

## Carer's Leave

HR Policy Document Record	
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Notes	

## **1 INTRODUCTION**

1.1 This document outlines the policy and procedures for eligible staff in TU Dublin (hereafter referred to as who wish to apply for Carer's Leave. This policy has been written with reference to the Carer's Leave Act, 2001.

## **2. SCOPE**

2.1 The Act entitles a staff member to take unpaid leave from the University to enable them to provide full time care and attention for a relevant person who is in need of such care.

2.2 The Act also protects the employment rights of staff who take Carer's Leave. It provides for the temporary unpaid absence from employment of an employee for the purpose of the provision of full-time care and attention to a relevant person requiring it, whilst protecting their employment rights.

## **3 ELIGIBILITY**

3.1 A staff member who has completed 12 months continuous service with the University is entitled to take a maximum of 104 working weeks unpaid leave for an eligible Care Recipient.

3.2 Once the 104 weeks allocation has been exhausted, the staff member cannot apply for additional Carer's Leave for the same Care Recipient, regardless of the relationship or circumstances. The staff member can however apply for Carer's Leave for another Care Recipient, subject to the terms of the Act and this policy.

3.3 Carer's Leave can only be taken by staff for the purpose of providing full-time care and attention to a relevant person who is in need of care, and they must do so for the duration of such leave.

## **4 PROCEDURE**

The four stages of the process are as follows:-

### **4.1 Application**

4.1.1 Please note that applications for Carer's Leave for approval by the Department of Employment Affairs & Social Protection can take between **six to twelve** weeks to approve and process. Therefore staff who wish to apply for such leave should consider this wait time and note that delays can occur.

4.1.2 The staff member must apply to the Department of Employment Affairs & Social Protection **at least six weeks in advance** of the proposed commencement date of the period of Carer's Leave by completing and posting [Form CARB1](#) to the Carer's Benefit Section in the [Department of Employment Affairs & Social Protection](#). Please refer to [Information Leaflet \(SW 49\) for Carer's Benefit](#) in advance of completing this form.

4.1.3 At the same time, the staff member must complete and submit the '**Notification of Intention to take Carer's Leave**' form to Human Resources which is available at the end of this policy. This notification must state a) the proposed commencement date of the leave; b) the proposed duration of the leave; c) the manner in which the leave is to be taken; d) the proposed cessation date of the leave; and e); a statement that an application has been made to the Department of

Employment Affairs & Social Protection seeking a decision on the eligibility of the relevant person to be cared for.

- 4.1.4 In exceptional emergency circumstances, when it has not been possible to comply with the 6 week's notice requirement, this may be waived. However the staff member should provide as much notice to their line manager and the Leave and Benefits/HR Manager as is reasonably practicable.

## 4.2 Decision

- 4.2.1 The relevant person must be deemed to be in need of full-time care and attention by the Department of Employment Affairs & Social Protection. The decision is based on details provided by the Care Recipient's doctor and which has been assessed by the Department of Employment Affairs & Social Protection's Medical Advisor.
- 4.2.2 Prior to taking Carer's Leave, the staff member must provide Human Resources, for their information only, with a **copy of the decision** from the Department of Employment Affairs & Social Protection, stating that the relevant person has been medically certified as being in need of full-time care and attention. Upon Human Resources being satisfied that the paperwork is in order, a copy of this decision will be shredded. Carer's Leave cannot be approved by the University until this document has been received by Human Resources. Failure to do so may result in a delay or cancellation of the staff member's requested Carer's Leave.

## 4.3 Confirmation

- 4.3.1 If the relevant person is deemed by the Department of Employment Affairs & Social Protection to be in need of full time care and attention, Human Resources will confirm the arrangements to the staff member in writing, copying the staff member's line manager.

## 4.4 Resumption of Duty

- 4.4.1 Human Resources will inform the staff member of their return to work date. Requests to resume duty earlier than the expected end date of Carer's Leave will be considered in the first instance by the line manager in consultation with Human Resources.
- 4.4.2 Staff on permanent/indefinite contracts of employment will return to their substantive post on completion of the period of Carer's Leave granted.
- 4.4.3 Staff on fixed term/specified purpose contracts of employment will return on a fixed term/specified purpose basis to work out the duration/purpose of their contract. The regulations in force at the date of resumption will apply to the staffing position of the University.
- 4.4.4 Where a full block leave of 104 weeks has been taken, the staff member will be required to undergo Garda Vetting where applicable before resumption of duties except where 5.2 applies.
- 4.4.5 Salary will only recommence upon full resumption of duties except where 5.2 applies where they return to their full salary.
- 4.4.6 A staff member on Carer's Leave who intends to resign from their post shall give TU Dublin notice in accordance with the terms of their contract of employment. Notifications to resign should be

submitted in writing to Human Resources and copied to their relevant line manager. It is the responsibility of the staff member to inform the Department of Employment Affairs & Social Protection of their change in circumstances.

- 4.4.7 If a staff member fails to return to work on the date agreed and no communication is received in advance of this date advising of this absence, it will be assumed that the staff member is not seeking to return to the University and this will be regarded as a formal offer of resignation with effect from the last day of the Carer's Leave. The effect of such resignation will be given in writing to the staff member by HR.

## **5 BACKFILL ARRANGEMENTS**

- 5.1 Posts vacated by staff taking Carer's Leave will be backfilled on a specified purpose basis.
- 5.2 A staff member who has been approved for Carer's Leave may be allowed, **in exceptional circumstances**, to work for up to 18.5 hours per week in the University, whilst on Carer's Leave. Such a request must be included on the **Notice to Take Carer's Leave** form and approved by their line manager in advance. Whilst Human Resources will do their utmost to facilitate this request, there is no obligation on the University to facilitate such a working arrangement.
- 5.3 Where 5.2 applies the following two options are available to line managers; **a)** the staff member on Carer's Leave remains in their substantive post whilst working a maximum of 18.5 hours per week, whilst the balance of their post may be filled on a part-time specified purpose for the duration of the Carer's Leave where possible **or b)** the staff member on Carer's Leave will be transferred to another post at the same grade in the University where they can work a maximum of 18.5 hours per week until their Carer's Leave ceases.
- 5.4 Backfill appointments will cease a) when the staff member on Carer's Leave resumes duty, b) if the staff member on Carer's Leave is transferred/promoted to another position or c) if the staff member on Carer's Leave ceases employment with the University.

## **6 GENERAL PROVISIONS**

- 6.1 Under the Carer's Leave Act 2001, a staff member is entitled to take care of only one relevant person at any one time. However, where two relevant persons reside together, an employee can take a combined total of 208 weeks (that is 104 weeks in respect of each person).
- 6.2 Only one person is allowed to use Carer's Leave for a specific Care Recipient at any one time.
- 6.3 Carer's Leave will not be granted if the Care Recipient is in receipt of full-time care and attention from someone else during the period requested.
- 6.4 Staff are not entitled to a period of Carer's Leave where another employee of the University is absent from employment due to Carer's Leave for the same period for the same Care Recipient.
- 6.5 The staff member must live with the Care Recipient or, under certain circumstances, be in close proximity to them with a direct line of communication.

- 6.6 It should be noted that qualifying for Carer's Leave does not automatically mean that the applicant will also qualify for Carer's Benefit, as PRSI contributions conditions must be met. Alternatively, Carer's Allowance may be payable, if the PRSI contributions conditions have not been met. To ensure preservation of social insurance records, staff members should contact the Department of Employment Affairs & Social Protection to request that appropriate credits are made during this period of Carer's Leave.
- 6.7 Carer's Leave may be taken as a continuous block of 104 weeks for each relevant person, or, with the agreement of the University, in shorter periods adding up to 104 weeks for each relevant person. If the leave is broken up, there must be an interval of at least 6 weeks between each of the leave periods for each relevant person.
- 6.8 The University may refuse permission to a staff member to take a period of leave of less than 13 weeks Carer's Leave.
- 6.9 Staff on Carer's Leave are regarded as still being in employment and none of their rights relating to their employment with the University will be affected, with the exception of remuneration, Annual Leave, Sick Leave, superannuation benefits or any obligation to pay contributions in, or in respect of any such employment. It should be noted that, as Carer's Leave consists of an unpaid absence, such leave is not reckonable for superannuation purposes.
- 6.10 A staff member will accrue annual leave in the initial 13 weeks of absence from work on Carer's Leave, for each relevant period. They are entitled to the benefit of public holidays and bank holidays that occur during the first 13 weeks of absence from work on Carer's Leave, for each relevant period. Carer's Leave cannot be treated as a part of any other leave from employment including Annual Leave, Sick Leave, Adoptive Leave, Maternity Leave, Parental Leave or Emergency Family (Force Majeure) Leave to which an employee is entitled.
- 6.11 Staff on Carer's Leave from TU Dublin may not undertake any other employment within the University unless as specified at 5.2.
- 6.12 It is the responsibility of the staff member to notify Human Resources should the circumstances regarding the approval of their Carer's Leave change during the period granted.
- 6.13 A staff member found to be abusing their entitlement to Carer's Leave, i.e. the leave is used for another purpose other than which it has been granted for, will be immediately removed from this arrangement and may be subject to the University's Disciplinary Procedures.
- 6.14 A staff member on Carer's Leave remains an employee of TU Dublin and is subject to all relevant legislation and University policies and procedures.
- 6.15 While on Carer's Leave, the staff member is welcome to apply for TU Dublin vacancies advertised both internally and externally. If a staff member on Carer's Leave applies for and is recommended for appointment to a new post, they are expected to return to work and their Carer's Leave will cease. However any outstanding balance of Carer's Leave may be used for a future application for the same Care Recipient, subject to approval of the staff member's line manager, Human Resources and the Department of Employment Affairs & Social Protection.
- 6.16 Once a period of Carer's Leave has been approved, the dates for this leave cannot be amended.

6.17 Leave periods of 13 weeks or weeks or more do not count as service for superannuation purposes.

## **7 QUERIES**

**Contact:** Leave and Benefits Team

**E-Mail:** [Leaveandbenefits@tudublin.ie](mailto:Leaveandbenefits@tudublin.ie)

## NOTIFICATION OF INTENTION TO TAKE CARER'S LEAVE

- ❖ Carer's Leave is granted solely for the purpose of taking care of the Care Recipient named below. A staff member, who has completed 12 months continuous service with the University, is entitled to take a **maximum of 104 working weeks** unpaid leave for each eligible Care Recipient .
- ❖ This **Notification of Intention to take Carer's Leave** should be approved by your Line Manager/Head of Function, and then submitted to Leave & Benefits Section, TU Dublin, Grangegorman, 5th Floor, Park House 191 North Circular Road, Dublin 7, D07 EWV4, **OR** TU Dublin, Blanchardstown, Blanchardstown Road North, Dublin 15, D 15 YV78 **OR** Human Resources, TU Dublin, Tallaght, Blessington Road, Tallaght, Dublin 24, D24 FK29 for final approval and implementation, no later than **6 weeks** before the proposed commencement date, in accordance with section 9(1) of the Carer's Act 2001.
- ❖ Any public holidays, bank holidays or concession days which fall during an initial period of 13 weeks of absence on Carer's Leave, will be added on to the end of the period.
- ❖ The Carer's Leave Policy should be read before completing this form.
- ❖ Carer's Leave cannot be approved by Human Resources until the University are provided with a **copy of the decision** from the Department of Employment Affairs & Social Protection, stating that the named Care Recipient has been medically certified as being in need of full-time care and attention. This form will be viewed by HR only, and upon confirmation of receipt of this document, it will be noted and confidentially shredded.

*Under the Carer's Leave Act 2001, I hereby give notice of my intention to take Carer's Leave for the purpose of taking full-time care of :*

**Name of Care Recipient** \_\_\_\_\_

**Name of Staff Member** \_\_\_\_\_ **Staff Number** \_\_\_\_\_

**Department/School/Campus** \_\_\_\_\_

**Commencement Date of Employment** \_\_\_\_\_

**Periods of Carer's Leave already taken in respect of the named Care Recipient :** \_\_\_\_\_

**Date of application to Department of Employment Affairs & Social Protection:** \_\_\_\_\_

(Please note that the proposed pattern of leave must be **agreed** in advance with your Line Manager/Head of Function, and must be in accordance with the Act and University policy)

**Pattern of Carer's Leave:**

Continuous Period of 104 weeks

Or please specify other period \_\_\_\_\_

**Proposed Start Date of Leave:** \_\_\_\_\_

**Proposed Duration of Leave:** \_\_\_\_\_

**Proposed Cessation Date of leave:** \_\_\_\_\_

*I declare that the information given above is accurate and complete. I also undertake to forward a copy of the decision(s) on my application(s) for Carer's Leave to Human Resources in the relevant Campus, immediately on receipt from the Department of Employment Affairs & Social Protection.*

**Signed:** \_\_\_\_\_  
Staff Member

**Date:** \_\_\_\_\_

**Approved:** \_\_\_\_\_  
Line Manager

**Date:** \_\_\_\_\_

**Approved:** \_\_\_\_\_  
Leave & Benefits Manager/HR Manager

**Date:** \_\_\_\_\_