

SCHEDULE TO THE ORDER

Part 1 of the Schedule to the order

Each sum payable under part(s) 2 and 3 of this schedule is a “periodical payment” subject to the conditions set out in paragraphs 1-8 of this part

1. Unless specifically stated, all the periodical payments under part(s) 2 and 3 of this schedule will continue during the lifetime of the Claimant
2. No minimum number of periodical payments under part(s) 2 and 3 of this schedule shall be made
3. Payment of the periodical payments under part(s) 2 and 3 of this schedule will cease on the death of the Claimant
4. The final periodical payment under part(s) 2 and 3 of this schedule will be pro-rated for so much of the final year that the Claimant had survived and any balance owing to the NHSLA or its successor will be repayable to it out of the Claimant’s estate, subject only to deduction by the Claimant’s estate of such sums as the Claimant’s estate may be liable for in respect of the termination of the employment of any persons employed to care for the Claimant
5. The NHSLA shall be entitled to require the Claimant to produce evidence in a form reasonably satisfactory to the NHSLA that the Claimant remains alive before making any periodical payment

6. The periodical payments under part(s) 2 and 3 of this schedule are to be made by BACS to the Court of Protection (or its successor) for the benefit of the Claimant under reference [] (where applicable)
7. At the time of each periodical payment under part(s) 2 and 3 of this schedule the NHSLA shall provide to the Claimant and/or the Deputy details in writing explaining how the periodical payment has been calculated
8. In the event that a payment has not been paid within 28 days of the publication of the relevant data by the Office for National Statistics ['ONS'] or by the 15th of December in any year (whichever date is the later) the NHSLA shall pay interest at the then applicable special investment account rate on any outstanding periodical payment or part of a periodical payment until full payment is made
9. For the period from the [the date when the future loss period accrues assuming periodical payments relate only to future loss] to [14 December of the relevant year when the periodical payments will commence] to represent the periodical payment under part(s) 2 and 3 of this schedule for that period the Defendant do pay the sum of [£] () due as the balance of the periodical payment for the above period and that sum shall be paid 4.00 pm on the []

Part 2: The RPI-Linked Periodical Payments

1. The following present value annual sums shall be paid in advance:
 - 1.1 The annual sum of [£] () payable on the 15th of December in each year from 15th December [] until 15th December [] inclusive, with the first such payment to be made on 15th December []
 - 1.2 The annual sum of [£] () payable on the 15th of December in each year from 15th December [] until 15th December [] inclusive
 - 1.3 The annual sum of [£] () payable on 15th of December in each year from 15th December []
2. The index to be applied is the United Kingdom General Index of Retail Prices for all items published by the ONS (January 1987 = 100) or any equivalent or comparable measure which in the parties' reasonable opinion replaces such index from time to time. In the event of a dispute between the parties, the appropriate alternative measure shall be determined by the court
3. Each periodical payment referred to in paragraph 1 [1.1 to 1.3] above shall be recalculated annually in November in each year prior to payment on 15th December of the same year from November [] in accordance with the following formula

$$PP = C \times \frac{NF}{A}$$

3.1 Where

3.1.1 '*PP*' = the amount payable by way of periodical payment in each year, the first *PP* being the payment made on 15th December []

3.1.2 '*C*' = the relevant annual sum set out in paragraph 1 [*1.1 to 1.3*] above respectively

3.1.3 '*NF*' = the index applicable to September in the year in which the calculation is being carried out, the first *NF* being in respect of September []

3.1.4 '*A*' = the index applicable to [the index applicable to three months prior to the date of settlement or judgment]

Part 3: The ASHE 6115-Linked Periodical Payments

1. The following present value annual sums shall be paid in advance

1.1 The annual sum of [£] () payable on 15th December in each year from [] until 15th December [] inclusive, with the first such payment to be made on 15th December []

1.2 The annual sum of [£] () payable on 15th December in each year from [] until 15th December [] inclusive

1.3 The annual sum of [£] () payable on 15th December in each year from []

2. The relevant earnings data are the gross hourly pay for “all” employees given by the present Standard Occupational Category [‘SOC’] for (Care assistants and home carers) [‘6115’] at the relevant percentile shown below (currently in table 14.5a at the tab for “All” Employees) of the Annual Survey of Hours and Earnings in the United Kingdom [‘ASHE’] published by the ONS. Both the initial “first release” and the final “revised” data are used below. The original relevant percentiles are:

2.1 [] percentile shall be applied to paragraphs [] above

2.2 [] percentile shall be applied to paragraphs [] above

3. The annual periodical payments referred to in paragraph 1 [1.1 to 1.3] above shall be recalculated in November prior to payment on the 15th December of the same year until reclassification from November [] in accordance with the following formula

$$PP = C \times \frac{NP}{A}$$

3.1 Where

- 3.1.1 'PP' = the amount payable by way of periodical payment in each year being calculated in November and paid on the 15th of December the first 'PP' being the payment on the 15th of December []
- 3.1.2 'C' = the relevant annual sum set out in paragraph 1 [1.1 to 1.3] above respectively
- 3.1.3 'NP' = the first release hourly gross wage rate published by the ONS for the relevant percentile of ASHE SOC 6115 for "all" employees for the year in which the calculation is being carried out, the first NP being the figure applicable to the year [] published in or around October []
- 3.1.4 'A' = the revised hourly gross wage rate for the relevant percentile of ASHE SOC 6115 for all employees applicable to [] and published by the ONS in or around October []. In the event of a revision by the ONS it will be the replacement final figure issued by the ONS retrospectively

4. The annual periodical payment referred to in paragraph 1 [1.1 to 1.3] above shall be recalculated annually in subsequent years in November in each year prior to payment on the 15th December of the same year until reclassification from November [] in accordance with the following formula

$$PP = C \times \frac{NP + (NF - OP)}{A}$$

- 4.1 Where in addition to the definitions previously set out

4.1.1 'NF' = the revised hourly gross wage rate published by the ONS for the relevant percentile of ASHE SOC 6115 for "all" employees for the year prior to the year in which the calculation is being carried out, the first NF being that applicable to the year [] and published in or around October []

4.1.2 'OP' = the first release hourly gross wage rate published by the ONS for the relevant percentile of ASHE SOC 6115 for "all" employees for the year prior to the year in which the calculation is being carried out, the first OP being the figure applicable to the year [] published in or around October []

5. If, in any year, the ONS reclassify ASHE SOC 6115 and collect data for both the current SOC and the reclassified SOC in or about April of that year the new SOC shall be the reclassified SOC which includes home carers

6. The relevant annual sum referable to the sums at paragraph 1 [1.1 to 1.3] above following reclassification shall be known as 'CR' and shall be calculated in the year of reclassification only as follows

$$CR = C \times \frac{AF}{A}$$

- 6.1 Where in addition to the definitions previously set out

- 6.1.1 'AF' = the final published revised hourly gross wage rate for the relevant percentile of the previously applied SOC for "all" employees

7. The first payment only following the publication of the reclassified revised data shall be

$$PPR = \left[CR \times \frac{NPR}{AR} \right] + \left[C \times \frac{AF - OPF}{A} \right]$$

- 7.1 Where in addition to the definitions previously set out

- 7.1.1 'PPR' = the amount payable by way of periodical payment in each year following reclassification

- 7.1.2 'NPR' = the first release hourly gross wage rate published for the new relevant percentile of the new SOC following reclassification for the year in which the calculation is being carried out

7.1.3 '*OPF*' = the final first release hourly gross wage rate published for the relevant percentile of the previously applied SOC for "all" employees

7.1.4 '*AR*' = the revised hourly gross wage rate for the percentile of the new SOC, when first published, which is closest to *AF*, and the relevant new percentile shall be the percentile to which *AR* corresponds

8. Until further reclassification the formula for calculating subsequent values of *PPR* shall be

$$PPR = CR \times \frac{NPR + (NFR - OPR)}{AR}$$

8.1 Where in addition to the definitions previously set out

8.1.1 '*NFR*' = the revised hourly gross wage rate published for the new relevant percentile of the new SOC following reclassification for the year prior to the year in which the calculation is being carried out

8.1.2 '*OPR*' = the first release hourly gross wage rate published for the new percentile in the new SOC following reclassification for the year prior to the year in which the calculation is being carried out

9. Further reclassifications shall be dealt with in the same way by the application of paragraphs 5-8 above

10. In the event that a change of methodology creates a discontinuity in the data in the applied SOC resulting in the ONS publishing two sets of data for that applied SOC, then the same process as set out in paragraphs 5-8 above shall be undertaken. However, in these circumstances all references to a '*new SOC*' shall be treated as being a reference to the '*new methodology for the existing SOC*', *AR* shall represent the data under the new methodology and *AF* shall represent the data under the old methodology

11. In the event of a dispute between the parties arising from the application of paragraphs 5-9 above the appropriate series and/or percentile shall be determined by the Court