

EXPLANATORY MEMORANDUM TO

The Health and Personal Social Services (Superannuation) (Injury Benefits) (Amendment) Regulations (Northern Ireland) 2013

S.R. 2013 No. 141

1. Introduction

- 1.1. This Explanatory Memorandum has been prepared by the Department of Health, Social Services and Public Safety (DHSSPS) to accompany the Statutory Rule (details above) which is laid before the Northern Ireland Assembly.
- 1.2. The Statutory Rule is made under Articles 12(1), (2), 14(2) and (3) of, and Schedule 3 to, the Superannuation (Northern Ireland) Order 1972 and is subject to the negative resolution procedure and shall come into operation on 31 May 2013.

2. Purpose

- 2.1. The main purpose of the rule is to remove from statutory regulations the provision of Injury Benefit for HSC staff.
- 2.2. This rule amends the Health and Personal Social Services (Injury Benefit) Regulations (Northern Ireland) 2001 (S.R. 2001 No.367)

3. Background

- 3.1. The current Injury Benefit (IB) scheme provides two types of benefits. Temporary Injury Allowance (TIA) is payable to any member of staff who is temporarily absent from employment as a result of a work related injury and Permanent Injury Benefit (PIB) is payable for life to any employee who has to leave work altogether because of a work related injury.
- 3.2. TIA and PIB terms are generous and costly, and due to the complexity of cases related to stress type conditions where attribution to work is difficult to establish the Regulations have become difficult to interpret and are subject to challenge by the Pensions Ombudsman.
- 3.3. A partnership review of Injury Benefit provision involving NHS employers and NHS Trade Unions at UK level commenced in April 2009.
- 3.4. In December 2011 the review group agreed a set of recommendations which proposed that existing provision for Injury Benefit should be withdrawn from statutory regulations and a replacement benefit be located in the various terms and conditions of service agreements for HSC staff. Existing regulations would remain in operation indefinitely for awards of PIB already in payment, and a clear 'cut-off' date applied to late claims for PIB in respect of injuries arising before the introduction of the new arrangements.
- 3.5. **Amending regulation 4** date-tags regulation 3(1) to make clear that from 31 May 2013, the IB regulations will apply only to persons who sustain an injury before that date.