

**The draft Health and Social
Care Pensions (Abatement),
(Amendment)
Regulations (Northern Ireland)
2022**

Consultation Document & Explanatory Notes

Title: The draft Health and Social Care Pensions (Abatement) (Amendment) Regulations (Northern Ireland) 2022
Author: DoH – Pension Policy Unit
Document Purpose: Consultation
Publication date: 1 September 2022
Target audience: HSC Staff and employers and providers of HSC clinical services
Contact details: DoH Pensions Policy Team Room G33 Waterside House 75 Duke Street Londonderry BT47 6FP modernisation@health-ni.gov.uk

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Introduction

The Department of Health is consulting on a draft statutory rule (S.R.) provisionally entitled: The Health and Social Care Pensions (Abatement) (Amendment) Regulations (Northern Ireland) 2022. This rule proposes amendments to the Regulations that provide the rules for the HSC Pension Schemes.

There are two HSC Pension Schemes: the reformed 2015 scheme and the older, closed scheme which is divided into the 1995 and 2008 sections. Accordingly there are three sets of regulations under which entitlement to pension and other benefits are calculated:

- The Health and Personal Social Services (Superannuation) Regulations (Northern Ireland) 1995 (S.R. 1995 No.95)
- The Health and Social Care (Pension Scheme) Regulations (Northern Ireland) 2008 (S.R. 2008 No.256)
- The Health and Social Care Pension Scheme Regulations (Northern Ireland) 2015 S.R. 2015 No.120).

These are referred to collectively in this document as the 'Pension Scheme Regulations'.

In summary, the draft Regulations amend the above mentioned Regulations to extend the current temporary suspension of certain abatement regulations until 31 March 2023

This document explains the purpose and effect of the provisions set out in the draft rule. Throughout this document '*amending regulation x*' refers to a regulation in the draft S.R.

Consultation questions

The Department welcomes any comments or views on the proposals set out in this document and the draft Regulations. Respondents are invited to consider the following questions in reply.

1. Do you agree that the proposed amendments to the HSC Pension Scheme Regulations deliver the policy objectives as set out in the consultation document?
2. If 'No', why?
3. Are any changes needed to ensure the proposed amendments deliver the policy objectives?
4. Are there any additional comments you wish to provide with regard to the proposed amendments to the regulations?
5. Are there any considerations and evidence that you think the Department should take into account when assessing any equality issues arising as a result of the proposed changes?

How to respond

Comments on the proposals and draft legislation can be submitted using the consultation response document (see Annex A) to:

modernisation@health-ni.gov.uk

or by post:

DoH Pensions Policy Team
Waterside House
Room G33
75 Duke Street
Londonderry
BT47 6FP

Due to the Covid 19 situation please use email if possible as mail will only be monitored periodically.

The consultation will close on 23 September 2022

Confidentiality of information

For this consultation, we may publish all responses except for those where the respondent indicates that they are an individual acting in a private capacity (e.g. a member of the public). All responses from organisations and individuals responding in a professional capacity will be published. We will remove email addresses and telephone numbers from these responses; but apart from this, we will publish them in full. For more information about what we do with personal data please see our consultation privacy notice.

Your response, and all other responses to this consultation, may also be disclosed on request in accordance with the Freedom of Information Act 2000 (FOIA) and the Environmental Information Regulations 2004 (EIR); however all disclosures will be in line with the requirements of the Data Protection Act 2018 (DPA) and the UK Information the Department receives, including personal information, may be published or disclosed in accordance with the access to information regimes (primarily the Freedom of Information Act 2000 (FOIA), the Data Protection Act 1998 (DPA) and the Environmental Information Regulations 2004(EIR); however all disclosures will be in line with the requirements of the Data Protection Act 2018 (DPA) and the UK General Data Protection Regulation (UK GDPR) (EU) 2016/679.

If you want the information that you provide to be treated as confidential it would be helpful if you could explain to us why you regard the information you have provided as confidential, so that this may be considered if the Department should receive a request for the information under the FOIA or EIR

Abatement

The Coronavirus Act 2020¹ temporarily suspended certain regulations in relation to abatement in order to support those in receipt of an HSC pension who returned to work to help with the Coronavirus (COVID-19) outbreak. This Act expired on 24 March 2022 but, given the ongoing stresses on the health service, these suspensions were extended until 31 October 2022. Given the likelihood of continuing stresses over the winter period, it is now proposed to continue the extension until 31 March 2023.

Proposed draft amending regulations

The amending regulations suspend the operation of regulation 84 (suspension of pension on return to HPSS employment) of the 1995 Regulations; regulation 50 (abatement of pension following increase in pensionable pay) paragraph (2)(a) and regulation 181 (abatement of pension following increase in engagement in employment) paragraph (2)(a) of the 2008 Regulations; and regulation 85 (abatement of pension following continuation of employment) paragraph (3) of the 2015 Regulations.

Equality Impact Assessment

Section 75 of the Northern Ireland Act 1998 requires all public authorities in carrying out their functions relating to Northern Ireland, to have due regard to the need to promote equality of opportunity:-

- between persons of different religious belief, political opinion, racial group, age, marital status or sexual orientation;
- between men and women generally;
- between persons with a disability and persons without; and
- between persons with dependants and persons without.

As the proposals constitute a temporary change due to emergency pressures, rather than a permanent change of policy, the Department does not propose to carry out a formal screening exercise. The Department would however like to take this opportunity to ask stakeholders the following question in relation to equality:-

Are there any considerations and evidence that you think the Department should take into account when assessing any equality issues arising as a result of the proposed changes?

¹ [Coronavirus Act 2020 c.7](#)

CONSULTATION RESPONSE FORM

CONSULTATION

The Health and Social Care Pensions (Abatement) (Amendment) Regulations (Northern Ireland) 2022

(Please complete and return to the address at the end of the form to ensure that we handle your response appropriately).

1. Name/Organisation

Organisation Name

Title

Surname

Forename

2. Postal Address

Postcode

Phone

Email

3. Permissions - I am responding as... (Please complete either sections (a), (b) and (d) or sections (c) and (d):

Individual

or Group/Organisation

(a) Do you agree to your response being made available to the public (in the Assembly library and/or on the Assembly web site)?

Please state yes or no: _____

(b) Where confidentiality is not requested, we will make your responses available to the public on the following basis

Please state yes to one of the following:

Yes, make my response, name and address all available

or

Yes, make my response available, but not my name and address

or

Yes, make my response and name

(c) The name and address of your organisation **will be** made available to the public (in the Assembly library and/or on the Assembly web site).

Are you content for your **response** to be made available?

Please state yes or no:

available, but not my address

(d) We may share your response internally with other Government policy teams who may be addressing the issues you discuss. They may wish to contact you again in the future, but we require your permission to do so. Are you content for Department of Health to contact you again in relation to this consultation exercise?
Please state yes or no:

ABOUT YOU

I am responding ...

- as a scheme member
- on behalf of an Employer Organisation
- on behalf of a Trade Union/Staff Association
- other (please specify)

What is your gender?

- Female
- Male
- Other
- Do not wish to say

I am employed as...

- an administrator
- a dentist
- a doctor
- a general practitioner
- a junior doctor
- a manager
- a nurse
- I'm retired
- other (please specify)

What is your working pattern?

I work part-time

I work full- time

Not applicable

CONSULTATION COMMENTS

Please use this space to provide any comments on the amendments.

Comments:

Please e-mail your response to modernisation@health-ni.gov.uk or post to:

DoH – Pension Policy Team
Room G33
Waterside House
75 Duke Street
Londonderry BT47 6FP

The closing date for receipt of comments is 23 September 2022.