

Moving from the Long Term Illness Act XV 2002 to the new Ill Health Act 2019

Synopsis of key changes

Long Term Illness Act	Ill Health Act
<ul style="list-style-type: none"> - The Act is Triggered by continuous absence of 6 months, or 300 days absence in a 22 month period due to ill health - The Act is triggered by the Presbytery [and is not being consistently applied.] - A Consultative Committee is made up of 3 Presbyters - The Medical Assessment framework can allow the Consultative Committee to receive confidential medical files and have to make medical judgement - The Act has elements of pastoral sensitivity but reads quite harshly and only speaks of severance of the pastoral tie. - The Act legislates for severance of pastoral tie at 12 months or in exceptional circumstance at 15 months. - There is no financial entitlement in this Act nor provisions re the manse, or any connection to the Income Protection framework. 	<ul style="list-style-type: none"> - The triggers remain the same and were agreed at GA 2018. - The Act will be jointly triggered by the Presbytery and Council and applied when the Trigger date is reached. - An Ill Health Committee is made up of 2 Presbyters, usually including the Clerk, and one member of Council staff. - Medical files are only released to the Income Protection provider, or an Occupational Health Consultant. The Committee will only receive the medical assessment not the medical data. - The new Act is drafted to helpfully explain more definitions at the outset, to incorporate more detail on pastoral support during ill health, and to apply a pastorally sensitive approach at each juncture allowing steps as and when practicable within a timeframe. - The new Act retains this framework as the norm but also allows for demission [which is sometimes desired and sought] and in exceptional and specific situations can allow for the pastoral tie not to be severed up to a maximum of 24 months, with this being reviewed monthly beyond the 15 months. - The Act brings together all of these provisions into a clear and defined framework based on the proposal of the Consultation to bring forward IP assessment from a deferred period of 104 weeks to 52 weeks. It is clear when stipend is paid to, when it ceases, when IP is paid, what provisions there are around residing in the manse including Caretaker arrangements. The Act incorporates the IP framework for

	<p>medical assessment for those eligible to be assessed [before state retirement age] and includes an Occupational Health framework for those beyond IP assessment age, with the same detailed information on process, manse, stipend, limits etc.</p> <ul style="list-style-type: none"> - The Act incorporates sensitivity to situations where ongoing medical treatment may lead to an imminent return to work. It also allows in exceptional and specified circumstances payment equivalent to IP within a timeframe. - The Act has been brought together to provide clarity, consistency and offer a clear framework by which all long term absence due to ill health will be sensitively assessed.
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Clarification from Housing and Loan Fund re eligibility to apply for those under Income Protection

Clarification has been sought and provided by the Housing & Loan Fund to confirm that applications to the H&L Fund can be made, according to its usual criteria, for those in receipt of Income Protection arrangements before the age of 55 [minimum retirement age].

An application can be made to H&L during the deferred period for IP assessment for an indication, but a final decision will await the decision of the IP provider.