

CHAPTER 6 – CARER’S LEAVE SCHEME

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

1. Carer’s Leave Scheme

- 1.1 The Carer’s Leave Scheme is regulated by the Carer’s Leave Act 2001, as amended.
- 1.2 The purpose of Carer’s Leave is to allow a teacher a period of unpaid leave in order that he/she may provide full-time care and attention to a relevant person i.e. a person deemed to be in need of this level of care by the DEASP.
- 1.3 Carer’s Leave will not be granted to a teacher in relation to a relevant person who is receiving full-time care and attention from another person on Carer’s Leave.

2. Entitlement to Carer’s Leave

- 2.1 The maximum period of Carer’s Leave allowable to care for a relevant 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.
- 2.2 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.
- 2.3 The minimum statutory requirement that may be taken in one period is 13 weeks.
- 2.4 A week consists of 7 consecutive days including weekends, school closures and days on which a teacher is not timetabled for attendance within that period.
- 2.5 However, application for lesser periods may be considered on merit and approved where possible.

3. Eligibility

- 3.1 A teacher may apply for Carer’s Leave where he/she has satisfactorily completed one year’s continuous service with the current employer. This requirement is waived where a teacher is compulsorily redeployed into a school or where a school is amalgamated provided that he/she has worked at least one full year in his/her former school prior to redeployment/amalgamation.

4. Application Procedures

- 4.1 The teacher must make an application on the DEASP CARB1 Form and, on approval, make an application to the employer.
- 4.2 Application should be made by the teacher to his/her employer at least 6 weeks prior to the planned commencement date using the Application Form at Appendix A. A copy of the DEASP sanction (where available) must be included with the Application Form.
- 4.3 In emergency situations, an employer may process an application and grant Carer's Leave pending DEASP approval. In granting Carer's Leave, the employer should establish that an application has been submitted to DEASP. The DEASP approval form must be submitted immediately by the teacher to the school on receipt from DEASP.
- 4.4 The employer in conjunction with the teacher, should complete a Confirmation Document at least 4 weeks prior to the planned commencement date using the Form at Appendix B.

5. Notification and Recording of Leave

- 5.1 The Carer's Leave absence must be notified by the employer to the Department/ETB via the OLCS/relevant ETB system, not later than 4 weeks prior to the commencement of the leave.
- 5.2 As Carer's Leave is unpaid, undue delay in recording of the leave may result in overpayment of salary to the teacher.
- 5.3 The start and end dates of the leave which are recorded via the OLCS/relevant ETB system must correspond with the dates sanctioned by the DEASP.

6. Status during Carer's Leave

- 6.1 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. Carer's Leave is fully reckonable for seniority and progression on the incremental salary scale.

7. Replacement Teacher

- 7.1 The employer may appoint a substitute teacher, paid by the Paymaster while a teacher is absent on Carer's Leave and this must be recorded by the employer via the OLCS/relevant ETB system.
- 7.2 Contracts awarded to cover Carer's Leave absences should make clear reference to the fact that the replacement teacher's appointment may have to be terminated, in the event of the absent teacher returning to duties earlier than initially expected.

8. Working, Education/Training on Carer's Leave

- 8.1 A teacher absent on Carer's Leave may engage in substitute teaching, other work outside teaching, undertake training or an education course provided:
- a) permission is obtained by the teacher from DEASP before he/she commences employment (including substitute teaching), undertakes training or an education course. This is to satisfy DEASP 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 ([DEASP Weekly Limit](#)) set by the DEASP.
- 8.2 It is the sole responsibility of the teacher to ensure that the limits set out at 8.1 b) and c) are not breached.
- 8.3 Any substitute hours completed by the teacher whilst on Carer's Leave must be keyed in on the OLCS/relevant ETB system by the school where the substitute work is being carried out.
- 8.4 A teacher may not substitute in their own teaching post but may substitute in their own school.

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

- 9.1 A teacher is not permitted to be on Carer's Leave in respect of more than one person at any one time.
- 9.2 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 DEASP 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 relevant person).
- 9.3 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.

10. Fitness to commence Carer's Leave

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

11. Voluntary Deductions

- 11.1 Voluntary deductions from salary cease when a teacher commences Carer's Leave.
- 11.2 It is the sole responsibility of a teacher availing of Carer's Leave to ensure that voluntary deductions at source such as medical insurance policies, income continuance insurance, union subscriptions, credit union and local property tax payments do not lapse.
- 11.3 No liability rests with the Paymaster 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. ETB teachers should contact their employer in this regard.

12. Termination of Carer's Leave

- 12.1 The period of Carer's Leave shall terminate on the date specified on the Confirmation Document at the time of application, except where the relevant person:
- ceases to require full-time care and attention during the period of Carer's Leave, or
 - dies during a period of Carer's Leave.
- 12.2 If the relevant person dies during the period of Carer's Leave, 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.
- 12.3 The employer shall notify the DEASP if they are of the opinion that:
- a) the person in respect of whom the teacher is applying for Carer's Leave is not or is no longer a relevant person
 - b) 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) the teacher who is applying for or is currently on Carer's Leave does not satisfy the conditions for providing full-time care and attention to the relevant person
 - d) a teacher who is applying for or is currently 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 DEASP.
- 12.4 Where the DEASP agrees with the employer's opinion at paragraph 12.3 above, the period of Carer's Leave, if commenced, shall terminate with immediate effect and the teacher shall return to work. Appeals in relation to this requirement should be made to an appeals officer of the DEASP.
- 12.5 Carer's Leave is to terminate on foot of the instruction of a deciding officer/appeals officer of the DEASP:
- a) the employer must issue a written notice of return to work to the teacher, indicating a return date that is reasonable and practicable, having regard to all the circumstances
 - b) the employer must issue a notice in writing to the DEASP, when the teacher returns to employment, that the period of Carer's Leave has terminated, and the date on which the teacher returned
 - c) the teacher must retain notice of requirement to return to work
 - d) the employer must also retain a copy of the notice given to the teacher.

Appendix A - Application Form for Carer's Leave

The Application Form should be fully completed and submitted to the employer at least 6 weeks prior to the planned commencement date.

PART 1A- TEACHER APPLICATION

Teacher's Name: _____ Contact No: _____

Home Address: _____

E-mail Address: _____

PPSN: _____

School Name: _____ Roll No: _____

PART 1B – DETAILS OF PROPOSED CARER'S LEAVE

Application for Carer's Leave in respect of:

Name of relevant person: _____

Proposed pattern of Carer's Leave:

- One continuous block
- Separate periods of weeks as follows (minimum of 6 weeks intervening between the periods):

From _____ to _____

From _____ to _____

From _____ to _____

From _____ to _____

Declaration

I wish to apply for Carer's Leave in accordance with the Carer's Leave Scheme as set out in Circular 0054/2019 titled '*Leave Schemes for Registered Teachers Employed in Recognised Primary and Post Primary Schools*'.

I confirm that the information provided in the application is true and accurate.

Signature of Teacher: _____ Date: _____

Appendix B - Confirmation Document for Carer's Leave

PART 2: TO BE COMPLETED BY EMPLOYER AND TEACHER

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

Name of Teacher: _____ PPSN: _____

In respect of:

Name of relevant person: _____

Carer's Leave has been granted in accordance with the Carer's Leave Scheme as set out in Circular 0054/2019 titled '*Leave Schemes for Registered Teachers Employed in Recognised Primary and Post Primary Schools*'.

From _____ to _____

From _____ to _____

From _____ to _____

From _____ to _____

Signature of Teacher: _____ *Date:* _____

Signature of Employer: _____ *Date:* _____

Following signing, no amendment can be made to the Confirmation Document without the agreement of both parties. A copy of the Confirmation Document should be retained by the teacher.

Data Protection Privacy Statement

The main purpose for which the Department requires you to provide this personal data to your employer is to enable your Carer's Leave application to be processed. Your employer will retain your application form and accompanying documents in accordance with their Data Protection policy. Further information in relation to this policy is available on request from your employer.

The Privacy Notice outlining further information in relation to this application form can be found at: <https://www.education.ie/en/The-Department/Data-Protection/gdpr/gdpr.html> Full details of the Department's Data Protection policy setting out how we will use your personal data as well as information regarding your rights as a data subject are available at <https://www.education.ie/en/The-Department/Data-Protection/>. Details of this policy are also available in hard copy from Teacher/SNA Terms & Conditions, Department of Education & Skills, Cornamaddy, Athlone, Co. Westmeath, N37 X659, upon request.

PART 3 – EMPLOYER DECISION

I certify that I have approved/refused (delete as appropriate) the Carer's Leave application in accordance with the Carer's Leave Scheme as set out in Circular 0054/2019 '*Leave Schemes for Registered Teachers Employed in Recognised Primary and Post Primary Schools*'. The following documents will be retained for audit purposes:

- | | |
|--|--------------------------|
| 1) Application for Carer's Leave | <input type="checkbox"/> |
| 2) Copy of Confirmation statement from the DEASP | <input type="checkbox"/> |
| 3) Copy of Confirmation Document issued to teacher | <input type="checkbox"/> |
| 4) Copy of Decision Notice issued to teacher | <input type="checkbox"/> |
| Approved Carer's Leave has been recorded on the OLCS/relevant ETB system | <input type="checkbox"/> |

Signature: _____ Date: _____
(Employer)

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