



HSC Pension Service

Provided by



Business Services Organisation

EMPLOYER TECHNICAL UPDATE

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HSC (P) 02-21-22

December 2021

1. Foreword

This Employer Technical Update (ETU) provides an update on the changes in legislation which came about as a result of the introduction of the Coronavirus Act 2020. The changes temporarily removed some restrictions in The HSC Pension Scheme Regulations, including allowing recent retirees to return to HSC Employment immediately without the requirement to adhere to the 16 hour per week rule.

The temporary suspension of the said regulations will cease and a return to normal arrangements will commence from 25th March 2022.

Also included in the ETU are details of 2 consultations launched by Department of Health. These consultations relate to the proposed introduction of new scheme regulations as a result of the “McCloud Case” and proposed new regulations pertaining to revised rates of member contributions.

The ETU also provides important details on the dates of submission, contact details etc. for the annual disclosure of information relating to Senior Managers Cash Equivalent Transfer Values.

A reminder of the forfeiture rules relating to the HSC Pension Scheme is included along with a copy of the revised circular issued by the Department of Health

2. Coronavirus Act 2020 & the HSC Pension Scheme

As a result of the introduction of the Coronavirus Act 2020 a number of temporary adjustments were made to the HSC Pension Scheme Regulations. These adjustments included the temporary Omission of Regulation 84 and the amendments of Regulation 85 of The Health and Personal Social Services (Superannuation) Regulations (Northern Ireland) 1995 and equivalent in 2008 & 2015 Schemes

These temporary changes to legislation meant:

- New Retirees who returned to work in the HSC to assist in the challenges faced as a result of the Coronavirus pandemic were not limited to 16 hours per week employment in the first month after the date of their retirement.
- A suspension to abatement of pension (if earnings limits were exceeded) for retired scheme members who held special class status (Special Class Nurses & Mental Health Officers) in the 1995 Section and who returned to work in the HSC between the ages of 55 & 60, again to assist in the challenges faced as a result of the Coronavirus pandemic.

The temporary suspension of the regulations relating to the above scenarios will cease with effect from 25th March 2022. HSC Pension Service will resume checking members re-employment status in the HSC from this date and will also commence a check on earnings for Special Class members re-employed in the HSC from this date.

Coronavirus Life Assurance Scheme

The Health and Social Care Coronavirus Life Assurance Scheme 2020 introduced by the Minister for Health for staff who are performing vital frontline HSC or social care work during the Coronavirus (COVID-19) outbreak is closing on 31st March 2022.



2. Coronavirus Act 2020 & the HSC Pension Scheme - cont

The Scheme was introduced in recognition of the increased risk faced by HSC staff during the pandemic. A payment of £60,000 is payable to the estate of eligible individuals who die from coronavirus contracted during their frontline essential work. The Scheme, which was time bound and was linked to Section 45 of the Coronavirus Act.

HSC Pension Service, who administer the Coronavirus Life Assurance Scheme on behalf of the Department of Health will continue to accept and process applications for 12 months after the closing date of the scheme for eligible individuals who passed away before the closing date of the scheme.

Action for Employers: Ensure all managers (responsible for the recruitment of retired staff), scheme members and re-employed retired staff are made aware of the changes in legislation

3. Department of Health Consultations

On Monday 6th December the Department of Health launched 2 consultations relevant to the HSC pension Scheme. They are the consultation on the McCloud Remedy, relating to the reforms of Public Sector Pension Schemes introduced in 2015 and the consultation on the structure of Member Contributions moving forwards under a Career Average Revalued Earnings (CARE) Scheme model.

Full details on the consultations including information on how to respond can be found on the Department of Health Website at [Consultations | Department of Health \(health-ni.gov.uk\)](https://www.health-ni.gov.uk/consultations)

Actions for Employers: Ensure all staff and stakeholders are informed of the consultations and provided with details on how to access and respond.

4. Senior Managers Cash Equivalent Transfer Value Figures

All requests for disclosure information as a result of the Greenbury Report must be received by HSC Pension Service Payroll Pension Team (PPT) on or before 01st February 2022 to enable us to provide you with the necessary disclosure information by 08th April 2022. This will allow you time to prepare and submit your draft accounts. Please note, we cannot guarantee that requests or queries received after 01st February 2021 will be dealt with by 8th April 2022.

Who should employers request Greenbury figures for?

The definition of 'Senior Managers' given in the Department of Health Group Manual for Accounts 2015-16 (para 2.33) is: "...those persons in senior positions having authority or responsibility for directing or controlling the major activities of the NHS body. This means those who influence the decisions of the entity as a whole rather than the decisions of individual directorates or departments."



4. Senior Managers Cash Equivalent Transfer Value Figures - cont

It goes on to say that “The Chief Executive or Accounting/Accountable Officer should be asked to confirm whether this covers more than the executive and non-executive directors (for CCGs – attendees at Governing Body meetings). It is usually considered that the regular attendees of the entity’s board meetings are its senior managers.

General Data Protection Regulation

There is a presumption that information about named individuals will be given in all circumstances. However, organisations must inform individuals in advance of the intention to disclose information about them, invite them to see what is intended to be published and notify them they can object under Article 21 of the General Data Protection Regulation (GDPR).

Requests/Templates should be sent to monica.smyth@hscni.net no later than 01st February 2022

Action for Employers: Please ensure that all requests for disclosure information are submitted to HSC Pension Service before the required date

5. Reduction or Forfeiture of Benefits / Forfeiture

The HSC Pension Scheme Regulations allow for HSC pension benefits to be reduced or forfeited under certain circumstances.

Employing Authorities should make HSC Pensions aware of any legal proceedings in respect of a loss to public funds as a result of a Scheme member’s criminal, negligent or fraudulent act or omission.

Where there is a loss to public funds as a result of a Scheme member's criminal, negligent, fraudulent act or omission their HSC pension benefits may be reduced to recover the loss. Where an Employing Authority has suffered a financial loss, HSC Pensions may reimburse them directly by offsetting the member’s HSC pension benefits once these have been claimed. Please note that the loss to public funds does not include any investigation or legal costs incurred by the employer.

When contacting HSC Pensions, Employing Authorities should provide as much information as possible including:

- The amount of loss to public funds and whether any of the loss has been or is to be repaid by other means.
- Details of how the loss to public funds has occurred.
- Copies of the Certificate of Conviction if applicable.
- If the amount of the loss to public funds is disputed, a copy of the Court Order enforcing the member’s obligation to repay the loss.
- Where the amount of loss to public funds is not disputed by the member, HSC Pensions will require the member’s consent to offset benefits in order to recover the loss

5. Reduction or Forfeiture of Benefits / Forfeiture - cont

Where an active or deferred Scheme member has been convicted of any of the following offences some or all of their HSC pension benefits may be forfeited:

- An offence in connection with employment which is certified by the Secretary of State either to have been gravely injurious to the State or to be liable to lead to serious loss of confidence in the public service.
- An offence of treason.
- One or more offences under the Official Secrets Acts 1911 to 1989 for which the member has been sentenced on the same occasion to a term of imprisonment of, or to two or more consecutive terms amounting in the aggregate to, at least 10 years.

Survivor and/or dependants benefits may be subject to forfeiture if the survivor or dependant has been convicted of the murder, manslaughter, or unlawful killing of the member.

The attached circular provides contact details for staff in the Department of Health and HSC Pension Service who must be contacted should such cases arise.

Action for Employers: Please ensure employer legal teams are aware of these rules and are provided with a copy of the circular.

Arrangements over the Christmas period

Please note HSC Pension Service will be closed over the Christmas period on the following dates:

27th December

28th December

3rd January

HSC Pension Service would like to wish all our Members & Stakeholders a Merry Christmas and a Happy and Safe New Year



5. Contact Us

By writing to us at:-

HSC Pension Service

Waterside House

75 Duke Street

Londonderry

BT47 6FP

By Telephone: 028 7131 9111

10.00 am to 12.00pm / 2.00 pm to 4.00pm - Monday to Thursday

10.00 am to 12.00pm - Friday



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If you have any suggestions for the newsletter or would like a particular topic covered in future publications please do not hesitate in contacting us by emailing: hscpensions@hscni.net

