

Injury Benefits for employees in the National Health Service Superannuation Scheme (Scotland)

The NHS Injury Benefit Scheme is a compensation scheme for employees in the National Health Service (Scotland) who sustain an injury or disease attributable to their NHS duties. However, you are only eligible to apply for NHS Injury benefits if you are injured or contract a disease on or before 30 March 2013.

### Key facts

- The NHS Injury Benefits Scheme is administered by the Scottish Public Pensions Agency (SPPA) but under a different set of rules from the NHS Superannuation scheme in Scotland.
- The NHS Injury Benefits Scheme is a compensation scheme for almost all NHS employees in the National Health Service (Scotland).
- You do not have to be a member of the NHS Superannuation Scheme (Scotland) to be covered by the Injury Benefits Scheme. There is no qualifying period.
- If approved, the scheme provides benefits where an employee suffers temporary loss of income when absent on certificated sick leave with reduced pay or no pay; or a permanent reduction of more than 10% in their earning ability due to an injury or disease.
- It may also provide benefits to a widow/widower/surviving partner/surviving civil partner and dependants of an NHS employee whose death has been caused or substantially hastened by an injury or disease.
- Under a UK wide agreement reached between NHS employers and staff representatives the NHS Injury Benefit Scheme is now closed for applications resulting from injuries or illness occurring after 31 March 2013. SPPA will continue to process injury benefit applications for an injury or disease occurring on or before 30 March 2013 and received by 30 March 2018. Provision is also made that applications can be made up to 30 March 2038 for those who can provide evidence there has been a delayed onset of their symptoms, such that an application was not previously necessary before 30 March 2018.
- If you think you qualify, please complete [form INJ1](#) (Application for NHS Injury Benefits) available from our website or your NHS employer. If further medical evidence is required to support an application, any fee requested is payable by the applicant.
- Injury benefits will not be paid if the injury was caused by an employee's own culpable negligence or misconduct.

## Temporary Injury Benefit

Temporary Injury Benefit only applies if your injury or disease was sustained before 30 March 2013.

If approved, Temporary Injury Benefit is paid for any period your reckonable income falls below 85% of the gross average pensionable pay which you were receiving immediately before your pensionable pay was reduced because of injury. If you are non-superannuated this is calculated as if you had been paying superannuation.

If you have more than one NHS employment, only service up to full time can be considered towards average pensionable pay. Certain benefits paid by the Department of Works and Pensions (DWP) are taken into account when calculating Temporary Injury Benefit. Temporary Injury Benefit can be adjusted when certain DWP benefits start or stop but not when they fluctuate.



Temporary Injury Benefit is calculated by SPPA and is processed by your NHS payroll department. Payment is subject to income tax and National Insurance deductions but not pension contribution deductions.

Temporary Injury Benefit is not payable if your reckonable income is more than 85% of your gross average pensionable pay.

Temporary Injury Benefit stops:

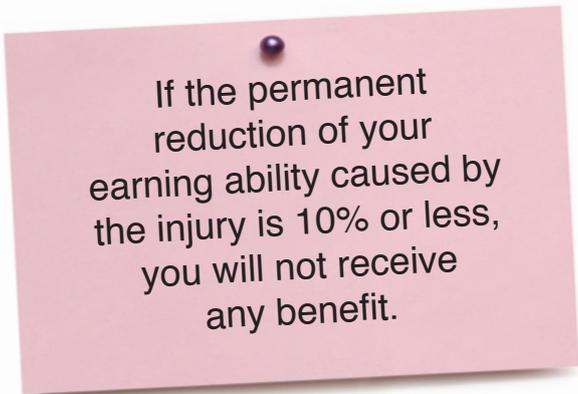
- when you return to your NHS employment on full pay.
- if you leave your NHS employment (If this is due to your injury or disease you may be entitled to apply for Permanent Injury Benefits please see the relevant factsheet).

## Permanent Injury Benefit (non-taxable)

Permanent Injury Benefit only applies if your injury or disease was sustained before 30 March 2013.

Permanent Injury Benefit may be payable if the injury or disease causes a permanent reduction in your earning ability of more than 10% in the general field of employment. It can be paid if due to the injury:

- the number of hours you are able to work is permanently reduced
- you have to change to a lower paid job
- you have to leave your NHS employment.



If the permanent reduction of your earning ability caused by the injury is 10% or less, you will not receive any benefit.

Permanent Injury Benefit is intended to top up your reckonable income (i.e further NHS pay, NHS pension, certain DWP benefits, personal pensions and any successful damages claim) to ensure you have a guaranteed level of income.

Permanent Injury Benefit can be adjusted when certain DWP benefits start or stop but not when they fluctuate

Permanent Injury Benefit is calculated as a percentage of your gross average pensionable pay and is based on:

- your calendar length of all NHS employment
- the permanent degree of reduction in your earning ability in the general field of employment. (As assessed by our independent Medical Adviser).

If your employment ends because of the injury, you may also qualify for a one off lump sum payment. This is a proportion of your annual gross average pensionable pay. The table below shows how the guaranteed income and lump sum are calculated.

Permanent Degree of reduction of earning ability caused by injury	Guaranteed income (including any NHS or personal pension and certain DWP benefits) shown as a percentage of average pay				Lump sum shown as proportion of average pay
	Years of NHS Service				
	Less than 5 years	5 years and over but less than 15 years	15 years and over but less than 25 years	25 years and over	
Less than 10%	0	0	0	0	0
More than 10% but not more than 25%	15%	30%	45%	60%	1/8
More than 25% but not more than 50%	40%	50%	60%	70%	1/4
More than 50% but not more than 75%	65%	70%	75%	80%	3/8
More that 75%	85%	85%	85%	85%	1/2

If, in the future, your injury worsens and reduces your earning ability further, you can apply to SPPA for a re-assessment of the degree of reduction in earning ability

## Death Benefits

If you die as a result of the injury, payment may be made to your spouse or surviving partner/civil partner and to certain dependants. These payments are intended to ensure a guaranteed income by topping up payments such as an NHS widow/widower/civil partner pension or certain Department for Work and Pensions benefit. This guaranteed income is a percentage of your gross average pay. The percentages are shown in the table below.

Dependants Amount of average pay guaranteed following death:

Dependants	Amount of average pay guaranteed following death
Widow/Widower/Civil Partner/Surviving partner	45%
Each of the first 4 dependant children	10% if there is a widow/widower/civil partner/surviving partner or 20% if there is no widow/widower/civil partner
Each dependant incapacitated adult child (that is someone who, regardless of age, is permanently unable to earn a living due to ill health handicap)	20% if there is a surviving parent or 45% if there is no surviving parent
One dependant parent	20% if there is a widow/widower/civil partner or 45% if there is no widow/widower/civil partner or surviving partner

The total amount of allowances cannot be more than 100% of your gross average pay.

A lump sum of 50% of your average pay may also be paid, providing a lump sum has not already been paid.

## Damages and Compensation

If you receive damages of compensation for the injury or illness, it may affect your injury benefit. You cannot receive the full amount of a damages or compensation claim settlement and all of your injury benefit. This may mean that you have to pay back some or all of the injury benefit payment that you have already had and future benefits may be reduced. If you claim damages, you should discuss the matter with your legal adviser. When your damages claim is settled, please let us know immediately.

## Index linking

All allowances from the NHS Injury Benefits Scheme are index-linked.

## How to Contact us

If you need more information about the Injury Benefits Scheme, you can contact us by:

Post: Scottish Public Pension Agency  
NHS Injury Benefits Team  
Tweedside Park  
Tweedbank  
Galashiels  
TD1 3TE

Telephone: 01896 893000 (ask for Injury Benefits when prompted)

Email: [sppainjury@gov.scot](mailto:sppainjury@gov.scot)

If you are a member of the NHS Superannuation Scheme (Scotland) you should quote your reference number (it will begin with the letters SB).

If you are not in the scheme or do not have a reference number, it will be helpful if you tell us your full name, your date of birth and your National Insurance number.