Update on Special Class Status March 2013

Special Class Status

Special class status is applicable to members of the 1995 Section of the NHS Pension Scheme, who work as a nurse, physiotherapist, midwife or health visitor.

To qualify this special class status must have been awarded on or before 6 March 1995 and from this date there must not have had a break in pensionable employment of 5 years or more.

Special class status can no longer be awarded to new applicants. It can only be retained by staff that already have it.

In order for individuals to maintain their special class status the job description and person specification of the role must specify that a nursing qualification is an essential requirement of the role.

Current Issues

With the development of job descriptions which were based on generic person specifications, the essential requirement for a nursing qualification for a post has not been included in many of the roles where special class status could apply where the postholder holds this status.

The NHS Commissioning Board has committed that staff who transfer who currently hold special class status and it is essential to their new role that they retain their professional qualification will continue to recognise special class status and notify the NHS Pension Agency accordingly.

NHS Commissioning Board (NHSCB) will ensure it is not placing any members of staff at detriment in relation to Special Class Status

Way forward

The address the current issues the NHS Commissioning Board will take the following steps

- Identify the principles defining where special class status may apply (see below)
- Identify posts where the essential requirement for a nursing qualification should be included in the person specification.
- Discussion with affected individuals
- Confirm the requirement through the regional Directors and Regional Directors of HR and OD and Corporate Director of HR.
- Revise the job description and write to the individuals to confirm the change.
Opportunity challenge to decision

Where and individual is informed that the offered post is not suitable to be accorded special class status then this must be set out in writing immediately following the discussion with the affected member of staff and the individual given the right to challenge this by within 2 working days writing to Helen Bullers Regional Director of Human Resources and Organisational Development (London) helen.bullers@nhs.net who will arrange to consider the challenge with the National Trade Union Officers

Principles

NHS Commissioning Board (NHSCB) will ensure it is not placing any members of staff at detriment in relation to Special Class Status. The following principles will therefore be followed.

1. The Chief Nurse, Regional Directors of Nursing and Area Team Directors of Nursing and Deputy Directors will all have an essential requirement of the post that the postholder holds a nursing qualification.
2. Where a post holds within its title “Nurse” it will be an essential requirement of the post that the postholder holds a nursing qualification.
3. For the professional nursing posts in the safeguarding teams or the local supervisory authority teams it will be an essential requirement of the post that the postholder holds a nursing qualification.
4. Within the nursing directorate, medical directorate including the clinical senates and networks as well as specialised commissioning, the balance and range of clinical skills within a team will be considered in determining roles where special class status could apply and where therefore the role will have an essential requirement for a nursing qualification. The key is that this will vary by team and area and will reflect the local balance of clinical skills and skill mix within the team.

The case for posts that fall into point 4 will be determined locally and signed off with the Regional Director and Regional Director Director of HR and OD or equivalent within the national support centre.

These principles have been discussed and agreed in partnership with the Trade Unions and the NHS Commissioning Board.

Helen Bullers

Regional Director of HR and OD (London)

8 March 2013