

EXPLANATORY MEMORANDUM TO

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

S.R. 2013 No. 40

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(1) (2) and (3) of, and Schedule 3 to, the Superannuation (Northern Ireland) Order 1972 and is subject to the negative resolution procedure.

2. Purpose

- 2.1. The main purpose of the rule is to permit dentists participating in personal dental service (PDS) pilot schemes access to the HSC Pension Scheme.
- 2.2. The rule also makes minor technical amendments relating to pension scheme regulations for Health and Social Care staff.
- 2.3. This rule amends three statutory rules relating to pensions and benefits provided for Health and Social Care staff;
 - 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 Personal Social Services (Injury Benefit) Regulations (Northern Ireland) 2001 (S.R. 2001 No.367)

3. Background

- 3.1. The DHSSPS has recently introduced legislation for the introduction of Personal Dental Services (PDS) pilot schemes in Northern Ireland. However, before the pilots can commence it has been necessary to amend the Health and Social Care (HSC) Pension Scheme regulations to permit dentists who participate in the PDS pilot schemes access to the HSC Pension Scheme, in line with dentists working in General Dental Services (GDS).
- 3.2. Amending regulations 3 to 7 amend S.R.1995 No.95, by:-
 - placing restrictions on access to the pension scheme for dental pilot scheme employees who were not in the scheme prior to joining the pilot (**regulation 4**)
 - restricting access to early retirement benefits on the grounds of redundancy (**regulation 5**)

- making pilot providers who are ‘qualifying bodies’ liable for the payment of employer contributions (**regulation 6**)
 - detailing the position of dental pilot scheme employees when absent from work (**regulation 7**)
- 3.3. Amending regulations 9 to 20 amend S.R. 2008 No.256, by:-
- inserting new definitions in relation to pilot schemes and pilot scheme employees (**regulations 9 and 14**)
 - clarifying the position of dental pilot scheme employees when absent from work (**regulations 10 and 16**)
 - placing restrictions on access to the pension scheme for dental pilot scheme employees who were not in the scheme prior to joining the pilot (**regulations 11 and 18**)
 - restricting access to early retirement benefits on the grounds of redundancy for pilot scheme providers, employers and certain other pilot scheme employees (**regulation 13**)
 - widening the definition of pensionable earnings for dental practitioners to include income derived from piloted services (**regulations 15 and 17**)
 - inserting new regulation 155A which clarifies how scheme membership for those participating in pilot schemes is to be treated i.e whether service is treated as ‘officer’ service or ‘practitioner service’ (**regulation 19**)
 - making pilot providers who are ‘qualifying bodies’ liable for the payment of employer contributions (**regulation 20**)
- 3.4 Amending regulation 21 amends S.R. 2001 No.367, to ensure that any deduction from a pension in respect of an annual allowance charge is ignored when calculating entitlement for the payment of Injury Benefits

4. Consultation

- 4.1. A formal consultation exercise on the amending regulations began on the 26 November 2012 and ended on the 21 January 2013.
- 4.2. Amongst those consulted were: HSC Trade Union representatives, HSC Employers; British dental Association (BDA); HSC Pension Service (the Scheme Administrators); Government Actuary’s Department and HM Treasury.
- 4.3. One response was received.

5. Equality Impact

- 5.1. The Department concluded that the new arrangements were not likely to have a significant impact on equality of opportunity for any group referred to in section 75 of the Northern Ireland Act 1998 and therefore a full EQIA was not recommended.

6. Regulatory Impact

- 6.1. A regulatory impact assessment has not been produced for this rule as it has no impact on the costs of business, charities or the voluntary sector.
Financial Implications.

7. Financial Implications

- 7.1. None.

8. Section 24 of the Northern Ireland Act 1998

- 8.1. Legal advice confirms that the provisions of this rule comply with section 24 of the Northern Ireland Act 1998.

9. EU Implications

- 9.1. Not appropriate

10. Parity or Replicatory Measure

- 10.1. The amendments proposed reflect the provisions introduced when pilot PDS schemes were in operation in England and Wales. Pilot PDS Schemes no longer exist in GB.

11. Additional Information

- 11.1. Not applicable.