



Carers Leave Policy

Std Reference:	AA 0010	Written by:	Helen Morley
Revision No:	3	Reviewed by:	Shane Scanlan
Pages:	4	Approved by:	Donna McNamara
Review Date:	February 2016		
Next Review:	February 2017		

1. Policy Definition	Page 2-2
2. Leave Period	Page 2-2
3. Eligibility	Page 2-3
4. Application Procedure	Page 3-3
5. Deferral of Leave	Page 3-3
6. Termination of Leave	Page 3-4
7. Refusal to Grant Leave	Page 4-4
8. Returning to Work	Page 4-4
9. Document Revision Record	Page 4-4

AA010 Carers Leave Policy

1. **Policy:**

It is the policy of Brídhaven to provide, in accordance with its obligations under the Carer's Leave Act, 2001, unpaid Carer's Leave to employees who are personally providing full-time care to a person (a 'relevant person' as defined by the Carers Leave Act) in need of full-time care and attention.

An employee who is providing full-time care to a person who is objectively assessed by the Department of Social Protection (by deciding officers under the *Carer's Benefit Scheme*) as being in need of full-time care and attention (*a 'relevant person') is entitled to a minimum period of 13 weeks and up to a maximum period of 104 weeks unpaid leave solely for the purpose of providing such care.

***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 to themselves. A medical practitioner must certify the nature and extent of the care recipient's disability.

You may only be on Carer's Leave in respect of any one person in need of full-time care at any one time. An exception is where 2 people live together and both are in need of full-time care and attention. In this situation the total amount of Carer's Leave is 208 weeks (104 for each person being cared for).

2. **Leave period:**

- a) Carer's Leave can be for a minimum period of 13 weeks and up to a maximum period of 104. It may be taken for a lesser period(s) in individual cases with the agreement of management and the employee.
- b) With the agreement of management, an employee may take a number of periods of Carer's Leave adding up to 104 weeks but only in the following manner:
 1. Ideally each period must be of 13 weeks duration (a maximum of 8 periods). However, where there is agreement of management and the employee, the periods of leave may differ from this but may not exceed a maximum of 104 weeks in total;
 2. There must be at least 6 weeks between leave periods.
- c) During an absence on Carer's Leave, an employee retains all employment rights **except the right to remuneration and superannuation benefits**. In addition, employees on Carer's Leave are entitled to **annual leave and public holidays** in respect of the first 13 weeks only of the leave.
- d) Periods of probation, training or Traineeship will be suspended during Carer's Leave.
- e) Any holidays for which the employee is eligible and which falls during the first 13 week period of Carer's Leave are added to the end of the period of Carer's Leave.

NOTE:

IN ORDER TO APPLY FOR CARER'S BENEFIT, EMPLOYEES MUST APPLY TO THE **DEPARTMENT OF SOCIAL PROTECTION, BALLINALEE RD., LONGFORD, AND** FULFIL THEIR REQUIREMENTS.

3. **Eligibility**

Employees will be considered eligible to apply for Carer's Leave if they meet the following criteria:

- They have provided Brídhaven with a copy of the decision from the Department of Social Protection.
- They have completed at least 12 month's continuous service with Brídhaven.
- The person they wish to look after is considered to be a 'relevant person'.
- The employee will be providing full-time care and attention to the relevant person.
- The employee **will not** be engaging in employment during the period of leave with the exception of:

AA010 Carers Leave Policy

- attending an educational or training course or take up voluntary or community work for up to 15 hours per week;
 - engaging in limited self-employment within their own home;
 - engaging in employment outside the home for up to 15 hours per week. This means that, with the approval of the Department of Social Protection, you may work at Brídhaven for up to 15 hours per week should that work become available.
- Only one employee may be on Carer's Leave in respect of any one relevant person at any one time.

4. **Application procedure:**

To apply for Carer's Leave, an employee must complete the following 3 steps:-

- a. An employee must apply to the Department of Social Protection (Carer's Benefit Section), Social Welfare Office, Government Building, Ballinalee Road, Longford, for a decision on whether the person to be cared for is a "relevant person" for the purposes of the Carer's Leave Act. The employee must then provide their Manager with a copy of the Department's written decision.
- b. An employee wishing to avail of Carer's Leave must give written notice, on the Brídhaven's standard application form for Carer's Leave, not later than six weeks before the proposed commencement of the leave. 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 practicable.

The application form, accompanied by the decision from the Department of Social Protection, should be submitted to the employee's immediate manager who will forward it to the Proprietor with a recommendation.

- c. Once arrangements for Carer's Leave have been agreed between the employee and management, they will be set out in the Brídhaven's 'Confirmation Document' which must be signed by both parties at least two weeks before such leave commences.

An employee may revoke, in writing, his/her notice of intention to take Carer's Leave at any time before the 'confirmation document' has been signed. However, once this document has been signed by both parties, it cannot be altered/changed unless both parties agree.

Once the period of Carer's Leave has commenced, an employee is not entitled to return to work during the agreed period of Carer's Leave, except in the most exceptional of circumstances and by agreement with management. If after the date of a 'confirmation document' management and the employee agree to postpone the leave to some other time or curtail, or vary the leave in some agreed manner, then the leave not used in such a situation can be taken at some other time agreed between the parties.

5. **Deferral of Leave:**

If, in the view of management, the taking of Carer's Leave by a particular employee would have an adverse effect on the operation of the business, such leave may be postponed with the agreement of the employee.

6. **Termination of Leave:**

Carer's Leave will terminate in the following circumstances:

- a. The date of termination of the period of Carer's Leave specified in the confirmation documentation has been reached.
- b. Where the person in respect of whom the employee has taken Carer's Leave ceases to satisfy the conditions for a relevant person for the purposes of the Act.
- c. Where the employee ceases to satisfy the conditions for the provision of full-time care and attention for the purposes of the Act.

AA010 Carers Leave Policy

- d.** Where Brídhaven has been notified of a decision by a Deciding Officer or an Appeals Officer that the leave should end.
- e.** Where the requirement for the employee to provide full-time care to a 'relevant person' ceases for any reason.
- f.** 6 weeks after the death of the relevant person.

In a case where the leave is terminated and the employee returns to work, the period between the date of the employees return to work and date on which the leave would have ended if the employee had completed the leave, does not count as Carer's Leave.

In a case where the leave is terminated and it is not possible for the employee to return to work, the employee shall not receive remuneration prior to the end of the Carer's Leave period specified in the confirmation document. This period shall not be regarded as Carer's Leave.

7. Refusal to grant leave:

An employer may refuse to grant Carer's Leave if there is reasonable grounds to believe that the employee is not entitled to such leave. In an instance where leave is being refused, the employee will be advised in writing and given an opportunity to make representations on the matter. In addition, the Department for Social Protection, will be notified in writing of the reasons for this decision.

8. Returning to Work:

Following the date of the end of the Carer's Leave specified in the confirmation document, or the termination of the leave, an employee will be entitled to return to the position held immediately prior to the leave, or to their normal work if this is different, in so far as is reasonably practicable. However, if it is not reasonably practicable to allow an employee to do so, the employee will be offered suitable alternative work.

Any pay or benefit changes during the Carer's Leave will be applicable from the day of return to employment.

9. Document Revision Record:

Revision No.	Reviewed by:	Date:	Changes: Yes/No	Reason for Review