

218-224 Unallocated.

SICK LEAVE

Scale of allowances

225. A practitioner absent from duty owing to illness, injury or other disability shall, subject to the provisions of paragraphs 226 to 244, be entitled to receive an allowance in accordance with the following scale:

During the first year of service:	One month's full pay and (after completing four months' service) two months' half pay
During the second year of service:	Two months' full pay and two months' half pay.
During the third year of service:	Four months' full pay and four months' half pay.
During the fourth and fifth years of service	Five months' full pay and five months' half pay.
After completing five years of service:	Six months' full pay and six months' half pay.

The authority shall have discretion to extend the application of the foregoing scale in an exceptional case. A case of a serious character, in which a period of sick leave on full pay in excess of the period of benefit stipulated above would, by relieving anxiety, materially assist a recovery of health, shall receive special consideration by the employing authority.

House Officers who have not passed a medical examination

226. The application of the above scale of allowances in the case of a practitioner appointed as FHO1, FHO2 or HO who has failed to pass the medical examination and has been employed under the terms of paragraph 188 shall be subject to an overriding maximum period of paid sick leave on the basis of one week for each completed month of service.

Calculation of allowances

227. The rate of allowance, and the period for which it is to be paid in respect of any period of absence due to illness, shall be ascertained by deducting from the period of benefit (under paragraph 225) appropriate to the practitioner's service on the first day of absence the aggregate for the period of absence due to illness during the twelve months immediately preceding the first day of absence. In aggregating the periods of absence, no account shall be taken of any absence:

- a. on unpaid sick leave; or
- b. due to injury resulting from a crime of violence not sustained on duty but connected with or arising from the practitioner's employment or profession, where the injury has been the subject of payment by the Criminal Injuries Compensation Agency or under the Northern Ireland Criminal Injuries Compensation Scheme 2002: or

- c. due to injury as at b. above which has not been the subject of payment by the Criminal Injuries Compensation Agency or under the Northern Ireland Criminal Injuries Compensation Scheme 2002 on grounds that it has not given rise to more than three weeks' loss of earnings, or was one for which compensation of less than the minimum provided for under the Scheme would be given (subject in such cases to the provision of satisfactory proof that the injury was sustained as a result of a crime of violence).

The employing authority may at its discretion also take no account of the whole or part of the periods of absence due to injury (not on duty) resulting from a crime of violence not arising from or connected with the practitioner's employment or profession.

Previous qualifying service

228. a. For the purpose of ascertaining the appropriate allowance of paid sick leave under paragraph 225, all periods of service (without any break of twelve months or more, subject to sub-paragraph b. below) under any employing authority constituted under the Health Service Acts of 1948, or any local authority, or in the Civil Service or the teaching service, or any other service approved by the Secretary of State for the purposes of Regulation 75(1) of the Health and Personal Social Services (Superannuation) Regulations (Northern Ireland) 1984, shall be aggregated.
- b. Where a practitioner has broken his or her regular service in order to go overseas on a rotational appointment, or on an appointment which is considered by the Northern Ireland Council for Postgraduate Medical and Dental Education (if necessary, with the advice of the consultant) to be part of a suitable programme of training, or to undertake voluntary service, the practitioner's previous HS or approved service, as set out in sub-paragraph a. above, shall be taken fully into account in assessing entitlement to sick leave allowance, provided that:
- i. the practitioner has not undertaken any other work outside the HS during the break in service, apart from limited or incidental work during the period of the training appointment or voluntary service; and
 - ii. the authority considers that there has been no unreasonable delay between the training or voluntary service abroad ending and the commencement of the HS post.

Limitation of allowance when Insurance or other benefits are payable

229. The allowance made to a practitioner during absence on sick leave when added to:
- a. the amount of sickness benefit, severe disablement allowance, invalidity benefit or statutory sick pay receivable under the Social Security Acts (Northern Ireland);
 - b. compensation payments under the Workmen's Compensation Acts, where the right to compensation arises in respect of an accident sustained before 5 July 1948;

- c. any element in compensation payments under the Employers Liability (Defective Equipment and Compulsory Insurance (Northern Ireland) Order 1972 or under common law which is attributable to immediate loss of remuneration; and
- d. the dependency element of any amount received as a treatment allowance from the Department for Social Development (the personal element of this allowance will not be taken into account)

shall not exceed the practitioner's normal salary for the period, and the occupational sick leave allowance shall be restricted accordingly where necessary, except that no deduction shall be made under a. above in the case of a practitioner on whose behalf the employing authority makes no National Insurance contributions.

Sums to be taken into account

230. The benefits, compensation payments and allowances to be taken into account under paragraph 229 shall be those for the practitioner's own incapacity, including allowances for adult and child dependants.

Practitioners on half pay

231. Where a practitioner is entitled to an occupational sick pay allowance equivalent to half pay and to statutory sick pay, the occupational sick pay allowance shall be increased by an amount equivalent to the amount of statutory sick pay due, except that the sum of the occupational sick pay allowance and statutory sick pay payable shall not exceed the practitioner's normal pay for the period.

232. Unallocated.

Married Women

233. A married woman who chooses not to pay standard rate National Insurance contributions (ie, chooses to pay reduced Class 1 contributions) shall, for the purposes of this agreement, be deemed to be receiving the full rate of social security benefits that would have been receivable had she chosen to pay standard rate National Insurance contributions.

Definition of "one month"

234. For the purpose of calculation of allowance, twenty-six working days shall be deemed to be equivalent to "one-month".

Submission of doctor's statements

235. A practitioner who is incapable of doing his or her normal work because of illness shall immediately notify the employing authority in the manner laid down by them. If an absence because of sickness continues beyond the third calendar day, the practitioner shall submit a statement of the nature of the illness within the first seven calendar days of absence. Further statements shall be submitted to cover any absence extending beyond the first seven calendar days. These further statements shall not normally be submitted more frequently than once every succeeding seven calendar days. Unless the authority otherwise prescribes, they shall take the form of medical certificates completed by a doctor other than the sick practitioner.

Exceptionally, the authority may, in a particular case, require statements to be submitted at more frequent intervals.

Practitioners admitted to hospital

236. A practitioner entering a hospital or similar institution shall submit a doctor's statement on entry and on discharge in substitution for periodical statements, unless the period of absence from duty does not exceed seven calendar days. If the period of absence is seven calendar days or less, the practitioner shall submit a self-certificate, as under paragraph 235.

Accident due to sport or negligence

237. An allowance shall not be paid in a case of accident due to active participation in sport as a profession, or in a case in which contributory negligence is proved, unless the employing authority decide otherwise.

Injury sustained on duty

238. A period of absence due to injury sustained by a practitioner in the actual discharge of his or her duty and without the practitioner's own default shall not be recorded for the purposes of this scheme.

Recovering of damages from third party

239. A practitioner who is absent as a result of an accident shall not be entitled to an allowance if damages are recoverable from a third party in respect of such accident. In this event, the employing authority may, having regard to the circumstances of the case, advance to the practitioner a sum not exceeding the sickness allowance which would have been payable under these provisions but for this condition, subject to the practitioner undertaking to refund to the authority the total amount of such allowance or a portion thereof corresponding to the amount in respect of loss of remuneration including the damages received. Any period of absence in such a case where a refund of the monies advanced is made in full shall not count against the practitioner's sick leave entitlement. Where, however, the refund is made in part only, the employing authority may, at its discretion, decide to what extent, if any, the period of absence may be taken into account. This paragraph does not apply to compensation awarded by the Criminal Injuries Compensation Agency or under the Northern Ireland Criminal Injuries Compensation Scheme 2002.

Medical examination

240. The employing authority may at any time require a practitioner who is unable to perform his or her duties as a consequence of illness to submit to an examination by a medical practitioner nominated by the authority. Any expense incurred in connection with such examination shall be met by the employing authority.

Termination of employment

241. The sick leave provisions of these Terms and Conditions or Service shall cease to apply to a practitioner on the termination of employment by reasons of permanent ill-health or infirmity of mind or body, of resignation, of age, or any other reason; provided that, where a practitioner is in receipt of sick leave allowance at the time of expiry of a contract in a regular appointment in a training grade, that allowance shall be paid during the practitioner's illness, subject as a maximum to his or her entitlement to allowances under the provisions of paragraph 225 and 226.

Forfeiture of rights

242. If it is reported to the employing authority that a practitioner has failed to observe the conditions of this scheme, or has been guilty of conduct prejudicial to his or her recovery, and the authority is satisfied that there is substance in the report, the payment of the allowance shall be suspended until the authority has made a decision thereon, provided that, before making a decision, the employing authority shall advise the practitioner of the terms of the report, and shall afford the practitioner an opportunity of submitting his or her observations thereon and of appearing or being represented before the authority or its appropriate committee. If the employing authority decide that the practitioner has failed without reasonable excuse to observe the conditions relating to the granting of sick leave, or has been guilty of conduct prejudicial to his or her recovery, then the practitioner shall forfeit his or her right to any further payment of allowance in respect of that period of absence.

Locum tenens

243. For the purpose of sick leave allowances, a practitioner's service shall be taken to include locum service. A practitioner who has reached age sixty-five, and who does not hold a contract under paragraph 200.a, shall not be entitled to sick leave allowance, unless immediately beforehand the practitioner has completed at least three months' continuous locum service; three months' continuous locum service having the meaning assigned to it in paragraph 213.

Appointments under paragraph 87 to 93

244. Practitioners holding appointments under paragraphs 87 to 93 shall not be eligible to receive occupational sick pay under the terms of paragraphs 225 to 243. Section 57 of the General Council Conditions of Service shall not apply to these practitioners.