



Carer's Leave

1. Purpose

To set out the University's 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 from the Department of Social Protection will be responsible for ascertaining the validity of a Relevant Person¹.

2.1 Eligibility

In advance of making an application to the University for Carer's leave, Approval must be received from the Department of Social Protection.

- (i) All staff that have been employed in the University for a minimum period of 12 months continuous employment. In addition Temporary staff employed under a fixed-term/specific purpose contract of employment, are entitled to carers leave for the period of the fixed term or specific purpose, as set out in their contract of employment.
- (ii) The staff member must be providing full-time care and attention for a Relevant Person, as authorised by the Deciding Officer.

¹ A Relevant Person: The person receiving care :

- does not need to be a family member or spouse, but could be a friend or colleague
- Must be disabled so as to need fulltime care and attention
- not be normally living in a hospital, home or other similar institution



- (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 University.
- (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/Area.

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

- (v) Employees can work for up to 18.5 hours a week in employment or self-employment while on carer's leave, as long as the person earns less than €332.50 a week. (This is the take-home pay after deductions such as tax, PRSI and union dues.) The hours limit increased from 15 hours to 18.5 hours in January 2020.
- (vi) A minimum period of 6 months must have elapsed before an individual can take more leave in respect of a different Relevant Person.
- (vii) Two people cannot care for the same person at the same time.
- (viii) 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 of Social Protection 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/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/Area and Human Resources.
- (iv) In the event of the death of the Relevant Person the staff member should return to work 6 weeks following the date of death (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/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/Area must inform the Department of Social Protection when the staff member returns to work.

3. Procedure

- (i) An application should be made initially, 8 weeks in advance, through the Department of Social Protection for a decision regarding the 'Relevant Person'. It is the Department of Social Protection who is responsible for ascertaining the validity of applications to avail of Carer's Leave. An application form (CARB1 Form) and information leaflet (SW 49) may be obtained from the Department of Social Protection or from their website:

<https://www.welfare.ie/en/downloads/sw49.pdf>

The SW 49 leaflet should be read before completing the CARB1 Form -

<http://www.welfare.ie/en/pdf/carb1.pdf>

As part of the process a registered Medical Practitioner will be asked to fill in a form which will enable the Deciding Officer to judge the level of need of the care recipient.

- (ii) Application for leave must be made in consultation with the Head of School/Area and Human Resources.
- (iii) An application must also be made to Human Resources 6 weeks in advance of the proposed Carers leave start date (or as soon as practicable in an emergency situation) on the Carers Leave form attached to this policy.



Applications should include a copy of the decision reached by the Deciding Officer (leave cannot not be granted without a copy of this decision).

- (iv) A Confirmation Document will be issued by Human Resources and this 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/Area: _____	
Date: _____	
Print name of Head of School/Area: _____	
Signature of Staff Member: _____	
Date: _____	

Notes

Please note that at least six weeks' notice is required to Human Resources (except in emergencies). A decision from a Deciding Officer must be provided to the University. 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 of Social Protection for a decision regarding 'relevant person'. Applications for leave should be made by the Head of School/Area on behalf of the staff member in consultation with Human Resources.

Application forms should be returned by email to: hr@tcd.ie