



***Carer's Leave
for Teachers and
Non Teaching Staff
Frequently Asked Questions***

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SECTION 1: TEACHERS

Q.1. What is carer's leave?

- A. Carer's leave is a statutory unpaid leave of absence providing the option to employees to absent themselves from their employment temporarily to provide care for someone in need of full-time care and attention. The terms and conditions for Carer's Leave derive from the Carer's Leave Act 2001.

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Q.2. Who is the "relevant person"?

- A. For the purpose of carer's leave, the person who requires full-time care and attention is described as the "relevant person".

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Q.3. Who decides whether the "relevant person" is in need of full-time care and attention?

- A. An officer of the Department of Social Protection will make the decision, based on information given in a Medical Report submitted by the relevant person's G.P.

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Q.4. What criteria are used by the Department of Social Protection to determine whether there is a need for full-time care and attention?

- A. According to Department of Social Protection regulations, "Full-time care and attention" means that a person being cared for
- (a)..... has such a disability that he or she requires from another person—
 - (i) continual supervision and frequent assistance throughout the day in connection with normal bodily functions, or
 - (ii) continual supervision in order to avoid danger to himself or herself, and
 - (b) the nature and extent of his or her disability has been certified in the prescribed manner by a medical practitioner.

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Q.5. How is the application made to the Department of Social Protection?

- A. The application is made on the CARB 1 Form, which is available from the Carer's Benefit section of the Department of Social Protection. This form contains a medical report, which should be completed by the "relevant person's" G.P.

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Q.6. What is carer's benefit?

- A. Carer's benefit is a payment made to insured people who leave the workforce to care for a person(s) in need of full-time care and attention. Application for carer's benefit is made with the initial application to the Department of Social Protection (CARB 1 Form). It should be noted that the entitlement to carer's leave is not conditional on entitlement to carer's benefit and vice versa.

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Q.7. Who is eligible to apply for carer's leave?

- A. A teacher who has had 12 continuous months' employment with the Board of Management, is eligible to apply for carer's leave.

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Q. 8. To be eligible to apply for carer's leave, are there exceptions to the requirement for a teacher to have 12 continuous months' employment?

- A. Yes. See questions 9, 10 and 11 for exceptions to the requirement for 12 continuous months' employment.

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Q.9. Is a teacher, who has been compulsorily redeployed, eligible to apply for carer's leave?

- A. Yes. A teacher who has been compulsorily redeployed is eligible to apply for carer's leave. The requirement for continuous employment is waived in the case of a teacher compulsorily redeployed into a school provided that s/he has worked for at least one full year in her/his former school before being redeployed.

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Q.10. Is a teacher, who is on the panel, or due to be redeployed, eligible to apply for carer's leave?

- A. Yes. A teacher who is on the panel, or due to be placed on the panel for redeployment, is eligible to apply for carer's leave. However, the teacher may not apply for carer's leave beyond the end of the school year in which his/her post is due to be withdrawn. S/he can however, apply for carer's leave from his/her new school (see Question 9).

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Q.11. Is a teacher, who is teaching in a school that has been amalgamated, eligible to apply for carer's leave?

- A. Yes, this requirement for continuous employment is waived in the case where a teacher seeking carer's leave is teaching in a school that was amalgamated, providing that s/he has worked for at least one full year in the newly established school and/or one full year in one of the amalgamated schools before the amalgamation process was completed.

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Q.12. Is a teacher, who is on a fixed term contract, eligible to apply for carer's leave?

- A. A teacher, who fulfils the requirement for continuous employment, is eligible to apply for carer's leave, but the leave cannot extend beyond the day on which the fixed term contract is due to expire.

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Q.13. Is a probationary teacher eligible to apply for carer's leave?

- A. Yes, a probationary teacher is eligible to apply for carer's leave. However, the period of probation will stand suspended for the duration of the absence on carer's leave.

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Q.14. What is the minimum/maximum period of carer's leave available?

- A. The minimum period that may be taken at any time is 13 weeks. However, applications for carer's leave for periods of less than 13 weeks will be considered on their merit and approved by the Board of Management where possible, having regard to the capacity of the school to meet the educational and welfare needs of the pupils and the number of periods of carer's leave already taken by the teacher in the school year in question.

The maximum period is 104 weeks to care for one relevant person. The maximum leave *may* increase to 208 weeks, in the event that a second relevant person resides with the first relevant person (subject to Department of Social Protection qualification and Board of Management approval).

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Q.15. How many periods of carer's leave can a teacher apply for?

- A. As each period of carer's leave must be 13 weeks or greater, potentially, a teacher could apply for a maximum of eight periods of 13 weeks (104 weeks in total), in respect of the first relevant person, OR 16 periods of 13 weeks (208 weeks), in the event that a second relevant person resides with the first relevant person (subject to Department of Social Protection qualification and Board of Management approval).

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Q.16. What are the timeframe options for carer's leave?

- A. Where the carer's leave is not taken in one continuous period of 104 weeks, there must be a gap of at least 6 weeks between periods of carer's leave in respect of the same person.

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Q.17. What if an employee wishes to avail of carer's leave for an additional relevant person?

- A. If a teacher wishes to avail of carer's leave for an additional "relevant person", a period of 6 months must elapse from the date of termination of the leave in respect of the first "relevant person", even if the teacher has not taken the maximum period of 104 weeks for the first person. This provision does not apply where two persons to be cared for reside together (see Q.14).

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Q.18. What is the application process for carer's leave?

- A. (1) As the relevant person must first be deemed to be in need of full-time care and attention, an application should be made in the first instance to the Department of Social Protection on the prescribed form (CARB1).
(2) Having received a copy of the decision of the deciding officer of the Department of Social Protection, the teacher may then apply in writing to the Board of Management, as soon as is reasonably practicable but not later than six weeks prior to the proposed commencement date of carer's leave. A copy of the deciding officer's decision should be included in the application to the Board of Management.
(3) A Board of Management must process an application no later than two weeks prior to the commencement of the carer's leave. If the Department of Social Protection refuses an application for carer's leave then the Board **cannot** consider the application.
(4) Once a Board of Management has approved the Application, it becomes a confirmation document.
(5) A copy of the confirmation document should be given to the teacher. A copy should also be retained in the school.

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Q.19. Can the Board of Management refuse to grant carer's leave?

- A. The Board of Management can refuse an application for carer's leave on the following grounds:
1) The teacher does not have the relevant continuous service (see Q.9, Q.10 and Q.11)
2) The "relevant person" does not meet the criteria of the Department of Social Protection
3) The period of carer's leave is less than 13 weeks.
The decision to refuse this leave should be given to the teacher in writing.

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Q.20. Can the Board of Management postpone carer's leave?

- A. The Board of Management may postpone carer's leave if such leave is likely to disrupt significantly the general operation of the school. The postponement may be to an agreed date. A decision to postpone carer's leave should be notified in writing to the teacher.

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Q.21. What if the "relevant person" dies?

- A. If the "relevant person" dies, the teacher may return on the date specified in the confirmation document or a date within 6 weeks of the date of death, whichever is the earlier.

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Q.22. When does carer's leave end?

- A. Generally a period of carer's leave ends on the date specified on the confirmation document, or where the person being cared for ceases to require full time care and attention, or where the person dies.

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Q.23. In what circumstances might a Board of Management terminate carer's leave?

- A. Where a Board of Management is of the opinion that any of the following circumstances exists :
- That the person in respect of whom the teacher proposes to take carer's leave is not or is no longer a relevant person
 - 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
 - That a teacher who proposes to take or is on carer's leave does not satisfy the conditions for providing full-time care & attention to the relevant person
 - That a teacher who proposes to take or is on carer's leave is engaging or has engaged in employment other than as provided for in regulations made by the Minister for Social Protection.

In any of the above circumstances, the Board of Management shall notify the Department of Social Protection of such opinion, together with the grounds of that opinion.

On receipt of such a notification from the Board of Management, the Department of Social Protection shall refer the matter to a deciding officer for a decision under the Social Welfare (Consolidation) Act, 2005.

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Q.24. In the event of termination of the carer's leave, what will happen if the Department of Social Protection agrees with the Board's opinion?

- A. Where the Department of Social Protection makes a decision that:
- 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
 - The teacher does not satisfy the conditions for providing full-time care and attention or
 - The teacher is engaging or has engaged in employment or self-employment other than as prescribed (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.

In a situation where carer's leave terminates on foot of a decision of a deciding officer/appeals officer, then the notice of return to work will come from the Board of Management.

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Q.25. Whilst on carer's leave, are teachers entitled to be paid for annual leave and public holidays?

- A. Teachers are only entitled to annual leave and public holidays in respect of the first 13 weeks of carer's leave.

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Q.26. Can a teacher work while on carer's leave?

- A. During carer's leave a teacher may engage in employment or training/education outside of teaching, provided the hours of employment do not exceed the thresholds stipulated by the Department of Social Protection. Contact should be made with the Department of Social Protection in advance.

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Q.27. Is carer's leave reckonable for all purposes, including seniority, determination of panel rights etc.?

- A. Yes. Other than the right to remuneration and superannuation benefits, a teacher on carer's leave is deemed for all purposes to be in employment. The absence is therefore fully reckonable for all purposes including seniority, determination of panel rights etc.

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Q.28. What contract is given to the replacement teacher?

- A. Temporary **Specified Purpose** Contract - see [CPSMA](#) website for template & guidance.

A Temporary **Specified Purpose** Contract should be used for each period of carer's leave.

It is important that provision for possible termination of the carer's leave is made in the replacement fixed term teacher's specified purpose contract of employment.

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SECTION 2: NON TEACHING STAFF

Q.1. What is carer's leave?

- A. Carer's leave is a statutory unpaid leave of absence providing the option to employees to absent themselves from their employment temporarily to provide care for someone in need of full-time care and attention. The terms and conditions for carer's leave for all staff members, teaching and non teaching, derive from the Carer's Leave Act 2001.

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Q.2. Who is the "relevant person"?

- A. For the purpose of carer's leave, the person who requires full-time care and attention is described as the "relevant person".

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Q.3. Who decides whether the "relevant person" is in need of full-time care and attention?

- A. An officer of the Department of Social Protection will make the decision, based on information given in a Medical Report submitted by the relevant person's G.P.

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Q.4. What criteria are used by the Department of Social Protection to determine whether there is a need for full-time care and attention?

- A.** According to Department of Social Protection regulations, "Full-time care and attention" means that a person being cared for
- (a)..... has such a disability that he or she requires from another person—
 - (i) continual supervision and frequent assistance throughout the day in connection with normal bodily functions, or
 - (ii) continual supervision in order to avoid danger to himself or herself, and
 - (b) the nature and extent of his or her disability has been certified in the prescribed manner by a medical practitioner.

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Q.5. How is the application made to the Department of Social Protection?

- A.** The application is made on the CARB 1 Form, which is available from the Carer's Benefit section of the Department of Social Protection. This form contains a medical report, which should be completed by the "relevant person's" G.P.

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Q.6. What is carer's benefit?

- A.** Carer's benefit is a payment made to insured people who leave the workforce to care for a person(s) in need of full-time care and attention. Application for carer's benefit is made with the initial application to the Department of Social Protection (CARB 1 Form). It should be noted that the entitlement to carer's leave is not conditional on entitlement to carer's benefit and vice versa.

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Q.7. Who is eligible to apply for carer's leave?

- A.** Any employee who has had 12 continuous months' employment with the Board of Management, is eligible to apply for his/her full entitlement of carer's leave.

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Q.8. Is an employee, who is on a fixed term contract, eligible to apply for carer's leave?

- A.** An employee, who fulfils the requirement for continuous employment, is eligible to apply for carer's leave, but the leave cannot extend beyond the day on which the fixed term contract is due to expire.

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Q.9. Is a probationary employee eligible to apply for carer's leave?

- A.** Yes, a probationary employee is eligible to apply for carer's leave. However, the period of probation will stand suspended for the duration of the absence on carer's leave.

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Q.10. What is the minimum/maximum period of carer's leave available?

- A.** The minimum statutory entitlement that may be taken in one period is 13 weeks. However, applications for carer's leave for periods of less than 13 weeks will be considered on their merit and approved by the Board of Management where possible, having regard to the capacity of the school to meet the educational and welfare needs of the pupils and the number of periods of carer's leave already taken by the employee in the school year.

The maximum period is 104 weeks to care for one relevant person. The maximum leave *may* increase to 208 weeks, in the event that a second relevant person resides with the first relevant person (subject to Department of Social Protection qualification and Board of Management approval).

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Q.11. How many periods of carer's leave can an employee apply for?

- A. As each period of carer's leave must be 13 weeks or greater, potentially, an employee could apply for a maximum of eight periods of 13 weeks (104 weeks in total), in respect of the first relevant person, OR 16 periods of 13 weeks (208 weeks), in the event that a second relevant person resides with the first relevant person (subject to Department of Social Protection qualification and Board of Management approval).

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Q.12. What are the timeframe options for carer's leave?

- A. Where the carer's leave is not taken in one continuous period of 104 weeks, there must be a gap of at least 6 weeks between periods of carer's leave in respect of the same person.

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Q.13. What if an employee wishes to avail of carer's leave for an additional relevant person?

- A. If an employee wishes to avail of carer's leave for an additional "relevant person", a period of 6 months must elapse from the date of termination of the leave in respect of the first "relevant person's" carer's leave, even if the employee has not taken the maximum period of 104 weeks for the other person. This provision does not apply where two persons to be cared for reside together (see Q.10).

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Q.14. What is the application process for carer's leave?

- A. (1) As the relevant person must first be deemed to be in need of full-time care and attention, an application should be made in the first instance to the Department of Social Protection on the prescribed form (CARB1).
(2) Having received a copy of the decision of the deciding officer of the Department of Social Protection, the employee may then apply in writing to the Board of Management, as soon as is reasonably practicable but not later than six weeks prior to the proposed commencement date of carer's leave. A copy of the deciding officer's decision should be included in the application to the Board of Management.
(3) A Board of Management must process an application no later than two weeks prior to the commencement of the carer's leave. If the Department of Social Protection refuses an application for carer's leave then the Board **cannot** consider the application.
(4) Once a Board of Management has approved the Application, it becomes a confirmation document.
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Q.15. Can the Board of Management refuse to grant carer's leave?

A. The Board of Management can refuse an application for carer's leave on the following grounds:

- 1) The employee does not have the relevant continuous service
- 2) The "relevant person" does not meet the criteria of the Department of Social Protection
- 3) The period of carer's leave is less than 13 weeks.

The decision to refuse this leave should be given to the employee in writing.

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Q.16. Can the Board of Management postpone carer's leave?

A. The Board of Management may postpone carer's leave if such leave is likely to disrupt significantly the general operation of the school. The postponement may be to an agreed date. A decision to postpone carer's leave should be notified in writing to the employee.

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Q.17. What if the "relevant person" dies?

A. If the "relevant person" dies, the employee may return on the date specified in the confirmation document or a date which occurs within 6 weeks after the date of death, whichever is the earlier.

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Q.18. When does carer's leave end?

A. 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 full time care and attention, or where the person dies.

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Q.19. In what circumstances might a Board of Management terminate carer's leave?

A. Where a Board of Management is of the opinion that any of the following circumstances exists :

- That the person in respect of whom the employee proposes to take carer's leave is not or is no longer a relevant person
- That the person in respect of whom carer's leave has been granted, and in respect of whom the employee is on carer's leave is not or is no longer a relevant person
- That an employee who proposes to take or is on carer's leave does not satisfy the conditions for providing full-time care & attention to the relevant person
- That an employee 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.

In any of the above circumstances, the Board of Management shall notify the Department of Social Protection of such opinion, together with the grounds of that opinion.

On receipt of such a notification from the Board of Management, the Department of Social Protection shall refer the matter to a deciding officer for a decision under the Social Welfare (Consolidation) Act, 2005.

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Q.20. In the event of termination of the carer's leave, what will happen if the Department of Social Protection agrees with the Board's opinion?

- A. Where the Department of Social Protection makes a decision that:
- A person in respect of whom an employee proposed to take or has taken Carer's Leave was not or is no longer a relevant person
 - The employee does not satisfy the conditions for providing full-time care and attention or
 - The employee is engaging or has engaged in employment or self-employment other than as prescribed (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 employee shall return to work.

In a situation where carer's leave terminates on foot of a decision of a deciding officer/appeals officer, then the notice of return to work will come from the Board of Management.

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Q.21. Whilst on carer's leave, are employees entitled to be paid for annual leave and public holidays?

- A. Employees are only entitled to annual leave and public holidays in respect of the first 13 weeks of carer's leave.

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Q.22. Can an employee work while on carer's leave?

- A. During carer's leave an employee may engage in employment or training/education, provided the hours of employment do not exceed the thresholds stipulated by the Department of Social Protection. Contact should be made with the Department of Social Protection in advance.

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Q.23. Is carer's leave reckonable for all purposes, including seniority?

- A. Yes. Other than the right to remuneration and superannuation benefits, an employee on carer's leave is deemed for all purposes to be in employment. The absence is therefore fully reckonable for all purposes, including seniority.

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Q.24. What contract is given to the replacement employee?

- A. Temporary **Specified Purpose** Contract - see [CPSMA](#) website for template & guidance.

A Temporary **Specified Purpose** Contract should be used for each period of carer's leave.

It is important that provision for possible termination of the carer's leave is made in the replacement fixed term employee's specified purpose contract of employment.

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