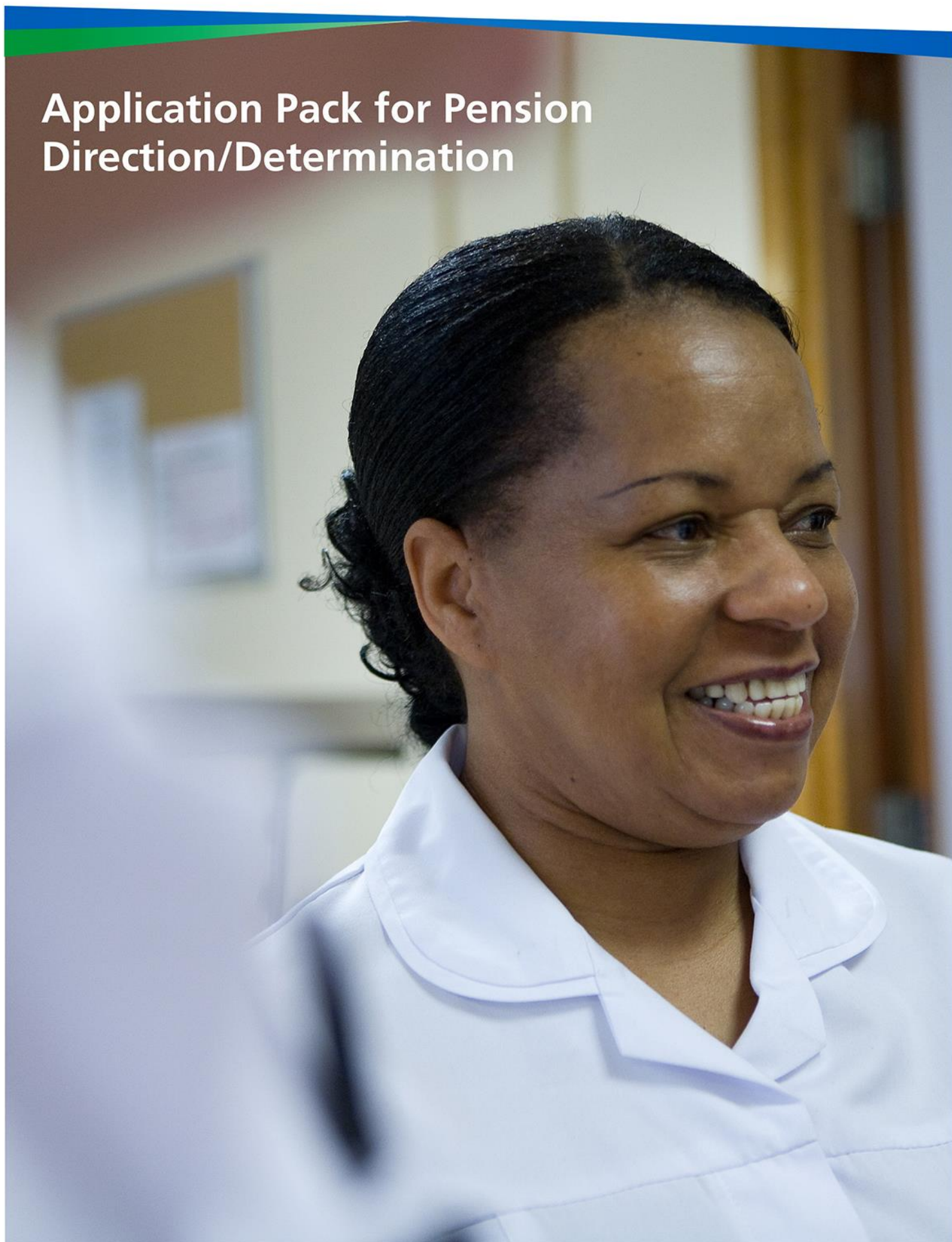


# Application Pack for Pension Direction/Determination



## Contents

1. Information summary .....	3
2. How to apply for a NHS Pension Direction / Determination .....	4
3. Contact information .....	4
4. Background to the Scheme .....	5
5. NHS Pensions responsibilities .....	6
6. Employer responsibilities .....	6
7. Eligibility .....	7
8. Pensions Online (POL) .....	8
9. Deadlines for contributions and information .....	8
10. Contribution rates .....	9
11. Additional Pension .....	9
12. Added Years .....	9
13. Money Purchase Additional Voluntary Contributions (MPAVC) .....	10
14. Transferring benefits to the NHS Pension Scheme .....	10
15. Transferring benefits out of the NHS Pension Scheme .....	10
16. Refunds .....	10
17. Retirement and applying for benefits .....	11
18. Ill health retirement .....	11
19. Bulk transfers from a broadly comparable pension scheme .....	11
20. Useful links .....	11
21. Frequently Asked Questions .....	12

## 1. Information summary

This guide has been produced following the HM Treasury announcement of 7 October 2013 regarding the extension of the 'Fair Deal for Staff Pensions' (the extension is commonly referred to as New Fair Deal).

NHS Pensions recommends that employers who are to receive staff under New Fair Deal read the HM Treasury announcement at the [Gov.uk website](#) and the notes contained in this guide before making an application for a NHS Pension Direction / Determination which will provide the eligible transferring staff with access to the NHS Pension Scheme.

The guide informs employers of their legal obligations which they must perform in respect of the NHS Pension Scheme and gives an overview of 'day to day' pensions administration roles and responsibilities.

### **General information regarding a NHS Pension Direction / Determination**

A NHS Pension Direction is a legal document drafted under powers conferred within Section 7 of the Superannuation (Miscellaneous Provisions) Act 1967 and provides access to the 1995/2008 NHS Pension Scheme for those eligible transferring staff who retain 'Protection'. Further information regarding Protection can be viewed at: <http://www.nhsbsa.nhs.uk/Pensions/4019.aspx>

A NHS Pension Determination is a legal document drafted under powers conferred within Section 25 of the Public Service Pensions Act 2013 and provides access to the 2015 NHS Pension Scheme for those eligible transferring staff who do not have Protection.

NHS Pensions are required to refer each application for a NHS Pension Direction / Determination to the Department of Health who act on behalf of the Secretary of State in such matters.

A NHS Pension Direction / Determination authorised in respect of New Fair Deal will be a 'closed' document, i.e. it will be restricted to those staff listed in the official documentation who are the subject of the relevant transfer. The new employer should enrol the eligible staff into the NHS Pension Scheme with effect from the date of transfer.

An eligible employee who contributes to the NHS Pension Scheme by virtue of a NHS Pension Direction / Determination will attract officer status for pension purposes and be subject to the NHS Pension Scheme Regulations, which can be viewed on our website at: <http://www.nhsbsa.nhs.uk/Pensions/2654.aspx>

### **Compliance with New Fair Deal**

As pension scheme managers, NHS Pensions will be obliged to submit key information to HM Treasury as outlined in their guidance. Schemes will be obliged to report:

- the number of transferred staff that are enrolled in a public service pension scheme on the day that their new employment commences;
- the number of employees covered by the New Fair Deal policy on the anniversary of the contract being awarded and at the end of the contract;
- the contributions (employer and employee) paid in respect of these employees; and

- details of employers that have failed to meet their responsibilities as employers in the schemes.

This includes a duty on the employer to report any changes in employees' eligibility to contribute to the NHS Pension Scheme. e.g. where the employee ceases to be wholly or mainly employed in the delivery of NHS services or the function which transferred.

The whole time or part time employees named in a NHS Pensions Direction / Determination under New Fair Deal will be eligible for the NHS Pension Scheme provided their minimum engagement time on the transferred NHS function amounts to more than 50% of their employed time for that employer.

This 'more than 50% condition' does not have to be met on any one day or week but must be met overall in respect of any complete Scheme year. Where employment with the employer is for less than a Scheme year (Scheme years run from 1 April – 31 March), the 'more than 50% condition' must be met overall in respect of the part year.

Employees named in a NHS Pensions Direction / Determination who cease work on the transferred NHS function, but move to other NHS work for that employer, can also remain eligible for the NHS Pension Scheme on the above basis.

Employers and contracting authorities will also need to carefully consider the issue of bulk transfers in circumstances where the transferring staff have accrued rights in a broadly comparable pension scheme (see part 19 for further information).

Further information in respect of the role of a NHS Pension Direction / Determination Employer can be found in the Employers Charter, a copy of which can be viewed on our website at: [www.nhsbsa.nhs.uk/pensions](http://www.nhsbsa.nhs.uk/pensions).

If an employer fails to satisfy any of the requirements of the NHS Pension Scheme Regulations (or the NHS Pension Direction / Determination document) the Secretary of State may terminate access to the NHS Pension Scheme, after giving three months written notice.

## **2. How to apply for a NHS Pension Direction / Determination**

The application form for a NHS Pension Direction / Determination (DIR 1) can be found at: <http://www.nhsbsa.nhs.uk/Pensions/4327.aspx>

## **3. Contact information**

If you need to contact NHS Pensions with any other enquiries there is a dedicated email address that you can use. [nhsbsa.pensionemployers@nhs.net](mailto:nhsbsa.pensionemployers@nhs.net)

NHS Pensions address is:

NHS Pensions  
PO Box 2269  
Bolton  
BL6 9JS

Telephone numbers:

Employer helpline - general enquiries 0300 3301 353.  
Opening times 8.00am to 6.00pm - Monday to Friday

Member helpline 0300 3301 346 or 0191 279 0571  
Opening times 8.00am to 6.00pm – Monday to Friday

Pensions Online, technical enquiries 0870 011 7108

## 4. Background to the Scheme

The NHS Pension Scheme is administered by NHS Pensions based at Fleetwood, Lancashire.

There are two NHS Pension Schemes; the 1995/2008 Scheme and the 2015 Scheme. The 1995/2008 Scheme closed on 31 March 2015 except for members entitled to continue membership in either the 1995 or 2008 Section through 'Protection' arrangements. The 1995/2008 Scheme provides defined benefit pensions based on final salary. The 2015 Scheme opened on 1 April 2015 for members without 'Protection' and provides defined benefit pensions based on career average pay. Member guides for both schemes are available on our website.

The NHS Pension Scheme is 'contracted out' of the Second State Pension (formally State Earnings Related Pension Scheme) which means that Scheme members pay reduced National Insurance contributions and that benefits meet or exceed those of the 'reference scheme' in the Pensions Act 1995. NHS Pension Scheme benefits are retested against the reference scheme every three years. This is due to change from April 2016 with the introduction of the new state pension. Further information about the new state pension can be found at: [www.gov.uk](http://www.gov.uk)

The NHS Pension Scheme Contracted out number (SCON) is: S2730000B  
The Employers Contracted out Number (ECON) is: E3900000M

The NHS Pension Scheme offers a range of index linked pension benefits at retirement and life assurance cover. Current employer contributions are based on 14.3% of pensionable pay and current employee contributions as at April 2015 range from 5% to 14.5% and attract tax relief.

NHS Pension Scheme benefits are paid for by the contributions made by members and employers and are underwritten and guaranteed by the Government, (i.e. Treasury).

The terms of the Scheme are set out in statutory regulations, which can be viewed on the NHS Pensions website.

The NHS Pension Scheme offers:

- An annual pension and lump sum option at retirement (in the 1995 Section a member will automatically be entitled to receive a retirement lump sum which will normally be three times the amount of the annual pension).

- Life assurance benefits including pensions and allowances for a member's spouse/civil partner (or nominated partner) and dependent children in the event of the member's death.
- Ill health retirement options for eligible Scheme members.

Pension benefits are index linked to protect their value. Pensions awarded from age 50 do not normally attract cost of living increases until age 55 unless the member retires due to ill health.

## 5. NHS Pensions responsibilities

NHS Pensions operational functions are to:

- Maintain records of NHS Pension Scheme members and pensioners
- Award pension benefits
- Ensure that employers make timely and correct payments of employers' and employees' contributions and maintain and implement such information and other systems as may be necessary to fulfill these functions
- Preserve benefits for early leavers
- Provide basic estimates of benefit entitlement upon request
- Pay transfer values where members move out of the NHS Pension Scheme and receive payments for people transferring into the Scheme
- Pay qualifying refunds of contributions
- Process applications to purchase additional benefits under the Scheme
- Publicise the Scheme and encourage awareness among staff about the Scheme and the benefits available
- Comply with all relevant primary and secondary pensions legislation, which includes (but is not limited to) The NHS Pension Scheme Regulations (1995/2008 and 2015), The Pensions Act 2004, the Public Service Pensions Act 2013, The Data Protection Act, and The Occupational Pension Scheme (Disclosure of Information) Regulations.

## 6. Employer responsibilities

All employers that employ staff who have NHS Pension Scheme membership under a NHS Pension Direction / Determination are legally bound to administer the NHS Pension Scheme locally in accordance with statutory pensions legislation. The Employers Charter is for the attention of HR and Finance Directors, Pension Officers and those responsible for administering the NHS Pension Scheme (including outsourced providers) to provide explicit clarification of their role and responsibilities. The Employers Charter is available on our website at: [www.nhsbsa.nhs.uk/Pensions](http://www.nhsbsa.nhs.uk/Pensions)

An employer giving its staff access to the NHS Pension Scheme under an NHS Pension Direction / Determination is legally required to:

- Maintain pension records (by way of Pensions Online (POL) or alternative arrangements).
- Deduct employee tiered contributions and forward these along with employer contributions directly to NHS Pensions by the 19<sup>th</sup> day of the month following their deduction e.g. contributions collected in April should be submitted to NHS Pensions by 19 May.
- Inform NHS Pensions when a pensionable employee joins, leaves or opts out of the Scheme.
- Complete benefit claim forms, such as form AW8 (pension benefits application) when a member wishes to claim their pension benefits.

Report any changes in employees' eligibility to contribute to the NHS Pension Scheme. e.g. if the employee ceases to be wholly or mainly employed in the delivery of the transferred NHS function or other NHS services provided by the employer.

As pension scheme managers, NHS Pensions will be obliged to submit key information to HM Treasury as outlined in their guidance. Schemes will be obliged to report the following:

- The number of staff that are enrolled in a public service pension scheme on the day that their new employment commences;
- The number of employees covered by New Fair Deal on the anniversary of the contract being awarded and at the end of the contract;
- The contributions (employer and employee) paid in respect of these employees; and
- Details of employers that have failed to meet their responsibilities as employers in the scheme.

Subsequently we may need to contact you from time to time to seek clarification e.g. the number of employees covered by New Fair Deal on the anniversary of the contract.

## 7. Eligibility

Employers have an obligation to auto-enrol into the NHS Pension Scheme every eligible employee whose name is listed in a NHS Pension Direction / Determination. For more information about auto enrolment and eligibility, please see our website. Every eligible employee has the right to opt out of the Scheme by completing form SD502 available to download from our [Pension Scheme forms](#) section.

In line with New Fair Deal, staff whose employment is compulsorily transferred from the public sector will be entitled to retain membership of, or eligibility for, the NHS Pension Scheme if they were eligible to join immediately prior to the transfer.

In general terms, the only compulsorily transferring staff that will not be eligible to join the NHS Pension Scheme are those who are covered by one of the following categories:

- Aged over 75
- Have reached 45 years' pensionable membership in the 1995/2008 NHS Pension Scheme
- Are in receipt of pension benefits from the 1995 Section
- Was not the subject of the original compulsory transfer from the NHS (if this is a second or subsequent generation transfer).

Joiner details should be registered using Pensions Online (POL), Electronic Staff Record (ESR) or alternatively the relevant joiner forms can be found in [Employer Non POL/ESR forms](#). It should be noted that completion of form SD65 is not required for staff covered by a NHS Pension Direction / Determination under New Fair Deal.

The Scheme Guides available on our [homepage](#) provide information regarding the rules of the scheme and benefits for the member. In accordance with Disclosure of Information obligations you should ensure that the relevant guide is provided to any new scheme member (in hard copy format). Copies of the guides can be obtained from our [Stationery Store](#). It is also recommended that employers record when such information is supplied to members and also how it is distributed in case of any dispute at a later date.

Please refer to our website for more information about [Joining the Scheme and Eligibility](#).

## 8. Pensions Online (POL)

Pensions Online is an online tool on the internal NHS Network (N3) giving employers the facility to update and amend members' records and make payments. This is the preferred method of supply data. It also provides employers with the functionality to access service history information and obtain estimates of retirement benefits for their Scheme members.

Most NHS Pensions Scheme Employers use POL. The advantages are:

- Overnight updating
- Guidance on how to complete online forms
- Sturdy validation checks that will lead to fewer processing errors
- Reduces the potential loss of forms in transit to NHS Pensions
- The ability to produce estimates of benefits for some employees
- The ability to complete members application forms i.e. for a refund or retirement
- The ability for an Employer to view all current information and update status.
- Error Handling:
  - Option to view and correct employer errors
  - Transparency on data issues
- Notifications of:
  - Non updated records
  - Changes to National Insurance Number or Date of Birth
  - All new joiner forms received

If you require information on how to register for POL you can refer to the [POL Guide](#).

## 9. Deadlines for contributions and information

As a NHS Pensions Direction / Determination employer you have a statutory duty to:

- Send Scheme contributions to us within 19 days of the month following the month in which the earnings were paid to the member. The preferred method of payment is by submission of the form RFT1 each month via Pensions Online ([POL](#)); this then initiates a direct debit set up. The RFT1 are available in the [Pension Scheme forms](#) section of our website.



For employers who don't have access to POL, a manual RFT1 can be sent. Payments will be collected by direct debit in the normal manner. Alternatively payment can be made by bank transfer and remittance advice sent by email.

For more information on the payment of contributions or if you have any queries regarding the setting up of a direct debit to pay over contributions or have any changes to an existing direct debit please contact [nhsbsa.eafinance@nhs.net](mailto:nhsbsa.eafinance@nhs.net).

- Keep records of all contributions deducted from salaries and wages and update individual member records within two calendar months of the end of the financial year (31 March) and upon someone leaving their employment or the Scheme. Please note this is required in addition to the monthly RFT1 forms and can be completed on an SD55 form via [POL](#) or on an Annual Updates and Leavers spreadsheet available in the [Pension Scheme forms](#) section of our website.
- Pension scheme managers are obliged to submit information to HM Treasury on the operation of New Fair Deal. The NHS Pension Direction / Determination employer is therefore required to provide NHS Pensions with relevant information. e.g. the number of employees covered by New Fair Deal on the anniversary of the contract being awarded and at the end of the contract. Furthermore, there is a duty on the NHS Pension Direction / Determination employer to report any changes in employees' eligibility to contribute to the NHS Pension Scheme. e.g. the employee ceases to be wholly or mainly employed in the delivery of NHS services or the function which transferred.

## 10. Contribution rates

From 1 April 2015 the Employer contribution rate is 14.3% of the member's pensionable pay.

Employee contribution rates are determined by tiered rates based on their pensionable pay. The current rates of member contributions start from 5% of pensionable pay for the lowest earners. This increases based on employees' whole time equivalent pensionable pay. The thresholds at which the rates change are linked to nationally agreed pay rates at set levels on salaries equivalent to someone working full time.

Please refer to our website for more information regarding [contributions](#).

## 11. Additional Pension

Members who are contributing to the NHS Pension Scheme can pay increased contributions to buy Additional Pension (AP) that will provide a maximum of (presently) £6,500 extra pension a year when they retire. The minimum amount that can be bought is £250.

Members may choose to pay either in instalments or by lump sum payment. Employers can also buy AP on a member's behalf but can only do so by lump sum payment.

Please refer to our website for more information regarding [Additional Pension](#).

## 12. Added Years

Members of the 1995 Section who elected to take out an Added Year's contract before 1 April 2008 may have been buying additional membership in their previous NHS employment and be entitled to continue those contributions by virtue of a NHS Pension Direction.

Any additional contributions payable should be deducted from their salary each month and paid to NHS Pensions in the same way as the basic pension contributions.

The facility to purchase Added Years was withdrawn from 1 April 2008, however members may still elect to make a half cost added years purchase if they are eligible to do so. Please refer to our website for more information regarding [Added Years](#).

### **13. Money Purchase Additional Voluntary Contributions (MPAVC)**

A member can elect to pay lump sums or regular amounts to one, or more, of the AVC providers selected by the Scheme managers. Contributions are invested in accordance with their wishes in order to build up a separate retirement fund. When the member retires they can use this fund to provide an additional pension for themselves only, or for themselves and their dependants. They may also elect to take some of this fund as a lump sum. Please refer to our website for more information regarding [MPAVCs](#).

### **14. Transferring benefits to the NHS Pension Scheme**

The NHS Pension Scheme allows the member to apply to transfer previous pension rights into the NHS Pension Scheme if the member wishes (subject to HMRC approval). It is important to note that if the employee has been a member of the NHS Pension Scheme elsewhere in the UK (Scotland, Northern Ireland or the Isle of Man) the benefits will not transfer automatically to the Scheme; an application must be made for a transfer.

If a member would like to consider transferring benefits into the Scheme please issue them with a [Transfer in Booklet](#). Please refer to our website for more information regarding [Transferring benefits](#).

### **15. Transferring benefits out of the NHS Pension Scheme**

If a member leaves the Scheme they may be able to transfer their benefits to another registered pension scheme before they reach Normal Pension Age.

Please refer to our website for more information regarding [Transferring benefits out of the Scheme](#).

### **16. Refunds**

Members of the Scheme who leave employment or opt out and have less than two years calendar length membership in total may claim a refund of their employee contributions.

Only employee contributions are refunded. They are, however, subject to deductions for tax (at approximately 20%) and National Insurance (to buy the member back into the Second State Pension).

Please refer to our website for more information regarding [refunds](#).

## 17. Retirement and applying for benefits

When a member is retiring they will need to apply for their benefits using form AW8. The AW8 and guidance for completion are available in the [Pension Scheme forms](#) section. To ensure that the member receives their benefits on time it should be completed at least four months before their intended retirement date.

Should you need to make a change to an employees pensionable pay or membership details after they have retired complete the form [AW171](#). Any changes to the membership record should be made via form SD55E.

If you do not have access to POL please refer to the [Pension Scheme forms](#) section of our website. Any forms not available on our website can be ordered from our stationery store. Contact details can be found on the [Employer Contact Page](#).

## 18. Ill health retirement

If the member has at least two years membership and becomes too ill to work in their present job they may be able to retire early and claim their pension benefits. If a member wishes to pursue a claim you should provide them with form AW33E and the Retirement Booklet both available in the [Pension Scheme forms](#) section of our website.

## 19. Bulk transfers from a broadly comparable pension scheme

In circumstances where the transferring staff have built up rights in a broadly comparable pension scheme (e.g. following a transfer from the NHS under the previous Fair Deal policy (know as 'Old Fair Deal' or OFD)). Following the 'new' Fair Deal (NFD) guidance, all such staff should generally be given the option to bulk transfer their accrued rights into the NHS Pension Scheme in order to obtain day-for-day service credits (or actuarial equivalent reflecting benefit differences between schemes).

As this can be a complex area it is recommended that employers / contracting authorities seek actuarial, employment and procurement legal advice in this regard.

Further related guidance can be viewed at the following links:

<https://www.gov.uk/government/publications/fair-deal-policy-and-nhs-pension-scheme>

<http://www.socialpartnershipforum.org/about-spf/spf-sub-groups/spf-staff-passport-group/>

## 20. Useful links

[Pension Scheme Forms](#)  
[Employer Contact Page](#)  
[Technical Guidance](#)

## Legal Obligations

Failure to remit contributions to the Scheme, complete relevant paperwork, update member pension records, or deny employees access to the Scheme constitutes a breach of the statutory NHS Pension Scheme Regulations and section 49 of the Pensions Act 1995. Section 48 of the Pensions Act 1995 and section 70 of the Pensions Act 2004 state that NHS Pensions has a legal duty to report any 'breaches of law' to the Pensions Regulator. If an individual is found guilty of a 'breach of law' they may be subject to a heavy fine, imprisonment, or both.

## The small print

This guide is intended to provide a general overview. We have taken care to get the details right at the time of publication but it does not give a complete or legally binding statement of the law and regulations which govern the Scheme. Nothing in this guide can override the Regulations and in the event of any conflicting information, the Regulations will prevail.

## 21. Frequently Asked Questions

### 1. What is a NHS Pension Direction?

A NHS Pension Direction is a legal document drafted under powers conferred within Section 7 of the Superannuation (Miscellaneous Provisions) Act 1967 and provides access to the NHS Pension Scheme 1995 / 2008 for those eligible transferring staff who retain 'Protection'

### 2. What is 'Protection'?

Information regarding 'Protection' can be viewed at the following link:

<http://www.nhsbsa.nhs.uk/Pensions/4019.aspx>

### 3. What is a NHS Pension Determination?

A NHS Pension Determination is a legal document drafted under powers conferred within Section 25 of the Public Service Pensions Act 2013 and provides access to the NHS Pension Scheme 2015 for those eligible transferring staff who do not have 'Protection'.

### 4. How does an employer apply for a NHS Pension Direction / Determination under New Fair Deal?

To make an application an employer will need to supply answers to the questions contained in the Application form document (DIR 1), a copy of which can be found at:

<http://www.nhsbsa.nhs.uk/Pensions/4327.aspx> . Employers should then send the forms and supporting documentation by post or by email to the address on the (DIR 1) application form.

### 5. Do applicants need to specify whether they are applying for a NHS Pension Direction or Determination?

No. NHS Pensions will determine which document(s) are applicable to the transfer

## **6. How long does the application process take?**

Straight forward applications can take up to three months from the date the application is received by NHS Pensions.

NHS Pensions are required to refer each application to the Department of Health who act on behalf of the Secretary of State in such matters.

If a direction / determination is granted the employer will receive a copy of the official documentation which should be read carefully in conjunction with the main NHS Pension Scheme Regulations.

## **7. Who can contribute to the NHS Pension Scheme under a NHS Pension Direction / Determination?**

A direction / determination authorised in respect of New Fair Deal will be 'closed'. i.e. it will be restricted to those staff listed in the official documentation, who are the subject of the relevant transfer and who comply with the terms of the Direction / Determination and the main NHS Pension Scheme Regulations.

## **8. Are employers with a NHS Pension Direction / Determination required to offer access to the NHS Pensions Scheme to all eligible members of staff?**

Yes, NHS Pension Direction / Determination employers should enrol all eligible staff into the NHS Pension Scheme with effect from the date of transfer. In addition, HM Treasury guidance requires details of the persons listed in the Direction / Determination and updates and amendments to those details as set out in HMT guidance including:

- the number of transferred staff that are enrolled in a public service pension scheme on the day that their new employment commences;
- the number of employees covered by New Fair Deal / on the anniversary of the contract being awarded and at the end of the contract;
- the contributions (employer and employee) paid in respect of these employees; and
- details of employers that have failed to meet their responsibilities as employers in the schemes.

## **9. From what date are employer and employee contributions payable?**

Contributions are payable with effect from the date of the transfer to the NHS Pension Direction / Determination employer.

## **10. Can an employee who contributes to the NHS Pension Scheme under a direction / determination opt out of the scheme?**

An eligible employee can opt out of the NHS Pension Scheme if they wish. Further guidance regarding opting out is available at:

<http://www.nhsbsa.nhs.uk/Pensions/3395.aspx>

### **11. Can the same employee subsequently opt back into the NHS Pensions Scheme?**

The employee can subsequently opt back into the NHS Pension Scheme (providing they continue to satisfy the criteria detailed above and in the direction / determination document).

### **12. What status do employees attract in the NHS Pension Scheme?**

All eligible employees who contribute to the NHS Pension Scheme by virtue of a NHS Pension Direction / Determination will attract officer status for pension purposes and be subject to the NHS Pension Scheme regulations.

### **13. Does an employer with an NHS Pension Direction / Determination need to notify NHS Pensions of any changes to / within their organisation?**

Yes; e.g. they should immediately notify NHS Pensions if any of the following occur:

- a) The organisation changes structure / ceases to be the same legal entity it was when the direction was originally authorised
- b) The organisation changes name.

### **14. Can a NHS Pension Direction employee retain Special Class (SC) status / Mental Health Officer (MHO) status under the terms of the direction?**

A NHS Pension Direction employee can retain SC / MHO status providing they continue to satisfy the relevant criteria. Further guidance regarding SC / MHO status and the relevant criteria is available on our website at:

<http://www.nhsbsa.nhs.uk/Pensions/2521.aspx>

### **15. Does an employer with a NHS Pension Direction / Determination have to apply for an additional direction / determination each time they are to receive a compulsory transfer of staff from the NHS?**

Yes. As NHS Pension Directions / Determinations under New Fair Deal are 'closed', each time the employer is to receive a compulsory transfer of staff from the NHS they need to apply for an additional direction / determination which will have the named individuals included in the new compulsory transfer.

### **16. If an employee retires and subsequently returns to employment with a NHS Pension Direction / Determination employer will pension benefits be affected e.g. could they be reduced (abated)?**

Pension benefits may be affected. More information and worked examples can be found in the Retirement booklet available on our website:

<http://www.nhsbsa.nhs.uk/Pensions/4094.aspx>

**17. If an employee is seeking specific information about their membership of the NHS Pension Scheme (e.g. an estimate of pension benefits); how can they obtain such information?**

Full employer / employee contact details can be found at the following link:

<http://www.nhsbsa.nhs.uk/Pensions/2735.aspx>

**18. Will a NHS Pension Direction / Determination under New Fair Deal provide access to the NHS Pension Scheme redundancy arrangements?**

Yes, providing the member satisfies the relevant eligibility criteria and the employer certifies that entitlement to NHS redundancy benefits is provided for in the member's terms and conditions of employment