



Working Carers Know Your Rights

An advice leaflet for Usdaw members

Working Carers Know Your Rights

Usdaw understands that many of our members are juggling paid work with caring for a disabled partner, relative or other adult that needs their support.

If you regularly care for someone this leaflet is essential reading. It outlines:

- The benefits that are available to carers in work and the people they care for.
- Support for carers.
- Carers' rights at work.

Over the last decade, the scale and scope of social security support, particularly for people of working age, has been and continues to be undermined in the UK. This has caused considerable worry and uncertainty amongst many of our members, including disabled workers and their carers. If you are caring for someone and are unsure about what you should be claiming, the best advice is to get advice. Organisations that can help are listed on the back of this leaflet.

Benefits

Carer's Allowance

Carer's Allowance is paid at a weekly rate of £76.75 (from April 2023).

- It isn't affected by any savings you may have.
- It can be paid to carers in part-time paid work.

- The person you care for doesn't have to be a relative but could be a friend or neighbour.

To qualify you must be:

- Caring for someone for at least 35 hours a week; and
- Earning less than £139 per week; and
- The person you are caring for must be getting a 'qualifying benefit'. This means they must be in receipt of:
 - i. The middle or higher rate care component of Disability Living Allowance; or
 - ii. The daily living component of Personal Independence Payment; or
 - iii. Attendance Allowance.
 - iv. Constant Attendance Allowance at or above the normal maximum rate with an Industrial Injuries Disablement Benefit.
 - v. Constant Attendance Allowance at the basic (full day) rate with a War Disablement Pension.
 - vi. Armed Forces Independence Payment.
 - vii. Child Disability Payment – the middle or highest care rate.
 - viii. Adult Disability Payment – daily living component at the standard or enhanced rate.

You get a Class 1 National Insurance Credit for every week in which you receive Carer's Allowance – this will help you qualify for a State Pension.

Personal Independence Payment (PIP), Disability Living Allowance (DLA) and Attendance Allowance (AA)

PIP, DLA and AA are benefits that are designed to help pay for the extra costs of living with a long-term illness or disability. They are non-means tested and, therefore, not dependent on how much money you have, but there are strict criteria you need to satisfy in order to qualify.

Personal Independence Payment has replaced Disability Living Allowance for working age claimants (those aged between 16 and 65 years old). There are no current plans to replace DLA for children aged under 16. People over the age of 65 who are already receiving DLA will not be reassessed. Attendance Allowance, paid to those who first claim after the age of 65, is not affected by the introduction of Personal Independence Payment.

Personal Independence Payment has two components:

- A daily living component for people whose ability to carry out daily living activities such as washing or dressing is limited by their disability. The PIP daily living component has only two rates rather than the three rates of the DLA care component.
- A mobility component for people with limited mobility.

Disability Living Allowance has two components paid at the following rates (from April 2023):

	Care Component	Mobility Component
Lower rate	£26.90	£26.90
Middle rate	£68.10	N/A
Higher rate	£101.75	£71.00

Attendance Allowance rates are:

Lower rate	£68.10
Higher rate	£101.75

To claim Attendance Allowance or Disability Living Allowance for a child under the age of 16 visit: www.gov.uk or contact the Department for Work and Pensions on the numbers below for a claim form:

- Attendance Allowance Helpline: **0800 731 0122**
- Disability Living Allowance Helpline: **0800 121 4600**

Claims for Personal Independence Payment must normally be made by telephone on **0800 917 2222** or **0800 012 1573** if you live in Northern Ireland. If you cannot use the phone and you have no one to help you, write to:

Personal Independence Payment Claims,
 Post Handling Site B
 Wolverhampton, WV99 1AH

This will delay the date of your claim.

Universal Credit (UC)

Universal Credit is a benefit for people of working age that will eventually replace all current means-tested benefits and tax credits.

The following benefits are gradually being replaced by Universal Credit:

- Income Support.
- Income-based Jobseeker's Allowance.
- Income-related Employment and Support Allowance.
- Housing Benefit.
- Child Tax Credit and Working Tax Credit.

Universal Credit is now fully rolled out across the UK. People currently receiving the above benefits will transfer automatically onto Universal Credit when it is introduced for working people in their area. The transfer process has been subject to delay and it is now expected all households claiming 'legacy benefits' will move onto Universal Credit by the end of 2024.

What Will Change with Universal Credit?

1. A single direct payment: Universal Credit is paid as a single monthly payment, directly into the nominated bank account of each eligible household. If Housing Benefit used to be paid to your landlord, it will now be paid to you, for you to pay your rent.
2. No minimum hours of work: there are no minimum hours of work to claim Universal Credit, as there are with Tax Credits.

3. Payments based on monthly income: employers report all earnings directly to His Majesty's Revenue and Customs (HMRC). Your Universal Credit is calculated on your household's wages in the previous month.

If your income varies so too will your payment of Universal Credit. Your Universal Credit payment increases if your earnings drop and reduces if your wages increase.

Will I be Better Off with Universal Credit?

Whether people will be better or worse off under Universal Credit will depend upon their income, housing costs and the make-up of their household. But the Government has saved nearly £4 billion a year from the transfer to Universal Credit, and this saving has mostly come from working families.

Who Can Claim Universal Credit?

Universal Credit is a benefit for both single people and couples on a low income to provide financial support for living costs. It can be paid to people in or out of work. Carers can claim if they:

- Are aged 18 or over (although there are exceptions for some 16 or 17 year olds).
- Are under the qualifying age for Pension Credit. If you are in a couple and only one of you is over Pension Credit age, then you will have to claim Universal Credit.
- Are in Great Britain.

- Accept a 'claimant commitment'. This is a contract between you and the Department for Work and Pensions and may include requirements about what you will do to look for work or increase the number of hours you work. Those who care for a severely disabled person for over 35 hours a week should not be subject to any 'work-related requirements'.

How Much Will I Get?

When calculating how much Universal Credit people will get, the Government includes a basic rate called the 'standard allowance' and extra amounts for people in different circumstances, for example if you are a carer, have children or need help with housing costs.

For claimants in work, Universal Credit operates in a similar way to Tax Credits.

In other words, earnings below a certain threshold are disregarded (known as the work allowance). Net earnings above the work allowance will be deducted from Universal Credit at the rate of 55p for every pound of extra earnings. In other words, claimants keep 45p for every pound earned above the work allowance. The amount of earnings that are disregarded (if any) will vary depending on family circumstances.

However, unlike Tax Credits there are no rules about the number of hours you have to work to qualify. This means that carers who care for a severely disabled person for over 35 hours and who work for less than 16 hours a week can apply for Universal Credit once it is introduced in their area. Whether or not they will qualify will depend on their income, savings and other family circumstances.

Find Out Your Universal Credit Entitlement

A good place to start would be to request a benefits check with the guidance of Carer's UK Helpline team by emailing: advice@carersuk.org

You could also try using the very useful Turn2Us online benefits check tool by visiting: <https://benefits-calculator-2.turn2us.org.uk>

To make a claim for Universal Credit visit: www.universal-credit-service.gov.uk/start Claims must be made online. Call the free Universal Credit helpline if you need help with this on **0800 328 5644**.



The Benefit Cap

In some cases, there is a limit on the total amount of specified benefits a person can receive. This is called a 'benefit cap'. The cap only applies to people aged 16-64.

Carers in receipt of Carer's Allowance are exempt from the benefit cap.

Note – where Housing Benefit is referred to in the remainder of this booklet, this also covers the housing element of Universal Credit.

Housing Benefit and the 'Bedroom Tax'

If you receive Housing Benefit and rent your home from a 'social landlord' (the council or a housing association), the amount of Housing Benefit you receive will be reduced if it is decided you have more bedrooms than you need.

You are allowed one bedroom for each of the following:

- You, the tenant, (and your partner if you have one).
- A person who is not a child (aged 16 years old or over).
- Two children of the same sex under the age of 16 years old.
- Two children of the opposite sex under the age of 10 years old.
- A non-resident adult carer providing overnight care.
- A child in the armed forces who plans to return home.
- A child who cannot share a bedroom.

Exemptions

- People in privately rented or social housing who do not receive help with their rent via Housing Benefit will not be affected.
- The bedroom tax only affects people of working age. Anyone who is over the qualifying age for state pension credit or who has a partner over the age (ie men born before 6 April 1951, women born before 6 April 1953) will be exempt from the bedroom tax.
- If you have recently been bereaved you will be exempt for 12 months after the bereavement. However, under Universal Credit this will be for three months.
- You are allowed an additional room for a child aged under 16 who cannot share a bedroom where the child is entitled to either the middle or highest rate of Disability Living Allowance; and the local authority is satisfied that because of their disability, the child cannot reasonably share a bedroom with another child under 16.
- You are allowed an additional room for a person or child who requires 'overnight care' if:
 - they are getting Attendance Allowance, the middle or highest rate of Disability Living Allowance care component, the daily living component of Personal Independence Payment or armed forces independence payment; or
 - If the person is a child, you have provided the local authority with sufficient documents, certificates, information or evidence to satisfy it that overnight care is required.

- In addition arrangements must have been made for one or more people who do not live with you to provide overnight care and to stay overnight regularly in your home for this purpose.
- Couples who cannot share a bedroom are allowed an additional room where they can show that:
 - The person who cannot share is getting Attendance Allowance, the middle or highest rate of Disability Living Allowance care component, the daily living component of Personal Independence Payment or armed forces independence payment; and
 - The local authority is satisfied that because of their disability, the person cannot reasonably share a bedroom with their partner.
- People who are approved foster carers (and formal kinship carers in Scotland) are allowed an additional room, whether or not a child has been placed with them or they are between placements, so long as they have fostered a child, or have become an approved foster carer in the last 12 months. This also covers a claimant who is in the process of adopting a child and has had the child placed with them by the local authority before the adoption order is made.

Rates of Reduction

- 14% of the total eligible rent if you are considered to have one bedroom too many.

- 25% of the total eligible rent if you are considered to have two or more bedrooms too many.

If your Housing Benefit is restricted you will be expected to meet the shortfall yourself.

Usdaw is very concerned about the impact the bedroom tax has on its members.

Discretionary Housing Payments

If you are affected by a reduction in your Housing Benefit because you are considered to have too many bedrooms you should apply for a 'Discretionary Housing Payment' from your local authority. Guidance to local authorities suggests:

"For those claimants who cannot cover a reduction in Housing Benefit from their own resources and who have a compelling case for remaining in their current accommodation, there is the Discretionary Housing Payments Fund".

Ask your local authority what services they provide as it differs from one area to the next.

You must be entitled to help with your rent in Universal Credit or Housing Benefit to get discretionary housing payments.

Payments are discretionary. They are paid from a cash-limited budget allocated to your local authority.

If you are struggling to keep up with your rent speak to your local authority or contact one of the organisations listed on the back of this leaflet.

Support For Carers

There are a number of sources of support for carers and it's not possible to list everything here as much of it varies depending on where you live.

You can find out what services are available in your area by contacting Social Services. Alternatively, carers organisations such as Carers UK can direct you to local sources of information. You'll find their contact details at the back of this leaflet.

As a carer, Social Services should offer you an assessment if you appear to need support. If you have not been offered one and would like an assessment, then contact the adult Social Services department at the local council of the person you are caring for.

Following the assessment, Social Services will decide whether you are eligible for support. Whether Social Services will pay for any support provided will depend upon your financial situation or on the financial situation of the person you care for.

Some examples of the kind of help that could be available to the person you are caring for, in order to help you as a carer, are as follows:

- Changes to their home to make it more suitable.
- Equipment such as a hoist or grab rail.
- A care worker to help provide personal care at home.

- A temporary stay in residential care/ respite care.
- Meals delivered to their home.
- A place at a day centre.
- Assistance with travel, for example to get to a day centre.
- Laundry services.
- Replacement care so you can have a break.

Carers' Services

Most local authorities now have support services for carers. These can be anything that might help you to support the person that you care for or to help maintain your health and wellbeing.

Some examples of the kind of help that could be available directly to you as a carer are as follows:

- Help with transport costs, such as taxi fares or driving lessons.
- Costs for a car where transport was crucial, such as repairs and insurance.
- Technology to support you, such as a mobile phone, or a computer where it is not possible to access computer services elsewhere.
- Help with housework or gardening.
- Help to relieve stress, improve health and promote wellbeing such as a gym membership.
- Emotional and practical support around the challenges of being a Carer, which can also include Carers-specific peer support groups.

Direct Payments

This is money given to you or the person you care for by your Social Services department. You use the money to buy the services you need instead of Social Services providing them directly. Some people use this money to buy care from an agency whilst others will directly employ their own staff or pay members of their own family.

Vouchers

Some local authorities give vouchers to the person you are caring for to allow them to buy in support whilst you have a break.

Needs Assessments

These are for adults (18 years of age or over) who may need help because of a disability, ill-health or old age. A needs assessment looks at the range of help a person needs (this can include community care, respite and residential care services). While the focus of a needs assessment is the person you are looking after, in most cases the role and views of the carer should also be taken into account during the assessment. You can request a needs assessment by contacting the local council adult Social Services department of the person who may need care.

Your Rights at Work

Juggling work with caring can sometimes feel like an impossible task. Getting support at work can make all the difference and Usdaw is committed to making sure you get that support. We want to make sure carers know about their rights and feel confident to use them.

Carer's Leave

Udaw, alongside the TUC and Carers UK, has been campaigning for a legal right to paid carers leave for working carers.

In February 2023 the Government passed the Carer's Leave Bill, which is currently making its way through parliamentary processes. The Bill will entitle unpaid carers to one week of unpaid Carer's Leave a year, and apply to eligible employees from day one of employment. It follows a 2019 manifesto commitment and lengthy consultation process to which Usdaw responded. While we welcome this as a step in the right direction, we do not believe the Government is going far enough. As the right is unpaid, it may be difficult for low paid carers to use therefore Usdaw continues to call for a paid period of leave alongside further improvement to rights for working carers. There is not yet a date when the Bill will come into effect and the Union will keep reps and members updated.

The Right to Time Off Work When There's a Problem at Home

Most employees have the right to take a reasonable amount of unpaid time off work to deal with an emergency involving a relative or someone who reasonably relies on you for help, for example:

- There has been a breakdown in your normal care arrangements, for instance if your home carer does not turn up or is ill.
- The person you care for has fallen ill or had an accident and is injured or upset. The illness does not need to be life threatening and may be the result of a deterioration in an existing condition.

- To deal with an incident involving a child during school hours.
- To make longer term arrangements for a dependent who is ill or injured – this might mean finding a temporary carer.
- To deal with the death of the person you care for.

In most cases Government guidance says that one or two days should be enough to sort out the problem but clearly there will be circumstances where you will need more time.

For more information about the right to time off for dependants see Usdaw leaflet *Time Off for Family Emergencies* (Leaflet 349).

Changing Your Hours of Work

Udaw strongly encourages you to let your employer know about your caring commitments as soon as you start to care for someone and not wait until a problem arises or it becomes an issue at work. If you are a carer ask your employer to put a note on your personnel file so that this information is recorded.

If you are trying to change your current working hours, or your employer is looking to change your working hours, your manager might ask for proof that you are a carer.

There isn't a national register of carers, just as there isn't a national register of disabled people in the UK, and therefore there isn't a straightforward way of proving that you care for someone. Some local authorities do operate a register so you might want to contact your local town hall and ask for your name to be added to the carers register (if they have one).

Alternatively, it is probably a good idea to let your GP know as some GP surgeries hold their own register of carers. Your GP can also help you access a carer's assessment.

If you have received a carer's assessment from Social Services and have any paperwork relating to this, you might use that correspondence as a way of 'proving' that you are a carer. If you receive Carer's Allowance then you can show your manager the letter from the Department for Work and Pensions awarding you this benefit.

If you are struggling to get your caring commitments recognised by your employer and this is causing you problems at work contact your Usdaw rep in store or your Area Organiser. If you don't know who they are or how to contact them, call your local Usdaw office.

For more information see Usdaw leaflet *Flexible Working – Your right to have a say in the hours you work* (Leaflet 346) or the *Right to Request Flexible Working Briefing for Reps*, both available from: www.usdaw.org.uk

The Equality Act 2010

The Equality Act in England, Scotland and Wales means carers are now protected from being treated unfairly or harassed at work because of their caring commitments. So, for example, if a manager refuses to consider a person for promotion simply because they are a carer, or makes offensive remarks about a person because of caring commitments, then the Equality Act can help.

Get Advice

For information about carers' rights contact your local Usdaw office by calling **0800 030 80 30**.

Email: equalitymatters@usdaw.org.uk and let us know what you think the pressures are for working carers and what extra support they need. Our evidence will go direct to the Government – the more personal stories people can tell us, the more the Government will listen.

Useful organisations for carers:

Carer's Allowance Helpline

General enquiries.

Tel: **0800 731 0297**

Textphone: **0800 731 0317**

Monday to Friday 8am to 6pm

Carers UK

The leading national charity for carers.

Helpline: **0808 808 7777**

Monday to Friday 9am to 6pm

web: www.carersuk.org

Employers for Carers

Provides advice and guidance to employers who want to support carers in the workplace.

Tel: **020 7378 4956**

web: www.employersforcarers.org

Carers Trust

Carers can email for advice and support.

Tel: **0300 772 9600**

Monday to Friday 9am to 5pm

web: www.carers.org

email: support@carers.org

Disability Living Allowance (DLA)

DLA can only be claimed for children under 16 years old. Anyone aged 16-65 years old must apply for Personal Independence Payment (PIP).

Tel: **0800 121 4600**

Textphone: **0800 121 4523**

Monday to Friday 9am to 5pm

Attendance Allowance (AA)

For those aged 65+ years old.

Tel: **0800 731 0122**

Textphone: **0800 731 0317**

Monday to Friday 8am to 6pm

Personal Independence Payment (PIP)

For those aged 16 to 65 years old.

Tel: **0800 121 4433**

Textphone: **0800 121 4493**

Monday to Friday 9am to 5pm

Udaw Equalities Section

Udaw Head Office
Voyager Building, 2 Furness Quay
Salford Quays, Manchester M50 3XZ

Tel: **0161 224 2804**

email: equalitymatters@usdaw.org.uk

More Information

Usdaw Nationwide

Wherever you work, an Usdaw rep or official (Area Organiser) is not far away. For further information or assistance, contact your Usdaw rep or local Usdaw office. Alternatively you can phone our Freephone Helpline **0800 030 80 30** to connect you to your regional office or visit our website: **www.usdaw.org.uk**

You can also write to the Union's Head Office. Just write **FREEPOST USDAW** on the envelope and put it in the post.

Join Usdaw

You can join online at:
www.usdaw.org.uk/join



Scan the QR code
to join today.

What Happens Next

Once we process your application, you will receive a membership card with our Helpline telephone number and a New Member's Pack giving details of all the benefits and professional services available to you.



www.usdaw.org.uk

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