

Superannuation (NHS) Circular No. 13 /2009

NHS Employers
NHS Trade Unions and Staff Associations
GP Practices
Direction Bodies

7 Tweedside Park
Tweedbank
GALASHIELS
TD1 3TE

<http://www.sppa.gov.uk>

Tel: 01896 893228 (policy enquiries)
01896 893000 (other pension enquiries)
Fax: 01896 893214

Sharon.liptrott@Scotland.gsi.gov.uk

10 July 2009

Dear Colleagues

This circular contains information on:

- **RECENT CHANGES TO THE NHS PENSION SCHEME REGULATIONS AND INJURY BENEFITS SCHEME REGULATIONS IN SCOTLAND**
- **FURTHER CHANGES TO THE REGULATIONS WHICH ARE CURRENTLY BEING CONSULTED ON AND;**
- **CLARIFICATION OF PENSION CONTRIBUTIONS WITH REGARD TO CAREER BREAKS**

1. CHANGES TO THE NHS PENSION SCHEME REGULATIONS AND TO THE INJURY BENEFITS SCHEME REGULATIONS IN SCOTLAND

The National Health Service (Superannuation Scheme, Pension Scheme and Injury Benefits), (Scotland) Amendment (No.2) Regulations 2009 SSI 2009/208

1.1 The above instrument came into force on 26th June 2009. Most of the changes contained within it have retrospective effect to 1 April 2009. The changes introduced by this instrument apply to all members of the scheme whether a member under the 1995 section or the new 2008 section. The main changes are:

- To formalise in regulations the administrative procedures for tiered member contributions from 1 April 2009 as set out in SPPA circulars 2009/02 and 2009/03
- The clarification of benefits payable when re-employed in the NHS following an award of ill health pension.
- The deletion of references to safeguarded rights
- The insertion of a new definition of “ non contributing member” in the 2008 section of the scheme
- A revised employer contribution rate of 13.5%

1.2 The main change to the Injury Benefit Regulations provides for the “Employment and Support Allowance” payable under section 1(2) (a) of the Welfare and Reform Act 2007 (c. 5) to be taken into account when calculating benefits.

1.3 These Regulations are available to view in full on the [Office of Public information website](#) and there is also a link from the SPPA website. The “Explanatory Note” at the end of the regulations gives more detailed information on the changes.

1.4 Employers should note that all changes to the NHS pension scheme regulations should be brought to the attention of scheme members and changes to the Injury Benefit Scheme should be notified to all staff.

2. CONSULTATION ON FURTHER PROPOSED CHANGES TO THE NHS PENSION SCHEME REGULATIONS IN SCOTLAND

2.1 Employers and members may wish to be aware that further proposed regulation changes are currently subject to consultation and are available to view on the [SPPA website](#). These draft regulations mainly cover the changes required in connection with members in the 1995 section who choose to move their service to the 2008 section following the choice exercise. (Information on the choice exercise will be notified separately). The closing date for the consultation is Friday 14 August 2009 and comments can be sent to me at the above address.

3. CLARIFICATION OF PENSION CONTRIBUTIONS WITH REGARD TO CAREER BREAKS

3.1 This note is to clarify when career breaks can be pensionable, as changes to the pension regulations following the reforms have caused confusion in the way career breaks should be treated for pension purposes. In 2006 it was agreed and set out in the Partnership Information Network document “Supporting the Work/Life Balance” that employers should pay contributions for career breaks for up to one year (based on the employee’s salary which was in place immediately prior to the member going on the career break) and I confirm that this remains

the current position. Employers should therefore refer to circular [SPPA 2006/9](#) for guidance on the payment of contributions. The only exception to this guidance is (with effect from 1 April 2008) if the member wishes a further 12 months authorised leave to be pensionable. This can be accommodated in line with the revised regulations if the member is prepared to pay both the member's and the employer's contributions for that period. In all cases employers should inform SPPA at the outset when a member takes a career break and of the period the member will be on leave.

If you have any queries or require further information on the content of this circular please contact me on the above telephone number or e-mail address.

Yours faithfully

[Sharon Liptrott](#)

Sharon Liptrott (Mrs)
Policy Manager, NHSS