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**From: Anne Marie Hoey, National Director of Human Resources**

**Date: 6<sup>th</sup> July 2023**

**Subject: HR Circular 015/2023 - Superannuation Arrangements for  
Consultants pursuing higher qualifications/experience abroad.**

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Dear Colleagues

I wish to advise that the Department of Health has issued correspondence to the Irish Hospital Consultants Association (IHCA) and the Irish Medical Organisation (IMO) dated 5<sup>th</sup> April 2023 concerning certain consultants retaining their previous status for superannuation purposes when returning to employment as a Consultant/ Specialist in the Irish public health service.

As set out in the Department of Health correspondence, prior to 2008 NCHDs did not, as employees on fixed term contracts, have access to career breaks and could not apply for one. However, in May 2008 the parties agreed that Specialist and Senior Registrars would be able to apply for career breaks to facilitate further training prior to return to employment as a Specialist (e.g. a Consultant, a General Practitioner, a Specialist in Public Health Medicine) in the Irish public healthcare system. The agreed arrangements were set out in a letter dated 14th May 2008

issued to health service employers and representative organisations as part of the 2008 Consultant Contract negotiations. The purpose of this agreement was to allow SpRs to retain continuity of employment and their existing status for superannuation (pension) purposes during a career break.

These arrangements were superseded by **HSE HR Circulars [010/2014](#) and [011/2014](#)**, dated 10<sup>th</sup> July 2014 which provided that all NCHDs with more than two years' service would be able to apply for career breaks to facilitate further training abroad or to take up appointments within Ireland in private hospitals / healthcare facilities as part of their postgraduate training scheme prior to return to employment as a Specialist in the Irish public healthcare system. This agreement to extend access from SpRs to all NCHDs to apply for a career break followed the introduction of the Single Public Service Pension Scheme. The following conditions apply to NCHD career breaks under HSE HR Circulars 010/2014:

- commenced employment in the Public Service prior to 1 January 2013;
- have been continuously employed in the Public Service since that date and have a minimum of two years' service; and
- wish to go abroad to take up training posts or to take up positions to provide them with the necessary skill sets to enable them to compete for Consultant posts

The following conditions apply to NCHD career breaks for work in the private sector as part of training schemes under HSE HR Circular 011/2014:

- The NCHD must have commenced employment in the Public Service prior to 1 January 2013 and have been continuously employed in the Public Service since that date.
- should only be facilitated where the career break is for training purposes; is not to be allowed to take a career break to take up other private sector employment; and
- must return to a post in the HSE or HSE-funded agency when the training period has expired.

The career break arrangements under **HSE HR Circulars 010/2014 and 011/2014** are subject to the standard HSE career break terms/rules except for the duration which is for a minimum period of 6 months and a maximum period of 3 years (other than in exceptional circumstances such as illness). The Circulars provided that NCHDs wishing to avail of a career break under this arrangement must apply to their employer in sufficient time before the expiry of their current contract. It also specified that NCHDs participating in a Specialist Training Scheme also required the formal written approval of the relevant postgraduate medical training body.

## **Review of Consultant's Superannuation Status**

As set out in the letter of the 5<sup>th</sup> April 2023, following representations from the relevant staff representative bodies, the Department's position in relation to preservation of pre-existing superannuation arrangements for consultants who pursued higher level training/experience abroad is as follows: -

- The Department considers that there may be instances where the employer did not adequately advise/inform those going abroad to pursue higher qualifications/training or to gain experience or those taking up appointments within Ireland in private hospitals /healthcare facilities as part of their training scheme that their time abroad or working in the private sector in Ireland could be covered by a career break and that it would have been to their advantage to apply for such a break given it would have enabled them to retain their pre-existing status for superannuation purposes on their return.
- The Department considers it appropriate that, where an NCHD went abroad to pursue higher training, higher qualifications or particular experience that would equip them to compete for consultant posts and to provide higher levels of care to patients on their return or worked within Ireland in private hospitals /healthcare facilities as part of their postgraduate training scheme but was not afforded the opportunity to apply for a career break in accordance with the arrangements in place, they should now be given the opportunity to apply retrospectively with a view to having their pre-existing status for superannuation purposes restored.

## **Eligibility Criteria**

In order to be eligible for a review of their superannuation status the consultant must have come within the terms of either of the NCHD career break schemes as set out above when their break in service occurred. It applies to:

- Specialist and Senior Registrars whose break in service from the Irish public health service would have come within the terms of the attached letter dated 14/05/2008 when it was, or had it been, in effect at the time that the career break was required.
- NCHDS whose break in service would have come within the terms of HSE HR Circulars 10/2014 or 11/2014 when they were, or had they been, in effect at the time that the career break was required.

## **Application Process**

- Any application for consideration under this process should be made by the consultant to the public body (HSE or Section 38 organisation) in which they were employed prior to going abroad to obtain higher qualifications/training or particular experience or prior to working within Ireland in private hospitals /healthcare facilities as part of their postgraduate training scheme and to which the career break application would have been submitted for approval

prior to the termination of their contract of employment. Following assessment of the application, the relevant organisation may grant the career break retrospectively for the relevant period if the circumstances are considered to warrant it.

- Each case would have to be examined on its own merit to determine whether the individual was made aware of the facility or its benefits and an applicant would have to meet the criteria for the granting of a career break. The duration of any absence from public service should also comply with that provided for in the relevant Circulars (other than in exceptional circumstances) which may be up to five years depending on circumstances.
- Where the evidence supports a positive determination, the individual should have their pre-existing status restored for superannuation purposes and pension contributions amended accordingly. The relevant organisation will issue a letter to the Consultant to confirm that his or her pre-existing superannuation status is restored which may be relied upon for the purpose of contacting employers in any subsequent periods of employment to ensure that their records are appropriately updated. Where an application for a career break under the arrangements in place was originally refused, there would have to be satisfactory evidence that it was unfairly refused, with due regard being given to the eligibility criteria above, otherwise the original decision would stand. A review would not be available to those who simply left the public services for other reasons.
- Consultants who would not meet the relevant criteria must remain on their current Pension Scheme.

### **Queries**

Queries from individual employees or managers regarding these arrangements should be referred to local HR Departments/Employee Relations Departments. Please note that the National HR Help Desk is also available to take queries on 1800 444 925 or email: [ask.hr@hse.ie](mailto:ask.hr@hse.ie)

Queries from HR Departments on the contents of this Circular may be referred to National Employee Relations, HR Directorate, 63-64 Adelaide Road, Dublin 2 Tel: 01 6626966, Email: [info.t@hse.ie](mailto:info.t@hse.ie)

Yours sincerely



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