



# TUS

**Technological University of the Shannon:  
Midlands Midwest**

Ollscoil Teicneolaíochta na Sionainne:  
Lár Tíre Iarthar Láir

## Carer's Leave Policy

Human Resources Department



## Document Control Record



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1.0	AIT/LIT policies reviewed with differences identified and agreed for a TUS Policy. All Unions consulted and changes agreed.
1.1 (June 2023)	Application method updated with the ESS procedure

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## **1. INTRODUCTION**

This policy outlines the procedures for eligible employees in the Technological University of the Shannon: Midlands Midwest (TU) who wish to apply for Carer's Leave. This policy has been written with reference to the Carer's Leave Act, 2001.

## **2. PURPOSE**

2.1 The Act entitles an employee to take unpaid leave from the TU, 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 employees 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 (care recipient) requiring it, whilst protecting their employment rights.

2.3 While carer's leave is unpaid by the TU, the employee may be entitled to carer's benefit based on employee's PRSI contributions. This is determined by the Department of Social Protection, (DSP).

## **3. ELIGIBILITY & DURATION**

3.1 An employee who has completed 12 months continuous service with the TU, is entitled to take a maximum of 104 working weeks unpaid leave, for an eligible care recipient. The employee must also be working for a minimum of 16 hours per week or 32 hours per fortnight in insurable employment, (employees do not have to meet this condition, if the employee is getting carers benefit in the previous 26 weeks).

3.2 Once the 104 weeks allocation has been exhausted, the employee cannot apply for additional carer's leave for the same care recipient, regardless of the relationship or circumstances. The employee 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 an employee 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.

- 3.4 An employee 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 TU, whilst on carer's leave. Such a request must be included in the Employee Request application. Whilst the Human Resources Department will do their utmost to facilitate this request, there is no obligation on the TU to facilitate such a working arrangement.

#### 4. PROCESS

The process for application for carer's leave is as follows:

**Application** - The employee must submit an application to the DSP using the **Carer's Benefit Claim Form** at least **six weeks in advance** of the proposed commencement date of the period of carer's leave, by completing Form CARB1 and forwarding it to the Carer's Benefit Section in the DSP.

The deciding officer from the DSP will be responsible for verifying that the prospective care recipient is a 'relevant person'. Carer's leave cannot begin until the TU has been provided with a copy of the DSP's decision.

Please note that applications for carer's leave for approval by the DSP may take between **six to twelve** weeks to approve and process. Therefore, employees who wish to apply for such leave should consider this wait time and note that delays can occur.

The employee must submit their notice of intention to take carer's leave for approval via the Employee Request facility on the Employee Self Service System (ESS) no later than **six weeks** prior to intending to begin leave. Please include a copy of the DSP deciding officer's decision (where possible).

**Confirmation Document** - A confirmation outlining details of the carer's leave will be agreed and signed by both employer and employee, **two weeks** prior to the commencement of the leave.

In exceptional emergency circumstances, when it has not been possible to comply with the 6 weeks' notice requirement, this may be waived. However, the employee should provide as much notice to their line manager/supervisor and the Human Resources Department, as is reasonably practicable.

## **DECISION**

The relevant person must be deemed by the DSP to be in need of full-time care and attention. The decision is based on details provided by the care recipient's doctor, which will have also been assessed by the DSP's Medical Advisor.

Prior to taking carer's leave, the employee must provide the Human Resources Department, for their information only, with a copy of the decision from the DSP, stating that the relevant person has been medically certified as being in need of full-time care and attention. Carer's leave cannot be approved by the TU until this document has been received by the Human Resources Department. Failure to do so may result in a delay or cancellation of the employee's requested carer's leave, except in exceptional circumstances.

## **CONFIRMATION**

Both the employee and the TU must, not less than two weeks prior to the proposed commencement of the carer's leave, prepare and sign a confirmation document. This must specify:

- the date the leave will begin
- the duration, and
- the manner in which it will be taken.

## **5. RESUMPTION OF DUTY**

- 5.1 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/supervisor, in consultation with the Human Resources Department. Written notice to be given 4 weeks before the intended date of return to work, must be submitted, to the Human Resources Department.
- 5.2 Where a full block leave of 104 weeks has been taken, the TU will only re-vet relevant persons, on return from this leave, in line with the TU Staff Garda Vetting Policy and Procedures.

- 5.3 Salary will only recommence upon full resumption of duties, except where 3.4 applies, in which case they return to their full salary.
- 5.4 An employee on carer's leave who intends to resign from their post shall give the TU notice in accordance with the terms of their contract of employment. Notifications to resign should be submitted in writing to the Human Resources Department and to their relevant line manager/supervisor. It is the responsibility of the employee to inform the DSP of their change in circumstances.
- 5.5 Please note the importance of the employee notifying the TU of their intention to return to work. If this is not received, the TU, may consider having to terminate the contract of employment, on the date carers leave is due to end.

**Note: The onus will be on the employee to keep the TU updated, via the employee portal, in terms of their contact details while on carer's leave.**

## **6. GENERAL PROVISIONS**

- 6.1 Under the Carer's Leave Act 2001, an employee 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 Carer's leave will not be granted if the care recipient is in receipt of full-time care from another person, during the period requested.
- 6.3 Employees are not entitled to a period of carer's leave, where another employee of the TU is absent from employment, due to carer's leave for the same period for the same care recipient.
- 6.4 The employee must live with the care recipient or, under certain circumstances, be in close proximity with a direct line of communication to them.
- 6.5 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, employees should contact the DSP, to request that appropriate credits are made during this period of carer's leave.

- 6.6 Carer's leave may be taken as a continuous block of 104 weeks for each relevant person or, with the agreement of the TU, 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.
- 6.7 The TU may refuse permission to an employee to take a period of leave of less than 13 weeks carer's leave. An employer may refuse, on reasonable grounds, to permit an employee to take a period of carer's leave which is less than 13 weeks duration and where the employer so refuses he or she shall specify in writing to the employee the grounds for such refusal.
- 6.8 Employees on carer's leave are regarded as still being in employment and none of their rights relating to their employment with the TU 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.
- 6.9 An employee 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.
- 6.10 Employees on carer's leave from the TU may not undertake any other employment within the TU unless as specified at 3.4.



- 6.11 It is the responsibility of the employee to notify the Human Resources Department, should the circumstances regarding the approval of their carer's leave change during the period granted.
- 6.12 An employee 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 TU's Disciplinary Procedures.
- 6.13 An employee on carer's leave remains an employee of the TU and is subject to all relevant legislation and TU policies and procedures.
- 6.14 While on carer's leave, the employee is welcome to apply for TU vacancies advertised both internally and externally. If an employee 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 employee's line manager/supervisor, Human Resources and the DSP.
- 6.15 Carers leave is not reckonable for superannuation purposes.

## QUERIES

For enquiries on this policy please contact the relevant HR Department:

TUS Midlands: [hr.midlands@tus.ie](mailto:hr.midlands@tus.ie)

TUS Midwest: [hr.midwest@tus.ie](mailto:hr.midwest@tus.ie)