deductions such as income tax); or

- You are already receiving £55.55 a week or more from certain benefits or pensions, such as Incapacity Benefit, State Pension, Widows Pension, contribution-based Jobseekers Allowance and/or contribution-based Employment Support Allowance. These are known as the overlapping benefit rules. If you receive any of these benefits at less than the rate of Carer's Allowance (£55.55), Carer's Allowance can only be paid to top up your income to the level of Carer's Allowance. As these benefits tend to be higher in value than Carer's Allowance, it can be difficult to qualify for Carer's Allowance. If you would otherwise be entitled to Carer's Allowance but do not qualify due to the benefit overlapping rules described above, you may have 'underlying entitlement' to Carer's Allowance. This will be written in your decision letter following a claim.

## **2.2 Carer's Premium**

If you receive Carer's Allowance or if you have an 'underlying entitlement' to Carer's Allowance but don't actually receive Carer's Allowance, due to the overlapping benefit rules described above, you may be eligible to receive a Carer's Premium of £31.00 a week.

Receiving a Carer's Premium increases your 'appropriate amount' by £31.00 when you are assessed for means-tested benefits such as Pension Guarantee Credit. This may mean you receive a higher amount of the means-tested benefit than previously, or you suddenly become eligible for the means-tested benefit for the first time. Once you receive a means-tested benefit such as Pension Guarantee Credit, you are automatically entitled to full Housing Benefit and Council Tax Benefit,

so it is a useful benefit to claim. For more information about these benefits, see our guides:

**Disability benefits: Attendance Allowance and Disability Living Allowance** (guide number 3); and  
**Pension Credit** (guide number 2).

### **2.3 When Carer's Allowance or Carer's Premium will cease:**

The length of time Carer's Allowance can be paid after you cease caring for the cared-for person will depend on the individual circumstances of the situation. However, as a general rule, the following applies:

Carer's Allowance will cease immediately if:

- The cared-for person does not require your help anymore
- You choose not to be a carer anymore

It will cease after 28 days if:

- the cared-for person enters hospital for a period of longer than 4 weeks and loses their disability benefit
- the cared-for person enters a care home on a permanent basis, and loses their disability benefit after 4 weeks

If the person you care for dies, you may be entitled to continue receiving Carer's Allowance for up to 8 weeks, depending on the circumstances of the situation.

If you lose your entitlement to Carer's Allowance, you may be eligible for other benefits. If you are over 60 and out of work, you may be able

to apply for Jobseeker's Allowance (JSA). Contact your local Jobcentre Plus (tel.: 0800 055 6688) for more information and help with applying. If you are over 60, you may be eligible for Pension Guarantee Credit, if you have an income below £137.35 per week as a single person or £209.70 as a couple. For more information about whether you may be eligible for Pension Guarantee Credit, see our guide: **Pension Credit** (guide number 2).

#### **2.4 How to claim:**

You can apply for Carer's Allowance using form DS700 available from: [http://www.dwp.gov.uk/advisers/claimforms/ds7001\\_print.pdf](http://www.dwp.gov.uk/advisers/claimforms/ds7001_print.pdf) or by calling the Benefits Enquiry Line (tel.: 0800 88 22 00) or the Carer's Allowance Unit (tel.: 0845 608 4321). If you need help filling in the form, your local Age UK or Age Concern (tel.: 0800 169 65 65; [www.ageuk.org.uk](http://www.ageuk.org.uk)) may be able to help you.

If you were entitled to Carer's Allowance prior to claiming it, you can ask for your claim to be backdated for up to three months.

#### **2.5 How Carer's Allowance affects other benefits:**

Claiming Carer's Allowance can affect other benefits that you or the person you care for receive. You may want to consult an advice agency before claiming Carer's Allowance to see how it will affect your benefits and the benefits of the person you care for. Carers UK (tel.: 0808 808 7777; [www.carersuk.org.uk](http://www.carersuk.org.uk)) or Carers Direct (tel: 0808 802 0202, [www.nhs.uk/carersdirect](http://www.nhs.uk/carersdirect) ) will be able to advise you about the likely impact.

If the person you care for is entitled to a Severe Disability Premium as part of their means-tested benefit, they will LOSE this premium when you receive your first payment of Carer's Allowance. This means, for example, that although you will start to receive a Carer's Premium of £31.00 a week, the person you care for will lose their Severe Disability Premium worth £55.30 a week.

## **2.6 If your claim for Carer's Allowance is turned down:**

You will be sent a written decision in response to your claim for Carer's Allowance. If you disagree with the decision, you can ask for a written or spoken explanation of reasons for the decision, a revision, or you can lodge an appeal against the decision. You have one calendar month to challenge the decision, but this can be extended if there are special circumstances for the delay such as illness. You can lodge an appeal using a GL24 form. The form is available from:

<http://www.dwp.gov.uk/docs/gl24dwp.pdf>

If you wish to challenge the decision, it may be advisable to seek support from an advice agency such as your local Age UK or Age Concern (tel.: 0800 169 6565; [www.ageuk.org.uk](http://www.ageuk.org.uk)) or Citizens Advice Bureau (tel.: 08444 111 444; [www.citizensadvice.org.uk](http://www.citizensadvice.org.uk)). An advice agency may be able to help you in deciding on how to proceed with your appeal and help you fill in the necessary forms and/or attend the tribunal with you.

### 3 Carers' organisations

The following organisations may be able to advise you about respite breaks, financial help and general support for carers:

- Carers UK (tel.: 0808 808 7777; [www.carersuk.org](http://www.carersuk.org)) provides an advice service for carers and may be able to put you in touch with local support groups that can provide you with emotional and practical support.
- The Princess Royal Trust for Carers (tel.: 0844 800 4361; [www.carers.org](http://www.carers.org)) provides information and local support services for carers which can be found by searching on their website.
- Carers Direct (tel.: 0808 802 0202; [www.nhs.uk/carersdirect/Pages/CarersDirectHome.aspx](http://www.nhs.uk/carersdirect/Pages/CarersDirectHome.aspx)) is a comprehensive national information service for carers. The helpline and website is managed by the Department of Health in England and NHS Choices. The website contains information on support for carers, working and studying whilst caring, and money and legal matters.

Our advice workers can advise on a wide range of issues affecting older people, their relatives and carers. Counsel and Care produce a range of guides which can be downloaded from our website [www.counselandcare.org.uk](http://www.counselandcare.org.uk), or requested by calling our guide orderline on 020 7241 8522.

This guide is not a full explanation of the law and is aimed at people over 60.

Counsel and Care  
Twyman House  
16 Bonny Street  
London NW1 9PG

Tel.: **0845 300 7585**

Email: [advice@counselandcare.org.uk](mailto:advice@counselandcare.org.uk)

Website: [www.counselandcare.org.uk](http://www.counselandcare.org.uk)

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