



HSC Pension Service

Provided by



Business Services Organisation

EMPLOYER NEWSLETTER

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June 2023

1. McCloud Consultation

The Public Service Pensions and Judicial Offices Act 2022 requires government departments to make amendments to public service pension scheme regulations to remedy the unlawful discrimination identified by the McCloud judgment.

The remedy has 2 parts:

1. To ensure equal treatment for all members within each of the main public service pension schemes by moving all members into the new schemes on 1 April 2022 irrespective of age.
2. To remove the effect of transitional protection by offering eligible members a choice over the set of benefits (legacy scheme or 2015 scheme) they wish to receive for any pensionable service during the period 1 April 2015 to 31 March 2022.

Following consultation in December 2021 the first part of the remedy has been implemented.

The second and retrospective part of the remedy will remove the effect of the transitional protections. The Department of Health have an open consultation on the proposed changes to the Scheme Regulations as a result of the McCloud Remedy.

For HSC Pension Scheme members impacted by the discrimination, the retrospective remedy primarily:

1. returns members who moved to the 2015 scheme back into the legacy scheme for their pensionable service ('remediable service') affected by the discrimination during the remedy period, from 1 April 2015 to 31 March 2022, which in this consultation is referred to as 'rollback'; and
2. offers a choice of whether to receive, legacy scheme benefits or 2015 scheme benefits for their remediable service benefits, both of which are payable from the legacy scheme.

The consultation will end on 30th June 2023 and all responses will be reviewed. Following this, revised regulations/legislation will be produced for the implementation of the McCloud remedy from 1st October 2023.

2. Applications for Consideration for Ill Health Retirement - Update

If a member wishes to be considered for Ill Health Retirement, the process requires the member, their employer and their employer's Occupational Health Service Department to each contribute to the written application. At times, an application can and will include further supporting medical evidence from the member's GP/Consultant etc.

While HSC Pension Service (HSCPS) is ultimately responsible for making the decision on whether a member qualifies for IHR, HSCPS seeks the opinion of Medical Advisors employed with the NICS OHS on the interpretation of the medical evidence provided in the application.

Unfortunately, there has been a reduction in NICS OHS Medical Officer resources which has had a considerable impact on the delivery of services. NICS OHS has made considerable efforts to address their resource issue but this is proving to be quite a time-consuming process thus leading to significant delays in assessing applications.



2. Applications for Consideration for Ill Health Retirement - Update - cont

To resolve this issue HSC Pension Service has moved to procure the services of another OHS Provider and have commenced making referrals to this provider. Referrals are being prioritised based on the date the application was submitted to HSC Pension Service.

It is anticipated that, in using this provider HSC Pension Service will be in a position to address outstanding cases much more efficiently.

At present, we cannot provide an exact timeframe for when the backlog of applications will be fully processed but we would like to re-assure you that we will be working with our new provider to get all applications processed and decisions issued as soon as possible.

3. Ill Health Retirement Estimates

HSC Pension Service has noticed a considerable increase in requests for Ill Health Retirement estimates for members who have not entered into the Ill Health Retirement process.

This has put considerable additional pressures on the teams processing estimates and retirements.

As such and in light of resources available, HSC Pension Service can only provide estimates of benefits for those members who have submitted an AW33 application for consideration for Ill Health Retirement. All estimate requests must come from the Employer (HR).

Estimate requests submitted, for which an AW33 has not been received will be returned.

Members can use their Annual Benefit Statements and the online calculators to forecast potential benefits. The calculators can be accessed at [1995-2015 Transitional Calculators – HSC Pension Service \(hscni.net\)](#)

4. Career Breaks / Authorised Leave

From 1 April 2008 the HSC Pension Scheme Regulations changed to allow a member who commenced a period of authorised unpaid leave on or after this date (including a career break where the contract of employment is retained), to choose to remain pensionable.

Where the authorised unpaid leave is to be pensionable the employer must treat the member as they would any other active member of the Scheme and ensure that employee and employer pension contributions are paid continuously throughout the period i.e. by the 19th day of the month following that which earnings (if there were any) would have been paid.

Therefore, before the leave begins, employers must make arrangements to collect the employee contributions continuously during the break. Arrears cannot be allowed to accumulate and payments made on returning to the Scheme as requests for retrospective payments of contributions cannot be accommodated.

4. Career Breaks / Authorised Leave - cont

Further information can be found on the [Authorised Leave/Career Breaks](#) on our website. If a member takes authorised unpaid leave or a career break and opts not to pay contributions whilst on said leave the employer **must** inform Payroll Shared Services (PSS) to de-limit that members pension record for the duration of the career break/authorised unpaid leave.

Employers should ensure all staff are aware of the rules concerning the payment of contributions during periods of Authorised Leave/ Career breaks and PSS are informed of staff not paying contributions where appropriate and ensure that payment of contributions is reconciled and recouped by the employer before being paid over to the HSC Pension Scheme Account via the normal contribution payment mechanisms.

5. Reduction or Forfeiture of Benefits

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 Pension Service, 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.

Forfeiture

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.

5. Reduction or Forfeiture of Benefits - cont

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.

If you have any cases where you believe forfeiture may be applicable please inform HSC Pension Service as soon as possible and include all relevant documentation.

Any correspondence/queries should be sent to John Coyle, Pension Liaison Manager at HSC Pension Service.

6. Pension Benefit Forms

Unfortunately, Employers continue to send important pension related forms to the incorrect recipients which can cause a delay in benefits applications and subsequent payments. Please see below a list of forms and the appropriate inbox to send these to.

Pension Application (AW6)	aw6.est.ppt@hscni.net
Estimates Requests	aw6.est.ppt@hscni.net
Protect of Pay (ProPay1)	aw6.est.ppt@hscni.net
Death in Service Forms	dis.ppt@hscni.net
AW6 for Commuted Ill Health	cih.ppt@hscni.net
Considerations for Ill Health (AW33)	hscpensions@hscni.net
AW33 for Serious Ill Health	hscpensions@hscni.net
CC'd to	Shelley.mclaughlin@hscni.net
	Richard.duddy@hscni.net
	joseph.cooley@hscni.net
	mary.hegarty@hscni.net
All other forms	hscpensions@hscni.net

7. Annual Benefit Statements 2023

Each Financial year HSC Pension Service request confirmation from HR of those employees who do not have access to MSS (as members are currently required to login via the HSC network). The members included on this list would be those with no opportunity to access the MSS portal during their working day.

Please ensure an updated list of such employees is submitted to HSC Pension Service at hscpensions@hscni.net before the annual report deadline (05th July 2023 for year ending 31/03/2023) – failure to do so may result in a delay of the ABS 2023 production for the affected member.

Updates and reminders will continue to be communicated via the Employer Newsletter.



8. Contact Us

By writing to us at:-

HSC Pension Service
Waterside House
75 Duke Street
Londonderry
BT47 6FP

Via e- mail at:- hscpensions@hscni.net

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

