

## National Health Service Superannuation Scheme (Scotland)

Addressees as listed below

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Our ref: NHS/01/36  
27 November 2014

Dear Colleagues

## Reforming the NHS Pension Scheme for Scotland

### Consultation on:

- 1. The National Health Service Pension Scheme (Scotland) (Transitional Provisions) Regulations 2015**
- 2. The National Health Service (Scotland) Superannuation Scheme, (Miscellaneous Amendments) Regulations 2015**

This letter is to advise you about the consultation on the above draft regulations introducing changes to the NHS Scheme (Scotland) from 1 April 2015.

**This Consultation will run from 27 November 2014 to 4 January 2015.**

### Background

In 2010, the UK Government gave a commitment to review the long-term affordability and sustainability of public service pension schemes. Although Scottish Ministers have executive devolved powers to make and amend regulations covering the Scottish NHS Pension Scheme overall occupational pensions policy remains reserved to Westminster.

The UK Government's programme of long-term reforms to public service pension schemes began in March 2011 following acceptance of recommendations from the Independent Public Service Pensions Commission, chaired by Lord Hutton. The Commission's report identified the need for comprehensive reform – "reforms that can balance the legitimate concerns of taxpayers about the present and future cost of pension commitments in the public sector as well as the

wider need to ensure decent levels of retirement income for millions of people who have devoted their working lives in the service of the public”<sup>1</sup>.

A high level design for the a new NHS pension scheme for Scotland was detailed in the “Scottish Framework Document” and published on the Scottish Public Pensions Agency website at [www.sppa.gov.uk](http://www.sppa.gov.uk) on 6 August 2013. Since then, detailed scheme rules have been developed through discussions with trade union and employer representatives and these regulations will now implement those agreed scheme rules in respect of transitional arrangements.

The Public Service Pensions Act 2013 provides the wider legal framework for reforms to the NHS pension scheme. The Scottish Ministers have powers under this Act to make regulations that provide a new pension scheme (“the 2015 scheme”) for health service workers.

In this context, SPPA published for consultation a draft Statutory Instrument titled: The National Health Service Pension Scheme (Scotland) Regulations 2015. That instrument provides the legal basis for the 2015 scheme and implements the detailed scheme rules developed with trade unions and employers.

Two further Statutory Instruments are now published for consultation. The first instrument (“the transitional regulations”) provides the transitional arrangements that will apply to existing members from 1 April 2015. This instrument covers the arrangements that will apply to members who will move to the 2015 scheme from that date.

The second instrument (“the Miscellaneous Amendments regulations”) introduces new provisions that are a consequence of scheme reform, e.g. restrictions on future membership of the 1995/2008 scheme, the circumstances in which members are entitled to remain in the existing 1995 or 2008 sections of the NHS Pension Scheme from that date, and new redundancy retirement entitlements. This instrument also includes a number of amendments consequential on the introduction of the Marriage and Civil Partnership Scotland Act 2014.

A document giving a detailed explanation of the provisions contained in the two draft Scottish Statutory Instrument (SSI) is also provided.

You will note that the second draft SSI does not set out the employee or employer contribution rates due from 1 April 2015. This is because employee contributions remain to be finalised following the discussions through the Scottish Pensions Group (SPG). The employer contribution and cost cap will be set by the 31 March 2012 scheme valuation which is due to conclude shortly and both these rates will be inserted into the regulations when confirmed. We will consult separately in due course on the proposed employee contribution structure.

The draft regulations may be subject to change in the light of comments flowing from the consultation exercise. Regulations to implement all the pension scheme changes are also subject to final agreement by Scottish Ministers and HM Treasury.

You can respond to the consultation online via the following link: -  
[https://www.surveymonkey.com/s/NHS\\_2015\\_Consultation](https://www.surveymonkey.com/s/NHS_2015_Consultation)

Or alternatively you may complete the Consultation Response Form provided at **Appendix** which can be submitted electronically to [nhsensionsreform@scotland.gsi.gov.uk](mailto:nhsensionsreform@scotland.gsi.gov.uk) or by post to the following address:

<sup>1</sup> Independent Public Service Pensions Commission: Final Report, March 2011, p. 3

NHS Pension Scheme 2015 Reforms  
Regulations Consultation  
SPPA Policy  
7 Tweedside Park  
Tweedbank  
Galashiels  
TD1 3TE

A copy of the consultation documentation and online response form is also available on the Agency's website at [www.sppa.gov.uk](http://www.sppa.gov.uk).

## **Responses are requested no later than Sunday 4 January 2015**

We intend to publish a summary of consultation responses in due course and would like to be able to include any response you make in that summary. However, if you ask us not to publish your response to this consultation we will regard it as confidential, and we will treat it accordingly.

Respondents should also be aware that the SPPA is subject to the provisions of the Freedom of Information (Scotland) Act 2002 and will have to respond appropriately to any relevant request made to the Agency under that Act for information concerning this consultation exercise.

Yours faithfully



**Chad Dawtry**  
**Director Policy Branch**

### **Addressees**

HR Directors NHS Boards  
Finance Directors and Payroll managers  
Scottish NHS Pensions Group (SPG)  
Scottish Terms and Conditions Group  
SPPA Technical Working Group  
NHS Trade Unions and Professional Organisations  
Scottish General Practitioners Committee  
Institute of Health Service Management  
Scottish Practice Nurse Association  
Women's National Committee  
SGHD Directorate of Primary Care  
SGHD Health Workforce Directorate  
SGLD Finance  
NHS Retirement Fellowship

Home Office, Police and Firemen's Pension Schemes  
Department of Health and Social Services, Northern Ireland  
NHS BSA Pensions Division  
Department for Children, Schools and Family  
Cabinet Office  
Department for Communities and Local Government  
DWP  
GAD (for information)  
HM Treasury  
SGLD  
SPPA (Senior Managers, Policy and Technical Team)



## CONSULTATION RESPONSE FORM: Consultation on NHS Pension Scheme (Scotland) (Transitional, Consequential) Regulations 2015

### 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 Scottish Government library and/or on the Scottish Government 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 available, but not my address .....

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

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

Please state yes or no: .....

**(d)** We will share your response internally with other Scottish 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 Scottish Government 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)

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What is your gender?

- I am female
- I am male

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)

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What is your working pattern?

- I work part-time
- I work full-time
- Not applicable

**Please provide your comments in the space below:**

Please post your response to:

NHS Pension Scheme 2015 Reforms  
Regulations Consultation  
SPPA Policy  
7 Tweedside Park  
Tweedbank  
Galashiels  
TD1 3TE

**The closing date for this consultation is Sunday 4 January 2015**