

GOVERNMENT CIRCULAR

No. 1/60.

G.O. Reference No. C.1205/23.

Isle of Man Government Service

His Excellency the Lieutenant Governor, on the recommendation of the Joint Whitley Council for the Isle of Man Public Service has approved the following revised rules governing the establishment of permanent unestablished staff.

Permanent Unestablished Appointments

(a) Permanent unestablished appointments are permanent appointments to fill established posts on established conditions of service except for superannuation and sick leave.

(b) No one may be appointed on permanent unestablished terms until the Advisory Civil Service Commission has issued an appropriate Certificate of qualification (called a Restricted (Health) Certificate) in his favour. The Advisory Civil Service Commission may at its discretion issue such Certificates in favour of candidates for establishment who, though qualified in all other respects, do not reach the required standard of medical fitness. They will not normally be issued in favour of candidates for posts where a high standard of medical fitness is required.

(c) Government Departments and Boards of Tynwald should not refrain from discharging permanent unestablished staff whose service is unsatisfactory for medical or any other reasons. In particular Government Departments or Boards of Tynwald should not feel obliged to retain an officer simply because he has taken less than the maximum amounts of sick leave specified in the Rules below.

(d) In the event of discharge on medical grounds a permanent unestablished officer has the right to appeal to the Governor.

RULES FOR THE ESTABLISHMENT OF PERMANENT UNESTABLISHED STAFF.

(1) A permanent unestablished officer may at any time, if he thinks he can satisfy the Advisory Civil Service Commission as to his health be re-submitted to the Commission for reconsideration for establishment. Any medical examination will be at his own expense. (He may, however, be regarded as on "official business"). If he satisfies the Advisory Civil Service Commission as to his health and is found to be eligible in all other respects he will be established at once; if he fails he will remain a permanent unestablished officer. He may apply more than once but it will be within the discretion of the Advisory Civil Service Commission to decide whether the circumstances, including the lapse of time since his case was last considered, justify review.

Price: 3d.

(2) In future, all staff serving on permanent unestablished terms will be automatically established on completion of 20 years' service reckonable for pension provided that they are under 60 at the time and satisfy the Advisory Civil Service Commission that they have not become ineligible for establishment during that period on nationality or other grounds. Not all their service need have been on permanent unestablished terms. All permanent unestablished or "medical reject" service (as defined in the Rules for establishment of medical rejects Government Circular No. 106/49) which will reckon for pension on establishment will reckon in full for this purpose. Other unestablished service will reckon as to one-half to 13th July, 1949, and in full from 14th July, 1949. Part-time service will reckon towards the 20 years' qualifying period to the same extent as it would reckon for pension purposes on establishment.

(3) Where an officer will not be able to complete 20 years' reckonable service before his sixtieth birthday there will be at age 59 a review by the Advisory Civil Service Commission of his fitness for establishment which will be based on his sick leave record. The Advisory Civil Service Commission will regard as medically qualified for establishment without further evidence those who, at the date of submission to the Commission are certified by the Head of their Department or Secretary of their Board, as having had not more than nine months' sick leave in the preceding five years and not more than four months' sick leave in the preceding two years and who are not on sick leave at the time of submission. If a certificate in these terms can be given, the Head of Department or Secretary of the Board need not submit the officer's sick leave record and the Advisory Civil Service Commission will regard the officer as medically qualified for establishment without further medical evidence. Where such certificate can not be given, or where the officer has less than five years' service, the sick leave record should be submitted and the Advisory Civil Service Commission will reach its decision after considering the case on its merits due regard being given for example to any sick leave incurred as a result of a non-recurrent injury or illness. Where staff are on sick leave at the time they become eligible for submission their case should be deferred until they return from sick leave.

(4) Officers medically rejected for establishment under Rule (3) may have their cases re-submitted to the Advisory Civil Service Commission on one subsequent occasion if the Department or Board can certify that they are then able to satisfy the criteria described in the second sentence of Rule (3). The Advisory Civil Service Commission will then regard them as medically qualified for establishment without further medical evidence.

NOTE.

The initiative for submitting cases to the Commission under Rules (2), (3) and (4) should come from the employing department or Board of Tynwald.

RETENTION OF EXISTING RIGHTS BY SERVING STAFF.

(5) All officers who were serving on medical reject terms on the 1st October, 1959, may in addition be submitted to the Advisory Civil Service Commission at the age of 55 whether or not they have been submitted earlier under (1) above; earlier submission under (1) will not prejudice the candidate in any way. The sick leave record of each candidate for the five years preceding the date of submission (or the whole period of service if the candidate has less than 5 years' service) must be forwarded and if the Advisory Civil Service Commission is satisfied so far as medical fitness is concerned that the candidate has in fact regularly and effectively performed the duties of the established class and is continuing to do so, the Commission will accept him as medically qualified for establishment.

(6) At the age-59 review under Rule (3) the Advisory Civil Service Commission will be prepared to exercise its discretion in favour of medical rejects who on 1st October, 1959, were between 55 and 59, have served continuously on medical reject terms after having been rejected for establishment on health grounds at 55, but may not be able to satisfy the new sick leave standards for establishment at 59 though they would have satisfied the former standards for establishment at that age.

(7) This Circular has been agreed with the Staff Side of the Whitley Council for the Isle of Man Public Service.

By Order,

E. R. St. A. DAVIES,
Government Secretary.

Government Office,
Isle of Man.
January, 1960.