

# Serious Physical Assault Scheme Leave Application Form – HR 108 (m)

Please complete in Block Capitals/Tick appropriate boxes, Date fields format DDMMYYYY

<b>Section 1. To be completed by the employee</b>											
Surname:						First Name:					
Grade:						Personnel No:					
Location:						PPS No:					
In accordance with the provisions of the HSE Terms and Conditions of Employment (Revised) 2009.I hereby notify my employer that I wish to apply for Leave as a result of a serious physical assault by a patient/client incurred in the course of my duties.											
Date of assault:						Incident Report Completed: Yes <input type="checkbox"/>					
Signature						Date:					
<b>Section 2. To be completed by the Line Manager</b>											
I confirm that the above named is entitled to the leave requested.											
Incident Report Noted						Yes <input type="checkbox"/>					
Assault on Duty Full Pay (should not exceed 6 months)						Yes <input type="checkbox"/> No <input type="checkbox"/>		No of Calendar days			
Assault on Duty 1 <sup>st</sup> Extension (should not exceed 3 months)						Yes <input type="checkbox"/> No <input type="checkbox"/>		No of Calendar days			
Assault on Duty 2 <sup>nd</sup> Extension (should not exceed 3 months)						Yes <input type="checkbox"/> No <input type="checkbox"/>		No of Calendar days			
Application Approved						Yes <input type="checkbox"/> No <input type="checkbox"/>					
Signature:						Date:					
Name:						Grade:					
Contact Phone No:						Mobile No:					
Email Address:											
<b>Section 3. Delegated Officer Approval</b>											
Name(Print)						Signature					
Tel No						Date					
Decision No											
<b>Section 4. To be completed by Human Resources Personnel Administration</b>											
System Updated by:						Name:					
Contact Phone No:						Date:					
Comments:											
<b>Section 4. Circulation List</b>											
1						2					
3						4					
5						6					

# Explanatory note on Serious Physical Assault Scheme Leave

All employees who are absent from work as a result of a serious physical assault by a patient/client incurred in the course of their duties are covered by the Serious Physical Assault

Scheme. Payment is conditional on the assault occurring in the actual discharge of the employee's duties and without his/her own default.

The scheme provides as follows:

- a) Full pay based on the earnings an employee 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** for officer grades  
**3 months** for general support staff.
- c) Payment made under (b) above shall be reduced by the amount of social welfare benefit to which the employee is entitled arising from absence due to the injury.
- (d) Salary paid to an employee in the circumstances outlined above will not affect an employee's entitlement under the sick pay scheme.

### Special Extensions for Nurses

In the case of nurses the following special extensions to the above scheme apply:

#### **First Special Extension**

A medical assessment to review the employee's progress should be carried out no later than six (6) weeks into the period of absence. If it is unlikely that the employee will be fit to return to work within the six-month period covered by the scheme or immediately thereafter, but there remains a reasonable expectation that the employee will return to work, a First Special Extension may be granted up to a maximum period of **three months**.

#### **Second Special Extension**

A medical assessment to review the employee's progress should be carried out no later than six (6) weeks into the first special extension. If it is unlikely that the employee will be fit to return to work during the three-month period covered by the First Special Extension or immediately thereafter, but there still remains a reasonable expectation that the employee will return to work, a further final extension may be granted. The second special extension provides for **basic pay only** and is for a maximum period of **three months**.

Refer to the *Revised Serious Physical Assault Scheme for Nurses (2001)* for further details on the operation of the scheme.

## **Employee's Entitlements following Expiry of Payment under the Serious Physical Assault Scheme**

Employees who have exhausted the pay provisions under the Serious Physical Assault Scheme (including the extensions for nurses) may be granted the injury allowance in accordance with the provisions of the relevant superannuation schemes (see below).

There is no requirement that the employee must have exhausted their sick pay entitlements under the Public Service Sick Pay Scheme prior to accessing the Injury Allowance. However, employees should be informed that any period in which they are paid the Injury Allowance is not reckonable for superannuation purposes. Employees should also be given the option of availing of the normal sick leave provisions as this period will be reckonable for superannuation purposes (excluding any period while paid Temporary Rehabilitation Remuneration).

The employee should be advised that payment of the Injury Allowance is subject to review and conditional on the employee cooperating with the organisation's HR policies and procedures governing sickness absence and rehabilitation. These include HSE Managing Attendance Policy; HSE Rehabilitation of Employees back to work after illness or injury policy; and the HSE Long Term Absence Benefit Scheme Guidelines.

### **Note**

*In the case of all employees, payment of the injury grant should be conditional on the employee undergoing medical reviews at appropriate intervals to determine their capability to resume work and to identify appropriate measures to facilitate the employee's return to work.*

### **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

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