



* Letters
Posted & faxed
9/1/02 - (EF)

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Director of Human Resources

Re: Revised Serious Physical Assault Scheme

A Chara,

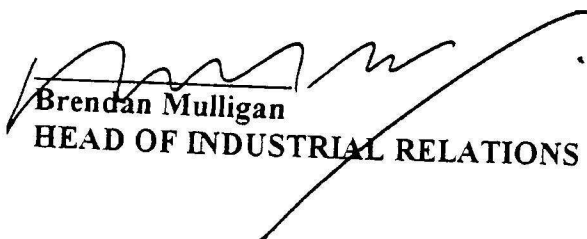
I attach for your information and attention Revised Serious Physical Assault Scheme. The Scheme is a revision of the 1994 Scheme and will come into effect on the 1st of January 2001.

The Revised Scheme sets out in detail the procedure to be adopted in situations where a nurse is the subject of a serious physical assault in the work place and the appropriate salary to apply.

Every effort should be made to ensure that all line managers are familiar with the scheme and that it is operated in a consistent and transparent fashion.

If you have any enquires regarding the Revised Scheme, please contact the undersigned.

Yours sincerely,


Brendan Mulligan
HEAD OF INDUSTRIAL RELATIONS

REVISED SERIOUS PHYSICAL ASSAULT SCHEME

(Guidelines on the operation of the scheme for employees who are absent from work as a result of a serious physical assault incurred in the course of their duty)

Commencement Date

- *The Serious Physical Assault Scheme will come into effect on 1st January 2001.*

Eligibility

- *All nurses both permanent and temporary who are absent as a result of a serious physical assault, in the workplace, in the course of their duty.*
- *This scheme will be applied to a nurse who is injured;*
 - (a) in the actual discharge of his/her duty.*
 - (b) without his/her own default,*
 - (c) by some injury attributable solely to the nature of his/her duty.*

Rules

- (i) The Serious Physical Assault Scheme will be initiated on foot of a report of the assault. The report should be completed by the ward manager and forwarded to the Occupational Health Department. A copy of the report should also be forwarded to the Director of Nursing and personnel department.
- (ii) Medical care will be provided as soon as possible thereafter. Counselling assistance will be provided if appropriate.

Sick Pay

1. A nurse may be paid salary during an absence resulting from a serious physical assault in the course of his/her duty as follows:
 - (a) Full pay based on the earnings a nurse 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 six (6) months.
 - (c) Payment made under (b) above shall be reduced by the amount of any benefit under the Social Welfare Code the nurse is entitled to arising from

absence due to the injury. The employee will be assisted regarding social welfare entitlements.

- (d) Salary paid to a nurse in the circumstances outlined above will not affect a nurse's entitlement under the Sick Pay Scheme.

2. Medical Assessments

During the six month period the recipient must undertake to comply with regular medical assessment including independent medical assessment as may be deemed appropriate by the Occupational Health Department. The recipient will be expected to co-operate fully with rehabilitation measures that may be recommended.

3. First Special Extension of Sick Pay

If it transpires before the end of the six months special payments period as outlined in Paragraph 2, that based on a medical review, no later than six (6) weeks into the period of absence that a return to work is unlikely within this six month period or immediately thereafter, but there remains a reasonable expectation that the nurse will return to work, a First Special Extension may be granted.

The Director of Nursing in conjunction with the Occupational Health Department may seek a special extension for payment arrangements as outlined in paragraph 1 above. This extension will not exceed a period of three (3) months

4. Second Special Extension of Sick Pay

Notwithstanding point 3 above, if it transpires after medical evidence no later than six (6) weeks into the first special extension that a return to work is unlikely during this three month period or immediately thereafter, but there still remains a reasonable expectation that the nurse will return to work, a further final extension may be granted. The special extension will provide for payment of **basic pay only**. The second extension will not exceed a period of three months.

5. Application of Article 109 for a Limited Period

As the two special extensions will only be granted in instances where a return to work is highly probable, it is therefore anticipated that limited application of Article 109 will only be implemented in exceptional circumstances and for a limited period as the Board and Occupational Health Department may consider reasonable. Any decision to apply Article 109 for a limited period will be dependant on the employee agreeing to undergo regular medical assessment as may be deemed appropriate. The decision to invoke Article 109 will be granted and paid in accordance with paragraph 6 of the scheme.

6. Application of Article 49/109 for an Unlimited Period

Where the staff member has not recovered or is certified permanently incapacitated based on medical reviews the Occupational Health Department in conjunction with the Director of Nursing, will refer the matter to the Personnel Department where arrangements will be made to invoke Article 109 of the Local Government Scheme i.e. Injury Grant Scheme: 5/6 of basic salary.

- (i) The Injury Grant Scheme will not exceed 5/6ths of remuneration (inclusive of the money value of emoluments) of the position in which he/she received the injury. The 5/6ths allowance will be reduced to take account of –

- (a) any other allowance payable by the health board (e.g. where the nurse subsequently ceases to hold office on permanent ill-health grounds).
- (b) any lump sum or gratuity so payable (including a retirement lump sum) and
- (c) any benefit payable under the Social Welfare Code (including workmen's compensation, injury benefit, disablement benefit, widow's pension).
- (d) The Injury Allowance should be revised to take account of increases in the remuneration of the persons post/former post and , if applicable, any relevant social welfare benefits or pensions payable to or in respect of him/her.
- (e) The injury grant may be for a limited period , as the Board may consider reasonable. In addition the injury grant should also be revised in light of any change in the persons degree of impairment. Any additional sums due to the person (e.g. a retirement lump sum and pension, if the person retires or resigns after the date the injury allowance commences); where the conditions set out in Article 109 of the Local Government (Superannuation) (Consolidation) Scheme 1998 are no longer met, the allowance should cease to be paid.

7. If within seven (7) years after the date of the injury s/he dies as a direct result of the injury the health board may grant to his/her widow/widower or father/mother if wholly dependent on his/her at the time of death and to or in respect of his/her children, or any of them such allowance in money for life or for a limited period as the health board may consider reasonable.

8. 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

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

In exceptional circumstances an employee may be refunded in respect of expenditure incurred for private treatment.

9. Employee Welfare

Employers will keep in regular contact with employees who are beneficiaries of the Scheme and will continue to offer assistance and advice on this Scheme or any Employee Welfare matter.

10. Appeals Mechanism

An employee may reserve the right to appeal a decision in relation to eligibility under the Serious Physical Assault Scheme. It is proposed that a two person independent adjudication process (one trade union and one management nominee) will be established for this purpose.