



RIGHTS & EMPLOYMENT

Carers Right to an Assessment

Under the Carers & Disabled Children Act 2000, carers aged 16 and over who provide a regular and substantial amount of care for someone aged 18 and over have the right to an assessment of their needs as a carer (see Fact Sheet 17).

If you have parental responsibility for a disabled child, your needs as a carer will be assessed as part of a family needs assessment.

If there is more than one carer providing regular care to the same person, each is entitled to an assessment.

The Carers (Equal Opportunities) Act 2004 placed a duty on Local Authorities to ensure that all carers know that they are entitled to an assessment of their needs, and to consider a carer's outside interests -work, study or leisure - when carrying out an assessment.

Carers and Employment

If you are having difficulties at work due to your caring role, you should consider having a Carer's Assessment, if you are eligible, as this may provide services that may support you in employment.

The Right to Request Flexible Working

The Employment Relations Act 1999, amended 2000, gives all employees the right to emergency (unpaid) leave to deal with any genuine emergency involving someone who depends on them. The 2002 amendments gave working parents of disabled children under 18 the right to take parental leave (unpaid), up to a maximum of 18 weeks, which can be taken in one day or multiples of one day, up to a maximum of 4 weeks a year for each child. The Work & Families Act 2006, which came into effect in April 2007, gave carers of adult relatives, or an adult who lives at the same address as them, this right to flexible working.

An employer has a right to say no to a request for flexible working, but they must demonstrate clearly why they are refusing it.

A Right to Take Time off For Emergencies

You have the right to take a 'reasonable' amount of time off work if you have worked for your employer for at least a year and there is an emergency relating to the person you care for. It is at the employer's discretion whether the leave is paid or unpaid.

Situations where leave might be taken include:

- A disruption or breakdown in care arrangements
- If a dependant falls ill or has been assaulted or been in an accident, including when the victim is hurt or upset rather than physically injured
- To deal with an incident involving a child during school hours
- To make longer term arrangements for a dependant who is ill or injured
- To deal with the death of a dependant

Flexible Working

Caring for a disabled relative is often unpredictable and care arrangements can be complex, so you will need to talk to your employer about your concerns and commitments. If you want to work, it is in your employers best interest to consider making reasonable changes to your work pattern to help you work and continue caring. Many employers offer help to carers in a variety of ways. Think about how your employer could best help you and talk to them about your needs. You and your employer may want to consider the following:

- Compressed working hours - where you work your normal number of hours in a shorter time, say over 4 days instead of 5.
- Working from home, or having flexible starting and finishing times
- Job-sharing or part time working
- Flexible holidays to fit in with alternative care arrangements

Special Leave Arrangements

Most carers know that they can get emergency leave, but there are other leave arrangements that employers may consider:

- Carers leave (unpaid)
- Compassionate leave
- Borrowing / buying leave

Other Help From Your Employer

Other help could include:

- Access to a telephone so that you can call the person you are caring for
- A reserved car parking place, to make getting into and out of work easier and quicker
- Reasonable notice if overtime or working from home is necessary

Other Sources of Information

CARERS UK Campaigning organisation for carers, with information on rights, employment etc. Telephone 0207 490 8818 or website 'www.carersuk.org'

COMMUNITY LEGAL SERVICES Will give free information, help and advice on a range of common legal issues, and have a directory of local solicitors with the Quality Mark. Telephone 0845 345 4 345

DISABILITY LAW SERVICE Offers specialist legal advice for disabled people re employment, disability discrimination etc. Telephone 0207 791 9800