



Polasáí agus Nósanna Imeachta/Policies and Procedures

Code	QA111
Title	Carer's Leave
Policy Owner	Director of Human Resources
Date	21/10/2015; Latest review date: 18/09/2023
Approved By	University Management Team

Note: The Department of Social Protection (DSP) are responsible for the validity of applications to avail of Carer's Leave. An application form (CARB1 Form) and further information may be obtained from the [DSP website](#). Applicants are also required to complete the University's [Carer's Leave application form](#) as detailed below.

1.0 Purpose

The purpose of the Carer's Leave Act, which came into force on 2 July 2001, is to allow employees to take leave from their employment in order to provide care to a person ("relevant person") requiring full-time care and attention. The Act will protect the employment rights of employees who exercise their entitlement to Carer's Leave.

2.0 Description

Employees will be considered eligible to apply for Carer's Leave if:

- a. They have completed twelve months continuous service with the University.
- b. The person they wish to look after is considered to be a "relevant person". A care recipient will be considered to be a "relevant person" if they need continual supervision and frequent assistance throughout the day in connection with normal bodily functions or need continual supervision in order to avoid danger. A medical practitioner must certify the nature and extent of the care recipient's disability.
- c. The employee will be providing full-time care and attention to the relevant person.
- d. The employee will not engage in employment during the period of leave, exceptions include:
 - Attending an educational or training course or taking up voluntary or community work for up to 10 hours per week
 - Engaging in limited self-employment in the employee's home
 - Engaging in employment outside the home for up to 18.5 hours per week, this must be approved by the Department of Social Protection
- e. The employee has provided the employer with a decision from a Deciding Officer of the Department of Social Protection, stating that the person in respect of whom the employee proposes to take Carer's Leave is a "relevant person".

3.0 Conditions for Taking Carer's Leave

- a. Only one employee can be absent on Carer's Leave for a specific care recipient at a time.
- b. A person may only be entitled to leave for one care recipient at a time.
- c. Carer's Leave will not be granted if the care recipient is in receipt of full-time attention from someone else.
- d. To be eligible for Carer's Leave the employee must live with the care recipient or, under certain circumstances, in close proximity to them with a direct line of communication, e.g. telephone or alarm system.



4.0 Notice Required

Along with applying to the Department of Social Protection, an employee who proposes to avail of Carer's Leave should complete the University of Galway [Carer's Leave Application Form](#). The completed form should be signed by the employee and their Head of School/Unit and submitted to Employee Relations, Human Resources Office at least six weeks prior to the proposed commencement date of Carer's Leave.

On receipt of the decision of the Deciding Officer of the Department of Social Protection a copy should be submitted to Employee Relations. Once approval has been granted, a 'Confirmation Form' will be issued and must be signed and returned two weeks prior to the commencement of Carer's Leave. A copy of the signed form will be retained on the individual's personnel record.

In exceptional emergency circumstances when it is not possible to comply with this notice requirement, the employee must give as much notice as is reasonably practical. In the case where an employee is entitled to Carer's Leave and takes leave purporting to be Carer's Leave without having complied with the notification procedures, the Employee Relations Manager may, at their discretion, treat the leave as Carer's Leave. The Employee Relations Manager may decide not to treat the leave as Carer's Leave, on reasonable grounds including not receiving a decision letter from the Department of Social Protection. In such a case reasons for refusal will be specified in writing.

5.0 Duration of Carer's Leave

For each relevant person, the maximum amount of leave that can be taken is 104 weeks. The leave can be taken in a continuous block, or, by agreement with the Employee Relations Manager and Head of School/Unit, shorter periods adding up to 104 weeks. Periods of leave shorter than 13 weeks may be refused on reasonable grounds. However, reasons for refusal must be specified in writing. The Act allows for the variation, postponement, or curtailment of the form in which Carer's Leave may be taken by agreement between the employee and the University. The act also provides that where the leave has been varied, postponed, or curtailed the leave can be taken another time. The Employee Relations Manager must be advised of any changes in circumstances of leave as soon as possible.

6.0 Return to Work

An employee who is on Carer's Leave shall give notice in writing to the Human Resources Office of their intention of returning to work not less than four weeks before the date when they intend to do so.

However, Carer's Leave will terminate early in the following circumstances:

- a. The period of leave as specified in the confirmation document has elapsed on a date agreed between employee, Head of School/Unit, and the Human Resources Office.
- b. Another person or institute assuming care of relevant person.
- c. In the event of the death of the relevant person, the carer may take a further six weeks or return to employment on the date of termination of the period specified in the confirmation document (whichever is the earliest).
- d. If employee is on a fixed-term or specific-purpose contract, any leave (or any other benefit) will terminate when contract ends.

The Human Resources Office will notify the Department of Social Protection in writing that leave has been terminated and specify the employee's date of resumption of employment.

7.0 Abuse of Leave

The University will contact the Deciding Officer if they believe that:



- the care recipient is not or is no longer a “relevant person”, or
- the employee will not or is not taking full-time care of the care recipient, or
- the employee on carer’s leave is engaged in employment

The Deciding Officer shall inform the employer and employee of their decision as soon as possible.

Following this, if the Deciding Officer upholds the University’s opinion, the employee will be notified, in writing, specifying the date on which the employee is to return to their employment. The employee must return to their employment on the specified date. Any outstanding leave specified in the confirmation document shall be deemed not to be carer’s leave.

If an employee is found to be abusing their entitlement to carer’s leave they may become subject to the disciplinary procedures.

8.0 Employment Rights

An employee while on Carer’s Leave will retain all employment rights with the exception of remuneration, annual leave, public holidays, superannuation benefits or any obligations to pay contributions in, or in respect of, the employment.

An employee will accrue annual leave and will be entitled to public holidays in the first 13 weeks of absence from work on carer’s leave for each relevant person.

Carer’s Leave will not be treated as part of any other leave from employment including sick leave, adoptive leave, maternity leave, parental leave or force majeure to which an employee is entitled.

At the conclusion of Carer’s Leave an employee will be entitled to return to work in the same job. If it is not possible for them to return to the same job then a suitable alternative must be found where the type of job and the terms and conditions are similar. Periods of probation may be suspended while an employee is on Carer’s Leave.

9.0 Application Procedure for Carer’s Leave

The employee should apply, in the first instance, at least eight weeks in advance of the proposed commencement date of Carer’s Leave, to the Department of Social Protection. The employee must also complete the University’s [Carer’s Leave application form](#) and submit to Employee Relations, Human Resources Office at least six weeks before commencement of leave.

The Department of Social Protection are responsible for establishing the validity of applications to avail of Carer’s Leave. An application form (CARB1 Form) and further information may be obtained from the [DSP website](#).

The employee, the employer, the care recipient, and the care recipient’s doctor, all have to complete parts of the claim form.

The Deciding Officer of the Department of Social Protection will be responsible for assessing the application and will issue a decision. A copy of the Deciding Officer’s decision should be given to the employees Head of School/Unit and Employee Relations. Employee Relations must be in receipt of a copy of the Deciding Officer’s decision before the leave can commence.

In order to apply for the Carer’s Benefit employees must also apply to the Department of Social Protection and fulfil their requirements. Qualifying for the Carer’s Leave will not automatically mean that an applicant will qualify for the Carer’s Benefit.



10.0 Application Procedure for a Second Period of Leave

A second period of Carer's Leave may be applied for while on Carer's Leave in order to look after a second care recipient who resides with the first care recipient. The total amount of leave when taken together for both relevant persons cannot exceed 208 weeks in total.*

In the case of an approved second period of leave an employee does not have to reapply to Employee Relations before it can begin, but must furnish Employee Relations with a copy of the relevant decision of the Deciding Officer. A second confirmation document will be issued on receipt of notification from the employee.

If an employee's Carer's Leave in respect of one relevant person has completed they may not commence leave to care for a second relevant person until six months after the end of the previous period of leave (*except in circumstances as outlined above).

11.0 Dispute Procedure

Disputes in relation to an employee's entitlement to Carer's Leave should be referred to the Workplace Relations Commission within 6 months of the dispute occurring.

12.0 Responsibilities

Name	Responsibility
Director of Human Resources	Policy Owner
All Staff	Give the University six weeks' notice of intention to avail of this leave, completing the appropriate application form; Also apply to the Department of Social Protection for Carer's Benefit
Line Manager	Read and comply with this leave policy and ensure the employee's leave application is reviewed and submitted to HR promptly
Human Resources Office	Review this policy on a regular basis in light of any changes in legislation

13.0 Related Documentation

- [Carer's leave application form](#)
- [Carer's benefit application form](#)