

14<sup>th</sup> February 2017

**To:** Each Member of the Directorate and Leadership Team  
Each Chief Officer, CHO  
Each CEO, Hospital Group  
Each CEO, Section 38 Agency  
Each Employee Relations Manager  
HR Senior Staff

**From:** Rosarii Mannion, National Director of Human Resources

**Re:** HSE HR Circular 002/2017 - Extension of (1) Insurance Based Scheme and (2) Insurance based Mechanism, to Nurses employed in Emergency Departments and Related Areas.

Dear Colleagues,

I refer to the outcome of WRC process of 14<sup>th</sup> December 2015 and 11<sup>th</sup> January 2016 involving the HSE and INMO concerning, inter alia, patient flow and staff retention in Emergency Departments of Acute Hospitals throughout the country and the acceptance of those proposals.

Section 2 of the December 14<sup>th</sup> proposals, under the heading of Health and Safety, provides for the extension to nurses employed in Emergency Departments and ED assessment areas, of the Insurance Based Scheme heretofore applicable to Mental Health nurses.

The provisions of this Circular gives effect to this element of the agreement. The precise applicability of the scheme to nurses employed in Emergency Departments and related areas will mirror those applying to nurses employed in Mental Health and which are covered by the following circulars.

1. Insurance Based Scheme (IBS) based on HR Circular 04/2008 and 04(a)/2008
2. Insurance Based Mechanism (IBM) based on HR Circular 29/2008

## Insurance Based Scheme (IBS):

### Benefits

The schedule of benefits payable under the scheme, are as follows:

	<b>Benefit</b>	<b>Amount</b>
1	Death	€25,000
2	Loss of two or more limbs or both eyes or one of each	€100,000
3	Loss of sight in one eye	€30,000
4	Permanent and total loss of speech	€100,000
5	Permanent and total loss of hearing in both ears	€100,000
6	Permanent and total loss of hearing in one ear	€30,000
7	Permanent and total loss of use of one limb	€75,000
8	Permanent and total loss of use of one big toe	€12,500
9	Permanent and total loss of use of any other toe	€10,000
10	Permanent and total loss of use of one thumb	€20,000
11	Permanent and total loss of use of one forefinger	€12,500
12	Permanent and total loss of use of any other finger	€10,000
13	Permanent and total loss of use of one hand	€30,000
14	Permanent and total loss of use of shoulder or elbow or wrist	€20,000
15	Permanent and total loss of use of hip or knee or ankle	€20,000
16	Total loss of use of back or spine (excluding cervical) without cord involvement	€30,000
17	Total loss of use of neck or cervical spine without cord involvement	€30,000
18	Removal by surgical operation of a kidney	€20,000
19	Quadriplegia	€100,000
20	Paraplegia	€100,000
21	Fracture to leg or arm	€12,500
22	Fracture to hand	€10,000
23	Fracture to skull	€12,500
24	Fracture to cheek or nose or jaw	€10,000
25	Fracture to vertebra	€12,500
26	Fracture to rib or sternum	€7,500
27	Fracture / dislocation to hip or pelvis	€12,500
28	Bodily injury resulting in treatment requiring sutures	€5,000
29	Dislocation of shoulder or arm or elbow or wrist	€10,000
30	Dislocation of thumb or finger	€5,000
31	Dislocation of knee or ankle	€12,500
32	Dislocation of foot	€7,500
33	Dislocation of big toe or toe	€5,000

34	Burns or scalds to any area apart from the face requiring hospitalisation	€6,000
35	Bite injuries resulting in medical treatment	€7,500
36	Contusion or haematoma or laceration to spleen	€10,000
37	Contusion or haematoma or laceration to heart	€10,000
38	Contusion or haematoma or laceration to bowel or digestive system	€10,000
39	Contusion or haematoma or laceration to bladder	€7,500
40	Contusion or haematoma or laceration to kidney	€12,500
41	Contusion or haematoma or laceration to lung	€10,000
42	Crushing injury to foot	€5,000
43	Crushing injury to hand	€5,000
44	Crushing injury as defined by (WHO ICD)	€10,000
45	Hernia	€5,000
46	Permanent total disablement from gainful employment of any and every kind	€100,000

**In respect of Benefits 1-46 the following conditions apply;**

- A. Any bodily injury sustained must comply with the definitions and classifications of those injuries as defined in the World Health Organisation International classification of Diseases (WHO ICD) Version 10.  
Each injury specified on cover will be defined as a recognised condition (as per WHO ICD 10) which can be verified by a medical practitioner.
- B. Benefit shall not be payable in respect of any one insured person under more than one of additional benefits 1-46 in connection with the same accident.

Additional Benefit 1

Dental expenses (vouched)	up to €7,500
Payment for psychological trauma arising from the physical assault	€1,500

Additional Benefit 2

Burns or scalds to face requiring hospitalisation	€9,000
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Cover under the above terms is based on fixed benefits, with the exception of dental treatment which will be covered on vouched expenses. The benefits will require medical confirmation of the relevant condition. Cover has been arranged by the HSE through Irish Public Bodies Mutual Insurance Ltd.

## **Reporting of Incidents**

All incidents are required to be reported through the appropriate channels within 48 hours of their occurrence.

## **Claims Procedure**

The claims procedure for the scheme is consistent with that already in place for other types of insurance claims under HSE insurance policies.

The various stages of procedure in such eventuality are:

1	Claim notified by employee to (Hospital Manager)
2	HSE notify the Insurance Manager who advises Insurance Broker
3	Insurance Broker issue claim form to HSE
4	Claim form completed by injured employee
5	Medical Certificate section of claim form completed by employee's doctor/consultant
6	Completed claim form returned to Hospital Manager
7	HSE Insurance Manager forward claim form to Insurance Broker
8	Insurance Broker validate claim and issue cheque

## **Insurance Based Mechanism to address significant trauma:**

The Insurance Based Mechanism (IBM) provides a quantum of compensation. In respect of Post-Traumatic Stress Disorder arising from a trauma in exceptional cases and in line with conditions laid down.

In summary the IBM provides for an award of €15,000 in particular instances where a nurse employed in ED or related areas is;

- Threatened with
  - Death
  - Serious injury
  - A viable weapon (including a syringe used as a weapon)
  - Sexual assault
- Held hostage, attempted or completed kidnap, false imprisonment or prevented egress from a closed space of more than two hours duration.
- Persistent and intrusive stalking over a prolonged period, verifiable threatening behavior while off duty by a patient or former patient.
- Strangulation

- PTSD (as defined in the WHO International Classification of Diseases Version 10 (see Mechanism for details))

A claim under the Insurance Based Mechanism will only be considered once the full terms of the Mechanism have been satisfied. The Insurance Based Mechanism is only to be used following an assault by a patient where no physical injury occurs, or where a physical injury occurs which has not led and will not lead to a claim under the Insurance Based Scheme, and which results in a recognised psychiatric condition (WHO ICD listings) which can be medically verified.

The Mechanism will deal with exceptional cases which are not covered by the Insurance Based Scheme as outlined in HSE HR Circular 04(A)/2008.

The applicability of both schemes dates from 14<sup>th</sup> December 2015.

### **Reporting of Incidents**

All incidents are required to be reported through the appropriate, as set out hereunder, channels within 48 hours of their occurrence.

### **Claims Procedure**

The claims procedure for the scheme is consistent with that already in place for other types of insurance claims under HSE insurance policies.

A claim should be lodged by or on behalf of the claimant within six calendar months of the assault. The various stages of procedure in such eventuality are:

1	Claim notified by employer to Hospital Manager
2	HSE notify Insurance Manager who notifies Insurance Broker
3	Insurance Broker issue claim form to HSE
4	Claim form completed by injured employee
5	Medical certification section of claim form completed by employee's doctor
6	Completed claim form returned to Hospital Manager
7	HSE forward claim form to Insurance Broker
8	Insurance Broker validate claim and issue cheque

### **Arbitration Mechanism**

A joint arbitration Mechanism will be put in place to deal with situations where disallowance of a claim is not accepted.

**Queries:**

All queries with regard to the contents and applicability of this Circular should be forwarded to John Delamere, HSE CERS, 63-64 Adelaide Road, Dublin 2, Tel: (01) 6626966, Email: [john.delamere@hse.ie](mailto:john.delamere@hse.ie)

Yours sincerely,



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**National Director of Human Resources**