



## Information Note

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

### **Serious Illnesses prior to the introduction of the new Sick Leave Scheme for Special Needs Assistants Transitional Arrangements**

#### **1. Granting of Critical Illness Provisions**

1.1 Critical Illness Provisions (CIP) did not exist prior to 1 September 2014. Therefore, any illness/injury which occurred prior to 1 September 2014 could not 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. A transitional arrangement has therefore been introduced to avoid a situation of a special needs assistant 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.

#### **2. Transitional Arrangements**

- 2.1 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 special needs assistant previously had a very serious illness that meets the following criteria:
- a) commenced within the 4 year service period prior to 1 September 2014
  - b) commenced within a period of 4 years service before the commencement of the current absence; and
  - c) referral to the OHS is made in accordance with the OHS Standard Operating Procedures.
- 2.2 There is no requirement that the current absence, which commenced on or after 1 September 2014, must relate to the previous serious illness.
- 2.3 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.
- 2.4 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.

### **3. Compliance**

- 3.1 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 of the current illness/injury
  - Start date of the previous certified illness/injury
- 3.2 While it is not obligatory to state the nature of the illness on a medical certificate, failure to include this information may lead to difficulties in considering whether access to the Critical Illness Provisions can be granted.

### **4. Further Information**

- 4.1 In accordance with the introductory paragraph employers should now implement this interim arrangement retrospectively from 1 September 2014.
- 4.2 All queries should initially be brought to attention of the employer who may wish to consult with their representative organisation, who may further wish to consult with the Department at the following address: [teachersna@education.gov.ie](mailto:teachersna@education.gov.ie)

To access the [Public Service Illness Protocol](#) document please click on the link.

To access the [Standard Operating Procedures](#) please click in the link.

This Information Note can be accessed on the Department's website under [www.education.ie](http://www.education.ie)  
Home – Education Staff – Services – Breaks/Leave – Sick Leave

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17 June 2015

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17 June 2015