SUPPORT FOR CARERS

Carers' rights under the Care Act 2014: a plain-English guide

What the Care Act 2014 means for unpaid carers in England: the right to an assessment, eligibility, charging, carer's leave and how to complain.

By the JNP Sidona team · 21 November 2026 · 11 min read

There is no separate "Carers Act 2014". People who search for it usually mean the Care Act 2014, which gives unpaid carers in England legal rights on the same footing as the people they look after. In short: if it looks as though you may need support as a carer, the council must assess you, however much or little care you give. If you meet the national eligibility criteria, the council must meet those needs, and it must never charge you for care given to the person you look after.

KEY POINTS

- Section 10 of the Care Act 2014 gives adult carers in England the right to an assessment, and section 20 the right to have eligible needs met.
- The trigger is that you *may* have needs for support. There is no minimum number of hours, and income does not matter.
- You are eligible if caring puts your health at risk or stops you achieving just one of eight everyday outcomes, with a significant impact on your wellbeing.
- Eligible needs go into a support plan with a personal budget, which you can take as a direct payment.
- The council may charge you for support given directly to you, but never for care given to the person you look after.
- Working carers also have a day-one right to a week of unpaid carer's leave a year and to ask for flexible working.

This guide is general information about the law in England, checked against the sources listed at the end. It is not legal advice. If you are in a dispute with the council, talk to a carers' organisation or an adviser who can look at your case.

Is there a Carers Act 2014?

Not as a separate law. The Care Act 2014 reformed adult social care in England, and Part 1 of it puts carers and the people they support in the same legal framework, with matching rights to an assessment and to have eligible needs met.

The Act calls you a carer if you are an adult who provides, or intends to provide, care for another adult (section 10(3) (https://www.legislation.gov.uk/ukpga/2014/23/section/10)). Paid care workers and volunteers are not normally carers under the Act. Care includes practical and emotional support.

This guide covers adults caring for adults in England. Wales, Scotland and Northern Ireland have their own laws.

Your right to a carer's assessment

Section 10(1) says that where it appears to a council that a carer may have needs for support, now or in the future, it must assess whether the carer does have needs and what they are. The statutory guidance calls this an "appearance of need", and puts it plainly: where it appears that a carer "may have any level of needs for support", the council must carry out a carer's assessment (paragraph 6.16).

Three things follow from that wording:

- **No minimum hours.** Nothing in the Act sets a threshold of care you must give. Carers UK says it "doesn't matter how much or what sort of care you provide."
- **Your finances don't matter.** Section 10(4) says the duty applies whatever the council thinks of the level of your needs, and whatever your financial resources or those of the person you care for.
- **You don't need to live together** or claim any benefit. Carer's Allowance is a separate DWP benefit with its own rules.

The assessment must look at whether you are able, and willing, to carry on caring, how caring affects your wellbeing, and what you want to achieve in your own life, including work, study and

leisure (section 10(5) and (6)). The guidance adds that it must consider whether the caring role is sustainable (paragraph 6.18).

You ask the council for the area where the person you care for lives, which may not be your own. Our guide to the carer's assessment (/blog/carers-assessment-guide) covers how to ask in London, which borough to contact, how to prepare and what to say.

The national eligibility criteria for carers

Whether the council must meet the needs your assessment finds depends on the national eligibility criteria in regulation 3 of the Care and Support (Eligibility Criteria) Regulations 2015 (https://www.legislation.gov.uk/uksi/2015/313/regulation/3) (sometimes wrongly called the 2014 regulations). In short, your needs are eligible if they come from providing necessary care, they put your health at risk or stop you achieving at least one of eight everyday outcomes, and the result is a significant impact on your wellbeing.

A carer needs only one outcome to qualify, where the person you care for needs two or more, so you can be eligible when they are not. Our guide to the carer's assessment (/blog/carers-assessment-guide) lists the eight outcomes, explains what "unable to achieve" means in practice, and shows how to describe your situation so the assessment reflects it.

What the council must do if your needs are eligible

Section 20 (https://www.legislation.gov.uk/ukpga/2014/23/section/20) places a duty on the council to meet a carer's eligible needs, as long as the person you care for is ordinarily resident in its area (or present there with no settled home) and the charging conditions are met. Even where it has no duty, the council has a power to meet your needs.

A support plan and personal budget

The council must write a support plan with you. Section 25 (https://www.legislation.gov.uk/ukpga/2014/23/section/25) says it must set out your needs, which are eligible, which the council will meet and how, and include your personal budget: the amount it costs the council to meet your eligible needs. Section 27 requires the council to keep the plan under review and to review it if you make a reasonable request.

Direct payments

The statutory guidance says its chapter on direct payments applies to carers and people with care needs equally (paragraph 12.6). A direct payment means the council pays your personal budget to you, so you choose and arrange the help yourself. Direct payments can also pay for

short stays in a care home of up to four consecutive weeks in any 12 months, and the guidance gives a carer's respite break as an example (paragraph 12.41).

Replacement care and breaks

Often the most useful support for a carer is time off. Section 20(7) lets the council meet your needs by providing care to the person you look after, even if it would not otherwise have to meet their needs. This is how a break usually works: a care worker visits, or a live-in carer covers a fortnight, so you can rest, work or go away.

The person you care for has to agree to care arranged for them in this way. If that is not feasible, perhaps because they refuse anyone new in the house, section 20(8) says the council must, as far as it can, find some other way to meet your needs.

If you are not eligible

The council must give you a written record of its decision and the reasons (section 13(2) (https://www.legislation.gov.uk/ukpga/2014/23/section/13)). If none of your needs are eligible, it must give you written advice and information about what could meet or reduce them and stop them getting worse (section 13(5)).

Can the council charge carers for support?

It can, within limits. The rules are in chapter 8 of the care and support statutory guidance (https://www.gov.uk/government/publications/care-act-statutory-guidance/care-and-support-statutory-guidance):

- **Support given directly to you**, such as a relaxation class, can be charged for (paragraph 8.49).
- **Care given to the person you look after** must not be charged to you "under any circumstances" (paragraph 8.49). If a break is arranged as care for them, any charge falls on them under the council's normal rules for care at home, after a financial assessment.
- **Councils do not have to charge carers at all.** The guidance says that in many cases it "would be a false economy to do so" (paragraph 8.50).
- **If a council does charge you**, it must follow the charging rules for care at home and should usually check you can afford it (paragraph 8.53).

Ask your council for its carers' charging policy before support starts. If the person you care for is asked to contribute, our guide to the financial assessment for care (/blog/financial-assessment-for-care) explains how their contribution is worked out.

The wellbeing duty

Section 1 (https://www.legislation.gov.uk/ukpga/2014/23/section/1) of the Act says that when a council carries out any of its care and support functions in the case of an individual, it must promote that individual's wellbeing. The statutory guidance confirms this "applies equally to adults with care and support needs and their carers" (paragraph 1.3).

Wellbeing is defined broadly, from physical and mental health and control over day-to-day life to work, relationships and suitable accommodation, with no hierarchy between the areas.

Section 1(3)(f) also tells councils to bear in mind the importance of balancing the wellbeing of the person needing care with that of the friends or relatives caring for them. That gives you a fair question to ask: how did the decision take my wellbeing into account?

Information and advice

Section 4 (https://www.legislation.gov.uk/ukpga/2014/23/section/4) requires every council to run a service providing information and advice on care and support for adults and support for carers. It must cover how the system works locally, what is available and how to get it, and where to find independent financial advice.

This duty covers everyone, not only people who have had an assessment or qualify for help. The guidance says the information and advice service is separate from the duty to meet eligible needs (paragraph 3.4).

Young carers and parent carers

Young carers under 18 are covered mainly by children's law. Under section 17ZA of the Children Act 1989 (https://www.legislation.gov.uk/ukpga/1989/41/section/17ZA), the council must assess a young carer when it appears they may need support, or when the young carer or a parent asks. As a young carer approaches 18, section 63 of the Care Act (https://www.legislation.gov.uk/ukpga/2014/23/section/63) requires the council to consider an assessment of what support they are likely to need as an adult. The NHS page Help for young carers (https://www.nhs.uk/social-care-and-support/support-and-benefits-for-carers/help-for-young-carers/) lists places to turn.

If you are a parent caring for a disabled child, you can ask for a parent carer's needs assessment under section 17ZD of the Children Act 1989 (https://www.legislation.gov.uk/ukpga/1989/41/section/17ZD). Ask your council's children's services team. The charity Contact (helpline 0808 808 3555) has a page on carer's assessments for parents (https://contact.org.uk/advice-and-support/social-care/how-to-access-services/carers-assessments/)

Your rights at work as a carer

Unpaid carer's leave

The Carer's Leave Act 2023 created a right to carer's leave, which took effect on 6 April 2024 for employees in England, Wales and Scotland. GOV.UK (https://www.gov.uk/carers-leave) sets out the current rules:

- It is unpaid, and you have the right from your first day with an employer.
- You can take up to one week in any 12 months, where a week is the time you usually work over 7 days. You can take it as a whole week, or as single days or half days. Caring for more than one person does not increase it.
- It is for giving or arranging care for a dependant with a long-term care need, such as an illness likely to need care for more than three months, a disability or old age. They do not have to be a relative.
- You must give at least 3 days' notice for a half day or a day, and for longer, notice of at least twice the length of the leave. You do not need to provide evidence.
- Your employer cannot refuse, but can postpone it if your absence would cause serious disruption. Your employment rights are protected while you are on leave.

Some employers offer paid carer's leave, so check your contract.

Flexible working

All employees can ask for flexible working from their first day in a job (GOV.UK (https://www.gov.uk/flexible-working)). Under the Acas code of practice (https://www.acas.org.uk/acas-code-of-practice-on-flexible-working-requests/html), you can make two statutory requests in any 12 months. Your employer must decide within two months, including any appeal, unless you agree to extend this, and must consult you before turning a request down. It can refuse only for a business reason.

Emergencies

If the person you look after falls ill or their usual care breaks down, you have a separate right to time off for dependants (https://www.gov.uk/time-off-for-dependants): a reasonable amount of time to deal with the emergency. Tell your employer as soon as you can. It does not have to be paid.

How to complain or challenge a decision

There is no formal appeal, but you can challenge a decision.

1. **Ask for the paperwork.** Check the written decision against the three tests and the eight outcomes.
2. **Ask for a review** under section 27 if things have changed or the plan is not working.
3. **Make a formal complaint** to the council if you think the decision is wrong, the wait is unreasonable, or the council has not followed the law.
4. **Go to the Ombudsman.** If you are still unhappy after the council's final response, the Local Government and Social Care Ombudsman (https://www.lgo.org.uk/how-to-complain) can investigate, free of charge. It looks at complaints about council-arranged adult social care and care you arrange and pay for privately.

The Ombudsman normally expects you to complete the council's complaints process first. You can go to it sooner if the council has not replied within a reasonable time, which it says is up to 16 weeks in most cases. Complain within 12 months of first knowing about the problem. A carers' organisation can help you write it.

Questions carers ask

Do I have to care for 35 hours a week to get an assessment?

The person I care for doesn't qualify for help. Can I?

Can the council make me keep caring?

How we can help

We cannot carry out a carer's assessment or influence what the council decides. What we can do is provide the break. JNP Sidona is a CQC-registered home care agency based in Lewisham, and we offer respite care (/respite-care-london) and regular home care (/home-care-agency-london), paid for privately or through a direct payment. Jackie, our registered manager, offers a free home assessment and gives a written quote afterwards. Our support for carers in London (/carers-support-london) page brings together rights, money and local help, or you can book a free assessment (/contact-us#enquiry).

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About this guide

Written by the JNP Sidona team using the official sources listed above, which we checked on 21 November 2026. Rules, rates and thresholds change, usually each April, so always confirm the current position with the source or your council. This guide is general information, not medical, legal or financial advice. If you spot something out of date, email info@jnpsidonasupportservices.co.uk (mailto:info@jnpsidonasupportservices.co.uk) and we will correct it.