

# NHS Pensions

Continuing access to the NHS Pension Scheme

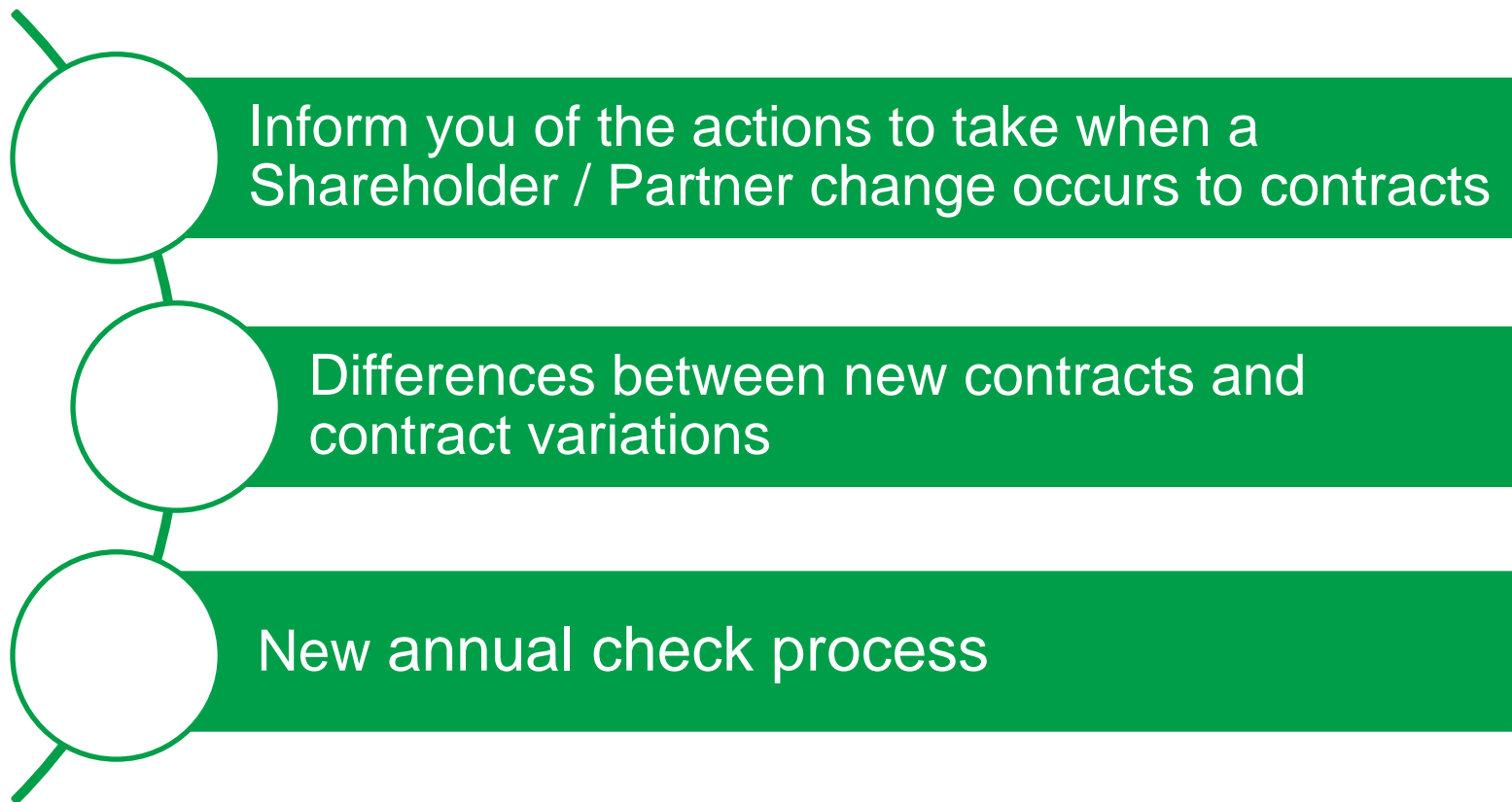
## Recap of Round 1



- A basic overview of the Scheme Access Team
- In last years round of presentations the discussion was around GP Practice Mergers, Caretaker and Additional Contracts

Type of merger	NHS England (NHSE) / Delegated CCG response	NHS Pensions requirements
<b>The two companies have merged but the contracts remain separate</b>	NHS England / Delegated CCG have agreed to the merger, but stated the contracts must remain separate. Both contracts are amended to the same name	For NHS Pensions the EA codes currently held will be retained and the staff will need to be split under both EA codes if working on both contracts. Payments will continue to be paid under the separate EA codes
<b>Different Qualifying Contracts (PMS , GMS, APMS)</b>	(Both contracts remain active)	
<b>Merger of Contracts</b>	NHSE / Delegated CCG have agreed to the merger, the contractors hold the same type of contract. NHSE / Delegated CCG will merge both contracts into one contract under one Contractor name. (One contract will be terminated and the other a variation will occur to include all premises)	NHS Pensions will ask which EA code the contractor wishes to continue using and close down the other EA code. All staff on closing code will need to be terminated and joiner forms set up for the EA code you want to keep. All payments will be made to the chosen EA code

## Overview



## Shareholder / Partner changes to contracts

- The people that are liable for the pension contributions are the people listed on the contract, or who are a shareholder / partner of the organisation that has been awarded the contract.
- If the shareholder / partner structure changes then this can affect the organisation access to the NHS Pension Scheme.
- If any changes occur (removal or addition) then you must notify NHS Pensions Scheme Access Team as soon as possible as we will need to ensure that your access can remain.



## Non Eligible shareholders / partners criteria

- Companies as shareholders / partners will mean that you will lose access as a Classic APMS Contractor / PMS or GMS Provider
- If the shares / partner are listed as the practice / surgery then this can also affect access as it must be a named individual
- All shareholders / partners must be individuals.
- When looking into new shareholders / partners you must ensure that they are eligible under the NHS Family Criteria



## NHS Family Criteria

Eligible GP Partner you must be

- A healthcare professional that is a member of the General Medical Council

Eligible as a Non GP Partner you must be

- A healthcare professional that is a member of a regulated governing body (e.g. General Dental Council)
- A person providing services under the English or Welsh GMS Contract or PMS Agreement.
- A person that is an NHS employee and is employed by an NHS Trust, NHS Foundation Trust.
- If a partner or shareholder does not meet this criteria then it will affect the access the organisation has in the NHS Pension Scheme.



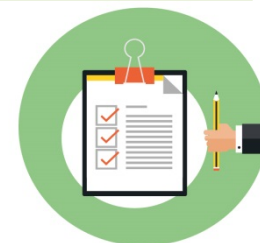
## New contract vs contract variation

- NHS Commissioners (NHS England or Delegated CCG) can issue either a brand new contract or a contract variation
- Depending on what has been issued affects the Employing Authority Code that is awarded to you for the contract
- The contract variation is not linked to the national variation that all organisations receive each year, but is the individual changes that occur with partners or premises.



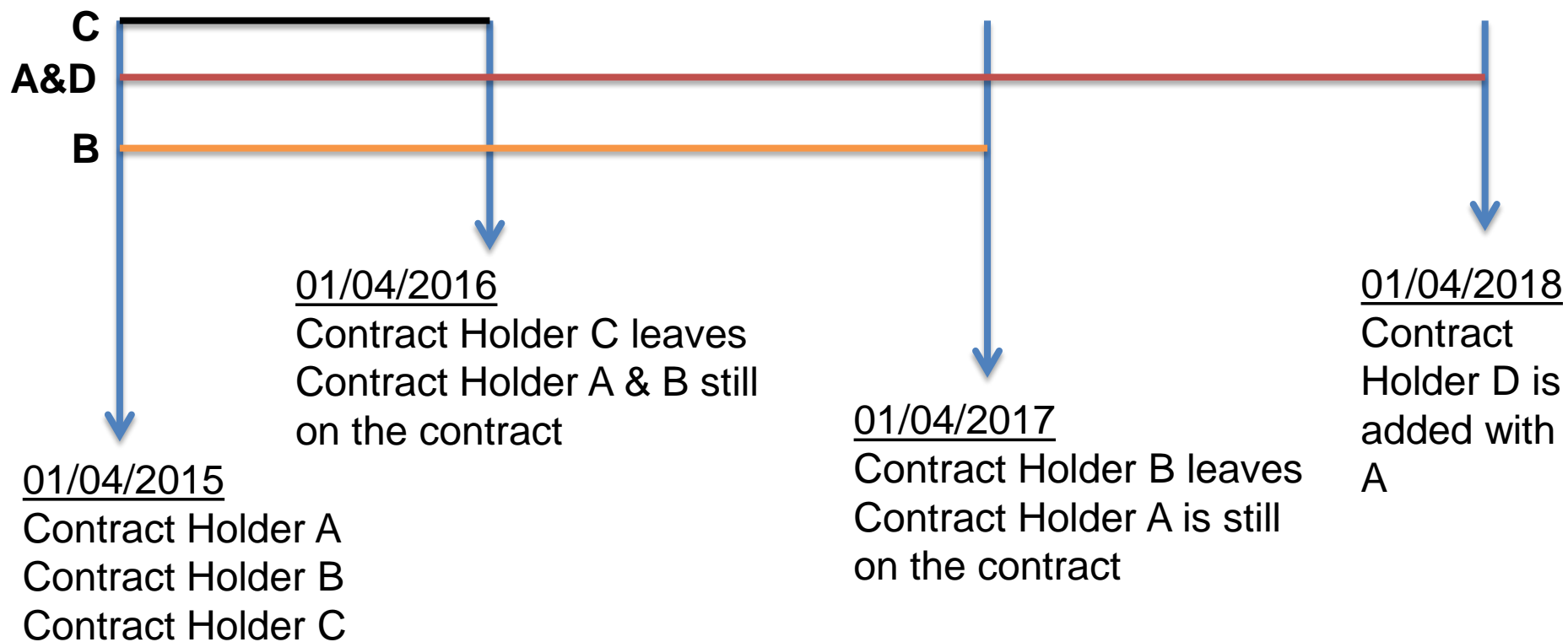
## New Contract vs Contract Variation

Commissioner issued a new contract	Commissioner issued a contract variation
A new application will need to be completed and submitted to NHS Pensions	The Variation application will need to be completed and submitted to NHS Pensions
If approved a new Employing Authority Code will need to be issued	If approved, the new provider will be able to retain the previous Employing Authority Code
The new provider is not liable for any previous pensions debt that the previous provider had with NHS Pensions	The new provider will be liable for any previous pensions debt that the previous provider had with NHS Pensions





## Contract Variation Timeline



This is in line with NHS Pensions 1995 Regulation D2 paragraph 10 (b) which is repeated in the 2008 and 2015 regulations

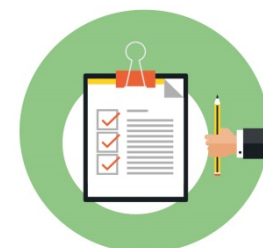
## Additional contracts

- If you are awarded any additional contracts then you must contact NHS Pensions Scheme Access Team as soon as you are aware
- Additional GMS / PMS or APMS contracts must be issued with their own Employing Authority code.
- This is whether the contract is a new one or a contract variation
- If a trust takes over the APMS / GMS / PMS contract then all staff are then employed by the trust and pensioned under the trust employing authority code.



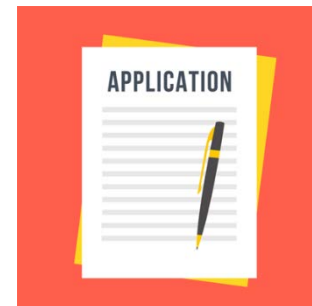
## New employer compliance annual check

- Over the last year we have been working closely with organisations that have realised that they are no longer eligible for access under Classic APMS Contractor, PMS Provider, GMS Provider.
- To ensure that if any changes have occurred throughout a 12 month period we will now be conducting an annual check on all employers.
- The main pensions EA contact listed on our records will be emailed with a letter to confirm the information that we hold of the employer, and if any changes have occurred.
- We will require a response as soon as possible so that we can ensure that we hold the correct information and that your organisation is under the correct access in the NHS Pension Scheme.



## Actions to take

- For any shareholder / partner or contract changes you must contact the scheme access team by email at [nhsbsa.schemeaccess@nhs.net](mailto:nhsbsa.schemeaccess@nhs.net) or by telephone on 01253 774953 / 774771.
- Depending on the circumstances you may be asked to complete the shareholder / partnership change form or complete a new application form.
- You will need to also include a full signed copy of the variation / new contract that the commissioner has issued with regards to the shareholder / partner change.



**Any Questions**



Thank you



**Bernie Portasman**  
**Senior Scheme Access Team Administrator**

## Final Pay Controls

- Where a member of staff is in the 1995 section and if not had a break of 5 years or more and transitioned to the 2015 section of the NHS Pension Scheme they may be subject to final pay controls
- Final Pay Controls are where a member of staff has in the last three years of employment had a significant pay rise and the employer may be subject to a charge.
- The “allowable amount” is the amount pensionable pay can increase by before the employer becomes liable for the final pay control charge. This is worked out by taking the each of the last three years of pensionable pay and calculating if the increase is higher than CPI plus 4.5% for each year.

## Final Pay Controls continued

- Each member will have a different costing as this is worked out on a case by case basis.
- The members award is issued, then the case is transferred internally to the Final Pay Controls team to confirm if a charge is required
- NHS Pensions will complete the calculation and inform you as the employer of the amount required
- If the payment is not received then it will follow the internal financial escalation process with NHS Pensions.
- If a member of staff has joined your organisation during their final three years and no increase of pensionable pay has occurred you will not be subject to Final Pay Control.