

## **Serious Physical Assault Scheme**

All employees who are absent from work as a result of a serious physical assault by a patient/client incurred in the course of their duties are covered by the Serious Physical Assault Scheme. Payment is conditional on the assault occurring in the actual discharge of the employee's duties and without his/her own default.

The scheme provides as follows:

- a) Full pay based on the earnings an employee would have earned if still at work and working the hospital/community approved roster.
- b) Such full pay which would include basic pay, allowances and premium earnings may be paid for a period of up to:  
**6 months** for officer grades  
**3 months** for general support staff.
- c) Payment made under (b) above shall be reduced by the amount of social welfare benefit to which the employee is entitled arising from absence due to the injury.
- (d) Salary paid to an employee in the circumstances outlined above will not affect an employee's entitlement under the sick pay scheme.

### **Special Extensions for Nurses**

In the case of nurses the following special extensions to the above scheme apply:

#### **First Special Extension**

A medical assessment to review the employee's progress should be carried out no later than six (6) weeks into the period of absence. If it is unlikely that the employee will be fit to return to work within the six-month period covered by the scheme or immediately thereafter, but there remains a reasonable expectation that the employee will return to work, a First Special Extension may be granted up to a maximum period of **three months**.

#### **Second Special Extension**

A medical assessment to review the employee's progress should be carried out no later than six (6) weeks into the first special extension. If it is unlikely that the employee will be fit to return to work during the three-month period covered by the First Special Extension or immediately thereafter, but there still remains a reasonable expectation that the employee will return to work, a further final extension may be granted. The second special extension provides for **basic pay only** and is for a maximum period of **three months**.

Refer to the *Revised Serious Physical Assault Scheme for Nurses (2001)* for further details on the operation of the scheme.

### **Employee's Entitlements following Expiry of Payment under the Serious Physical Assault Scheme**

#### **Officer Grades**

Following expiry of an employee's entitlement to six months' pay under the Serious Physical Assault Scheme, an employee may be granted sick pay in accordance with the provisions of the normal sick pay scheme for officer grades. If the employee eventually exhausts their entitlement to full pay under the normal sick pay scheme and is still unfit to resume work, consideration may be given at that stage to applying the 5/6ths injury grant, subject to the provisions of the relevant superannuation scheme.

#### **General Support Grades**

Following expiry of an employee's entitlement to three months' pay under the Serious Physical Assault Scheme, an employee may be granted sick pay in accordance with the provisions of the normal sick pay scheme for general support staff. If the employee eventually exhausts their entitlement to payment under the normal sick pay scheme and is still unfit to resume work, consideration may be given at that stage to applying the 5/6ths injury grant, subject to the provisions of the relevant superannuation scheme.

**Note**

*In the case of all employees, payment of the injury grant should be conditional on the employee undergoing medical reviews at appropriate intervals to determine their capability to resume work and to identify appropriate measures to facilitate the employee's return to work.*

**Hospital Expenses**

Expenses incurred in respect of hospital /medical charges will be recouped as follows:

- (a) A refund of expenditure incurred in respect of treatment provided by the Irish Public Health Service.
- (b) General Practitioner Casualty and Consultant visits
- (c) Prescription charges

Employees are obliged to claim under medical insurance schemes where appropriate (e.g. V.H.I. Refund of Drug Schemes, etc) and any payments made in respect of hospital/medical expenses will be solely in respect of excess expenditure by the individual. Payments made under this scheme do not confer any admission of liability on the part of the employer.