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MONEY BOX LIVE

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LEWIS: Hello. Six million people care for another adult or a disabled child without being paid. More than a million of them care for more than 50 hours a week. The care they provide is said to be worth £87bn a year, more than we spend on education. A survey by Carers UK shows that carers are suffering from the current financial crisis too - two-thirds in fuel poverty, half in debt, and more than half cutting back on essentials to make ends meet. Friday was Carers Rights Day, and carers and caring are the topic for today's Money Box Live. Some carers, only a minority, can claim carer's allowance from the Department for Work and Pensions, but it's a tiny amount of money - £50.55 a week - and you lose it if you get certain other benefits or you earn more than £95 a week. Nevertheless, many carers do try to combine working and caring and their legal rights have been given a boost recently by the European Court which held that discrimination against carers at work was unlawful. That should mean better work conditions for carers. Carers also have rights to an assessment of their needs by the local council, but all too often those needs are then not met. What are your rights to respite from caring, help around the home, or equipment you may need? Well those are just some of the financial aspects of being a carer. But you set the agenda by calling Money Box Live now - 03700 100 444 - or e-mail us through our website, bbc.co.uk/moneybox. With me today to answer your questions about carers and caring are Jean French - she's Advice and Information Manager at Carers UK, the main carers' charity. Lucy McLynn is an employment partner with lawyers Bates Wells and Braithwaite. And Sarah Rush is Head of Advice at Contact a Family, the charity for families with disabled children. And our first question is from Chris in

Bristol. Chris, your question?

CHRIS: Hello there.

LEWIS: Hello. Your question?

CHRIS: I've got two questions.

LEWIS: Okay.

CHRIS: My first question is I'm not actually sure whether I *am* a carer. My son is in a home and, to cut a long story short, he was in and out of hospital for the last few years and we had him at home while he was ill. And I have been given a carer's assessment form, but the very first question is "How long have you been a carer?" and I feel like putting "All his life". I don't quite know what I'm supposed to put.

LEWIS: Okay. And what's your second point?

CHRIS: And my second point is that I'm quite confused about what we're all entitled to. The cared for person in my case gets incapacity benefit and although we were offered... you know they suggested taking out power of attorney, we let him have it because he's capable of enjoying some money. But he had this always while he was in hospital, so he didn't have... Well to me, it was a lot of money - over £200 a fortnight just for himself really because he was being cared for - and now he's in a home, he has that money again. And other people there have more, I think, because they've got some mobility problems and things. And I'm sort of wondering what happens with people who've got children sadly who are very say severely autistic, for example, who are in a home and can't really spend money and do you get that on top of your care? If that comes to you as next of kin, do you get carer's allowance on top of that?

LEWIS: Sure, okay. Let's put some of those to Sarah Rush from Contact a Family. Sarah?

RUSH: Okay. Hello Chris.

CHRIS: Hello.

RUSH: First of all, how old is your son?

CHRIS: 25.

RUSH: 25. And is he permanently in residential accommodation?

CHRIS: I hope not. It's a rehabilitation home.

RUSH: Right because in some ways... I mean you are a carer if you care for your son, but in many ways whether you're classed as a carer in terms of what benefits you can receive will depend on whether your son is... how long he's in residential care for and who's paying for that. It sounds like he's not getting disability living allowance, which I would say perhaps he should be if he does require care. Have you made a claim for that at all?

CHRIS: No, he just gets incapacity benefit.

RUSH: I mean it does sound to me like it might be worth making a claim for disability living allowance, and then in which case if he gets disability living allowance you can then claim carer's allowance as one benefit passport onto others.

CHRIS: But he gets such a lot already.

RUSH: Oh...

CHRIS: Do you know what I mean? Over £200 a fortnight and he gets all his... everything paid for in this home. I'd rather the money went to research.

RUSH: Again...

CHRIS: He's got too much almost, which probably sounds crazy to you.

RUSH: I was going to say, I don't hear that very often in my job.

CHRIS: I know, but they do. And the people in hospital said it was mad the way people got all this money when they didn't have to pay for a thing.

LEWIS: But, Chris, presumably you have expenses due to the fact that he's in the home, whether it's providing him with things or travelling to see him or whatever. Could he not give some of it to you?

CHRIS: Well he could, but I mean that could be abused, couldn't it?

LEWIS: Well it could. But I'm just thinking as you know obviously you and he get on well, if he sees you have expenses due to his disability. Anyway, does that answer both your questions?

CHRIS: I'd like to know how it works if he ever became *very* incapacitated. Would he...?

LEWIS: What happens to the money?

CHRIS: Yes because we've got friends who've practically bought second homes you know on what their children get because their children can't really use it because they're not well enough to go out and spend their money.

LEWIS: Yes, so really you're talking about a power of attorney, are you, or something like that? Is that what would happen?

CHRIS: I just think the money should be used properly for things like research and

not just given to people who perhaps go out and just spend it on junk food or...

LEWIS: Okay, well thanks...

CHRIS: ... because they're already having everything paid for - their board and lodging and everything.

LEWIS: Indeed. Well thanks very much for your call, Chris. Not many people ring Money Box Live to say they're getting too much money. But thank you, it's a very interesting point. Thanks for making it. Let's move onto June now who's calling us from Burford in Oxfordshire. June, your question?

JUNE: Hello. Yes, I have an elderly mother who lives in the north-west and it's a 400 mile round trip to visit her. Now I do this every couple of months. I don't count myself as a carer, but I envisage a time when I'm probably having to do that more often, maybe a couple of times a month. My husband's retired and I'm due to retire in the next couple of months and I'm wondering if there is any help towards paying for travel expenses.

LEWIS: Towards the cost of making those visits?

JUNE: Yes.

LEWIS: Jean, Jean French?

FRENCH: Hello June.

JUNE: Hello.

FRENCH: I'm very sorry, but there isn't anything specific really that you could be looking at that I can think of at the moment. Has your mother got any health problems?

JUNE: She's had two knee replacements. She has problems walking and she also had a fall and can only move her right arm up to the elbow.

FRENCH: What I'm wondering is whether it would be a good idea for your mother to make a claim for attendance allowance, and that's paid to people over the age of 60 who have care needs themselves. If she then became entitled to that, your mother can use that money to do whatever she wants, but she might be able to help you out with some of your travel expenses by using her attendance allowance to that end. Does that make sense, June?

JUNE: Yes, yes. Because at the moment when I do travel up, she is a very independent lady and she tries to offer me money towards petrol and I know if I'm going more frequently she will want to do this. So if she has some money that she can set aside for that, I think that would be useful for her to be able to offer it to me and also for me then to feel that I can accept some of it.

LEWIS: And Jean, just remind us exactly the conditions for getting attendance allowance.

FRENCH: Of course. Your mum would need to have the need for somebody to give her attention, which is quite hands-on care, or supervision, somebody to keep an eye on her. Now she's had a fall for instance recently, so that could be an important point in making that consideration. You'd need to have this attention most of the time. But the important thing is that you have to *need* it. It's not that it has to be being provided.

JUNE: Ah right, yes.

FRENCH: So you get a claim form. The claim form will ask lots of questions about what sort of help your mum would need and what the risks might be for falls, for instance, and you'd need to complete that with as much detail as possible. Do think it through. Don't just presume your mum can do things. Think about well how long does it take? Does it cause difficulties?

JUNE: Yes, getting in and out of bed is a problem for her.

FRENCH: Exactly. So I think those are the sorts of things you should be highlighting and making it clear why that's difficult and how long it takes.

JUNE: Yes.

LEWIS: And how much would it be if she was successful?

FRENCH: Off the top of my head, I can't remember.

LEWIS: Oh, sorry, we're all desperately looking for the book here.

RUSH: Two rates. The lower rate is £44.85. And the higher rate, which means your mother would need care during night-time as well, would be £67.

LEWIS: Right, so worth having. It could certainly contribute to your travel costs. Thanks very much for your call, June. It's very interesting. And now we're moving onto Richard who's calling us from Bristol. Richard, your question?

RICHARD: Hello, I'm a carer and receive carer's allowance. I'm a retired teacher and work for the National Union of Teachers at the moment. I keep my weekly earnings below the appropriate limit, but my local branch has offered me or sent me £400 as an honorarium as a thank you for Christmas. Should that £400 be counted as part of my income, thus barring me from carer's allowance, and should it be for Christmas week or December? I've declared it to Work and Pensions and they didn't know how to deal with it. I wonder what your thoughts might be.

LEWIS: *(laughter)* Right. Well we did scratch our heads over this one ourselves, to be honest, but I think we have found an answer. Jean?

FRENCH: Hello Richard. I'm afraid it's not wonderful news. We think it will

probably be taken into account as earnings and it will be taken into account either on a weekly or a monthly basis depending on what your normal payment method is. So are you paid monthly or weekly?

RICHARD: Yes, monthly.

FRENCH: Monthly. Then, I'm sorry, it does seem the worst of all possible worlds, but I think...

RICHARD: Oh right.

FRENCH: ... it will be taken into account as payment for that month, so it will take you over the limit for that period.

RICHARD: Okay.

LEWIS: And, Richard, you've had this money, haven't you? You can't have a quiet word with your employer and suggest maybe he spreads it over the next 10 months or something like that?

RICHARD: I keep my weekly earnings only just below the limit...

LEWIS: Oh right.

RICHARD: ... and so there'd be nothing to be gained from that.

LEWIS: No. So sadly it seems you get the bonus and then you'll lose almost slightly over half of it by losing your carer's allowance for four weeks.

RICHARD: Never mind.

LEWIS: That seems to be the rule, I'm sorry to say. I should say at this point, we get

quite a lot of e-mails from people who are really very annoyed and very angry at the way carers are treated and I suppose this is fairly common. Let me read one of them. Joe says, “The government has no idea of carer input or it wouldn’t insult them”. And she goes on to list the long list of reforms and says, “I need food and heat now”. And we’ve had another one from someone who I think wants to remain anonymous, and she says, ‘It’s time carers were treated with respect and dignity instead of being offered scant words by what she calls “useless politicians”.’ Sarah Rush, you must take a lot of calls. Are carers generally angry about the way they’re treated in the UK?

RUSH: Not so much angry. I mean certainly the carers we speak to, who are the parents of disabled children, it’s just how hard it is really. And we do a lot of research that shows typically it’s three times more expensive bringing up a disabled child, and I think not so much angry; it’s just a group that are really quite plunged into poverty and denied things that other families perhaps take for granted really.

LEWIS: Yes. And puzzled by all the complicated rules.

RUSH: Yeah.

LEWIS: I mean, Jean, do you find anger among carers?

FRENCH: I think we do some carers, yes. I think quite rightly some people are very confused. For instance, when you reach pension age you do lose your entitlement to carer’s allowance. You can get some additional money through the pension credit route, but it’s a very complicated system and people don’t understand it and feel well I’m still doing the same caring, so why should I lose the benefit.

LEWIS: Yes, I mean this is the famous overlapping benefit rule, isn’t it...

FRENCH: It is.

LEWIS: ... and I certainly have had a lot of contact from people about that saying

that they reached 60 - it is very often women in this position - and they lose their carer's allowance? In a sense, they don't lose it, they still have it; it's just worth nothing. I mean it's just difficult to explain, but it's still worth making sure you claim it, isn't it?

FRENCH: It is indeed, yes. There are two reasons for that. There are occasions, specifically for women who may have quite a low amount of pension - so if the pension is below £50, £55 a week, then it can be topped up to £55... sorry £50, £55 a week through carer's allowance. The second important point is that if they claim the carer's allowance and they've got any entitlement to pension credit, they get extra pension credit. So even if you're getting retirement pension, it can be worth making the claim for carer's allowance and then checking out with the pension credit people whether you've got any entitlement to pension credit.

LEWIS: Yes. And we know there are millions of people who *don't* claim the pension credit they could...

FRENCH: Indeed.

LEWIS: ... so that's very good advice. Some of the things we've said I'm sure are a bit complicated today. They always are. You can listen again to the programme on our website and in a couple of days read a transcript. Our website is bbc.co.uk/moneybox. We're going to go to Caroline now who's calling us from Crewe. Caroline?

CAROLINE: Hello there.

LEWIS: Your question?

CAROLINE: My son was injured in a road traffic accident about eight months ago, and all of a sudden I found myself going from a full-time working parent to all of a sudden being thrown into the role of a carer. We've applied for disability living allowance for him, but I'm not anticipating hearing a result on that until probably in

the new year. My employer suggested to me a compromise agreement whereby we've terminated my employment. I didn't see any way of continuing to work full-time *and* care for my son. So I'm in a sort of abyss now where I don't know where to start in terms of claiming benefits and whether I can continue to pay my mortgage and run my household.

LEWIS: Yes. Can I just ask about your employer? Did they imply you had to leave because you were a carer?

CAROLINE: They tried to be flexible, but I felt in my own heart that I wouldn't be able to give them the 100% commitment obviously that they would expect from me and I felt my son's needs came first.

LEWIS: Of course. Caroline, before we come onto the questions you've asked about benefits and what you can get, can we just look at the employment aspect? We have got Lucy McLynn here who's an employment lawyer and took a very important case recently about employment law. Is it lawful to say to somebody they've got to leave because they have caring responsibilities, Lucy?

McLYNN: No, no, certainly it wouldn't be because the question would be to what extent the caring responsibilities were conflicting with the employee's ability to do their job. And although sadly in Caroline's case, clearly she has found that there's that kind of conflict, it doesn't necessarily follow that that would be the case. And what my case was all about was...

LEWIS: This was the case known as Coleman, wasn't it...

McLYNN: Coleman.

LEWIS: ... which was a groundbreaking case? Tell us what happened.

McLYNN: It was about a lady who alleges that she was treated less favourably at

work after she became the parent of a disabled child than other people were being treated, other parents of non-disabled children. And she was trying to bring the case under the Disability Discrimination Act, which is the legislation in this country that gives protection to disabled people, saying that she shouldn't be discriminated against because of her *son's* disability rather than her own.

LEWIS: So even though she wasn't disabled, she claimed that because her son was disabled that was a discrimination on disability grounds against her?

McLYNN: Precisely.

LEWIS: And she won.

McLYNN: She did. Yes, she had to take her case all the way to Luxembourg and the ruling in Europe was that this was unlawful under European law. The case has just come back to the UK and we've had a ruling that it's unlawful under the UK law.

LEWIS: Right. So carers at work or people at work who are carers or become carers can now get better treatment, or should be able to get better treatment from their employers?

McLYNN: Better treatment than they were having before. Not better treatment than other people in the workplace. It's all about equal treatment.

LEWIS: Sure, yes. But an important case.

McLYNN: Absolutely.

LEWIS: Thank you for explaining that to us. Caroline, you wanted to know what you could apply for. You say your son has applied for disability living allowance. Is it a benefit for yourself that you're looking for now?

CAROLINE: Well, yes. I'm a single parent as well. My income has suddenly gone to nothing.

LEWIS: Of course. Okay, Sarah Rush from Contact a Family is here. Sarah, what can you say?

RUSH: Hi Caroline, there's quite a few changes you've had there. The first thing we think about is the DLA. As you might know, that comes in two parts - care and mobility - so for starters, if you get high rate mobility, that will entitle you to a blue badge, also free road tax on your car. But in terms of benefits for you, providing you've got savings under £16,000, you can claim income support. And I would say claim it straightaway and ask for it to be backdated because you did mention that you had a mortgage. Now income support will cover your mortgage interest, but there is a waiting period. Thankfully it's one of the new, recent measures the government's introduced to keep people in their houses that you don't have to wait so long for it as previously. It used to be a 39 week wait and that has reduced, and I would advise you to speak to your mortgage lender really and let them know what's going on because I think once they know that mortgage interest will be payable, they may you know not take any action. Although it's worth noting that's only mortgage interest for the original loan on your home, so if you have remortgaged or anything like that there may be issues and we'd sort of probably advise you to phone perhaps our Contact a Family helpline or something similar perhaps you know which the numbers will be given out. You may also be entitled to a disabled facilities grant, which is towards your home to be adapted, which can be up to £30,000, and that's available from your local authority if that's the case. Also if your son gets disability living allowance middle rate care or above, you'd be entitled to claim carer's allowance for yourself. So quite a few things there. Yeah, they would be the main ones.

LEWIS: Right, so there's quite a few things that you might be able to do. Have you done any of those, or is this all completely new to you?

CAROLINE: Well we've applied for the disability living allowance and obviously I felt that we needed to get that in place before we could...

LEWIS: Of course, because that triggers a lot of other things.

CAROLINE: That's right.

LEWIS: There seem to be a lot of things, a lot of help you *can* get, so I think there is a list of things there. Yes, Lucy?

McLYNN: I just wanted to ask Caroline about in her compromise agreement, what did it say about the reason why you've left your job? Did it say that it was a mutual agreement or did it suggest that it was a sort of compulsory leaving?

CAROLINE: I would say they went for a mutual agreement.

McLYNN: Right because sometimes that can impact on eligibility for benefits if it's mutually agreed...

CAROLINE: That worried me.

McLYNN: ... as opposed to if you've been *made* to leave, and clearly in your circumstances it was a mutual agreement and you've been very honest and fair in saying that you were going to have difficulties carrying on with your job. But perhaps for other listeners maybe in that situation, just in pure terms of things like benefits, it's better to have an agreement that says you've been sort of forced to leave because then there can be less of a question about it's all voluntary, effectively you've resigned - those sorts of things. I just thought I'd flag that perhaps.

LEWIS: Sarah?

RUSH: Yes. Sorry, Caroline, I forgot to add you can also claim council tax benefit as well.

CAROLINE: Oh right.

RUSH: But I would say claim now and then if you do hear about your DLA, you can always go back and you might find you get more. But don't wait for the DLA. Just get your applications in now.

CAROLINE: Okay. Yeah, okay.

LEWIS: You can also get a reduction on council tax if somebody disabled lives there and also if you're single, living by yourself, though Caroline should have that already. And she might get council tax benefit on income grounds.

RUSH: Yeah.

LEWIS: While we're on the subject of employment, let me just come to this e-mail from a gentleman. I probably won't give his name because it might be difficult. But this is a gentleman who's written in and says, "I'm working full-time. Wanted some time off. Went to my employer, wanted some time off or a reduction to look after my mother who is elderly and my employer was very unhelpful and insinuated I should leave the job." That's exactly the kind of case that your case should stop, should it, Lucy?

McLYNN: Yes, absolutely, and particularly if there are others at work who had perhaps made similar requests, maybe parents of younger children who'd been treated with more flexibility and perhaps there was less understanding in a situation where it was to do with a request to care for an elderly parent.

LEWIS: And if somebody's in that position and they want to get some legal advice, where do they go for that - someone who would understand the law but would be affordable?

McLYNN: Citizens Advice Bureau is always a very good first port of call or a law centre, legal advice centre would be a good place to start.

LEWIS: Okay. There'll be lots of contacts on our website. Sarah mentioned her own helpline, Contact a Family, and Carers UK also has a helpline. And Citizens Advice - links to Citizens Advice and their number. They'll all be on our website, which is bbc.co.uk/moneybox, or with our action line. The number for that I'll give you a bit later. Moving onto our next call now. It's Alison from Northumberland. Alison, what's your question?

ALISON: Oh I wanted to know specifically what carer's premium is, who is eligible for it and does it affect other benefits that you may receive.

LEWIS: Right, you mean carer's premium or carer's allowance?

ALISON: Yes, sorry, carer's premium.

LEWIS: Carer's premium. Okay, Alison, your phone line is terrible, so I think we'll have to leave your question at that, but I hope you can hear our answer slightly better than we could hear your question. Jean?

FRENCH: Hello Alison. The carer's premium isn't a benefit in itself. It's an additional amount of money that is paid with some of the means tested benefits, and the means tested benefits are things like income support, housing benefit, council tax benefit. Are you getting any of those?

ALISON: Yes.

FRENCH: Excellent. Which are you getting?

ALISON: I think pretty much all that you mention.

FRENCH: Okay, that's great. What you need to do is you need to make a claim for carer's allowance. If you've made a claim...

ALISON: I am actually in receipt of carer's allowance.

FRENCH: Excellent. Then the carer's premium should already be being paid with the rest of your means tested benefits. If you're in any doubt about that, then you should contact the Job Centre Plus and just check with them whether the carer's premium is in payment or not.

ALISON: Right.

FRENCH: Okay, thanks very much for your call, Alison. I think that's something everyone should perhaps check, that they are getting all the benefits they're entitled to. Let's move onto Neil now. Neil, I think you've been waiting for quite a while. I apologise for that. What's your question?

NEIL: My question is we need to provide outside help for my father in terms of caring for my mother, in the form of things like home help, respite care or possibly permanent care for my mother. However, they've got a house and savings which are probably worth about £200,000 in total and I'm worried that they'll be forced to sell the house and use up you know what savings they have to provide this care. What do people advise is the best strategy in this situation to save the family home really?

LEWIS: Jean?

FRENCH: Okay. There are two ways of going about this. First of all, I think probably the best thing for your mum and your dad is to get a community care assessment and a carer's assessment. Do you know if that's already happened, Neil?

NEIL: There's going to be a carer's assessment, I think, next week.

FRENCH: Excellent, okay. What happens then is when they've looked at what the care needs are that both... that your mum has and that your dad is... the carer's needs that your dad has, then they will draw up care plans in which they'll outline what *they*

think they can do to address those needs. But there is also then a charging programme that goes along with the provision of any services. So clearly what you'd need to do is to look at what exactly they're going to be charging and make some decisions about whether you wish the local authority to be providing those services or whether you wish to buy them in privately in some way.

NEIL: Okay.

LEWIS: And I think also, Neil, you're worried if they go into a home that they'd have to use the value of their property to pay for that care, which if they both go in, is that true Jean?

FRENCH: If they both go in, that might be a possibility. We'd need to look into that in slightly more detail. But if one of them goes in and the other is still remaining in the home, then they cannot force them to sell the home at all while the other partner's there.

LEWIS: It doesn't count, does it?

FRENCH: Absolutely.

LEWIS: Okay Neil, thanks very much for your call. I just want to move quickly onto Elizabeth to try and squeeze in her question. Elizabeth from Dulwich, your question?

ELIZABETH: Oh thank you. Do I have a statutory entitlement to be assessed as a carer? I'm 60 plus. My elderly, sick mother of 85 plus is now living with me in my home. And do social services have a legal obligation to conduct an assessment of her? I can't get past telephone and written attempts to even get Southwark social services to come here.

LEWIS: Yes, I think they do. But, Jean, this is one of the problems, isn't it? You have a right. How do you enforce it?

FRENCH: Absolutely. Elizabeth, you need to get in contact with your adult social care team at Southwark...

ELIZABETH: I have done that already.

FRENCH: I know. Go back to them again.

ELIZABETH: Right.

FRENCH: Insist upon the fact that you want a community care assessment for your mother.

ELIZABETH: Community care assessment, yes.

FRENCH: For your mother, yes. I'm presuming that she lives in Southwark too, yes?

ELIZABETH: She does, she does. Well she's living in my house.

LEWIS: She lives with you, you said.

ELIZABETH: She's actually in my house, yes.

FRENCH: Great, okay.

ELIZABETH: But she's moved from East Sussex.

FRENCH: Fine. It's just wherever she lives is where the responsibility for the assessment lies.

ELIZABETH: Thank you.

FRENCH: So you need to get back to them, insisting upon a community care assessment for your mother and a carer's assessment for yourself.

ELIZABETH: Thank you. And I'm legally entitled to both?

FRENCH: Indeed you are.

ELIZABETH: Thank you.

LEWIS: But you're not entitled to what they say you need, are you? This is the problem.

FRENCH: Ah, well that's slightly more difficult. You do have a right to an assessment, okay, so that's absolutely clear cut. As a carer, what can happen is that they have a power to provide things but not a duty. So what that means in practice is that you can say, "Well I really *need* this", but they can still say, "Well we're not going to give it to you."

ELIZABETH: Ah.

FRENCH: However, if you have the community care assessment, together with the carer's assessment, then they do have a duty to provide certain things for your mother. So often you can argue it through saying, "This is what my mother needs. Therefore it must be provided."

LEWIS: Okay. Well good luck with that, Elizabeth. It's often very difficult to enforce the rights we talk about on Money Box Live, but I hope that's been useful. And useful to all of you because I'm afraid that is all we have time for. My thanks to Jean French from Carers UK; Lucy McLynn of Bates Wells and Braithwaite; and Sarah Rush from Contact a Family. And thanks to you for all your calls and e-mails. Sorry we didn't get through most of them. We never do. You can find out more about carers' rights from the BBC Action line - 0800 044 044 - or our website is

bbc.co.uk/moneybox where you can watch videos, listen again, download or subscribe to a podcast and, as I said, in a couple of days read a transcript. Samantha Washington's weekly headlines will be there on Wednesday. I'm back at noon on Saturday with Money Box, and here to take more of your calls on Money Box Live next Monday afternoon.