**Critical Illness Application Form**

**This form is to be used to make an application for extended paid sick leave under the Critical Illness Protocol**

The Critical Illness Protocol (attached) must be read in full prior to submitting this form.

The Protocol provides full details on the criteria required for access to extended sick leave for Critical Illness Provisions (CIP). Employees must submit this application form for CIP to the HR, Compensation & Benefits Manager.

HR will refer the employee to the Employment Health Advisors (EHA) immediately.

The EHA will provide advice to HR as to whether the employee meets the following criteria for CIP:

The employee must be medically unfit to return to his/her current duties and the nature of their medical condition must have 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 greater.**

On receipt of advice from the EHA, the HR, Compensation & Benefits Manager will consider the application and write to the employee to inform them if they have or have not been granted access to CIP and will give reasons for their decision.

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| Section 1. To be completed by the Employee | |
| Surname: | First Name: |
| PPS Number: | Date of Birth: |
| I.D. Number: | Department: |
| I wish to apply for extended paid sick leave From \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  Date | |
| I attach a medical certificate/statement from my treating Consultant,  confirming my medical condition meets the criteria for CIP. Yes  | |

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| **Employee Declaration** | |
| |  | | --- | | I have read the Critical Illness Protocol and I wish to apply for access to CIP. I also give consent for my personal details to be confidentially issued to the EHA in respect of a medical referral. | | |
| Signed |  |
| Date |  |

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| |  |  |  |  | | --- | --- | --- | --- | | Section 2. To be completed by the Compensation & Benefits Manager, Human Resources Division | | | | | I recommend this application is | Approved | | Rejected | | Approved on the grounds of | Occupational Health Recommendation | | Exceptional circumstances (management discretion) | | If recommended for rejection on management discretion grounds, please state reason: | | | | | Signed: | | Date: | |     **CRITICAL ILLNESS PROTOCOL** |

**1. INTRODUCTION**

1.1 It is recognised that public service bodies, as 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 individual 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 individual 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 extended paid sick leave is a decision of management having considered the occupational medical advice.

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

**2. CRITERIA FOR AWARD OF EXTENDED PAID SICK LEAVE**

2.1 In determining whether an individual may be granted access to exceptional extended paid sick leave 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 Occupational Health Service 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 the exceptional extended paid sick leave. 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 Occupational Health Service, 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 hospital care of two consecutive weeks or greater2.

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. DECISION TO AWARD**

3.1 The decision on whether to award extended paid sick leave is a management decision having consulted with the relevant line manager. Whilst management must primarily consider the Occupational Medical advice, management should consider all the circumstances of the case.

3.2 Thus, although an employee may not meet the medical criteria outlined above, management may still make a decision to award in exceptional circumstances.

3.3 In exercising this discretion management must demonstrate the reasons why they are awarding an extended period of paid sick leave although the individual does not meet the requirements set out at 2.1.4(ii) above. In this regard management should in particular consider the following:-

* the individual’s sick leave record;
* the potential impact of an early return on the workplace efficiency and effectiveness;
* it has not been possible to make an accommodation to facilitate the return to work of a person with a disability-related illness or condition.

Management should also confer with the Occupational Physician in such cases.

**4. APPEAL OF THE MEDICAL DECISION**

4.1 The advice of the Occupational Physician may be appealed to a single appeal Specialist Occupational Physician. This appeal will ordinarily be a file only review.

4.2 In the case of an appeal to a single Specialist Occupational Physician, an individual may arrange to meet with the Specialist Occupational Physician.

4.3 The final decision on any appeal lies with the employer, having considered the medical advice.

**5. APPEAL OF THE MANAGEMENT DECISION**

5.1 The mechanism for appeal of the management decision will be in line with the relevant Grievance Procedure applicable to the employee’s grade.

5.2 Should there be a delay in the employer referring an employee to the Occupational Health Physician, or a delay in being seen by this Occupational Health Physician, there will be no financial loss to the employee if they are later awarded the exceptional extended paid sick leave. Where, in these circumstances, an employee moves on to half pay and it is later found that access to exceptional extended paid sick leave should have been granted, pay will be restored appropriately.

5.3 Management are required in the case of an employee with a disability-related illness take all reasonable steps in terms of making an accommodation to facilitate the employee’s return to work consistent with, for example, specialist occupational health advice and service requirements.

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

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

**6. RETURN TO WORK**

6.1 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 Occupational Health Physician, or a delay in being seen by this Occupational Health Physician. Pay will be restored appropriately.

**7. TEMPORARY REHABILITATION REMUNERATION**

7.1 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, local management 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.