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NHS Injury Benefits Scheme Guide



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Introduction

The NHS Injury Benefits Scheme is not part of the NHS Pension Scheme. It is governed by different regulations, and it covers almost all NHS employees and most general practitioners, whether or not they are members of the NHS Pension Scheme. The Injury Benefit Scheme covers employees who have sustained an injury or contracted a disease before 31 March 2013.

Those covered by the Scheme include:

- Employees of an 'Employing Authority' which includes a Special Health Authority, Local Health Board, NHS Trust, NHS Foundation Trust, NHS Commissioning Board, and Clinical Commissioning Group;
- General Medical Practitioners, non-GP providers, Ophthalmic Practitioners and General Dental Practitioners working for the NHS;
- Holders of honorary appointments with an 'Employing Authority';
- Employers of certain Out of Hours Providers or other NHS organisations that have been approved by the Secretary of State to be covered by the scheme. Freelance GP and Dental Locums, GP practice staff, GP co-operative staff, dental practice staff, most 'Direction' employees, reservists and staff working for companies that provide a service to the NHS, eg agency staff, are not covered by the scheme.

There is no qualifying period, everyone is covered from the day they join the NHS.

If after reading this guide you want more information, details of how to get it are on page 10.

This is a general guide. It is not a full statement of the law which governs the Injury Benefits Scheme.

General information

The Injury Benefits Scheme provides benefits for NHS employees who as a result of an injury or disease that occurred prior to 31 March 2013 and was wholly or mainly to their NHS duties:

- are on certificated sick leave with reduced pay or no pay, or
- have their earning ability permanently reduced by more than 10%, or
- die, leaving a spouse, civil partner and/or dependants.

In the rest of this booklet the word 'injury' means injury or disease wholly or mainly attributable to the duties of the NHS employment.

More information about the Scheme can be found on our website:
www.nhsbsa.nhs.uk/nhs-injury-benefits-scheme

Temporary Injury Allowance

If you are on authorised sick absence with reduced pay or no pay because of the injury (or if you are a general practitioner temporarily absent from your practice because of the injury), you may be eligible for a temporary injury allowance (TIA). In order for you to be eligible to claim TIA, the injury that caused your sickness absence must have occurred prior to 31 March 2013.

This allowance is paid by your employer. It tops up your income (ie pay, NHS pension and certain Social Security benefits) to 85% of the average pay you were getting immediately before your pay was reduced because of the injury.

TIA is not payable if the injury that caused your sickness absence occurred on or after 31 March 2013, or if your total income is more than 85% of your average pay. When you return to work or leave employment the TIA stops.

TIA is subject to income tax and National Insurance deductions but not pension contribution deductions.

More information about 'average pay' and calculating TIA can be found on our website www.nhsbsa.nhs.uk/nhs-injury-benefits-scheme

Permanent injury benefit

Permanent injury benefit (PIB) may be payable if the injury causes a permanent reduction in your earning ability of more than 10% in the general field of employment. It can be paid if:

- the injury occurred prior to 31 March 2013
- the number of hours you are able to work is permanently reduced; or
- you have to change to a lower paid job; or
- you have to leave your NHS employment.

If the permanent reduction of your earning ability caused by the injury is 10% or less, you will not receive any benefits.

The PIB allowance can be adjusted when certain Social Security benefits start or stop but not when they fluctuate.

The PIB annual allowance is a percentage of your average pay and is based on:

- your length of NHS employment; and
- the amount of permanent reduction in your earning ability.

If your employment ends because of the injury, you may also qualify for a lump sum payment. This is also a percentage of your average pay.

No annual allowance is payable if your total income (ie NHS pension and certain DWP benefits) is more than the annual allowance.

If you think your earning ability has reduced because your injury has got worse you can ask us to review your annual allowance. We cannot review your lump sum.

The table on the next page shows how the annual allowance and lump sum are calculated.

The benefits are calculated using the following table:

Permanent reduction of earning ability caused by the injury	Annual Allowance (including NHS Pension and DWP benefits) shown as a % of average pay				Lump sum Shown as a % of average pay
	Years of NHS employment				
	Less than 5 years	5 years and over but less than 15 years	15 years and over but less than 25 years	25 years or more	
0-10%	No entitlement to an annual allowance or lump sum				
More than 10% up to 25%	15%	30%	45%	60%	12.5%
More than 25% up to 50%	40%	50%	60%	70%	25%
More than 50% up to 75%	65%	70%	75%	80%	37.5%
More than 75%	85%	85%	85%	85%	50%

Example

If the permanent reduction in your earning ability is 30% and you have 23 years' NHS employment, your annual allowance would be 60% of your average pay.

Remember

The percentages in the first column show the permanent reduction in earning ability.

Death benefits

If your injury occurred prior to 31 March 2013 and you die as a result of the injury, we may be able to pay allowances to your spouse or civil partner and certain dependants. These allowances are intended to top up payments such as NHS survivor benefits. The annual allowance is a percentage of your average pay. The percentages are shown in the table below.

Dependants	Percentage of average pay payable following death
Widow/Widower or Civil Partner only	45%
Each of the first 4 children	10% if there is a widow / widower or civil partner or 20% if there is no widow / widower or civil partner
Each dependent incapacitated adult child*	20% if there is a surviving parent, or 45% if there is no surviving parent
One dependent parent	20% if there is a widow / widower or civil partner, or 45% if there is no widow / widower or civil partner

The total amount of allowances cannot be more than 100% of your average pay. A lump sum of 50% of your average pay may also be paid, provided you had not already had a lump sum as described on page 6.

*A dependent incapacitated adult child is someone who, regardless of age, is permanently unable to earn a living due to permanent ill health or permanent physical or mental infirmity.

Damages and compensation

The Scheme Regulations require that **any** damages or compensation paid for the same injury that NHS Injury Benefits is being paid is taken into account when calculating the amount of Injury Benefits due. This is because you cannot receive both damages/compensation and injury benefits for the same injury.

If you get damages or compensation for your injury it is very likely to affect how much injury benefit we can pay you.

If you have already received damages or compensation when you make your claim for injury benefits you must tell us so we can take it into account when we calculate your injury benefits.

If you get damages or compensation after you have been awarded the injury benefits you must tell us within 14 days of the settlement being reached.

You will have to repay some or all of the injury benefit we have paid you and failure to repay monies owed may lead to legal action.

Index linking

All allowances from the NHS Injury Benefits Scheme are index linked to protect them against increases in the cost of living.

More information

If you have any questions about the Injury Benefits Scheme, or need more information please see our website www.nhsbsa.nhs.uk/nhs-injury-benefits-scheme. Alternatively your employer may be able to help you.

You can also write to us at:

NHS Business Services Authority,
NHS Injury Benefits Scheme
PO Box 683
Unit 5
Newcastle Upon Tyne
NE5 9EE

or email us via our website at www.nhsbsa.nhs.uk/nhs-injury-benefits-scheme

Ring our helpline on 0345 1212522

The helpline is open from 8.30am to 5.00pm Monday to Thursday, and to 4.30pm on Fridays (except Public Holidays).

If you have a NHS Injury Benefits Scheme membership number (it usually begins with "IB") it will help if you quote it. If you do not have a reference number, please tell us your National Insurance number.

How we use your information

The NHS Business Services Authority – NHS Injury Benefits will use the information provided for considering your application and processing any authorised benefits to you or your dependants. We may share your information to enable us to prevent and detect fraud and mistakes, for debt collection purposes, or as required by law. For more information about who we share your information with and how long we keep your personal data, please visit our website at www.nhsbsa.nhs.uk/yourinformation.