

CHAPTER TEN – CARER’S LEAVE SCHEME

(Should be read in conjunction with the [Introduction](#), [General Provisions for All Schemes](#), and [Definitions](#))

1. Carer’s Leave Scheme

- 1.1 Carer’s Leave is a period of unpaid leave available to a teacher in order that he/she may provide full-time care and attention for a relevant person.
- 1.2 The person for whom the Carer’s Leave is being applied for, (referred to as the “relevant person”) must first be deemed to be in need of this level of care by DSP. Therefore, the teacher must first make an application on the prescribed DSP CARB1 Form and on approval subsequently make an application to the employer. In emergency situations, an employer may process an application and grant Carer’s Leave pending DSP approval. In granting Carer’s Leave, the employer should establish that an application has been submitted to DSP. The DSP approval form must be submitted immediately by the teacher to the school on receipt from DSP.
- 1.3 A teacher on Carer’s Leave is deemed for all purposes to be in employment at that time with the exception of remuneration and superannuation. The absence is therefore fully reckonable for all other purposes including seniority, access to the redeployment panel and notification regarding posts of responsibility.
- 1.4 A teacher will not be entitled to Carer’s Leave where another person is on Carer’s Leave for the purpose of providing full time care and attention for the same person.

2. Eligibility

- 2.1 A teacher may apply for Carer’s Leave where he/she has satisfactorily completed one year’s continuous service with the current employer.
- 2.2 This requirement is waived in the following instances:
 - a teacher compulsorily redeployed into a school provided that he/she has worked at least one full year in his/her former school before being redeployed
 - a teacher seeking Carer’s Leave is teaching in a school that was amalgamated within a year of the application date for Carer’s Leave
- 2.3 A teacher who is due to be placed on a panel for redeployment or who is on a panel for redeployment may not be sanctioned Carer’s Leave beyond the end of the school year in which his/her post is to be withdrawn.
- 2.4 Where a teacher has been appointed for a fixed term contract and the employment would have terminated on the expiry of that fixed term had he/she not been on Carer’s Leave, the period of Carer’s Leave shall not extend beyond the day on which the fixed term expires. The granting or taking of Carer’s Leave shall not affect the date of termination of a fixed term appointment.

- 2.5 A teacher absent on Sick Leave immediately prior to the start of Carer's Leave must be deemed fit by the Occupational Health Service (OHS) to resume duty before commencing Carer's Leave.

3. Operation of the Scheme

- 3.1 An application for Carer's Leave should be made by the teacher to his/her employer at least 6 weeks in advance of commencement of the leave. A copy of the DSP sanction (where available) must be included with the application form attached at [Appendix A](#).
- 3.2 The employer in granting Carer's Leave should, 4 weeks prior to the commencement of the leave, complete with the teacher, the confirmation document attached at [Appendix B](#).
- 3.3 The employer should notify the Department via the OLCS/ETB system, **not later than 4 weeks prior** to the commencement of the leave. As Carer's Leave is unpaid leave, undue delay in recording of the leave may result in overpayment of salary to the teacher concerned. Any overpayment of salary arising in this manner must be recouped in accordance with the procedures set out in Circular 84/2015 "Policy and Procedures for dealing with the recovery of overpayments of salary or pension" or in the case of ETBs, Circular 32/2016 "Policy and Procedures for dealing with the recovery of overpayments of salary". The start and end dates recorded via the OLCS/ETB system must correspond with the dates as sanctioned by the DSP.

4. Period of Carer's Leave

- 4.1 The maximum period of Carer's Leave allowable to care for a person shall be 104 weeks unpaid leave and teachers will have the option of taking this leave as:
- one continuous period of 104 weeks or
 - one or more periods, the total duration of which does not exceed 104 weeks.
- 4.2 Where Carer's Leave is not taken in one continuous period of 104 weeks there must be a minimum of 6 weeks intervening period between the periods of Carer's Leave in respect of the same person. The minimum statutory requirement that may be taken in one period is 13 weeks. A week comprises 7 consecutive days including weekends, school closures and days on which a teacher is not timetabled for attendance within that period. However, application for lesser periods may be considered on merit and approved where possible.

5. Carer's Leave for more than one relevant person

- 5.1 A teacher is not permitted to be on Carer's Leave in respect of more than one person at any one time. However, on one occasion only, a teacher may commence leave in respect of another person where the two persons reside together and approval has been received from the DSP for the second person. In such circumstances, an overall

total amount of Carer's Leave of 208 weeks can be taken together (104 weeks for each person).

- 5.2 Where a teacher has availed of Carer's Leave for one person and needs to avail of further leave for another person, in circumstances where those two individuals do not reside together, then a period of 6 months must elapse from the date of the termination of the leave in respect of the first person before a further period of Carer's Leave can commence for the second person. This regulation applies even if the teacher has not taken the maximum period of 104 weeks Carer's Leave for the first person.

6 Replacement Teacher

- 6.1 The employer may appoint a substitute teacher, paid by the Department/ETB while a teacher is absent on Carer's Leave and this must be keyed via the OLCS/ETB system.
- 6.2 Contracts awarded to cover Carer's Leave should make clear reference to the fact that there are circumstances where the substitute appointment may have to be terminated, in the event of the absent teacher returning to duties earlier than initially expected.

7. Overlap of Leave

- 7.1 It is not permissible to be simultaneously absent on two types of statutory leave.

8. Termination of Carer's Leave

- 8.1 Generally, a period of Carer's Leave shall terminate on the date specified on the confirmation document or where the person being cared for:
- ceases to require fulltime care and attention during the period of Carer's Leave or
 - where the person being cared for dies during a period of Carer's Leave.
- 8.2 In the case of the latter instance the teacher may return on the date specified in the confirmation document or on a date which occurs 6 weeks after the date of the death whichever is the earlier.

Where the employer is of the opinion that any of the following circumstances exist:

- a) That the person in respect of whom the teacher proposes to take Carer's Leave is not or is no longer a relevant person
- b) That the person in respect of whom Carer's Leave has been granted, and in respect of whom the teacher is on Carer's Leave is not or is no longer a relevant person
- c) That a teacher who proposes to take or is on Carer's Leave does not satisfy

the conditions for providing full-time care and attention to the relevant person

- d) That a teacher who proposes to take or is on Carer's Leave is engaging or has engaged in employment or self-employment other than as provided for in regulations made by the Minister for Social Protection;

then the employer shall notify the DSP of such opinion together with the grounds for that opinion.

8.3 Where the DSP makes a decision that:

- a) A person in respect of whom a teacher proposed to take or has taken Carer's Leave was not or is no longer a relevant person
- b) The teacher does not satisfy the conditions for providing full-time care and attention or
- c) The teacher is engaging or has engaged in employment or self-employment other than as prescribed by DSP (e.g. working more than the 15 hours allowed per week);

then the period of Carer's Leave, if commenced, shall terminate on the date of that decision and the teacher shall return to work. Any appeal of such a decision be made to an appeals officer of the DSP.

8.4 In circumstances in which Carer's Leave is to terminate on foot of the instruction of a deciding officer/appeals officer of the DSP, it is a requirement that:

- a) the employer issue a written notice of return to work to the teacher, such return to be on a date that is reasonable and practicable, having regard to all the circumstances
- b) the employer issue a notice in writing to the DSP, when the teacher returns to employment, that the period of Carer's Leave has terminated, and the date on which the teacher returned
- c) a teacher in receipt of a notice to return to work shall retain such notice
- d) the employer also retain a copy of such notice given to a teacher

9. Working, Education/Training while on Carer's Leave

9.1 A teacher may engage in substitute teaching, other work outside teaching, undertake training or an education course provided:

- a) permission is obtained by the teacher from DSP before he/she commences employment (including substitute teaching), undertakes training or an

education course. This is to satisfy DSP that adequate provision is being made for the care of the relevant person

- b) the aggregate hours of employment (including substitute teaching), training or education do not exceed the statutory weekly 15 hour limit
- c) the net earnings from all employment do not exceed the approved weekly limit ([DSP Weekly Limit](#)) set by the DSP

9.2 It is the sole responsibility of the teacher to ensure that the limits set out at 9.1 b) and c) are not breached.

9.3 Any substitute hours completed by the teacher whilst on Carer's Leave must be keyed in on the OLCS/ETB system (by the school where the substitute work is being carried out).

9.4 A teacher may not substitute in their own teaching post but may substitute in their own school.

10. Voluntary Deductions

10.1 Voluntary deductions from salary cease when a teacher goes on Carer's Leave. It is the sole responsibility of a teacher availing of Carer's Leave to ensure that medical insurance policies, income continuance insurance, union subscriptions, credit union payments etc. do not lapse. No liability rests with the Department/ETB for policies of any nature which lapse. Further details in relation to voluntary deductions can be found on the Department's website www.education.ie under Education Staff – Information – Payroll & Financial – Voluntary Deductions.

11. Further Information

11.1 Carer's Leave is provided for under the [Carer's Leave Act 2001](#).

Appendix A
Application Form for Carer's Leave

Application Forms/Supporting Documentation should NOT be submitted to the Department of Education and Skills. This Application Form should be fully completed and retained in the school/ETB with any other relevant documentation for record and audit purposes.

(TO BE COMPLETED BY THE TEACHER)

School: _____ Roll No: _____

Name: _____

Home Address: _____

Contact Telephone No: _____

PPSN

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I hereby make application for Carer's Leave in respect of (INSERT NAME OF THE RELEVANT PERSON)

☐ **Copy of Confirmation Statement from the DSP attached**

I propose to take the leave in accordance with the scheme as set out in the *Terms & Conditions of Employment for Registered Teachers in Recognised Primary and Post Primary Schools – Edition 2* as follows:

Please tick

- ☐ In one continuous block
- ☐ In separate periods of weeks as follows: (minimum of 6 weeks intervening between the periods)

Dates of Carer's Leave as follows:

From _____ to _____

From _____ to _____

From _____ to _____

From _____ to _____

I hereby confirm that the information recorded in this document is true and accurate and my application for Carer's Leave is submitted in accordance with the Carer's Leave Act and the procedures set out in the *Terms & Conditions of Employment for Registered Teachers in Recognised Primary and Post Primary Schools – Edition 2*

Signature of Teacher: _____ Date: _____

APPENDIX B

Confirmation Document for Carer's Leave

(TO BE COMPLETED BY THE EMPLOYER AND TEACHER)

Application Forms/Supporting Documentation should NOT be submitted to the Department of Education and Skills. This Application Form should be fully completed and retained in the school/ETB with any other relevant documentation for record and audit purposes.

I hereby confirm that Carer's Leave has been granted to:

PPSN:

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In respect of (INSERT NAME OF THE RELEVANT PERSON)

☐ **Copy of Confirmation Statement from the DSP received**

Carer's Leave has been granted in accordance with the scheme as set out in the *Terms & Conditions of Employment for Registered Teachers in Recognised Primary and Post Primary Schools – Edition 2* as follows:

From _____ to _____

From _____ to _____

From _____ to _____

From _____ to _____

From _____ to _____

Signature of Teacher: _____ Date: _____

Signed on behalf of Employer: _____ Date: _____

A copy of this document should be retained by the teacher. The original should be retained on file by the employer.

The teacher may revoke the application at any point **prior to the signing** of the confirmation document by both parties.

Following signing, no amendment can be made to the confirmation document without the agreement of both parties.