



**To: The Chief Executive Officers of Education and Training Boards**

**Serious illnesses prior to introduction of new Sick Leave Scheme:  
Transitional Arrangement**

1. A transitional arrangement has been introduced to deal with cases where staff members had a very serious illness in the 4 years prior to the introduction of the Critical Illness Protocol (CIP). Specifically, it applies to cases where an individual staff member had a very serious illness commencing on or after 1 September 2010 and prior to 1 September 2014.

**Granting of Critical Illness Provisions**

2. Critical Illness Provisions (CIP) did not exist prior to 1 September 2014. Therefore, any illness/injury which occurred prior to 1 September 2014 cannot be classified as a CIP illness for the purpose of access to extended sick leave. CIP can only be granted for absences which occur after 1 September 2014.

**Transitional arrangements**

3. To avoid a situation of a staff member who was seriously ill in the 4 years prior to the introduction of the new Public Service Sick Leave Scheme having no further access to any paid sick leave as s/he has exhausted it as a result of that serious illness, employers can use management discretion to grant CIP for a transitional period.
4. Employers can, if they consider it appropriate, award extended sick pay under the CIP for an absence which occurs after 1 September 2014 on the basis that a staff member previously had a very serious illness that meets the following criteria:
  - a) commenced on or after 1 September 2010 and prior to 1 September 2014;
  - b) commenced within a period of 4 years before the commencement of the current absence; and
  - c) the case was referred to an Occupational Health Physician and the OHP advised that the individual was medically unfit for work at that time. Should the OHP not be in a position to give retrospective medical fitness advice on cases that have not been referred, employers should use their own discretion on the basis of information they already have available.
5. There is no requirement that the current absence, which commenced on or after 1 September 2014, must relate to the serious illness.
6. It is expected that this transitional arrangement will only be used in exceptional circumstances. The ability to exercise this managerial discretion in relation to illnesses prior to introduction of the new sick leave scheme will cease on 31 August 2018.
7. In cases where management discretion is exercised, access to paid sick leave will still be subject to the maximum CIP limits provided for in the Public Service Sick Leave Scheme.

## **Reporting**

8. The Department of Public Expenditure and Reform has indicated its intention to conduct a review of the sick leave regulations. Accordingly, if extended sick pay is awarded under this transitional arrangement, the following information must be recorded by employers and made available in the context of the review:
  - Start date for illness/injury
  - Nature of pre-1 September 2014 illness (i.e. serious illness)
  - Nature of current illness
9. Employers should now implement this interim arrangement with effect from 1 September 2014. Any queries should be communicated to the relevant employer.

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Philip Crosby  
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