

Diocese of Elphin – HR Policy Handbook

Document Name: Carer's Leave Policy
Document No: 6.1.4 (original)
Effective Date: 15th February 2019
Written By: Frank Mitchell, HR Advisor
Approved By: +Kevin Doran, Bishop of Elphin



Operating under the patronage of Our Lady of the Immaculate Conception, the Diocese of Elphin aims to provide staff members with a safe, caring and supportive Christian environment in which to carry out their work. Work objectives are to be advanced with due regard to the needs and dignity of each staff member and with due regard for the individuals and communities the diocese serves.

This document outlines the Diocesan policy on Carer's Leave. It is applicable to parishes, offices, agencies and any entity operating under the governance of the Diocese of Elphin (hereafter referred to as "the employer"). Line Managers (Bishop, Priests, Deacons, Religious, Lay Personnel who supervise staff members) are responsible for communicating this policy and having it signed off by their staff member(s).

Introduction

Under the Carer's Leave Act 2001, staff members are entitled to a maximum of 104 weeks leave in order to provide full-time care and attention to a person requiring it. The care recipient (called "a relevant person") is defined as: somebody who needs continuous supervision and frequent assistance throughout the day with their normal personal needs (e.g. help to eat, drink, wash) or needs continuous supervision in order to avoid danger to themselves. The relevant person does not need to be a family member or spouse, but could be a friend or colleague.

Eligibility for carer's leave

All staff members who have one year's continuous service are eligible to apply for carer's leave. The person you are proposing to care for (the relevant person) must be deemed to be in need of full-time care and attention by a Deciding Officer of the Department of Employment Affairs and Social Protection (DEASP). You must take the carer's leave for the purpose of personally providing full-time care and attention to the person in need of such care, and must actually do so for the duration of the leave. Carer's leave is unpaid, but a staff member may be entitled to an allowance from the DEASP.

Conditions for taking carer's leave

The following conditions apply to taking carer's leave.

- One person only can be absent on carer's leave for a specific care recipient at any time. Carer's leave will not be granted to a staff member if the care recipient is in receipt of full-time attention from someone else;
- A staff member is only entitled to leave for one care recipient at a time. However, on one occasion only a staff member may commence leave in respect of a second relevant person, while already on leave in respect of another relevant person, but only where the two relevant persons reside together;
- You must provide your line manager with the decision of a Deciding Officer of the DEASP, stating that the person in respect of whom you propose to take carer's leave is a relevant person;
- You may engage in employment outside the home while on carer's leave for up to 15 hours per week, provided your income from employment is less than a weekly income limit set by the DEASP. Alternatively, you may attend an educational or training course or take up voluntary or community work for up to 15 hours per week. You can also engage in limited self-employment in your home; again this is subject to an upper income limit set out by the DEASP. If you do engage in employment or attend a course, please ensure that you notify your manager with details;
- You must notify your manager of any change in circumstances that affects your entitlement to carer's leave as soon as is reasonably practicable.

Diocese of Elphin – HR Policy Handbook

Document Name: Carer's Leave Policy
Document No: 6.1.4 (original)
Effective Date: 15th February 2019
Written By: Frank Mitchell, HR Advisor
Approved By: +Kevin Doran, Bishop of Elphin



Employment rights while on carer's leave

During an absence on carer's leave, a staff member shall be regarded as still working in the employment for all purposes relating to his or her employment and none of his or her rights or obligations relating to the employment shall be affected, except for the following.

- Carer's leave is unpaid. There is no right to remuneration or superannuation benefits for the duration of the leave;
- The right to annual leave is restricted to the first 13 weeks only of the carer's leave in respect of any one relevant person. Therefore, annual leave is only accrued for the first 13 weeks only;
- The right to public holiday benefit is likewise restricted to 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 (eg, sick leave, annual leave, adoptive leave, maternity leave, parental leave or force majeure leave).

Notification of carer's leave

If you wish to take carer's leave, you must apply, using the Carer's Benefit claim form, to the Minister for Employment Affairs and Social Protection for a decision by a Deciding Officer ten weeks before intending to begin carer's leave. This claim form should be completed by the staff member, employer, the care recipient and the care recipient's GP.

A decision will be made by the Deciding Officer. If the leave is granted, a copy of the decision must be given to your manager before the leave can commence.

In addition to applying to the DEASP, you must give written notification to your manager of your intention to take carer's leave no later than six weeks before the date you intend to commence the carer's leave. Please use the carer's leave request form for this purpose (Appendix 1)

In exceptional or emergency circumstances, this notice period may be waived and "the employer" may accept notice as soon as is reasonably practicable.

Taking carer's leave

The leave may be taken as a continuous block of 104 weeks or in a number of periods not exceeding a total of 104 weeks. If carer's leave is not taken in one continuous period, there must be a gap of at least six weeks between any two periods of carer's leave.

If carer's leave for one relevant person has terminated, a staff member cannot commence another period of carer's leave to care for a different person until a period of six months has lapsed since the termination of the previous period of carer's leave.

Postponement

It is at the discretion of "the employer" to allow periods of carer's leave that are less than 13 weeks duration. "The employer" may refuse, on reasonable grounds, to permit a staff member to take a period of leave shorter than 13 weeks. These reasons will be provided to the staff member in writing.

Diocese of Elphin – HR Policy Handbook

Document Name: Carer's Leave Policy
Document No: 6.1.4 (original)
Effective Date: 15th February 2019
Written By: Frank Mitchell, HR Advisor
Approved By: +Kevin Doran, Bishop of Elphin



Confirmation of details

A confirmation document will be completed and signed by you and your manager no later than two weeks prior to the proposed commencement date, confirming details of the leave, duration, manner in which leave will be taken, etc. (see appendix 2)

Termination of carer's leave

Carer's leave will terminate in the following circumstances:

- on the date of termination of the period of carer's leave as specified in the confirmation document;
- on a date agreed between employer and staff member;
- where the care recipient ceases to satisfy the conditions to be a relevant person;
- where the staff member ceases to satisfy the condition to be the provider of full-time care and attention;
- on the date that the employer notifies the staff member to return to work following a decision of a Deciding Officer or an Appeals Officer that the leave should end;
- where the relevant person dies during the period of carer's leave, the leave will terminate either six weeks after the date of death, or on the date of termination specified in the confirmation document, whichever is the earlier.

Return to work

You must confirm your intention of returning to work no less than four weeks before the date when you intend to return.

When carer's leave ends, you will be entitled to return to your usual job, so far as it is reasonably practicable to do so. However, if this is not possible, you will be offered suitable alternative work, with terms and conditions no less favourable than those you held in the original job.

Record of carer's leave

An employer must keep a record of carer's leave taken by staff members, specifying the period of employment for each staff member and the dates and times of the leave taken. These records must be retained for eight years. Notices, or copies of notices, required by this Act shall be kept for a period of three years.

Abuse

If "the employer" has reasonable grounds to believe that carer's leave was not taken in accordance with this policy, it may instigate an investigation. If, following such an investigation, a staff member is found abusing this leave, he or she may be subject to disciplinary action, up to and including dismissal.

Responsibilities

In order to support the implementation of this policy, the following responsibilities have been assigned:

- "the employer" determines if carer's leave is approved;
- each supervisor/manager is responsible for ensuring that this procedure is implemented as designed;
- it is the responsibility of all staff members to be aware of this policy and apply it appropriately;
- staff members availing of carer's leave are responsible for the completion of all necessary forms and records and for complying with the regulations and procedures;

Diocese of Elphin – HR Policy Handbook

Document Name: Carer's Leave Policy
Document No: 6.1.4 (original)
Effective Date: 15th February 2019
Written By: Frank Mitchell, HR Advisor
Approved By: +Kevin Doran, Bishop of Elphin



- "the employer" will monitor the implementation of this policy and ensure consistency in its application;
- the HR Advisor will review, revise and adapt the carer's leave policy in order to keep it consistent and in line with current legislation.

For further information please contact:

HR Advisor
Elphin Diocesan Office
St. Mary's
Temple Street
Sligo F91 KTX2
Email: hr@elphindiocese.ie
Mobile: 087 240 4882

Diocese of Elphin – HR Policy Handbook

Document Name: Carer's Leave Policy
Document No: 6.1.4 (original)
Effective Date: 15th February 2019
Written By: Frank Mitchell, HR Advisor
Approved By: +Kevin Doran, Bishop of Elphin



Appendix 6.1.4(a) - two pages

Notice to employer of intention to take carer's leave

Under the Carer's Leave Act 2001, this form must be completed by the staff member concerned not later than six weeks before the intended commencement of the leave. The staff member must give the employer a copy of the decision from the Deciding Officer of the Department of Employment Affairs and Social Protection, stating that the care recipient is a relevant person, as soon as he or she receives it. The applicant is not entitled to carer's leave until he or she has done so.

Name of staff member: _____

Address of staff member: _____

Commencement date of employment:

Day	Month	Year

Department/Location: _____

PPS number: _____

Proposed date of commencement of carer's leave:

Day	Month	Year

Proposed duration of carer's leave: ____ weeks

Proposed date of return to work:

Day	Month	Year

Name of care recipient: _____

Has approval been received from the Department of Employment Affairs and Social Protection? _____

Diocese of Elphin – HR Policy Handbook

Document Name: Carer's Leave Policy
Document No: 6.1.4 (original)
Effective Date: 15th February 2019
Written By: Frank Mitchell, HR Advisor
Approved By: +Kevin Doran, Bishop of Elphin



I wish to confirm that I have made an application to the Department of Employment Affairs and Social Protection for a decision from a Deciding Officer, stating that the person, in respect of whom I propose to take carer's leave, is a relevant person (ie, in need of full-time care and attention) for the purposes of the Social Welfare (Consolidation) Act 2005.

NOTE: A staff member is entitled to a maximum of 104 weeks unpaid carer's leave for any one relevant person. Carer's leave is granted solely for the purpose of providing full-time care and attention to a relevant person requiring such care. This leave may be terminated if it is not used for this purpose. Any staff member abusing this leave may be subject to serious disciplinary action, up to and including dismissal.

I declare that the information given above is accurate and complete.

Signed: _____ Date: _____
(Staff member)

Diocese of Elphin – HR Policy Handbook

Document Name: Carer's Leave Policy
Document No: 6.1.4 (original)
Effective Date: 15th February 2019
Written By: Frank Mitchell, HR Advisor
Approved By: +Kevin Doran, Bishop of Elphin



Appendix 6.1.4(b)

Confirmation of carer's leave

To be completed by the employer and the staff member not later than two weeks before the commencement of the carer's leave concerned. The staff member must give the employer a copy of the decision from the Deciding Officer of the Department of Social Protection, stating that the care recipient is a relevant person, as soon as he or she receives it.

Confirmation document

Name of staff member: _____

Address of staff member: _____

PPS number: _____

Approved date of commencement of carer's leave:

Day	Month	Year

Duration of carer's leave: ____ weeks

Conditions for the period of carer's leave

All remuneration and superannuation benefits for the duration of the period will cease. You may arrange payment of your pension and health insurance contributions during this period.

You will receive a benefit for public holidays that occur during the first 13 weeks of the period of carer's leave. They are as follows:

Date: _____

Date: _____

Payment for these public holidays will be made to you in (month) by (credit transfer).

Diocese of Elphin – HR Policy Handbook

Document Name: Carer's Leave Policy
Document No: 6.1.4 (original)
Effective Date: 15th February 2019
Written By: Frank Mitchell, HR Advisor
Approved By: +Kevin Doran, Bishop of Elphin



As you will continue to accrue annual leave for the first 13 weeks of the carer's leave period, your annual leave entitlement will be _____. These days of annual leave will be taken as agreed.

You are required to notify the diocese in writing of your intention to return to work four weeks prior to the date of termination of the leave (date).

If you are found to be abusing the leave, it will be terminated immediately and you will be subject to the disciplinary policy.

This document can be varied only by agreement between both parties.

Please sign this letter to indicate your agreement to the above conditions and return one copy to _____.

Signed: _____ Date: _____
(On behalf of the employer)

Signed: _____ Date: _____
(Staff member)