

1. PURPOSE/AIM

- 1.1 LauraLynn, Ireland's Children's Hospice (the Service) understands that at certain times staff members may need to take leave to provide full-time care and attention to a person requiring it (i.e. a relevant person), in accordance with the Carer's Leave Act
- 1.2 The following policy defines 'a relevant person' and details the procedures to be followed for eligible members of staff wishing to apply for carer's leave.

2. SCOPE

2.1 Definition of a Relevant Person

A care recipient will be considered to be a 'relevant person' if he/she needs continual supervision and frequent assistance throughout the day in connection with normal bodily functions or needs continual supervision in order to avoid danger to themselves. A medical practitioner must certify the nature and extent of the care recipient's disability.

The carer must live with the relevant person. If he/she is not living with the person then the following criteria must be met:

- 2.1.1 The carer must be providing full-time care and attention.
- 2.1.2 There must be a direct system of communication between the carer's residence and that of the care recipient. This could be in the form of a telephone or alarm system.
- 2.1.3 The care recipient must not already be receiving full-time care and attention within his/her own residence from another person.

3. RESPONSIBILITIES

- 3.1 The Management Team and HR are responsible for implementing this policy.

4. POLICY

- 4.1 A staff member must have at least one year's continuous service with the Service.
 - 4.1.1 The person the staff member wishes to care for must be considered the relevant person (see definition above).
 - 4.1.2 The staff member does not engage in employment or self-employment during the period of the leave with the exception of: -
 - 4.1.2.1 Attending an educational or training course or taking up voluntary or community work for

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up to 15 hours per week.

4.1.2.2 Engaging in limited self-employment in the employee's home.

4.1.2.3 Engaging in employment outside the home for up to 18.5 hours per week (effective 1/1/2020). This must be approved by the Department of Social Protection (DSP)

4.1.2.4 The staff member has provided the Service with a decision from a Deciding Officer of the DSP, stating that the person in respect of whom the employee proposes to take carer's leave is a relevant person.

4.2 Staff members are entitled to Carer's Leave in a continuous block of 104 weeks.

4.3 In exceptional circumstances the Service will consider applications for leave taken in shorter periods (minimum of 13 weeks) adding up to 104 weeks.

4.4 Up to a maximum of 208 weeks of leave can be taken in the case of two care recipients.

4.5 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.

4.6 Where 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.

4.7 An employee is only entitled to leave for one care recipient at a time. However, on one occasion only, an employee 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.

4.8 A member of staff absent on carer's leave continues to be under the employment of the Service. All employment rights are retained except the following:

- The right to salary payments.
- Annual leave (after 13 weeks of absence for each relevant person i.e. annual leave is accrued up to 13 weeks).
- Public holidays (after 13 weeks of absence for each relevant person i.e. public holidays accrue up to 13 weeks).
- Superannuation benefits.

5. PROCEDURES

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5.1 Should a staff member wish to avail of carer's leave they should give notice to the Dept of Social Protection

- 5.1.1 The DSP decides an employee's entitlement to carer's benefit which is based on PRSI contributions. All categories of staff (D1 and A1) may apply for carer's benefit. Insufficient PRSI contributions does not preclude a staff member's entitlement to carer's leave.
- 5.1.2 Staff member must make the application using the carer's benefit claim form.
- 5.1.3 This application must be made six weeks before intending to begin carer's leave.
- 5.1.4 The staff member, the Service, the care recipient and the care recipient's medical practitioner all have to complete parts of the form.

5.2 The Staff member should notify the Service six weeks (shorter notice periods may be considered in exceptional circumstances) before the date he/she intends to commence leave by completing Form A (see attached)

5.2.1.1 This application should include the following:

5.2.1.2 Proposed start date of the leave

5.2.1.3 Manner in which the leave is to be taken i.e. 104 block weeks or shorter periods

5.2.1.4 Confirmation and evidence that an application has been made to the DSFA

5.3 Once the DSFA has assessed the application a decision will be issued. If the leave is approved and granted, a copy of the decision must be given to the Service before the leave can commence.

5.4 A staff member who is on carer's leave must give not less than four weeks written notice before the date that he/she intends to return to work.

5.5 When the period of carer's leave ends, staff members will be entitled to return to their usual position, so far as it is reasonably practicable to do so. However, if this is not possible, an offer of suitable alternative work will be made, with terms and conditions no less favourable than those held in the original job.

5.6 Carer's leave will terminate under the following circumstances:

- 5.6.1 On the date of termination as specified in the confirmation document.
- 5.6.2 On a date agreed between the staff member and the Service.
- 5.6.3 Where the relevant person ceases to meet the criteria laid down (see definition of relevant person).
- 5.6.4 Where the staff member ceases to satisfy the conditions qualifying for the leave.
- 5.6.5 On the date that the Service notifies the staff member to return to work following a decision of a Deciding Officer or an Appeals Officer that the leave should end.

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- 5.6.6 Where the relevant person dies during the carer's leave, the leave will terminate 6 weeks after death or the date specified on the confirmation document whichever date is earlier.

6. EVALUATION & AUDIT

- 6.1 This policy and associated procedure will be amended as necessary to reflect any changes to best practice, law or substantial organisation changes. It is reviewed and evaluated for appropriateness and effectiveness every two years at a minimum/according to expiry and unless otherwise stated.

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