

NHS Pension Scheme Scotland Scheme Advisory Board

Draft Minutes

Date	30 November 2023
May	Virtual meeting via Microsoft Teams
Chair	Derek Lindsay (NHS Ayrshire & Arran)
Attendees	Alan Robertson (BMA) Anne-Marie Pettie (GAD) Andrew Carter (NHS Borders) Graham Pirie (RCPOD) Jackie Mitchell (RCM) Jane Christie-Flight (Unite) Lorraine Hunter (NHS Grampian) Robin McNaught (State Hospital) Ros Shaw (RCN) Ruth Kelly (NHS Lothian)
SG / SPPA Officials	Finn Mackenzie (SPPA) Greg Walker (SPPA) Iain Coltman (SPPA) Jack McAllister (SPPA)
Secretariat	Carole Bertram (SPPA)
Apologies	Philip McEvoy (BDA) Greg Donaldson (GAD) Matt McLaughlin (Unison) Daniel MacDonald (SG)

1. Welcome and Apologies

1.1 The Chair welcomed attendees and asked if there were any conflicts of interest.

2. Minutes of previous meeting and action log

Paper 2a – Draft SAB minutes of 16 October 2023

2.1 The minutes of the previous meeting were held as accurate.

Paper 2b – Action Log

2.2 **Action point 2021/02** - SPPA to investigate Pensionable Allowances – Passed to Technical Working Group for consideration at meeting of 20 June 2023 with pensionable allowances noted on the workplan. Lorraine Hunter advised there is scheduled meeting of payroll managers next week to discuss pensionable allowances. **Carried forward.**

2.3 **Action 2023/04** – SPPA to draft an employer circular on salary sacrifice and share with SAB. Discussed under Paper 5 in today’s meeting. **Closed.**

Paper 3 – NHS Pension Scheme (E&W): Consultation on proposed policy changes for April 2024

3.1 Greg Walker provided a full account of the proposed policy changes to the E&W scheme currently being consulted on by Department of Health and Social Care (DHSC) and asked SAB members if they had any comments on and would be in favour of these proposals being implemented in Scotland.

3.2 Derek Lindsay asked if there would have to be an amendment to the 2015 regulations to reflect what has been normal practice in the past regarding the pensionability of overtime.

3.3 Greg Walker confirmed that there would be amendments to the 2015 regulations in this case.

3.4 Alan Roberston asked if Junior doctors’ contracts were being factored into this as they differ from E&W in that regard.

3.5 Greg Walker replied asking if this was an allowance or hours worked over normal hours.

3.6 Alan Robertson confirmed it was a banding process which gave them a pay supplement.

3.7 Greg Walker queried if this could be considered under the pensionable allowances work currently being undertaken by TWG and payroll managers.

3.8 Lorraine Gallagher commented she did not think this could be considered under the pensionable allowances work as pensionable allowances are considered for staff who are undertaking additional roles on top of their core employment such as management allowances.

3.9 Alan Robertson confirmed that in terms of junior doctors' it would not be seen as an additional role as it could be considered as 'compulsory overtime' and just part of that specific job role and banding.

3.10 Greg Walker confirmed he would consider further and provide confirmation to SAB. **(Action Point: 2023/05)**

3.11 Derek Lindsay highlighted another aspect of this banding process for junior doctors' and explained the differentiation in rules for banding.

3.12 Ruth Kelly highlighted that banding supplements are not extra hours or overtime and is an essential part of their job to carry out roles like on call for instance.

3.13 Alan Robertson highlighted in response that these supplements are still over the core 40 hours of the job role and so the regulations must be careful and consider this aspect of the pensionability of overtime.

3.14 Ruth Kelly raised concerns that it was important that clarity to the payroll teams regarding the pensionability of overtime for members who had taken partial retirement was provided and that the process in terms of how the payroll system will deal with this works in conjunction with the regulations being changed.

3.15 Lorraine Hunter outlined that the payroll teams have been given that clarity but that there is an issue with the payroll system needing significant development to deal with this. Payroll teams will have to do manual work to get round this. Lorraine will go back again and highlight these changes to the payroll teams.

3.16 Greg Walker highlighted that there was also a policy proposal within the DHSC consultation that would intend to amend the regulation to provide that a member could not use a salary sacrifice scheme as a means to reduce their pensionable pay by 10% and subsequently take partial retirement.

3.22 Alan Robertson queried if the next steps in terms of these proposed policy changes is going to be a Scottish consultation.

3.23 Greg Walker confirmed that this was the next step and that the consultation will be circulated before the end of next month.

Paper 4 - Flexible Retirement Uptake Analysis

4.11 Jack McAllister gave highlights on uptake of partial retirement.

4.12 Derek Lindsay asked if the partial retirement calculator was still on track to be published in mid-December.

4.13 Jack McAllister confirmed it was on track for publication in mid-December.

4.14 Alan Robertson raised concerns that members were unaware the paperwork was already amended to cover partial retirement which had caused some confusion and queried if SPPA were still planning to run NHS scheme member webinars for members wanting more information on the process of partial retirement.

4.15 Jack McAllister confirmed that SPPA are already running 'Ready for Retirement' webinars which covers a range of topics including the changes to partial retirement and remedy. Jack also added that most of the questions being raised at these webinars have been regarding Partial Retirement.

4.16 Greg Walker confirmed one has been recorded, he will speak to the Comms Team to gain information on when it is planned to upload this to the SPPA website. **(Action Point 2023/06)**

4.17 Alan Roberston outlined that even a short clip on Partial Retirement would be useful for members.

4.18 Derek Lindsay referred to point 4.12 of Paper 4 and asked if the mail shot to 79,000 members was age related.

4.19 Jack McAllister confirmed it was all active and deferred members with 1995 service that were included in this mailshot. Greg Walker highlighted this exercise is still ongoing and that this is the reason some members may not yet have received their letter.

4.20 Lorraine Hunter confirmed she has received the mail shot but she felt it did not give enough information regarding partial retirement and more was needed for members.

4.21 Greg Walker confirmed amendments are being made to the application form to make clearer to members how to specify how much % of their pension benefits they wish to access and from which section of the scheme when partially retiring.

4.22 Lorraine Hunter confirmed she had come across this problem and had told a member to put on the form they only wanted to take their 95 benefits.

Paper 5 – Salary Sacrifice Draft Employer Circular

5.1 Greg Walker outlined that SAB have discussed this area at length in the past year and asked for any comments SAB members may have on the draft salary sacrifice circular presented as paper 5.

5.2 Derek Lindsay confirmed with Greg Walker this circular will be issued in the next week or two and will be helpful to clarify the position outlined.

Paper 6 - Feedback on the Consultation to Implement 2015 Remedy

6.1 Finn Mackenzie provided a summary of the consultation responses and apologised that the full report had not yet been published but will be as soon as possible.

6.2 Alan Robertson provided comment on question 4 of the consultation response regarding the emotional impact of bereavement and outlined that a person making the choice may not have any knowledge of the pension scheme.

6.3 Finn Mackenzie replied that a process for bereaved family members could be brought forward to the Remedy communications subgroup.

6.4 Derek Lindsay asked for clarification on the election period timescales once a member receives the RSS.

6.5 Finn Mackenzie replied confirming it was 3 months, but that flexibility can be applied in certain circumstances.

6.6 Alan Robertson wanted to confirm that if you partially retire now, you will be awarded legacy scheme benefits but still be given a choice in the future.

6.7 Finn Mackenzie explained that SPPA are not in a position to provide the RSS statement at the moment and as such members will be put back into their legacy scheme benefits with the option to make decisions relating to the remedy period when they receive their RSS.

6.8 Greg Walker explained the partial retirement calculator which is going live later this month contains a 'safe percentage.' This is the percentage of members 95 benefits without taking the remedy period service. If, at a later date, members decide to take their reform benefits for that period you would not have to pay back or undo that safe percentage.

Paper 7 – RSS update November 2023

7.1 Finn Mackenzie provided an update on RSS.

7.2 Alan Robertson asked if people who were active members will receive an Annual Benefits Statement (ABS) & RSS by August 2024 and for deferred if they will only get RSS each year.

7.3 Finn Mackenzie replied they will receive one RSS by August 2024 and they can apply for future ones if necessary.

AOB

8.1 Greg Walker confirmed SPPA will be releasing dates for next year SAB meetings as soon as possible.

8.2 Ruth Kelly asked about ABS's for this current year.

8.3 Derek Lindsay thought they were not being issued due to Remedy.

8.4 Alan Robertson confirmed if you were not affected by Remedy they have been issued.

8.5 Finn Mackenzie advised that SPPA has useful information on their website in relation to remedy and the issuing of ABS,' and SPPA can circulate this to SAB members. **(Action Point 2023/07)**

8.6 Derek Lindsay closed the meeting and confirmed the date of the next meeting will be around late February/early March 2024.