



etbi
Education and Training
Boards Ireland
*Boird Oideachais agus
Oiliúna Éireann*

CARER'S LEAVE

POLICY

***For all staff in
Education and
Training Boards
Ireland***

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Document Reference Number	HR019 Carer's Leave
Implementation Date	1st January 2021
Review Date	12 th April 2024
Next Review Date	12 th April 2026
DES Circular Letter	Based on CL0078/2015. Adapted for implementation in ETBI
Date approved by ETBI Board	26 th January 2021

I. INTRODUCTION

The Education and Training Boards Ireland (ETBI) is dedicated to the implementation of legislation and policy and allows a staff member a period of unpaid leave from work to personally provide full-time care and attention to a relevant person who is medically certified and requires such care.

As amended, the Carer's Leave scheme is regulated by the Carer's Leave Act 2001. Carer's Leave will not be granted to a staff member in relation to a relevant person who is receiving full-time care and attention from another person on Carer's Leave.

2. STAFF MEMBERS COVERED BY THIS POLICY

The policy/procedure applies to all staff employed directly by ETBI, through an agency to ETBI, and seconded to ETBI.

3. ENTITLEMENTS TO CARER'S LEAVE

The maximum period of Carer's Leave allowable to care for a relevant person is 104 weeks of unpaid leave and a staff member will have the option of taking the leave as:

- One continuous period of 104 weeks, or
- One or more periods, the total duration of which does not exceed 104 weeks.

Where Carer's Leave is not taken in one continuous period of 104 weeks, there must be a minimum of 6 weeks intervening period between the periods of Carer's Leave in respect of the same person.

If a staff member wishes to avail of Carer's Leave for another person, a period of 6 months must elapse from the date of termination of the leave in respect of the previous Carer's Leave even if the staff member has not taken the maximum period of 104 weeks for the other person.

However, on one occasion only, a staff member may commence leaving in respect of another person where the two persons reside together, and approval has been received from the DEASP for the second person. In such circumstances, the total amount of Carer's Leave of 208 weeks can be taken together (104 weeks for each relevant person).

The minimum statutory requirement that may be taken in one period is 13 weeks. However, applications for Carer's Leave for periods of less than 13 weeks will be considered on their merit and approved where possible, having regard to the capacity of ETBI to meet the organisation's needs and the number of periods of Carer's Leave already taken by the staff member in that year.

A week is defined as a period of seven days. A staff member who takes 13 weeks of Carer's Leave will be removed from the payroll for 91 days.

The first thirteen weeks only of the Carer's Leave entitlement in respect of any one care recipient will qualify for public holiday entitlements. The right to annual leave is restricted to the period comprising the first thirteen weeks only of the Carer's Leave entitlement in respect of any one relevant person.

Deductions for a day of unpaid absence will be calculated at a rate of one-fifth of weekly pay.

4. ELIGIBILITY FOR CARER'S LEAVE

To be eligible for Carer's Leave, a staff member must have worked for ETBI for one continuous year.

5. RELEVANT PERSON

The person for whom the Carer's Leave is being applied (referred to as the relevant person) must first be deemed to need full-time care and attention by the Department of Employment and Social Protection (DEASP). Therefore, the staff member must first make an application on the prescribed DEASP forms.

According to DEASP, "full-time care and attention" means that a person being cared for must be so incapacitated as to require; full-time care and attention and be likely to require this full-time care and attention for at least 12 months.

6. APPLICATION PROCEDURE

A staff member must make an application on the Carer's Benefit Application Form CARB1 Form and, upon approval, make an application to the relevant Director.

An application must be made no later than six weeks before the planned commencement date using the application form in Appendix 1. A copy of the DEASP sanction (where available) must be included with the application form.

In emergencies, ETBI may process an application and grant Carer's Leave pending DEASP approval. In granting Carer's Leave, the staff member must submit a statement that an application for a decision that the person to care for needs full-time care and attention has been made to the DEASP.

The staff member must submit a copy of the decision of the deciding officer (or appeals officer) of the DEASP to HR immediately upon receipt of certification.

Once agreed, the proposed absence on Carer's Leave cannot be amended save with the agreement of all parties concerned.

A copy of the Confirmation Document will be given to the staff member no later than two weeks before the proposed start date of the leave. The original will be retained on their personnel file.

7. MAINTENANCE OF EMPLOYMENT RIGHTS DURING CARER'S LEAVE

In the case of a staff member who is on probation at the start of Carer's Leave, the period of probation will stand suspended for the duration of the absence on Carer's Leave.

A staff member on Carer's Leave is entitled to receive notification regarding vacancies that are to be filled in ETBI, such notification is to be sent to the last notified postal or email address.

Absences from employment while on Carer's Leave cannot be treated as part of any other leave to which the staff member is entitled e.g., sick leave, adoptive leave, maternity leave, parental leave, or force majeure leave.

An employee absent on sick leave before the start of Carer's Leave must produce a certificate of fitness to resume duty before commencing Carer's Leave.

8. WORKING WHILE ON CARER'S LEAVE

During Carer's Leave, a staff member may engage in limited employment provided the hours of employment do not exceed 15 hours per week and the net earnings from that employment do not exceed the upper-income limit set out in regulations by the Minister for Employment Affairs and Social Protection.

The staff member may work 15 hours per week with ETBI if it meets the needs of ETBI and the staff member.

9. TERMINATION OF CARER'S LEAVE

The period of Carer's Leave shall terminate on the date specified on the Confirmation Document at the time of application, except where the relevant person:

- Ceases to require full-time care and attention during the period of Carer's Leave, or
- Dies during a period of Carer's Leave

If the relevant person dies during the period of Carer's Leave, the staff member may return on the date specified in the Confirmation Document or on a date that occurs six weeks after the date of the death, whichever is earlier.

ETBI shall notify DEASP if they believe that:

- The person in respect of whom the staff member is applying for Carer's Leave is not or is no longer a relevant person.
- The person in respect of whom the staff member has been granted, and in respect of whom the staff member is on Carer's Leave is not or is no longer a relevant person.
- The staff member who is applying for or is currently on Carer's Leave does not satisfy the condition for providing full-time care and attention to the relevant person.
- A staff member who is applying for or is currently on Carer's Leave is engaging or has engaged in employment or self-employment other than as provided for in the regulations made by the Minister for Employment Affairs and Social Protection.

Where the DEASP agrees with ETBI's opinion in paragraph 9.3 above, the period of Carer's Leave, if commenced, shall terminate with immediate effect and the staff member shall return to work. Appeals in relation to this requirement should be made to an appeals officer of DEASP.

Carer's Leave is to terminate on foot of the instruction of a deciding officer/appeals officer of the DEASP:

- ETBI will issue the staff member, in writing, with notice to return to work indicating a return date that is reasonable and practicable having regard to all the circumstances.

- ETBI will issue a notice, in writing, to DEASP when the staff member returns to work, confirming that the Carer's Leave has been terminated and the date on which the staff member returned.
- A copy of all notices will be retained on the staff member's personnel file.

10. VOLUNTARY DEDUCTIONS

- Voluntary deductions from salary will cease when the staff member commences Carer's Leave.
- It is the sole responsibility of the staff member availing of Carer's Leave to ensure that any voluntary deductions at source do not lapse.
- No liability lies with ETBI for any policies which lapse.

11. PRSI

Staff members availing of Carer's Leave who pay full rate PRSI are required to contact DEASP to ensure that any entitlement to PRSI credits is maintained.

12. CARER'S BENEFIT

The two schemes, Carer's Leave, and Carer's Benefit, are administered in tandem as regards conditions relating to (i) the provision of full-time care and attention, and (ii) the requirement for a decision to be made by a deciding officer (or appeals officer) of the DEASP that the relevant person is medically certified as needing full-time care and attention.

It should be noted that the entitlement to Carer's Leave is not conditional on entitlement to Carer's Benefit and vice versa.

I3. VARIATION

The policy may be amended at any time following consultation between management and staff.

I4. REVIEW OF POLICY

There will be a review of this policy two years after its introduction or earlier if deemed necessary by ETBI management.

APPENDIX I

APPLICATION FOR CARER'S LEAVE (to be completed by the employee)					
SECTION A - PERSONAL DETAILS					
Employee Name					
Employee Address					
Contact Phone Number		PPSN			
Personal Email Address					
Name of Relevant Person for whom you wish to apply for Carer's Leave					
Have you previously availed of Carer's Leave Yes No					
Have you previously availed of Carer's Leave in respect of the Relevant Person named above?					
Yes					
No					
If yes, state:					
From:		To:		Total No. of weeks:	
From:		To:		Total No. of weeks:	
SECTION B – PROPOSED PERIOD OF CARER'S LEAVE					

From:		To:		Total No. of weeks:	
From:		To:		Total No. of weeks:	

I hereby confirm that the information recorded in this document is true and accurate and my application for Carer's Leave is submitted in accordance with the regulations and procedures set out in the Carer's Leave Policy for Staff in Education and Training Boards Ireland. I confirm that an application for a decision that the relevant person needs full-time care and attention has been made to DEASP.

Signature of Employee: _____

Date: _____

Submit the completed form to the relevant Director

APPENDIX 2

PART A

CONFIRMATION DOCUMENT FOR CARER'S LEAVE (to be completed by the relevant Director and employee)					
Employee Name				PPSN	
In respect of (name of relevant person):					
Career's Leave has been granted in accordance with the Carer's Leave Policy for Staff in Education and Training Boards Ireland as follows:					
From:		To:		Total No. of weeks:	
From:		To:		Total No. of weeks:	

Signature of Employee: _____

Date: _____

Signature of Director: _____

Date: _____

Following signing, no amendment can be made to the confirmation document without the agreement of both parties.

This document will be retained on the employee's personnel file and a copy retained by the employee.

Appendix 1 and Appendix 2, when complete must be forwarded to HR for processing.

PART B

EMPLOYER'S DECISION

I certify that I have approved/refused (delete as appropriate) the Carer's Leave application in accordance with the Carer's Leave Policy for Staff in Education and Training Boards Ireland. The following documentation will be retained on the applicant's personnel file:

1. Application for Carer's Leave & copy of statement, if applicable
2. Copy of Confirmation statement from DEASP
3. Copy of Confirmation Document issued to the staff member
4. Copy of Decision Notice issued to the staff member

Signature of Director: _____ Date: _____

Appendix 1 and Appendix 2, when complete must be forwarded to HR for processing.

For HR Use Only:

ETBI Finance notified: _____

In the case of a seconded employee: _____

Name of substantive employer: _____

Date documentation issued to substantive employer: _____