



Procedure No: 18a
Revision: 8
Sheet: 1 of 6
Date of Issue: November 2011

Carer's Leave

1. Purpose

To define College policy on Carer's Leave and to define the implementation of this Leave under the Carer's Leave Act, 2001 and the Social Welfare Law Reform and Pensions Act 2006.

2. Scope

Carer's Leave is unpaid leave which provides for the temporary absence from employment of employees for the purpose of the provision of full-time care and attention to a person requiring it. A Deciding Officer of the Department for Social, Community and Family Affairs will be responsible for ascertaining the validity of a 'Relevant Person'.

2.1 Eligibility

- (i) All staff that have been employed in the College for a minimum period of 12 months continuous employment.
- (ii) The staff member must be providing full-time care and attention for a Relevant Person, as authorised by the Deciding Officer.
- (iii) The staff member may apply for a second set of leave, if a second Relevant Person resides with the first Relevant Person.
- (iv) The staff member must not be on a period of Carer's Leave if applying for a third set of leave.
- (v) A decision from a Deciding Officer specifying the Carer and the Relevant Person must be provided to the College.
- (vi) Staff must not be engaged in employment during the period of Carer's Leave, with the exception of those incidences specified in the Act.

2.2 Entitlement

- (i) Leave may not exceed 104 weeks for each Relevant Person.
- (ii) The total amount of Carer's Leave cannot exceed 208 weeks.
- (iii) Leave may be taken as a continuous period of 104 weeks for each Relevant Person.
- (iv) Consideration may be given to taking a number of shorter periods of Carer's Leave, at the discretion of the Head of School/ Administrative & Services Area.

When taking leave in blocks, a minimum period of 6 weeks must have elapsed before a second period can be granted.

- (v) A minimum period of 6 months must have elapsed before an individual can take more leave in respect of a different Relevant Person.
- (vi) Two people cannot care for the same person at the same time.
- (vii) Application for a second set of leave may be made whilst on the first set of leave, if the second Relevant Person resides with the first Relevant Person. This leave will commence on the date of the decision from the Department for Social Community and Family Affairs and shall not exceed 104 weeks e.g. leave periods may overlap.

2.3 Return to Work and Postponement of Leave

- (i) Written notification of any changes must be submitted to the Head of School/ Administrative & Services Area as soon as is practicable.
- (ii) Staff must return to work on the date set out in the Confirmation Document.
- (iii) Postponement of leave by a staff member is subject to agreement by the Head of School/Administrative & Services Area and Human Resources.
- (iv) Staff should return to work 6 weeks following the death of the Relevant Person (unless the leave already terminates during that period).
- (v) Staff must, not less than four weeks before the date of the termination of the leave, give notice in writing of their intention to return to work.

- (vi) If staff cease to satisfy the criteria for Carer's Leave (as laid down in the Carer's Leave Act 2001) and wish to return to work earlier than anticipated, they should provide 6 weeks notice in writing of such intention to their Head of School/Unit/ Area.

2.4 Pay and Other Matters

- (i) Carer's Leave is unpaid leave.
- (ii) Staff taking Carer's Leave retain all employment rights except those relating to remuneration and pension.
- (iii) Staff will accrue annual leave for the first thirteen weeks of absence from work on Carer's Leave for each Relevant Person.
- (iv) Staff will be entitled to public holidays that occur during the first thirteen weeks of absence from work on Carer's Leave for each Relevant Person.
- (v) Probationary periods, training and apprenticeships may be extended by the period of the leave.
- (vi) Staff should make provisions for continued payments to health insurance, travel pass and other schemes.
- (vii) Staff should be aware that they will not be eligible for benefits (including death-in-service or disability benefit) for the period of leave.
- (viii) The Head of School/ Administrative & Services Area must inform the Department for Social, Community and Family Affairs when the staff member returns to work.

3. Procedure

- (i) Application should be made initially, 8 weeks in advance, through the Department for Social, Community and Family Affairs for a decision regarding the 'Relevant Person'.
- (ii) Application for leave should be made in consultation with the Head of School/ Administrative & Services Area and Human Resources.
- (iii) Application must be made to Human Resources at least six weeks in advance of the proposed first date of leave or as soon as practicable in

an emergency situation on the appropriate form attached. Applications should include the 'Relevant Person' decision from the Deciding Officer (leave cannot not be granted without this decision).

- (iv) The Confirmation Document issued by Human Resources must be signed and returned to Human Resources.

4. Relevant Legislation

Carer's Leave Act, 2001, and the Social Welfare Law Reform and Pensions Act 2006.

Application for Carer's Leave (Under the Carer's Leave Act, 2001)

Name of Employee: _____	Staff Number: _____
Home Address: _____ _____	
Department _____	Dept phone: _____
Email Address: _____	

Relevant Person's name: _____
Relevant Person's home address: _____
Confirmation of Deciding Officer's Decision: _____ (Enclose the original of the Deciding Officer's Decision regarding 'relevant person'. Leave will not be granted without this Decision. This will be returned)
Proposed start date of Carer's Leave: _____
Proposed end date of Carer's Leave: _____
Proposed Structure of leave: _____ _____ (i.e. 13 weeks minimum, 104 weeks maximum, block period)
If any bank holidays fall during the first 13 weeks of absence please state: _____
Has this staff member previously taken Carer's Leave? _____
Signature of Head of School/ Administrative & Services Area: _____ Date: _____
Print name of Head of School/ Administrative & Services Area: _____
Signature of Staff Member: _____ Date: _____

Notes

Please note that at least six week's notice is required to Human Resources (except in emergencies). A decision from a Deciding Officer must be provided to the College. Leave cannot not be granted without this decision. All Carer's Leave is subject to the terms and conditions as laid down in the Act. Applications should be made initially through the Department for Social, Community and Family Affairs for a decision regarding 'relevant person'. Applications for leave should be made by the Head of School/Unit/Area on behalf of the staff member in consultation with Staff Relations, Human Resources.

Application forms should be returned to: Staff Relations, Human Resources,
House 4, College. Tel. 8961882 / Email: staff.relations@tcd.ie
