

6.5 Carer's Leave

The [Carer's Leave Act 2001](#) provides an entitlement for a staff member to avail of temporary unpaid leave from employment to personally provide full-time care and attention for a person who is in need of such care.

The period of leave a staff member is entitled to, is subject to a maximum of 104 weeks in respect of any one care recipient. The minimum statutory entitlement is 13 weeks.

Eligibility

In order to qualify for Carer's Leave a staff member must fulfil the following conditions:

- (a) The staff member must have at least 12 months continuous service
- (b) The staff member must intend to take Carer's Leave for the purpose of personally providing full-time care and attention to a person (a relevant person) who is in need of such and must actually do so for the duration of the leave.

Rules and Definitions

The **"relevant person"** refers to the person receiving full time care and attention. In order to qualify for Carer's Leave the relevant person must be deemed to be in need of full time care and attention by a deciding officer (or appeals officer) of the Department of Social Community and Family Affairs. This decision will be based on information provided by the relevant person's general medical practitioner and assessed by the Department's medical advisor.

According to the Department of Employment Affairs & Social Protection (DEASP) **"full time care and attention"** means that a person being cared for must be so disabled as to require:

- (a) Continuous supervision and frequent assistance throughout the day in connection with their personal needs e.g. help to walk, eat, drink, wash, bathe, dress etc.
- (b) Continuous supervision in order to avoid danger to themselves

While on Carer's Leave a staff member may:

- (a) attend an educational or training course or take up voluntary or community work for up to 10 hours per week
- (b) engage in limited self-employment in their own home. This must be approved by the Minister for Employment Affairs & Social Protection and will be subject to an upper income limit as set out in regulations made by the Minister

Exceptions

A staff member will not be entitled to Carer's Leave in respect of the care of an individual at a time when another staff member is on Carer's Leave for the purpose of providing full-time care and attention to the same relevant person.

A staff member will generally not be permitted to be on Carer's Leave in respect of more than one relevant person at any one time. Before a staff member can commence Carer's Leave, they must provide Teagasc with a copy of the decision of a deciding officer (or appeals officer) of the DEASP, that the relevant person has been medically certified as being in need of full time care and attention.

Manner in which Leave may be taken

Leave may be taken in one of the following ways:

- one continuous period of 104 weeks
- one or more periods, the total duration of which amounts to not more than 104 weeks

Teagasc may refuse on reasonable grounds in writing to permit a staff member to take Carer's Leave for any period of less than 13 weeks. Teagasc may however, agree to arrangements for Carer's Leave more favourable to the staff member.

Employment Rights During Carer's Leave

While on Carer's Leave, a staff member shall be regarded as still working for Teagasc for all purposes relating to employment with the following exceptions:

- There is no right to remuneration or superannuation benefits
- Annual leave will only accrue during the first 13 weeks of the Carer's Leave entitlement in respect of any one relevant person
- The right to public holidays is likewise restricted to the period comprising the first 13 weeks only of the Carer's Leave entitlement in respect of any one relevant person

Absence from employment while on Carer's Leave shall not be treated as part of any other leave to which the staff member is entitled (e.g. sick leave, annual leave, adoptive leave, maternity leave, parental leave or force majeure leave).

How to Apply

A staff member must give written notice to the HR Department of the intention to take Carer's Leave not later than 6 weeks before the proposed commencement of the leave.

The written notice must contain the following details:

- The date on which the staff member intends to commence the leave
- The duration of the leave
- The manner in which it is proposed to take the leave
- A statement that an application for a decision that the person to be cared for is a relevant person for the purposes of the Carer's Leave Act has been made to the DEASP
- The staff member's signature and date

Once a staff member has given notice of the intention to take Carer's Leave they must provide Teagasc with a copy of the decision from the deciding officer (or appeals officer) of the DEASP that the person in respect of whom the staff member proposes to avail of Carer's Leave is a relevant person i.e. medically certified as requiring full-time care and attention.

Teagasc and the staff member will then prepare a confirmation document. This document must be prepared and signed no later than two weeks before the leave is due to commence and must include the following details:

- The date on which the period of Carer's Leave will commence
- The duration of the period of Carers Leave

- Signatures of the relevant HR Services Officer and the staff member

Once this confirmation document has been signed by both the relevant HR Services Officer and the staff member it cannot be altered unless both parties agree.

Version	Revision Date	Summary of Changes	Policy Owner
2.0	October 2020	Correction to DEASP title.	HR - Services