

Policy Name: Carer's Leave Policy

Policy Title:	Carer's Leave Policy
Description:	To set out the Marino Institute of Educations policy on Carer's Leave and to define the implementation of this Leave under the Carer's Leave Act, 2001 and relevant legislation.
Author (Position):	Human Resources
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Approved By:	MIE Governing Body
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Carer's Leave Policy

1. Context

Marino Institute of Education (MIE) wishes to ensure that it maintains the highest possible standards in all its activities. This policy document aims to set out in easy-to-follow terms how to apply for Carer's Leave and to provide guidelines on timelines.

2. Purpose

To set out the MIE policy on Carer's Leave and to define the implementation of this Leave under the [Carer's Leave Act, 2001](#) and relevant legislation.

3. Benefits

- 3.1. To be eligible to go on Carer's Leave you must have worked for MIE for a continuous period of 12 months (with some limited exceptions).
- 3.2. 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 "Relevant Person"). A Deciding Officer from the Department of Employment Affairs and Social Protection will be responsible for ascertaining the validity of a Relevant Person.

4. Principles

- 4.1. MIE wants to make employees feel comfortable and confident in requesting Carer's Leave.
- 4.2. MIE is committed to dealing with the matter in a confidential and timely manner.

5. Definitions

- 5.1. Leave must be a minimum period of 13 weeks. MIE may refuse, on reasonable grounds, to permit the staff member to take Carer's Leave for any period of less than 13 weeks.
- 5.2. Leave may not exceed 104 weeks for each Relevant Person.
- 5.3. You can only be on Carer's Leave for one Relevant Person at any one time. However, if two people live together and are both in need of full-time care and attention, you can get carer's leave for both of them. In this situation the total amount of Carer's Leave is 208 weeks (104 for each person being cared for).

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- 5.4. Leave may be taken as a continuous period of 104 weeks or one or more periods, the total duration of which cannot exceed 104 weeks.
- 5.5. Consideration may be given to taking a number of shorter periods of Carer's Leave, at the discretion of the relevant Head of Department.
- 5.6. When taking leave in blocks, a minimum period of six weeks must have elapsed before a second period can be granted in respect of the same Relevant Person.
- 5.7. A minimum period of six months must have elapsed before an individual can take more Carer's Leave in respect of a different Relevant Person. However, this does not apply where two Relevant Persons reside together.
- 5.8. [Application for Carer's Leave](#) for a second Relevant Person may be made at the same time that the employee is on Carer's Leave for the first Relevant Person, provided that the second Relevant Person resides with the first Relevant Person.
- 5.9. This leave will commence on the date of the decision from the Department of Employment Affairs and Social Protection and shall not exceed 104 weeks e.g. leave periods may overlap.
- 5.10. Carer's Leave is unpaid leave. Staff may be eligible for Carer's Benefit if they have enough PRSI contributions. If staff members do not qualify for Carer's Benefit, they may qualify for Carer's Allowance which is a means-tested payment. Staff can take Carer's Leave even if they do not qualify for either of these payments.
- 5.11. In general Staff taking Carer's Leave retain most employment rights except those relating to remuneration and pension.
- 5.12. However Staff will only accrue annual leave¹ for the first 13 weeks of absence from work on Carer's Leave for each Relevant Person.
- 5.13. Staff will only be entitled to public holidays that occur during the first 13 weeks of absence from work on Carer's Leave for each Relevant Person
- 5.14. Probationary periods, training and apprenticeships may be extended by the period of the leave.
- 5.15. Staff should be aware that they will not be eligible for benefits (including death-in-service or disability benefit) for the period of leave.

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5.16. The Head of Department must inform the Department of Employment Affairs and Social Protection when the staff member returns to work.

6. Policy

6.1. Staff must have worked in MIE for a continuous period of 12 months to be eligible to apply for Carer's Leave.

6.2. An application should be made to the Department of Employment Affairs and 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 [Operational Guidelines](#) may be obtained from the Department of Employment Affairs and Social Protection.

6.3. The [SW 49 Leaflet](#) should be read before completing the [CARB1 Form](#)

6.4. 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.

6.5. Application for leave must be made in consultation with the Head of Department and Human Resources (HR).

6.6. An application must also be made to HR at least six weeks in advance of the proposed Carer's Leave start date (or as soon as practicable in an emergency situation or in exceptional circumstances) on the Carer's 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.)

6.7. A Confirmation Document will be issued by HR and this must be signed and returned to HR at least two weeks before the Carer's Leave is due to commence.

7. Return to Work and Postponement of Leave

7.1. Written notification of any changes must be submitted to the Head of Department as soon as is practicable.

7.2. MIE and the staff member may agree, after the date of the Confirmation Document, to postpone or curtail the leave, or vary the form in which it is to be taken. The

¹ See [Annual Leave Policy](#)

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Confirmation Document must be amended and signed by both parties to show any new agreement.

- 7.3. Staff must return to work on the date set out in the Confirmation Document.
- 7.4. Postponement of leave by a staff member is subject to agreement by the Head of Department and HR.
- 7.5. In the event of the death of the Relevant Person the staff member should return to work six weeks following the date of death (unless the leave already terminates during that period).
- 7.6. 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.
- 7.7. If a staff member ceases 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 Department.
- 7.8. Staff have the right to return to work following Carer's Leave to their former position. Should this not be reasonably practicable, the staff member will be offered suitable alternative employment with MIE.
- 7.9. When on Carer's Leave, an employee must give four weeks' notice of their intention to return to work.

8. Responsibility

The responsibility for maintenance of this policy rests with HR.

9. Related Documents

- 9.1. Contract of Employment
- 9.2. [Carer's Leave Act 2001](#)
- 9.3. [Social Welfare Law Reform and Pensions Act 2006](#)
- 9.4. [Annual Leave Policy](#)

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Appendix 1. Application for Carer's Leave (Under the Carer's Leave Act, 2001)

Name of Employee: _____ Staff Number: _____

Home Address: _____

Department _____ 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 Department: _____

Date: _____

Print name of Head of Department: _____

Signature of Staff Member: _____

Date: _____

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Notes

Please note that at least six weeks' notice is required to HR (except in emergencies). A decision from a Deciding Officer must be provided to MIE. Leave cannot 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 Department on behalf of the staff member in consultation with HR.