



HSC Pension Service

Provided by



Business Services Organisation

EMPLOYER TECHNICAL UPDATE

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June 2021

1. Foreword

This Employer Technical Update (ETU) provides an update on the latest information available relating to the McCloud Judgement and the outcome of the recent consultation.

The changes in legislation which came about as a result of the introduction of the Coronavirus Act 2020 remain in place. These changes have temporarily removed some restrictions in The HSC Pension Scheme Regulations which will permit recent retirees to return to HSC Employment immediately without the requirement to adhere to the 16 hour per week rule and to allow members who retired with Special Class Status to increase their commitment without suffering financial penalties against their pension.

Also included is a reminder to employers that information required for the processing of Annual Allowance statements was due on 6th July. If you have not submitted said information please do so as soon as possible.

2. Update on McCloud Judgement

The Department of Finance's consultation response sets out how the discrimination identified by the courts in the way that the 2015 pension reforms were introduced for some members will be removed.

All members of the HSC Pension Service who continue in service from 1 April 2022 onwards will do so as members of the reformed 2015 scheme. 1995 & 2008 sections of the scheme will be closed in relation to service after 31 March 2022.

It has also been decided that eligible members will receive a choice at retirement of which pension scheme benefits they would prefer to take for the period from 2015 to 2022.

The choice will be between their pre-2015 pension scheme or benefits which would have been accrued in the 2015 pension. Not all members are better off in their pre-2015 scheme, so it is important that individual members are able to choose which benefits are better for them.

Further information can be found at [Public Sector Pension Scheme Consultation Summary – HSC Pension Service \(hscni.net\)](#)



3. Coronavirus Act 2020 - Change to Pension Legislation

Following the introduction of the Coronavirus Act 2020 a number of temporary adjustments were made to the HSC Pension Scheme Regulations. These adjustments include 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 basically means:

- The 16 hours per week rule is omitted. There is no requirement for retiree's returning to HSC Employment to restrict their hours of work to 16 per week in the first month after retirement.
- The limit on earnings normally imposed on Special Class Nursing Staff or Mental Health Officers on return to HSC Employment after retirement is suspended.

These amendments remain in place and if and when there is a change in legislation HSC Pension Service will notify employers immediately.

Action for Employers: Ensure all relevant staff/affected members are aware of the temporary changes in legislation.

4. Annual Allowance Information Required

Employers are required in legislation to provide information to HSC Pension Service to update Annual Allowance data views for members. This data view informs members whether they have exceeded the Annual Allowance limit in the HSC Pension Scheme. The requirements specify that employers must provide pay (and membership) information to HSC Pensions by 6 July following the end of the tax year.

Failure to provide the required information may result in HMRC imposing fines on employers as follows:

- up to £300 per member
- £60 per day per member until the member's records are updated

If the information is not provided, we will not be able to conduct the necessary calculations to check whether the member has exceeded the Annual Allowance limit. We will not be able to generate an Annual Allowance data view and notify potentially affected members in a timely manner. Members could be subject to fines and late payment penalties from HMRC.

Action for Employers: If you have not already submitted the information please do so as soon as possible



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

