

SCOTTISH NHS SUPERANNUATION SCHEME

REPORT ON CONSULTATION ON THE NHS (SCOTLAND) (INJURY BENEFITS) AMENDMENT REGULATIONS 2013

1. Purpose

1.1 The purpose of this paper is to provide a summary of the feedback received to the Scottish Government's recent consultation on the NHS (Scotland) (Injury Benefits) Amendment Regulations from 31 March 2013.

2. Introduction

2.1 The regulations consulted on the introduction of changes to the NHS Injury Benefit provisions that are to apply in Scotland from 31 March 2013. They are the outcome of Scotland's participation in a UK-wide partnership review of Injury Benefits which has been underway since 2009. . The review addressed concerns that the current arrangements in regulations were no longer fit for purpose and difficult to replicate outside the traditional NHS organisations and should be replaced by provisions set out in the NHS Staff Handbook.

2.2 The NHS Injury Benefit regulations covering NHS staff in Scotland will continue to protect all eligible persons who suffer a relevant injury or disease on or before 30 March 2013. Protection will continue until 30 March 2038, subject to the production of compelling evidence of a pre 31 March 2013 injury or disease for claims arising on or after 30 March 2018, following a 5-year transitional period.

2.3 The Scottish Government's consultation began on 14 December 2012 and closed on 25 January 2013. A short consultation period was necessary because of the requirement to bring in the amendments on 31 March 2013. This report summarises the 18 responses received by the SPPA to that consultation.

2.4 A copy of the consultation documents can be accessed on the SPPA website (see [NHS Consultations.](#))

3. Consultation Process

3.1 The Scottish Government's consultation letter and draft regulations were issued by email to NHS employers, Trade Unions and other stakeholders on 14 December 2012. The document was also posted on the SPPA's website for access by NHS employees.

4. Analysis of Responses

4.1 The consultation gave the opportunity to provide a general response on the regulations. In total 19 responses were received and the main comments are summarised below.

Respondents		Permission to publish response given
Individual Responses	12	Varying
Staff Representative Organisations	Representation	
British Medical Association	15, 000 doctors in Scotland	
BDA Scotland		
Scottish General Practitioners Committee		
Unison	50,000 workers in NHS Scotland and related services	
RCN	Aprox 39,000 members in Scotland	
NHS Employer Groups		
NHS Forth Valley		
NHS Fife		

4.2 The following table provides a breakdown of the employment of the individual members who responded (where stated).

Stated employment	Number	%
Doctor	2	18.2
Nurse	4	36.4
Administration staff	2	18.2
Other medical staff	2	18.2
Retired	1	9.1
Total	11	

5 Key Messages

- The proposed amendments seem reasonable
- There is a lack of information available on the new Injury Allowance
- The changes do not protect staff rights
- Employers welcome the changes
- Concern from SGPC, BDA and BMA about future arrangements for Drs and Dentists
- RCN questioned whether regulations correctly reflect the policy intentions of the outcome of the negotiations and also future interaction of the IB scheme with changes to DWP Benefits.

6. Next Steps

6.1 Having considered the consultation responses the draft regulations will be amended where applicable. Where issues raised during the consultation require more in depth consideration any resulting required amendments will be incorporated in a later instrument. This is because of the tight parliamentary timescales and the need to introduce protection for staff who suffer an injury or illness on or before 30 March 2013.