

**To: The Managerial Authorities of Recognised Primary, Secondary,
Community and Comprehensive Schools
and
The Chief Executives of Education and Training Boards**

SICK LEAVE SCHEME FOR SPECIAL NEEDS ASSISTANTS

CHANGES TO THE CRITICAL ILLNESS PROVISIONS (CIP) FROM 31st MARCH, 2018

The Public Service Sick Leave Scheme (the Scheme) was introduced in the Education sector in September 2014. The Sick Leave Scheme for special needs assistants in recognised Primary and Post Primary Schools is detailed Circular Letter 0054/2015. A review of the operation of the Scheme conducted by the Department of Public Expenditure and Reform was carried out in consultation with public service employers and relevant stakeholders and was completed in July 2016. The review sought to evaluate the effectiveness of the Scheme including any operational difficulties.

Following on from the review and recommendations which were agreed with the Public Service Associations, the changes to the Sick Leave Scheme as detailed in this Circular will take effect from **31st March, 2018**.

The Minister for Education and Skills directs you to implement the changes, as stated for special needs assistants employed in approved posts funded by monies provided by the Oireachtas.

The contents of this Circular supersedes all previous rules and regulations in relation to CIP for special needs assistants in recognised primary and post-primary schools.

Please ensure that copies of this Circular are provided to all members of the Board of Management/Education and Training Boards and its contents are brought to the attention of all special needs assistants in your employment including those on leave of absence.

This Circular can be accessed on the Department's website at the following link: www.education.ie/Home-Education-Staff-Services-Breaks/Leave-Sick-Leave-Scheme/SNAs.

Alfie Barrett
Teacher/SNA Terms & Conditions
31st March, 2018

Padraig Maloney
Payroll Division
31st March, 2018

SICK LEAVE SCHEME

Definitions

For the purposes of the scheme the following terms have the meanings assigned to them here unless the context indicates otherwise:

Critical Illness Protocol (CIP) means the Critical Illness Protocol under the Public Service Sick Leave Scheme which was developed and agreed following a Labour Court Recommendations (LCR 20667) that special arrangements were to be put in place under which employees with serious illnesses or injury might be able to benefit from extended paid sick leave.

Employer means an Education and Training Board (ETB) for vocational schools/community colleges, community national schools and a Board of Management/Manager in the case of primary (excluding community national schools), voluntary secondary, community and comprehensive schools. The Education Training Board or Board of Management/Manager may delegate as appropriate responsibility for matters set out in this Circular.

Occupational Health Service (OHS) means the providers of independent medical advice on Occupational Health.

The Department means The Department of Education and Skills (DES).

1. Introduction of CIP Managerial Discretion Guidelines

- 1.1 Paragraph 3.2 of the [Sick Leave Scheme](#) states:

The award of extended Sick Leave for critical illness or serious physical injury is a decision for the employer following receipt of medical advice from the OHS.

The CIP Managerial Discretion Guidelines are introduced to provide assistance and guidance to employers through the CIP decision making process.

- 1.2 The CIP Managerial Discretion Guidelines are set out at Appendix A of this Circular.

2. Revised CIP Medical Criteria

- 2.1 The CIP medical criteria have been amended and are included in the CIP Managerial Discretion Guidelines at Appendix A.
- 2.2 Applications for CIP submitted prior to 31st March, 2018 are to be considered based on the medical criteria in place at that time.

3. Change to the CIP Protective Year

- 3.1 Paragraph 3.3 of the Sick Leave Scheme currently states:

If a special needs assistant has an ordinary illness within a 12 month period of the start date of the granting of a critical illness, the critical illness provisions will apply.

- 3.2 The CIP protective year will commence from the date of return to work following a critical illness rather than the first date of absence. On this basis, paragraph 3.3 of the Sick Leave Scheme is replaced as follows:

If a special needs assistant has an ordinary illness (an illness which is not regarded as critical illness) within a 12 month period of the date of return to work following the critical illness, the critical illness provisions will apply.

**An Roinn Oideachais
agus Scileanna**
Department of
Education and Skills



Critical Illness Protocol

Managerial Discretion Guidelines

31st March, 2018

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Definitions

Current or recent Clinical Care

This means that the employee has received medical investigations and treatment ordinarily under the direct care / supervision of a hospital consultant. They may be either a hospital inpatient or outpatient. It excludes referrals that in the opinion of the Occupational Physician are primarily for report preparation purposes/medico-legal purposes.

Employee

Teacher or Special Needs Assistant.

Employer

Education and Training Board (ETB) for vocational schools/community colleges, community national schools and a Board of Management/Manager in the case of primary excluding community national schools), voluntary secondary, community and comprehensive schools. The ETB or Board of Management/Manager may delegate as appropriate responsibility for matters set out in this manual.

GDPR

General Data Protection Regulation (GDPR) (Regulation (EU) 2016/679).

Hospital Consultant

This is a medical doctor who is on the relevant specialist register, and holds a HSE/Voluntary Hospital/NHS hospital consultant appointment or has admission rights to a recognised private hospital.

Limitation of Life Expectancy

This refers to the condition and not the individual person. It must be well established in the peer reviewed medical literature that the medical condition results in a reduction of life expectancy.

Occupational Health Service (OHS)

Providers of independent medical advice on Occupational Health.

Occupational Physician

This is a medical doctor registered with the Irish Medical Council who has a postgraduate qualification in Occupational Medicine / Occupational Health, or who is on a specialist training scheme in Occupational Medicine.

On Line Claims System (OLCS)

The system for recording of absences and input of claims for the payment of substitute and non-regular part-time teachers/special needs assistants which is currently operating in primary, voluntary secondary, community and comprehensive schools.

Specialist Occupational Physician

This is a medical doctor registered with the Irish Medical Council in the specialist division of Occupational Medicine.

Critical Illness Protocol – Managerial Discretion Guidelines

An employee who becomes incapacitated as a result of a critical illness or serious physical injury may upon application be granted CIP in exceptional circumstances as provided for in the Labour Court recommendation (LCR 20667) in relation to critical illness as follows:-

- A maximum of 6 months (183 days) on full pay in a year
- Followed by a maximum of 6 months (182 days) on half pay
- Subject to a maximum of 12 months (365 days) paid Sick Leave in a rolling four year period.

In these guidelines the abbreviation “CIP” is used to describe extended paid sick leave that may be granted under this Critical Illness Protocol.

Part 1: Purpose and aim of these guidelines

To assist employers who are making a decision in respect of granting CIP on the basis of managerial discretion for “exceptional circumstances”.

The decision on whether any exceptional circumstances warrant CIP is a matter to be determined by the employer after consideration of all the relevant circumstances. The guidelines are to assist employers in making a fair and reasonable decision. These relevant considerations are set out in these guidelines (see b, CIP on the basis of managerial discretion below)

1.1 Background and context

The granting of CIP is governed by:

1. The Public Service Management (Sick Leave) Regulations 2014¹ (the “Regulations”),
2. Sick Leave Scheme for teachers and special needs assistants as currently detailed in the Department’s publications.

1.2 Circumstances for the granting of extended sick leave under the CIP

CIP for a critical physical or psychiatric illness serious injury or serious medical condition may be granted in two circumstances:

a) CIP on the basis of medical certification

CIP on the basis of medical certification may be granted by the employer in cases where the occupational physician has certified that the employee is suffering from a critical illness, serious injury or serious medical condition based on the medical criteria detailed at Appendix 1 located at the end of these guidelines. While the decision to grant CIP is still the decision of the employer, this decision is based upon the occupational physician's opinion.

¹ <http://www.irishstatutebook.ie/eli/2014/si/124/made/en/pdf>

b) CIP on the basis of managerial discretion

The grounds for granting CIP on the basis of medical certification are quite narrow and there will be cases which involve quite serious illnesses, injuries or conditions, which may deserve CIP, but do not fall within the narrow criteria.

In such cases, employers are allowed to exercise discretion and grant CIP after an analysis of the information provided and the circumstances of the case. This is generally intended to cover "nearly there" cases i.e. a case that involves what would generally be considered a significant illness, injury or condition but does not qualify under the strict criteria. For example, a serious operation, with an extended recovery time, but which does not involve a stay in hospital of the length required.

It is intended that the granting of CIP on the basis on managerial discretion will only be warranted in serious and/or exceptional cases. An employee has ordinary paid sick leave available (at full and half pay) and the granting of CIP should be awarded where exceptional circumstances warrant it.

This decision is the employer's decision, but the employer can seek guidance from the occupational physician on medical issues, within the boundaries of medical confidentiality.

1.3 Appeal of the CIP managerial decision

The employer's decision to refuse CIP based on discretion can be appealed and the employer should inform the employee about their rights in this regard. If the decision is being appealed the employer's Grievance Procedures for the relevant sector must be followed.

The appeal process should be both procedurally and substantively robust.

1.4 Reasonable Accommodation

In order to qualify for CIP, an employee must be medically unfit to return to his or her current duties or (where practicable) modified duties in the same pay grade. This emphasises that appropriate efforts should be made to accommodate employees at an early stage of the absence.

The Employment Equality Acts² requires employers to take reasonable steps to accommodate the needs of employees and prospective employees with disabilities. Reasonable accommodation typically involves some modification to the tasks/structure of a job or workplace environment, which would enable such an employee to fully perform their work role and enjoy equal employment opportunities. An employer will make reasonable adjustments for employees who have a disability, or who have acquired a disability, to have reasonable accommodation made to facilitate their return to work. However, employers are not obliged to provide special treatment or facilities if the cost of doing so is excessive or disproportionate. The employer should explore in conjunction with the employee and the OHS any appropriate enabling options, for example: (these examples are not exhaustive):

- Making reasonable adjustments to the school building and/or working space
- Acquiring relevant equipment or modifying existing equipment
- Partial Return to Work for teachers³

² <http://www.irishstatutebook.ie/eli/1998/act/21/enacted/en/html>

<http://www.irishstatutebook.ie/eli/2015/act/43/enacted/en/html>

³ Detailed in Chapter 3 of ["Terms & Conditions of Employment for Registered Teachers in Recognised Primary & Post-Primary Schools"](#)

1.5 What must the employer establish?

The “Regulations” provide that in order to grant CIP on the basis of “exceptional circumstances” the following must be established:

- That there are “exceptional circumstances”; and
- That those exceptional circumstances relate to the illness, injury or condition of the employee; and
- That those exceptional circumstances warrant the granting of CIP.

Part 2: What should the employer consider?

The employer should consider the normal meaning of the word “exceptional”, meaning “unusual” or “not typical”. It should be considered whether the condition is a normal and typical illness, injury or condition or is it an unusual and/or not typical illness, injury or condition although not necessarily rare.

2.1 Three sources of Information

When determining if there are “exceptional circumstances” which would warrant the award CIP granted on the basis of managerial discretion the employer should consider the following three sources of information to inform the decision making process to award CIP.

Employer’s Decision

The Occupational Physician’s report

Relevant Information from the employee

Consider relevant Human Resources Information and professional judgement

The Occupational Physician’s Report

When making a decision the employer should consider the report provided by the occupational physician.

The occupational physician advises whether the medical criteria for CIP are met in any given case. The occupational physician’s opinion can also be sought on whether there are any medical considerations that should be considered when the employer is considering granting CIP as a result of managerial discretion.

If the illness, injury or condition does not have any of the characteristics required for CIP awarded on the basis of medical certification, then the employer should consider if there is any other information that would amount to exceptional circumstances related to an illness, injury or condition of the employee.

The occupational physician should provide additional medical information they are aware of and consider relevant (where the employee’s consent has been given on the CIP Application Form), within the boundaries of medical confidentiality. Examples include:

- a) Standard recovery times for the condition where these exist having regard to the nature of the work (e.g. elective surgical procedures);
- b) Presence of additional medical conditions where relevant;

- c) Presence of medical complications;
- d) Any other information they consider relevant to assisting the employer in making a decision to award CIP under management discretion” e.g. a hospital inpatient stay is close to the 10 day threshold.

It may be helpful in selected cases for the manager to liaise with the occupational physician, within the boundaries of medical confidentiality.

Relevant Information from the employee

The employer should consider whether further information may be required in relation to the employee and may wish to contact the employee to make sure that they are aware of all of the circumstances that may amount to “exceptional circumstances”.

The employer should consider:

- a) Whether the medical criteria set out Appendix 1 are close to being met, or whether there are any other factors related to the illness, injury or medical condition that should be viewed as "exceptional";
- b) The severity of the illness, injury or medical condition.

The employer should not consider the employee’s financial position or their performance at work.

Consider relevant Human Resources information and professional judgement

The employer should consider any relevant HR information or other sources of professional judgement. Examples include:

- a) The length of any absence to date related to this illness, injury or condition, it should be noted that this information cannot be used to treat an application any less favourably
- b) The willingness of the employee to engage with the workplace & workplace rehabilitation measures
- c) The approach taken by the employer in other cases and the need for consistency of approach; and
- d) Whether a grant or refusal would be reasonable taking into account any information provided that could be viewed as exceptional circumstances.

2.2 Inform the employee of the decision

The employer should communicate their decision to the employee in writing, briefly summarising the matters that were considered. These considerations should demonstrate that the employer has considered all relevant information and has not been influenced by irrelevant information. If the employer’s decision is to refuse the employee’s CIP application, the employer should inform the employee about the right to appeal.

More detailed information on the process for appeal of both Medical and Managerial decisions can be found at Paragraphs 5 & 6 of Appendix 2 of the Critical Illness Protocol.

Part 3: Key Issues for Consideration

3.1 Conflict of interest

The employer should ensure that there is no conflict of interest when considering the matter. They should consider whether the employee is a close friend or relative or, alternatively, whether the employee has raised a grievance or some other form of complaint against them.

3.2 Record keeping

The employer should ensure that all records relating to the application for CIP are maintained in a confidential and secure manner. All documentation relating to CIP application must be retained by the employer with the relevant personnel records and in line with the employer's data protection policy and GDPR.

Appendix 1: Medical Criteria for Award of CIP

The Occupational Physician from the employer's OHS, will advise whether, in their opinion, the following criteria are met:

- 1) The employee is medically unfit to return to his or her current duties or (where practicable) modified duties in the same pay grade
- 2) The nature of this medical condition has **at least one** of the following characteristics:
 - (a) Acute life threatening physical illness
 - (b) Chronic progressive illness, with well-established potential to reduce life expectancy⁴
 - (c) Major physical trauma ordinarily requiring corrective acute operative surgical treatment
 - (d) In-patient or day hospital care of ten consecutive days or greater⁵.

⁴ This refers to the condition and not the individual person. It must be well established in the peer reviewed medical literature that the medical condition results in a reduction of life expectancy.

⁵ In the case of pregnancy-related illness, the requirement for hospitalisation of ten consecutive days will be reduced to two or more consecutive days of in-patient hospital /clinic care.

Appendix 2: Critical Illness Protocol

1 INTRODUCTION

1.1 It is recognised that employers, need to continue to provide support for their employees who may be incapacitated as a result of critical illness or serious physical injury. Therefore when an employee becomes incapacitated as a result of critical illness or serious physical injury, and has supporting medical evidence for an extended period of sick leave, the employee may, on an exceptional basis, be granted paid sick leave extended as follows:

- A maximum of 183 days on full pay in the previous rolling one-year period.
- Followed by a maximum of 182 days on half pay in the previous rolling one-year period.
- Subject to a maximum of 365 days paid sick leave in the previous rolling four-year period.

1.2 **The granting of exceptional CIP is a decision of the employer** having considered the occupational medical advice.

1.3 These arrangements will exclude employees whose illness relates to an occupational injury/illness and who have access to an occupational injury/illness scheme.

2 CRITERIA FOR AWARD OF CIP

2.1 In determining whether an employee may be granted access to exceptional CIP the following criteria apply:

2.1.1 The employee should ordinarily be under the current or recent clinical care of a consultant either as an inpatient or outpatient. This excludes employees attending primarily for report preparation or medico legal purposes.

2.1.2 The case must be referred by the employer to its OHS for medical advice.

2.1.3 The responsibility lies with the employee to furnish any treating doctor's medical reports requested within an appropriate time-frame to avail of CIP. A treating consultant's specialism must be appropriate to the critical illness for which the employee is making a claim.

2.1.4 The Occupational Physician, from the employer's OHS, will advise whether, in their opinion, the following criteria are met:

- i. The employee is medically unfit to return to his or her current duties or (where practicable) modified duties in the same pay grade
- ii. The nature of this medical condition has **at least one** of the following characteristics:
 - a) Acute life threatening physical illness
 - b) Chronic progressive illness, with well-established potential to reduce life expectancy

- c) Major physical trauma ordinarily requiring corrective acute operative surgical treatment
- d) In-patient or day hospital care of ten consecutive days or greater⁶.

2.1.5 The Occupational Physician will consider the information provided by the treating doctor, and may confer with them with consent if they feel this would be helpful. It is not an absolute requirement that a definitive final diagnosis has been made. The Occupational Physician may accept a presumptive diagnosis on a case by case basis.

3 CIP PROTOCOL

In determining whether an employee may be granted access to CIP the protocol as detailed below must be followed:

- a) The employee must apply to his/her employer for access to CIP on the CIP Application Form located at Appendix 3 at the end of these guidelines.
- b) Upon receipt of the CIP Application Form, the employer must initiate a referral to the OHS by logging onto www.medmark4teachersna.ie and complete the appropriate CIP Referral Form.
- c) The employer must scan the employee's completed CIP Application Form and attach it to the employer's online CIP Referral Form.
- d) Upon completion of this referral, the employer will receive a unique CIP **Referral Number** which will be required in the case of employers entering absences on the OLCS. This number appears as CIPR (example CIPR-OHM-087870) on the OLCS.
- e) A copy of the completed CIP Referral Form must be made available to the employee.
- f) The employee must also submit within an appropriate timeframe a completed "Report from Treating Consultant Form". See Appendix 4 "Letter to Treating Consultant" and Appendix 5 "Report from Treating Consultant" at the end of these guidelines. Alternatively these can be downloaded at: www.medmark4teachersna.ie. This medical Report does not need to accompany the employee's application but should be submitted by the employee or the Consultant directly to the OHS provider as soon as possible.
- g) The unique CIP referral number must be furnished with the "Report from Treating Consultant Form". The treating Consultant's specialism must be appropriate to the critical illness for which the employee is making a claim. It is essential that the medical evidence submitted is comprehensive and includes all relevant clinical details, as requested in the medical Report. It must address diagnosis, treatment and prognosis and dates of hospital admissions, if

⁶ In the case of pregnancy-related or assisted pregnancy-related illness, the requirement for hospitalisation of ten consecutive days will be reduced to two or more consecutive days of in-patient hospital / clinic care.

relevant. The cost of compilation of all such reports is the responsibility of the employee.

- h) The CIP application cannot be processed prior to the OHS provider receiving both the employer's referral form and the "Report from Treating Consultant Form".
- i) Upon receipt and examination of the CIP Referral Form and the "Report from treating Consultant Form", the OHS will advise the employer by way of a report if, in their opinion, the employee is medically fit/unfit to return to his/ her current duties or (where practicable) modified duties and whether he/she fulfils the medical criteria for award of CIP. This report is located at Appendix 6 titled "Medical CIP Report".
- j) Details of the medical criteria for award of CIP are detailed at Appendix 1 located at the end of these guidelines.
- k) Where the OHS advises that the medical criteria are met, employers will be provided with a unique critical illness **Recommendation Number** (example CIPA-RTX-021128). This number will also be required in the case of employers entering absences on the OLCS and appears as CIPA on the OLCS.

Where CIP is not awarded, the employer's decision letter will include details of the appeals process set out at Part 5 of these guidelines titled "CIP Appeal".

4 DECISION TO AWARD

- 4.1 The decision on whether to award CIP is the decision of the employer. Whilst the employer must primarily consider the Occupational Medical advice, they should consider all the circumstances of the case.
- 4.2 Thus, although an employee may not meet the medical criteria outlined above, the employer may still make a decision to award in exceptional circumstances.
- 4.3 In exercising this discretion the employer must demonstrate the reasons why they are awarding CIP although the employee does not meet the requirements set out at 2.1.4 (ii) above.

In this regard the employer should establish the following:-

- That there are exceptional circumstances; and
 - That those exceptional circumstances relate to the illness, injury or condition of the person; and
 - That those exceptional circumstances warrant the granting of the CIP.
- 4.4 When determining if there are exceptional circumstances which would warrant the award of CIP granted on the basis of managerial discretion, the employer should consider the following three sources of information to inform the decision making process to award CIP.
 - The Occupational Physicians Report
 - Relevant Information from the employee
 - Relevant HR Information

5 APPEAL OF THE MEDICAL DECISION

- 5.1 A number of registered specialists in occupational medicine, who are suitably qualified to assess medical fitness for work, have been selected and approved by the OHS and the Chief Medical Officer of the Civil Service to provide a mechanism for employees who wish to appeal the critical illness medical decision.
- 5.2 An employee may appeal the medical decision in accordance with the following procedures:
- a) The employee must write to the employer within 30 days of receipt of the original CIP decision.
 - b) The appeal must only be based on the medical information presented to the OHS in the employee's original application. It is not possible to submit new medical evidence at this point of the process.
 - c) The medical decision can only be appealed in relation to the medical criteria as detailed at Appendix 1 of these guidelines and only if the employee has been deemed medically unfit for work by the OHS.
 - d) The employer will submit the appeal to the OHS who will then refer the case to one of the independent registered specialists in occupational medicine for review. This appeal will ordinarily be a file only review.
 - e) The cost of the appeal assessment is set at €100 and will be borne by the employee.
 - f) If the appeal is successful the cost of the assessment will be refunded by the OHS.
 - g) When making an appeal, the employee must include with their appeal a postal order/bank draft or cheque for the full cost of the assessment made payable to "Medmark Ltd. – CIP Appeal Account".
 - h) The result of the approved registered medical practitioner's assessment will be notified to the employer for action and the OHS for record purposes. This report is located at Appendix 7 titled "CIP Appeal Outcome".
- 5.3 The final decision on the appeal lies with the employer, having considered the medical advice.

6 APPEAL OF THE MANAGEMENT DECISION

- 6.1 If the employer decision is being appealed the Grievance Procedures for the relevant sector must be followed.
- 6.2 Should there be a delay⁷ in the employer referring an employee to the OHS, or a delay⁸ in being seen by this OHS, there will be no financial loss to the employee if they are later awarded CIP. Where, in these circumstances, an employee moves on to half pay and it is later found that access to CIP should have been granted, pay will be restored appropriately.

⁷ Where the delay is of a duration in excess of the period of time currently allowed for a referral to an Occupational Physician.

⁸ Where the delay is of a duration in excess of the normal waiting time to be seen by an Occupational Physician.

7 RETURN TO WORK

- 7.1 There will be no financial loss to an employee in circumstances where the employee has fully engaged with the process around the management of sick leave and their own consultant has certified fitness to return to work, but the employee has not been able to return to work because there is a delay in the employer referring the employee to the OHS, or a delay in being seen by this OHS. Pay will be restored appropriately.

8 TEMPORARY REHABILITATION REMUNERATION

- 8.1 In advance of the termination of the payment of Temporary Rehabilitation Remuneration (TRR), following payment of paid sick leave and TRR for a period not exceeding two years, the employer shall secure expert specialist occupational health advice on whether there is any reasonable prospect of the employee returning to work within a foreseeable timeframe. Where a reasonable prospect of return to work is confirmed by the Occupational Health Specialist the payment of TRR may be continued subject to review at six-monthly intervals for a further period not exceeding two years.

Appendix 3: Employee Application for CIP

I wish to apply for CIP in accordance with the provisions of the Sick Leave Scheme as detailed in Department of Education and Skills publications.

Name:	
Date of Birth:	
School Name:	
School Roll No.:	

The decision to grant CIP lies with your employer based on the medical opinion of the Occupational Health Service (OHS).

You may consent to have additional medical information disclosed to your employer where your medical condition does not fulfil the medical criteria for CIP (details of medical criteria overleaf). On this basis, please indicate below if you wish to give consent for the disclosure of the medical information as detailed below:

“I hereby consent/do not consent to the disclosure of the following information by the Occupational Physician to my employer where my medical condition does not fulfil the medical criteria.”

Indicate Yes/No

Standard recovery times for the condition based on Department of Employment and Social Protection Guidelines where these exist having regard to the nature of the work	
Confirmation of the presence of medical complications where relevant that prolong standard recovery time	
Confirmation of the presence of additional medical conditions where relevant that prolong standard recovery time	
Any other information considered necessary by the Occupational Physician to assist your application whilst respecting your confidentiality	

Where consent has not been given to the disclosure of additional medical information relating to your medical condition, the decision on your CIP application will be made by the employer in the absence of this information.

Employees should be assured that employers have been instructed to treat this application with strict confidentiality.

Employee Signature

Date

Medical Criteria for Award of CIP (extract from “Critical Illness Protocol Managerial Discretion Guidelines”)

The Occupational Physician from the employer’s OHS, will advise whether, in their opinion, the following criteria are met:

- 3) The employee is medically unfit to return to his or her current duties or (where practicable) modified duties in the same pay grade
- 4) The nature of this medical condition has **at least one** of the following characteristics:
 - (e) Acute life threatening physical illness
 - (f) Chronic progressive illness, with well-established potential to reduce life expectancy⁹
 - (g) Major physical trauma ordinarily requiring corrective acute operative surgical treatment
 - (h) In-patient or day hospital care of ten consecutive days or greater¹⁰.

⁹ This refers to the condition and not the individual person. It must be well established in the peer reviewed medical literature that the medical condition results in a reduction of life expectancy.

¹⁰ In the case of pregnancy-related illness, the requirement for hospitalisation of ten consecutive days will be reduced to two or more consecutive days of in-patient hospital /clinic care.

Appendix 4: Letter to treating Consultant: CIP Application

Dear Dr

Re: Critical Illness Provisions (CIP) Application

PATIENT NAME	
DATE OF BIRTH	

Medmark Occupational Healthcare Ltd. provides Occupational Health Services (OHS) to the Primary and Post-Primary School Management Authorities. As part of this service, we are required to provide medical opinions with regards to employees' eligibility for CIP in accordance with the provisions of the Sick Leave Scheme as detailed in Department of Education and Skills publications.

In order to process this CIP application, the employee is required to furnish the OHS with a doctor-to-doctor report from his/her treating consultant. As the treating consultant for the above named patient, you are kindly requested to provide the information as indicated overleaf.

In completing the report, it is important to note:

- The treating consultant's specialism must be appropriate to the critical illness for which the employee is making a claim.
- It is essential that the medical evidence submitted is comprehensive and includes all relevant clinical details as requested in the report.
- It must address diagnosis, treatment and prognosis and dates of hospital admission where relevant.
- The unique critical illness referral number (available from the employee) must be included on this report.

The cost of compilation of all such reports is the responsibility of the employee.

Please be assured that your report will be dealt with in the strictest of confidence and serves only to assist us in the decision with regards to eligibility for CIP.

Please forward your completed report to:

Dr Jacques Bronkhorst
Medmark Occupational Healthcare Ltd.
28 Penrose Wharf
Penrose Quay
Cork

Yours sincerely,

Medmark Occupational Healthcare Ltd.

Appendix 5: Report from treating Consultant: CIP Application

PATIENT NAME	
DATE OF BIRTH	
CONSULTANT NAME	
CONSULTANT'S SPECIALITY	
CRITICAL ILLNESS REFERRAL NUMBER (available from employee)	CIPR-

Exact diagnosis: _____

Date of diagnosis: _____

Treatment received to date: _____

Results of histology (if applicable): _____

Staging of disease (if applicable): _____

If applicable: date(s) of hospital admission _____ and discharge _____

If applicable: Name of hospital: _____

Long term prognosis: _____

Anticipated recovery time for the condition: _____

Presence of any additional medical conditions: _____

Presence of medical complications: _____

Other relevant information: _____

CONSULTANT SIGNATURE

DATE

CONSULTANT STAMP

Appendix 6: Medical CIP Report

CIP Referral Number:		Approval No:	
Employer:	{Insert Name of School}	Occupation:	

Fitness for work:

Indicate Yes/No

At the time of presentation with the particular illness, the employee was medically unfit to return to work or (where practicable) modified duties in the same pay grade.

AND

The nature of the employee's medical condition has at least one of the following

characteristics:

Indicate Yes/No

Acute life threatening physical illness	
Chronic progressive illness, with well-established potential to reduce life expectancy ¹¹	
Major physical trauma ordinarily requiring corrective acute operative surgical treatment	
In-patient or day hospital care of ten consecutive days or greater ¹²	

Declaration

I have reviewed the medical evidence provided in relation to this CIP application.

In my opinion the employee
DOES/DOES NOT
fulfil the medical criteria under the Critical Illness Provisions
as detailed in the Sick Leave Scheme.

Signature: _____

MCRN: _____

Date: _____

It is acknowledged that the authority to grant or refuse an application for CIP rests with the employer.

¹¹ This refers to the condition and not the individual person. It must be well established in the peer reviewed medical literature that the medical condition results in a reduction of life expectancy.

¹² In the case of pregnancy-related or assisted pregnancy-related illness, the requirement for hospitalisation of ten consecutive days will be reduced to two or more consecutive days of in-patient hospital / clinic care.

Consent:

Indicate Yes/No

<i>The employee has consented to the provision of additional information</i>	
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Additional information (to be completed only when medical criteria for CIP are not met)

and only where the employee has given consent:

Standard recovery times for the condition based on Department of Employment and Social Protection Guidelines where these exist having regard to the nature of the work.
Confirmation of the presence of medical complications where relevant that prolong standard recovery time. Indicate Yes/No
Confirmation of the presence of additional medical conditions where relevant that prolong standard recovery time. Indicate Yes/No
Any other information considered necessary by the Occupational Physician to assist your application whilst respecting your confidentiality.

Name:		MCRN:		Date:	
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Appendix 7: CIP Appeal Outcome

Strictly Private & Confidential

Dr. Jacques Bronkhorst
Medmark Occupational Healthcare Ltd
28 Penrose Wharf
Penrose Quay
Cork

CRITICAL ILLNESS PROVISIONS (CIP) APPEAL

CIP Referral Number:			
Employee Name:		Date of Birth:	
Employee Occupation:		Employer:	{Insert Name of School}

The nature of the employee's medical condition has at least one of the following characteristics:

***Indicate
Yes/No***

5. Acute life threatening physical illness	
6. Chronic progressive illness, with well-established potential to reduce life expectancy ¹³	
7. Major physical trauma ordinarily requiring corrective acute operative surgical treatment	
8. In-patient or day hospital care of ten consecutive days or greater ¹⁴	

Declaration

I have reviewed the medical evidence provided in relation to this CIP Appeal.

**In my opinion the employee
DOES/DOES NOT
fulfil the medical criteria under the Critical Illness Provisions**

as detailed in the Sick Leave Scheme.

Name:		MCRN:		Date:	
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It is acknowledged that the authority to grant or refuse an application for CIP rests with the employer.

¹³ This refers to the condition and not the individual person. It must be well established in the peer reviewed medical literature that the medical condition results in a reduction of life expectancy.

¹⁴ In the case of pregnancy-related or assisted pregnancy-related illness, the requirement for hospitalisation of ten consecutive days will be reduced to two or more consecutive days of in-patient hospital / clinic care.