



# GRIFFITH COLLEGE

## CARER'S LEAVE POLICY

1 INTRODUCTION

2 SCOPE OF ENTITLEMENTS

3 POLICY

4 PROCEDURE

5 CONSIDERATION OF PROCESS AROUND WHERE THE TAKING OF CARER'S LEAVE NEEDS TO BE POSTPONED IN WHOLE OR IN PART

6 REVIEW PROCESS

CARER'S LEAVE APPLICATION FORM



# GRIFFITH COLLEGE

## CARER'S LEAVE POLICY

### 1 INTRODUCTION

Griffith College acknowledges that a staff member who provides full-time care to a relevant person, as defined by the Department of Social Protection (DSP), will be entitled to unpaid Carer's Leave from 13 to 104 weeks. The Carer's Leave Act, 2001 (as amended) (the "Act") allows for the temporary absence from employment of staff members to provide full-time care to a person requiring it, while protecting the staff member's employment rights.

Given the nature and extent of the Act, it is not practicable to provide in this policy for all rights, entitlements and employee obligations in all particular circumstances, including those relating to probation period, revocation of applications for Carer's Leave and the postponement, curtailment or variation of Carer's Leave. If an employee has any queries relating to rights, entitlements and obligations that are not expressly provided for in this policy or that are not set out in full in this policy, please do not hesitate to contact the HR Department.

### 2 SCOPE OF ENTITLEMENTS

2.1 This policy applies to a staff member who has at least twelve months continuous service with the College.

2.2 The care recipient must be considered a 'relevant person' by a deciding officer of the DSPP.

2.3 The staff member must provide the College with the approval form from the DSPP showing the care recipient has been approved as a 'relevant person'. An application form (CARB1 form) and information leaflet may be obtained from the DSP

2.4 Carer's Leave is unpaid but a staff member who proposes to avail of it will be able to return to employment with the College on completion of the Carer's Leave

2.5 A staff member on Carer's Leave may be eligible for Carer's Benefit, paid by the DSP, which is dependent on PRSI contributions or, if not, may be eligible for Carer's Allowance, paid by DSP, which is a means-tested payment.



# GRIFFITH COLLEGE

## CARER'S LEAVE POLICY

2.6 The staff member must not engage in employment/self-employment during the leave period with the following exceptions:

- Attending educational/training courses of up to 18.5 hours per week.
- Taking up voluntary/community work of up to 18.5 hours per week.
- Engaging in employment approved by the DSP.
- Engaging in limited self-employment in the staff member's home.

2.7 A staff member availing of Carer's Leave should contact the DSP to ensure that appropriate credits are made to preserve social insurance records.

2.8 The College must keep records of Carer's Leave periods taken by a staff member for eight years.

2.9 A staff member shall not be penalised for proposing to exercise or having exercised their entitlement to Carer's Leave.

2.10 The College is obliged by the Act to notify the DSP if it is of the opinion that the person being cared for is no longer a relevant person, a staff member no longer satisfies the conditions for full time care of the relevant person or the staff member is engaged in employment or self-employment (other than the exceptions referred to above).

## 3 POLICY

3.1 The staff member may request to take Carer's Leave:

- In a continuous period of 104 weeks or
- In periods of at least 13 weeks – up to 104 weeks.

The College will consider applications of less than 13 weeks although it may refuse such requests on reasonable grounds. If it is not possible to approve such an application, the College will write to the staff member outlining the reasons.

3.2 A gap of at least six weeks must exist between periods of Carer's Leave for the same relevant person if it is not taken in one continuous period.

3.3 There must be a gap of at least six months between the end of a period of Carer's Leave and an application for Carer's Leave for another relevant person.

3.4 All employment rights are retained during the period of Carer's Leave except for the following:



# GRIFFITH COLLEGE

## CARER'S LEAVE POLICY

- Salary, pension benefits and other remuneration
- Annual leave after 13 weeks has accrued
- Public Holidays after 13 weeks have accrued
- Obligations of the College to pay any contributions in connection with the staff member's employment

3.5 Carer's Leave is granted to take care of the relevant person and it may be terminated if it is not used for this purpose. To avail of Carer's Leave for any other reason may be subject to serious disciplinary action, up to and including dismissal.

3.6 A staff member may request to change the agreed method of taking Carer's Leave and where this is agreed a new Leave Request Form must be completed (the form may be accessed from each employee Bamboo HR account under the file tab), signed and a copy given to the staff member.

3.7 A staff member may only use Carer's Leave to provide care to one person. An exception to this is where the two people live together and both are in need of full-time care. In this situation the total amount of Carer's Leave shall not in aggregate is 208 weeks.

## 4 PROCEDURE

4.1 The staff member applies, using the Carer's Benefit Claim Form, to the DSP who will decide if the staff member is entitled to Carer's Benefit. The College will complete its section on this form. A staff member must apply at least 8 weeks prior to the proposed start date of the Carer's Leave.

4.2 The staff member must give his/her Head of Faculty/Department 6 weeks' notice if he/she wishes to avail of Carer's Leave and provide the following information:

- Proposed date of Carer's Leave
- Proposed manner in which to take Carer's Leave
- Confirmation/evidence that an application has been made to the DSP

Where, in exceptional or emergency circumstances, it is not reasonably practicable to give 6 weeks' notice, the staff member shall give that notice as soon as is reasonably practicable.

4.3 The Head of Faculty/Department will complete the Leave Request Form and forward it to the HR Department.



# GRIFFITH COLLEGE

## CARER'S LEAVE POLICY

4.4 The Leave Request Form will be signed by the HR Department and a copy returned to the staff member as confirmation that the leave has been approved. This must be done not less than two weeks prior to the proposed commencement of the Carer's Leave.

4.5 The HR Department will update the staff member's HR files as appropriate.

4.6 The staff member must submit the DSP approval letter to the Head of Faculty/Department before the leave can commence. This letter is forwarded to the HR Department for and it will be filed on the staff member's HR file.

4.7 The staff member must give at least four weeks written notification to the Head of Faculty/Department of his/her intention to return to work. This letter will be forwarded to HR for filing on the staff member's HR file.

4.8 Subject to 4.9 and 4.10 below, the staff member has the right to return to work in the same job as they left, under the same employment contract.

4.9 The College may offer alternative employment to the staff member employee, but only if it is not reasonably practicable for the College to allow them to return to work in the same job, under the same or similar contract of employment. In this case, the College may offer the employee suitable alternative employment under a new employment contract.

4.10 The terms and conditions of any suitable alternative employment, in relation to the place of employment, the capacity in which they will be employed and the monetary and other terms of employment, will not be substantially less favourable than those which previously applied. Continuity of service shall be preserved.

## 5 CONSIDERATION OF PROCESS AROUND WHERE THE TAKING OF CARER'S LEAVE NEEDS TO BE POSTPONED IN WHOLE OR IN PART

Carer's Leave will terminate under the following circumstances:

- On the date specified in the confirmation issued by the College
- On another date agreed by the College and the staff member.
- Where the relevant person ceases to meet the criteria laid down by the DSP. Any queries must be referred for adjudication to the DSP.



# GRIFFITH COLLEGE

## CARER'S LEAVE POLICY

- Where the staff member ceases to satisfy the conditions qualifying for the leave. Any queries must be referred for adjudication to the DSP.
- Where the relevant person dies during the leave period. In such a case the leave will terminate six weeks after the death or on the date specified on the confirmation documentation, whichever is the earlier.

## 6 REVIEW PROCESS

The College reserves the right to review, update, amend, replace or delete this policy. The policy will be reviewed on an ongoing basis and it is the responsibility of each staff member to ensure that they keep themselves up to date.



# GRIFFITH COLLEGE

## CARER'S LEAVE POLICY

### CARER'S LEAVE APPLICATION FORM

Please fill in the form below and upload it to BambooHR after your line manager's approval, where it will be actioned by the HR team as soon as possible. If you have any questions, please don't hesitate to contact the HR department for assistance.

<b>Employee Name</b>	
<b>Job Title</b>	
<b>Department or Faculty</b>	
<b>Employee Location</b>	
<b>Line Manager Name</b>	

<b>Carer's Leave (from 13 to 104 unpaid weeks)</b>	
<b>Start date:</b>	
<b>End date:</b>	
<b>Proposed return to work date:</b>	
<b>Total number of weeks requested:</b>	
<b>Approved by the line manager</b>	

#### HR Use Only

<b>Process complete on Bamboo HR (Yes/No)</b>	
---	--

The above application for Carer's Leave has been approved and is hereby confirmed.

\_\_\_\_\_

**For and on behalf of**

**Griffith College**