

**Occupational Health Service for
Teachers and Special Needs Assistants**

Standard

Operating

Procedures

Manual

**A Manual for Boards of Management/Managers
& ETB's**

June 2015

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Definitions

For the purpose of this manual the following terms shall have the meanings assigned to them here unless the context indicates otherwise.

Employer – means an Education and Training Board (ETB) for vocational schools/community colleges and a Board of Management/Manager in the case of primary, voluntary secondary, community and comprehensive schools. The Education Training Board or Board of Management/Manager may delegate as appropriate responsibility for matters set out in this circular.

Employee(s) – means teachers and special needs assistants

The Department – means the Department of Education and Skills

Occupational Health Service (OHS) – means the providers of independent medical advice on Occupational Health.

Occupational Health Physician (OHP) – means a Doctor with post graduate qualifications and experience in the practice of occupational medicine.

Occupational Health Advisor (OHA) – means a registered nurse with post graduate qualifications and experience in the practice of occupational medicine.

On Line Claims System (OLCS) – means the system for recording of absences and input of claims for the payment of substitute and non-regular part-time teachers/special needs assistants which is currently operating in primary, voluntary secondary, community and comprehensive schools.

Critical Illness Protocol (CIP) – means the Critical illness protocol under the Public Service Sick Leave Scheme following Labour Court Recommendations 20667.

Occupational Health Strategy

An Occupational Health Strategy was put in place as a supportive resource for employees, to promote their health in their workplace, with a focus primarily on prevention rather than cure. The Occupational Health Strategy comprises of the Employee Assistance and Occupational Health Services.

The Employee Assistance Service

The purpose of the Employee Assistance Service (EAS) is to provide employees and their immediate family members with easy access to confidential counselling and to assist in coping with the effect of personal and work-related issues. The service which is free and confidential is available 24 hours a day, 365 days a year to employees serving in primary and post-primary schools.

The following services are available:

- Telephone Counselling
- Face to Face Counselling

Counselling is provided on issues such as health, relationships, addictions, bereavement, stress, conflict, critical incident and trauma.

The current provider of this service is Carecall Wellbeing

Contact Details

Carecall Wellbeing
84 University Street
Belfast
BT7 1HE

Free Phone: 1800 411 057

www.carecallwellbeing.ie or www.education.ie and follow the link provided

Occupational Health Service

Employers of teachers/SNAs have responsibilities for ensuring the health, safety, well-being and educational progress of students. They also have a duty under Section 8 of the **Safety, Health and Welfare at Work Act 2005** to “ensure, so far as is reasonably practicable, the safety, health and welfare at work of his or her employees”. In order to discharge these management responsibilities effectively, it is essential that employers have access to professional occupational health advice on medical fitness. The OHS is in place to provide employers with health advice in relation to employees in posts which are Oireachtas funded.

This Standard Operating Procedures Manual aims to assist employers in accessing the services of the OHS and should be read in conjunction with the Occupational Health Guide for Boards of Management/ETBs and teacher/SNA Sick Leave circulars as appropriate.

The current provider of this service is Medmark Occupational Health

Contact Details

Medmark Occupational Health
28 Penrose Wharf
Penrose Quay
Cork

Assessment of Medical Fitness Prior To Appointment (Pre-Employment Medical Questionnaire)

All successful *candidates being appointed for the first time to a teaching/SNA position in Ireland or employees returning from leave of absence or other break in service in excess of two full school years will be screened by pre-employment medical questionnaire and fitness confirmed before the employee takes up or resumes a teaching/SNA post.

Procedure:

- The employer directs the prospective candidate to log onto www.medmark4teachersna.ie in order to complete and return a pre-employment medical questionnaire online.
- In the event of the prospective candidate not having internet access, the pre-employment medical questionnaire may be requested from the OHS Provider. Upon completion the questionnaire must be returned by post to the address provided on the form.

When received the pre-employment medical questionnaire is reviewed by the OHS. This will prompt the following actions:

- 1) OHS will issue notification to the employer confirming the candidate's fitness for duties *or*
- 2) OHS will make contact with the candidate to clarify disclosed medical information. Once satisfactory clarification is received notification regarding fitness for duties will issue to the employer *or*
- 3) OHS will request the candidate to attend for a pre-employment medical. The decision to request that a candidate attends is discretionary and based on the evaluation of the pre-employment medical questionnaire. Once the pre-employment medical is complete, notification regarding fitness or otherwise for duties will issue to the employer. Pre-employment medical assessments may on occasion result in the OHS identifying reasonable accommodation requirements for those with a particular disability or may result in confirming fitness for duties with some restrictions (where practicable) on duties applied.

* Please note that a pre-employment medical questionnaire should be completed only by a candidate selected for appointment.

Sickness Absence and Medical Fitness to Return to Work

General criteria for referring employees to the OHS:

1 Non-discretionary referrals:

- Any teacher/special needs assistant on sick leave who has 4 weeks (28 days) continuous or cumulative sick leave absence in a 12 month rolling period must be referred to the Occupational Health Service.

2 Discretionary referrals: Employees about whom the employer has concerns relating to their medical fitness for work. The following are examples of where discretionary referrals may occur:

- Repeated short-term sickness absences
- Where concerns arise regarding performance of duties as a result of health factors
- Concern that work related factors may be adversely affecting employees' health
- Alcohol or drug related problems

Employers Role

- The employer may seek advice by telephone from the OHS
- The employer must then ensure a discretionary/non-discretionary referral, as appropriate, is initiated
- The employer must inform the employee of the decision to refer and outline why this decision is being made
- The employer completes an online referral form by logging onto www.medmark4teachersna.ie
- A copy of the referral form must be made available to the employee together with a copy of the Common referral queries located at Appendix A of this manual
- The employer informs the employee that there may be dialogue between the OHS and the employee on the basis of the referral. This may be by telephone or email.

Failure to comply with the criteria for referring employees to the OHS may result in cessation/withholding of substitute cover.

OHS Role

On receipt of a referral the OHS will triage or review the case by

- Contacting the employee to discuss their medical complaint and work absence
- Completing an initial Occupational Health Assessment.
- Arranging, if appropriate, an appointment with an OHP/OHA in one of the regional centres. (The OHS will inform the employer of time/date/venue for appointment)
- Establishing the likely duration of absence and agreeing a return to work date. (If it is not possible to establish a return to work date the OHS will schedule a review of the employee after an agreed interval)
- Advising the employee that a report will issue to the employer in due course.
- Requesting the employer to re-refer if the return to work has not taken place as agreed.

Critical Illness

An employee who becomes incapacitated as a result of a critical illness or serious physical injury may upon application be granted extended paid sick leave in exceptional circumstances as provided for in the Labour Court recommendation (LCR 20667) in relation to critical illness. The process is outlined below:

- The employee must apply to his/her employer in writing for access to the critical illness provisions.
- Upon receipt of the critical illness application, the employer must initiate a referral to the OHS by logging onto www.medmark4teachersna.ie and completing the appropriate critical illness referral form. Upon completion of this referral, the employer will receive a unique critical illness **Referral Number** which will be required in the case of employers entering absences on the OLCS.
- A copy of the referral must be made available to the employee.
- The employee must furnish to the OHS a Doctor to Doctor report from his/her treating consultant. The unique critical illness referral number must be furnished with this Doctor to Doctor report. The treating consultant's specialism must be appropriate to the critical illness for which the employee is making a claim. It is essential that the medical evidence submitted is comprehensive and includes all relevant clinical details. It must address diagnosis, treatment and prognosis. The cost of compilation of all such reports is the responsibility of the employee.
- Upon receipt of the critical illness referral and the appropriate Doctor to Doctor report/s, the OHS will advise the employer by way of a report if, in their opinion, the following criteria are met:
 - ✓ The employee is medically unfit to return to his or her current duties or (where practicable) modified duties
 - ✓ The nature of this medical conditions has at least one of the following characteristics:
 - Acute life threatening physical illness
 - Chronic progressive illness, with well-established potential to reduce life expectancy¹
 - Major physical trauma ordinarily requiring corrective acute operative surgical treatment
 - In-patient hospital care of two consecutive weeks or greater²
- Where the OHS advises that the criteria are met, employers will be provided with a unique critical illness **Recommendation Number**. This number will also be required in the case of employers entering absences on the OLCS.

¹ In circumstances where there is no medical intervention.

² In the case of pregnancy related illness (natural or assisted pregnancy), the requirement for hospitalisation of two consecutive weeks will be reduced to two or more consecutive day of in-patient hospital/clinic care.

- The decision on whether to award the critical illness provisions is one for the employer. Whilst the employer must primarily consider the OHS advice, the employer should consider all the circumstances of the case. In this regard, although an employee does not meet the medical criteria, an employer may still make a decision to award in exceptional circumstances.
- In exercising this discretion the employer must demonstrate the reasons why they are awarding the critical illness provisions. In this regard the employer 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
 - The possibility of making an accommodation to facilitate the return to work of an employee with a disability-related illness or condition³
- The final decision on the critical illness application will issue in writing directly to the employee by the employer.
- Where the critical illness provisions are not awarded, the decision letter will include details of the appeals process set out on Page 9 of this manual.

³ Employers are required in the case of an employee with a disability-related illness to take all reasonable steps in terms of making an accommodation to facilitate the employee's return to work consistent with, for example, OHS advice and service requirements.

Critical Illness Appeal

An employee may appeal the decision to refuse the critical illness provisions in accordance with the procedures detailed below. The Critical Illness Protocol and the Grievance Procedure for the relevant sector must be read in full prior to submitting an appeal. In order to appeal the critical illness decision, an employee must apply to the employer in writing, setting out whether he/she is appealing the medical or the employer decision, within 30 days of receipt of the original critical illness decision.

1. Appeal of the employer decision:

If the employer decision is being appealed the Grievance Procedures for the relevant sector must be followed.

2. Appeal of the medical decision:

A number of registered specialists in occupational medicine, who are suitably qualified to assess medical fitness for work, have been selected and approved by the OHS and the Chief Medical Officer of the Civil Service to provide an appeal mechanism for employees who wish to appeal the critical illness medical decision.

An employee may appeal the medical decision in accordance with the following procedures

- The employee writes to the employer within 30 days of receipt of the original critical illness decision setting out the grounds for appeal.
- The appeal must only be based on the medical information presented to the OHS in the employee's original application. It is not possible to submit new medical evidence at this point of the process.
- The medical decision can only be appealed in relation to the employee's medical condition (in the context of the critical illness medical criteria set out on page 7) and only if the employee has been deemed medically unfit for work by the OHS.
- The employer will refer the appeal to the OHS who will then refer the case to one of the independent registered specialists in occupational medicine.
- This appeal will ordinarily be a file only review.
- The cost of the appeal assessment is set at €100 and will be borne by the employee. If the appeal is successful the cost of the assessment will be refunded by the OHS.
- Employees when making an appeal must forward to the employer a postal order/bank draft or cheque for the full cost of the assessment made payable to "Medmark Ltd. – CIP Appeal Account".
- The result of the approved registered medical practitioner's assessment will be notified to the employer for action and the OHS for record purposes.
- The final decision on the appeal lies with the employer, having considered the medical advice.

Transitional Arrangements for the Awarding of Extended Sick Pay in Exceptional Circumstances.

A temporary transitional arrangement has been introduced providing managerial discretion to employers to award extended sick pay under the transitional arrangements for CIP. This process applies where an employee has exhausted their access to paid sick leave as a result of a very serious illness occurring in the 4 years prior to the introduction of the Public Service Sick Leave Scheme (PSSLS).

Access to paid sick leave during this transitional arrangement will still be subject to the maximum CIP limits provided for in the PSSLS.

This transitional arrangement will only be used in exceptional circumstances and the ability to exercise this managerial discretion in relation to illnesses prior to the introduction of the new sick leave scheme shall cease on 31 August 2018. There is no requirement that the current absence, which commenced on or after 1 September 2014, must relate to the serious illness.

To avail of the transitional arrangements the employee must apply to his/her employer in writing for access to the Critical Illness Transitional Arrangements Provisions.

Upon receipt of the application, the employer should verify that:

- the employee had a certified serious illness commencing between 1 September 2010 and prior to 1 September 2014
- the serious illness commenced within a period of 4 years before the commencement of the current absence
- initiate a referral to the OHS and completing the appropriate critical illness referral form. Upon completion of this referral, the employer will receive a unique critical illness **Referral Number**.
- this reference number should be used in conjunction with Management decision to award critical illness provisions.
- a copy of the referral must be made available to the employee.

Ill Health Retirement

An employee may decide to apply for ill-health retirement pension benefit having developed a medical condition and formed the view that s/he is permanently incapacitated and that the medical infirmity is likely to be permanent.

The process is outlined in the following documents ***IHR info – Teachers Ill Health Retirement Procedures / IHR info – Non Teaching Staff Members Ill Health Retirement Procedures*** available at www.education.ie – Home – Education Staff – Services – Retirement/Pensions – Teaching Staff/Non Teaching Staff – Retirement on Medical Grounds.

Ill Health Retirement Decision

An employee may appeal the decision to refuse the application for ill health retirement pension benefit in accordance with the procedures outlined in the following documents ***IHR info – Teachers Ill Health Retirement Procedures / IHR info – Non Teaching Staff Members Ill Health Retirement Procedures*** available at www.education.ie – Home – Education Staff – Services – Retirement/Pensions – Teaching Staff/Non Teaching Staff – Retirement on Medical Grounds.

The result of the appeal process does not interfere with the legal rights of the scheme member in respect of Internal Disputes Resolution (IDR) or the Office of the Pensions Ombudsman.

Appendix A



Common Referral Queries - Occupational Health Referral

Your Medical Examination Information

You may be requested to attend an Occupational Health Assessment and may have a number of questions regarding this. This introduction answers some of the most common queries. If you have any other queries, please do not hesitate to contact one of the Medmark Team on 1890 235711.

Why have I been referred to the OHS?

Your file has been referred to the OHS by your employer for the purpose of an independent review of your health in relation to work.

Will I have to present for assessment?

Not in all instances. The OHS will decide if medical assessment is appropriate.

If required to attend for assessment, Who will I attend?

You will attend an Occupational Health Practitioner - whose area of interest is work, health, ability and disability and any circumstances where work and health interfere with each other.

What is involved in an Occupational Health Assessment?

It is likely the Occupational Health Practitioner has been sent a referral note by your employer asking him/her to address certain issues relating to your health and fitness for work. The Occupational Health Practitioner will start the assessment by discussing your role in school and your occupational history and will then proceed to assess the reason for your referral, the nature of your medical complaints and associated work absence. At the end of the history taking, if it is appropriate the Occupational Health Practitioner may do a physical examination.

What about the confidentiality of my medical history?

Everything that goes on in the assessment is entirely confidential, between you and the Occupational Health Practitioner. You can tell the Occupational Health Practitioner anything you like during this assessment and you may be reassured that nothing will be disclosed to any other party without your consent. In the report to the employer the OHS will not disclose personal or confidential information. The OHS does however provide an opinion and relevant details including fitness for work and necessary restrictions and accommodation in the workplace.

What do I need to bring with me to the medical?

Please bring with you the name of any medication you are taking, details of your GP and hospital Specialist, copies of any letters written to your GP by the Specialist, if you have them.

What format will the report take?

The Occupational Health Practitioner will write a report to your employer that will include, recommendations regarding your fitness for work and likely timescale of return to work and any adjustments/restrictions required. This will help your employer to know how to accommodate your needs in the workplace.

Can I have a copy of the report?

You may request a copy from your employer or you may request a copy of the report on applying in writing to Medmark, citing the Data Protection Act.

Can I bring someone with me?

Yes, you are welcome to take a friend or relative with you should you so wish.