

Ref. 12/99

23 January 1998

Chief Officer
each health agency participating in the
Nominated Health Agency Superannuation Scheme

DEPARTMENT
OF HEALTH AND
CHILDREN
AN ROINN
SEÁNTEAGULS ÉANAI

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**Re: Scheme for staff employed by agencies participating in the
Nominated Health Agencies Superannuation Scheme (NHASS)
absent from work as a result of a serious physical assault incurred
in the course of his / her duty**

I am directed by the Minister for Health and Children to convey approval to the implementation of the above mentioned Scheme for all non-officer grades employed by agencies participating in the NHASS absent from work as a result of a serious physical assault incurred in the course of their duties. The terms of this Scheme apply to all such staff who are members of the Nominated Health Agencies Superannuation Scheme.

1. Pay

A salary may be paid 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 s/he 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.
- (c) Payment made under (b) above shall be reduced by the amount of any benefit under the Social Welfare Code the claimant is entitled to arising from absence due to the injury.
- (d) Salary paid in the circumstances outlined above will not affect a claimant's entitlement under the Sick Pay Scheme.

2. Amendment of the Nominated Health Agencies Superannuation Scheme (NHASS)

After the expiration of the special sick pay outlined at paragraph 1, the following new Article of the NHASS may be invoked:

- (a) This article of the Scheme provides for payment of a gratuity or an allowance in money for life or for a limited period as the health agency may consider reasonable where the claimant in question is injured:
 - (i) in the actual discharge of his / her duty, and
 - (ii) without his / her own default, and
 - (iii) by some injury attributable solely to the nature of his / her duty.
- (b) If, within seven years after the date of the injury, s/he dies as a direct result of the injury the health agency may grant his / her widow / widower or father / mother if wholly dependent on him / her at the time of death and to or in respect of his / her children, or any of them such gratuity or allowance in money for life or for a limited period as the health agency may consider reasonable, subject to the sanction of the Minister.
- (c) The allowance may not exceed 5/6ths of remuneration inclusive of the money value of emoluments of the position in which s/he received the injury. The 5/6ths allowance will be reduced to take account of:
 - (i) any other allowance payable by the health agency, e.g. where the claimant subsequently ceases to be employed on permanent ill-health grounds,
 - (ii) any lump sum or gratuity so payable, including a retirement lump sum, and
 - (iii) any benefit payable under the Social Welfare Code, including workmen's compensation, injury benefit, disablement benefit, widow's pension.
- (d) The review of any award would also be a matter for the health agency, including any considerations of ill-health retirement where, on the basis of medical evidence, it appears that the claimant is permanently unfit to return to work.
- (e) The period for which a claimant is in receipt of an allowance under (c) above will not count as reckonable service for superannuation purposes.

3. Hospital Expenses

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

- (a) A refund of expenditure incurred by the claimant in respect of treatment provided by the Irish Public Health Service.

(b) General Practitioner, Casualty and Consultant visits.

(c) Prescription charges.

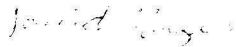
Claimants will be obliged to claim under medical insurance schemes where appropriate (e.g. VHI, Refund of Drug Schemes, etc.) and any payments made by the health agency under 2 above will be solely in respect of excess expenditure by the claimant. Payments made under 1, 2 and 3 above do not confer any admission of liability on the part of the health agency.

4. Temporary Staff

Where a non-officer comprehended by this circular who is not a member of the NHASS, is absent resulting from a serious physical assault in the course of his / her duty, the employing authorities will deal sympathetically with each individual case.

5. Any queries arising from the foregoing should be referred to the Personnel Management and Development Unit of the Department.

Yours sincerely



David Maguire
Personnel Management and Development