

NHS Superannuation Scheme 2007

Explanatory Notes

Introduction

It is the policy of the Civil Service Commission to maintain Pension and Injury Benefit Schemes for employees and specified contractors of the Department of Health and Social Security who provide statutory services described in the National Health Service Act 2001.

The Pension Scheme provides for the superannuation of persons engaged in the provision of health services or for certain contractors engaged by the Department of Health and Social Security to provide such services.

The Injury Benefit Scheme provides for the payment of injury benefits to or in respect of persons engaged to provide health services whose earning ability is reduced, or who dies, as a result of an injury suffered, or disease contracted, in the course of their duties.

The current arrangements were outlined in the NHS Superannuation Scheme 1997, which applied relevant UK legislation modified for the Isle of Man. This forms a scheme which is equivalent to that in the UK, in a Manx context, but which is not identical. There are arrangements within both the Manx and UK Schemes to allow transfer of accumulated rights between the two schemes.

The NHS Superannuation Scheme 2007 replaces and updates the 1997 Scheme and applies further UK Statutory Instruments revising the Pension and the Injury Benefits Schemes, in accordance with the powers contained in the Superannuation Act 1984.

Effects of Measure

The principal effect of the application of additional regulations is to mirror the changes in the provision of health services since 1997. In particular, the introduction of contracts for General Medical Services on the 1st April 2004 and General Dental Services during the financial year 2005/6.

The UK Scheme includes references to a number of different types of service provision which have not been adopted on the Island. References to these services have been omitted from the Manx Scheme.

The additional applied regulations have the following substantive effects –

SI 1997/1888 extends the definition of “employing authority” to include organisations or individuals providing General Medical Services. This allows staff employed to provide these services to join the Superannuation Scheme, subject to limited restrictions.

The membership of the Scheme is further extended by SI 2002/561, to allow membership by locum medical and dental practitioners providing General Medical or General Dental Services from 1st April 2001.

The meaning of “qualifying service” is extended by SI 2002/561, to allow staff employed on a “bank”(staff who keep themselves available but who are not guaranteed employment) who cease to contribute for a period of up to three months whilst they are not working to when they are re-engaged and count this period as qualifying service.

Changes brought about in SI 2003/631 provided for the forfeiture of benefits where the beneficiary is convicted of unlawful killing.

Amendments included in SI 2003/2322 ensure that periods of adoption leave and paternity leave count as pensionable service.

Changes to the Injury Benefits Scheme made by SI 2004/665 provide that an annual allowance can be paid where there has been a permanent reduction in the emoluments of employment as a result of injury or disease.

SI 2005/661 makes provision for the Civil Service Commission to require employing authorities to provide a guarantee or indemnity where contributions are not paid promptly.

Reasons for Measure

The changes to the provision of health services and to the equivalent UK Scheme have been applied to the Island by administrative decision of the Civil Service Commission. These decisions were made on the basis that subsequently the existing Scheme would be revised and updated to reflect these changes and the administrative decisions of the Commission.

Resource Implications

It is not expected that there will be significant resource implications as the changes to the Scheme have already been given effect by the administrative decisions of the Commission.