

The NHS Scotland Coronavirus Life Assurance Scheme (Scotland)

1. Scottish Ministers have established a special temporary scheme that provides a lump sum and survivors benefits upon the death in service for relevant persons working for or providing services for an NHS Scotland Health Board, Special Health Board, NHS National Services Scotland (Common Services Agency) and Healthcare Improvement Scotland who do not otherwise have equivalent life assurance cover provided through an NHS Pension Scheme membership, where COVID-19 is a documented factor in their death and who have been working in clinical environments where it may reasonably be concluded that they contracted the disease in the course of performing their duties.

Rationale

2. The Scheme recognises that not all NHS employees or GP contractors and their staff are members or active members of an NHS Pension Scheme and therefore do not have access to the full death in service cover provided through the pension scheme. It also recognises that, for technical reasons some active Scheme members are not fully covered by the scheme rules. It therefore seeks to provide a comparable cover on a temporary basis, which will automatically expire when the NHS in Scotland is stood down from an emergency footing, or at the direction of Scottish Ministers, whichever is first.
3. The Scheme supports efforts to temporarily boost NHS frontline workforce, and provide the essential service capacity to fight the virus. It responds to concerns from retired health care workers who are interested in returning to the frontline, as well as those who are not members of an NHS Pension scheme, or who have deferred membership of an NHS Pension Scheme.

Eligibility - Relevant Persons

4. Scottish Ministers do not intend to provide a universal scheme for anyone employed in the health sectors.
5. The Scheme would target relevant persons who had been working in clinical environments where it may reasonably be concluded that they contracted COVID-19 in the course of performing their duties.
6. Relevant persons are:
 - Permanent employees
 - Fixed term employees
 - NHS Bank Staff
 - NHS Locum Staff¹
 - GP contractors and their staff

¹ This includes GP locums whether working directly for NHS Boards or working for GP contractors.

7. It will apply to those individuals described above who are not active members of an NHS Pension scheme, including deferred and retired members, and “relevant active members”, being active members with less than two years’ membership of an NHS Pension Scheme or those who would not otherwise be entitled to be treated as active on the date of their date under the pension scheme, such as GP locums or nurse bank staff. Benefits available are defined in the **Benefits** Section. A claim would be accepted where Scottish Ministers can reasonably conclude that the deceased individual may have been affected by COVID-19 in the course of performing their duties.

Coverage

8. For the NHS and public health, all those engaged by:
- An NHS Scotland Health Board
 - A Special Health Board
 - NHS National Services Scotland (Common Services Agency)
 - Healthcare Improvement Scotland
 - GP Practices² (including GP partners, their staff and GP locums)
9. Employers will be asked to initiate a claim on behalf of the individual’s beneficiaries. The employer is well placed to confirm the nature of the individual’s duties and working environment, and so help establish that the eligibility criteria are met.
10. Claims are sent to the Scottish Public Pension Agency (SPPA) who will verify and make payment. The SPPA will work with employers to ensure any claims are handled swiftly and sensitively.

The Scheme Benefit

11. Levels of benefit are dependent on the individual circumstances of the relevant persons (as described in **Eligibility/ - Relevant Persons** section), including any membership of an NHS Pension Scheme. Details of benefits are contained in **ANNEX A, Scheme Benefits** and are aligned with benefits payable from the NHS Superannuation Scheme (Scotland)(1995 Section). Benefits will be calculated on the relevant person’s “relevant salary”, which is pay that would have been deemed pensionable had the individual been an active pension scheme member.

Beneficiaries

12. Persons eligible to receive benefits are the surviving spouse or civil partner of the relevant persons, or a surviving adult partner of the relevant persons. In the latter case, for consistency with other legislation on adult partners, the relationship would have to meet the definitional criteria set out in Regulation G14(2) (b) of the NHS Superannuation Scheme (Scotland) Regulations 2011. **i.e.** Scottish Ministers would have to be satisfied that for the period of two years ending on the date of death the couple were cohabiting, financially interdependent, free to

² This includes GPs and other staff working in directly run 2C practices.

marry, and not living with a third person as if they were husband and wife or as if they were civil partners. In addition, a dependent child as defined in the 2011 Regulations may be a beneficiary.

Implementation and duration of the Scheme

13. Scottish Ministers have powers under section 26 of the Public Service Pensions Act 2013 to establish this Scheme. It will be a free-standing arrangement and will operate entirely separately to the NHS Pension Scheme, though the administration of the scheme will be delivered by SPPA to streamline the experience for employers and beneficiaries. Importantly as a standalone scheme it can be switched off at the appropriate moment and facilitate a return to 'steady state' death in service benefit arrangements for the health workforce. Scottish Ministers may also extend the Scheme to non-health workers who are combatting COVID-19 relying on their powers under section 1A of the National Health Service (Scotland) Act 1978: **Duty of the Scottish Ministers to promote health improvement.**
14. The Scheme will therefore be time-limited, and will automatically expire when the NHS in Scotland is stood down from an emergency footing, or at the direction of Scottish Ministers, whichever is first. Individuals who develop symptoms of COVID related illness after this date and subsequently die will not automatically be accepted.
15. Scottish Ministers however reserve the right to extend or amend the scheme if deemed necessary, provided any amendment will not have any significant adverse effect on any person then benefitting from the scheme.
16. Scottish Ministers consider SPPA as the appropriate mechanism to deliver this scheme. SPPA already has internal controls and processes in place with NHS employers that can be utilised in implementing the scheme. SPPA has payroll provision and technical expertise in administering similar benefits. A single administrator also ensures a consistent approach to delivery and provides for streamlined financial management.

Appeals

17. Claimants will have a right to an appeal. The appeals process will be administered by the SPPA and will involve a three person panel comprising SPPA, Employers and Employee representatives who have not been involved in the original decision. The decision of the panel is final. Scottish Ministers will appoint this panel.

Equalities Impact Assessment – Public Sector Equality Duty

In promulgating this scheme, consideration has been given to how the operation of the scheme and proposed scheme benefits would impact upon those with protected characteristics and in accordance with the duty incumbent upon public authorities to take action to eliminate discrimination and advance equality of opportunity.

It is noted that the scheme operates for a health purpose, that is to say that the purpose of the scheme is to promote resilience in the workforce, by seeking to ensure that there are sufficient qualified health service personnel to continue to deliver emergency health services and health treatment during the coronavirus pandemic. The scheme makes provision for surviving next of kin where appropriate cover cannot be accessed through the NHS Scotland pension scheme.

The proposed emergency scheme provides death in service and survivor benefits calculated by reference to salary multiples, i.e. mirroring NHS Scotland pension provision. In that respect all eligible persons should have access to the scheme and its provisions on the same basis. Differences in financial consideration payable through the scheme, are by reference to the different pay scales of staff, which are determined on the basis of occupation, skills and negotiated nationally in line with NHS terms and conditions.

Whilst it is not known, at this stage, what differences there might be in terms of the protected characteristics of staff returning to service, no substantive equalities impacts have been noted at this stage.

ANNEX A
SCHEME BENEFITS

Lump Sum on Death

Non scheme members: 2 x relevant salary

Active scheme members with less than 2 years' service: 2 x relevant salary

Deferred Pension scheme members: 2 x relevant salary

Pensioner member: 2 x relevant salary

* lump sums to Deferred and pensioner members' will be reduced by any amounts payable from the pension schemes.

Survivor allowance

Non scheme members and relevant active members:

Short term allowance at 100% of employee's relevant salary (payable for 6 months) followed by a

Long term allowance calculated as

Half of: [(member's relevant salary x 2/3 of notional service to age 60) / 80] + [2/80ths of relevant salary]

Deferred Pension scheme members: As above, minus any deferred scheme pension

Pensioner member: As above, minus any scheme pension

Children's allowance

Mirror the provisions set out in Regulations H1 and H3 of the NHS Superannuation Scheme (Scotland) Regulations 2011 [SSI 2011/117].³

³ SSI 2011/117 (as amended) <http://www.legislation.gov.uk/ssi/2011/117/part/H>