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# NHS Pensions

# Out of Hours providers

## A guide to administering the NHS Pension Scheme

# Disclaimer

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It represents the relevant National Health Service Pension Scheme regulations and should not be treated as a complete and authoritative statement of law.

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Whilst every attempt is made to ensure the accuracy of this guide, it would be helpful if employers could bring to our attention any perceived errors or omissions using the Stakeholder Engagement email address at [stakeholderengagement@nhsbsa.nhs.uk](mailto:stakeholderengagement@nhsbsa.nhs.uk).

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All [contact information](https://www.nhsbsa.nhs.uk/employer-hub/contact-nhs-pensions-employers) can also be located on our website.

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# The NHS Pension Scheme and Out of Hours providers

This guide provides guidance for Out of Hours providers (OOH) that are NHS Pension Scheme employing authorities. This includes a hospital Trust that is the local OOHs provider. This guide is divided into several chapters covering different aspects of NHS Pension Scheme administration.

The NHS Pension Scheme for England & Wales is jointly administered by the NHS Business Services Authority/NHS Pensions (‘NHS Pensions’) and employing authorities.

The employing authority in respect of OOHs non-GP employed staff is the relevant OOHs provider. The employing authority in respect of OOHs GPs (employed or self-employed) is NHS England or the Local Health Board in Wales, not the OOHs provider. Where a GP is employed by a Trust to perform OOHs work, the Trust is the employing authority.

### How to become an NHS Pension Scheme employing authority

An OOHs provider may elect to become an NHS Pension Scheme employing authority on a voluntary basis subject to meeting the relevant criteria of being a company limited by guarantee (where all the members are GPs) or a ‘not for profit’ body corporate. To facilitate this, it must contact the Scheme Access Team at NHS Pensions. Further information is available on our website at   
[www.nhsbsa.nhs.uk/employer-hub/access-nhs-pension-scheme](http://www.nhsbsa.nhs.uk/employer-hub/access-nhs-pension-scheme).

If an OOHs provider elects to terminate its NHS Pension Scheme employing authority status it must give at least three months’ notice to its employees and to NHS Pensions. Where an NHS Trust provides local OOHs services it must offer access to the NHS Pension Scheme to the OOHs employees.

### 

### OOHs providers responsibilities

OOHs providers are legally bound to administer the NHS Pension Scheme in accordance with the NHS Pension Scheme Regulations, the Pensions Act and other overarching pension legislation.

A non-GP employee is a Practice Staff NHS Pension Scheme member. A non-GP employee of a Trust that provides OOHs is an Officer member.

Where a GP performs OOHs for an OOHs provider on a self-employed or employed basis, they are a Practitioner in NHS Pension Scheme terms. If they perform OOHs for a Trust on a self-employed basis, they are also a Practitioner. A GP performing OOHs for a Trust on an employed, salaried basis, is an Officer in NHS Pension Scheme terms.

Table 1: Membership status rules

|  |  |  |  |
| --- | --- | --- | --- |
| **Employer** | **Type of OOHs worker** | **NHS Pension Scheme status** | **Notes** |
| OOHs  provider | Salaried non-GP employee | Practice Staff | Contributions and annual pension record sent directly to NHS Pensions |
| Trust (OOHs) | Salaried non-GP employee | Officer | Contributions and annual pension record sent directly to NHS Pensions |
| OOHs  provider | Self-employed GP | Practitioner | England – contributions sent to commissioning ICB. Solo form sent to NHSE/PCSE  Wales – contributions and Solo form sent to LHB |
| OOHs  provider | Employed GP | Practitioner | England – contributions sent to commissioning ICB. Solo form sent to NHSE/PCSE  Wales – contributions and Solo form sent to LHB |
| Trust (OOHs) | Self-employed GP | Practitioner | England – contributions sent to commissioning ICB. Solo form sent to NHSE/PCSE  Wales – contributions and Solo form sent to LHB |
| Trust (OOHs) | Employed GP | Officer | Contributions and annual pension record sent directly to NHS Pensions |

An OOHs provider’s main responsibilities are summarised as follows:

* it must offer access to the NHS Pension Scheme for eligible employees
* it must provide new employees with guidance about the NHS Pension Scheme within one month of joining, such as referring them to our website
* it must maintain local and accurate pension records
* it must deduct non-GP Practice Staff member contributions at the correct tiered rate and send them, along with employer contributions, directly to us, NHS Pensions, by the 19th day of the month following payment of salary. This also applies to a Trust that employs an OOHs GP
* it must collect GP member contributions (at a tiered rate based on the GP’s   
  aggregate/annualised GP pensionable income) and send them to the commissioning Integrated Care Board (ICB) for work in England or the Local Health Board (LHB) for work in Wales. For work in England, a monthly spreadsheet detailing the contributions paid to the ICB should also be submitted to NHS England (NHSE)/Primary Care Support England (PCSE) as confirmed in the guidance on the Solo form
* in England, the OOH provider must complete a csv. file summarising all GP contributions for the month, and send it, along with the contributions to the responsible ICB. In Wales, the OOH provider must submit the Solo form to the LHB by the 7th day of the month following payment
* it must assist members with the completion of NHS Pension Scheme forms

**OOHs Practice Staff**

### 

### Overview

The guidance in this chapter applies to non-GP employees, such as Practice Staff, employed (for example, via a contract of service) by an OOHs provider. It also applies to employees, including GPs, employed under a contract of service by a Trust to perform OOHs services.

### Record keeping and contributions

A new Practice Staff pensionable post is created by submitting joiner form SS10 via Pensions Online (POL). The form must include the member’s full name, permanent address, National Insurance number, and date of birth. The form must not be used for GPs.

An employee must be enrolled into the NHS Pension Scheme on day one of their employment, unless they elect to opt out by competing form SD502, or if they are ineligible to join the NHS Pension Scheme. You do not need to submit an SS10 joiner form if an employee chooses to opt out of the Scheme from their first day of employment.

An employee would be ineligible to join the NHS Pension Scheme if:

* they are in whole time pensionable service elsewhere
* they are over the age of 75.

In such cases, the OOHs provider must consider its liabilities to offer alternative pension arrangements under Department of Work and Pensions (DWP) auto enrolment legislation. Where the employee is in part time pensionable employment elsewhere there is scope to join the NHS Pension Scheme, however aggregated hours must not exceed whole time (that is, 37.5 hours).

OOHs providers must provide us with an up-to-date annual pension record for every Practice Staff member. The deadline is 2 months after each NHS Pension Scheme year end.

The pension record must include the following information:

* employee and employer contributions
* employee contribution tiered rate
* employee pensionable pay and gross rate of pay
* Additional Pension, Added Years and Additional Voluntary Contributions (AVC) if applicable
* non-pensionable days (number of and dates)
* actual part time hours/session worked and whole time equivalent (WTE) hours
* number of part time deemed hours/sessions
* date of commencement if mid-year  
  National Insurance number
* employment type

Where there is a change to any information already provided, such as a change of name or address, an OOHs provider must disclose the revised data to us, NHS Pensions, within one calendar month.

OOHs providers can use Pensions Online (POL) when updating Practice Staff pension records. The advantages of this are:

* updating of records within 24 hours
* guidance on how to complete online forms
* validation checks that will lead to fewer processing errors
* the ability to produce estimates of benefits for members

Table 2: Basic pension benefit and contribution rules for OOHs Practice Staff and Officers

|  |  |  |  |
| --- | --- | --- | --- |
| **Feature or benefit** | **1995 Section** | **2008 Section** | **2015 Scheme** |
| Pay used to calculate pension benefits | Best of last 3 years | Average of best consecutive 3 years in last 10 | Every year’s pay counts |
| Accrual rate | 1/80th | 1/60th | 1/54th |
| Lump sum at retirement | Normally 3 times the annual pension, and can also commute pension for a bigger lump sum | No automatic lump sum (unless an optant) but can commute | No automatic lump sum but can commute |
| Normal pension age | 60 (55 for Special Class members) | 65 | State Pension Age (minimum age 65) |
| Maximum membership | 45 years | 45 years | No limit |
| Employee tiered contribution rate | Based on WTE (annualised) pensionable pay in that post | Based on WTE (annualised) pensionable pay in that post | Based on actual pensionable pay in that post |

More information about contributions can be found on our website at [www.nhsbsa.nhs.uk/employer-hub/technical-guidance/pay-and-contributions](http://www.nhsbsa.nhs.uk/employer-hub/technical-guidance/pay-and-contributions).

Following a request from us, NHS Pensions, an OOHs provider must:

* prior to the start of an NHS Pension Scheme year, declare the estimated total employee, employer, Added Years, Additional Pension and Early Retirement Reduction Buy Out (ERRBO) contributions
* within 2 months of year end, declare the total amount of all contributions paid over during the year. Where the total contributions paid over are revised, the OOHs providers must disclose the revised figure within one month

**OOHs GPs**

### Overview

This chapter applies to self-employed and employed OOHs GPs working for an OOHs provider/employing authority and to self-employed OOHs GPs working for a Trust. An OOHs GP employed (for example, via a contract of service) by a Trust is an Officer. The Trust, as the employing authority, must therefore send contributions and annual updates directly to us, NHS Pensions. Refer to Chapter 2.

NHS Pension Scheme contributions must be sent by the OOHs provider to the GP’s NHS Pension Scheme employing authority (the ICB who has commissioned their service or the Local Health Board in Wales) within seven days of month end. As an OOHs provider is not aware of a GP’s other NHS income, the GP is responsible for advising on the correct tiered member contribution rate.

Table 3: Different types of GPs who perform OOHs

|  |  |
| --- | --- |
| **GP type** | **NHS Pension Scheme rules** |
| Practice based GP provider or salaried GP | They must pension OOHs income via Solo form in  addition to their practice income |
| GP who only performs OOHs or OOHs/111 | They must pension their OOHs and 111 income as a type 2 Practitioner unless they elect to opt out of the NHS Pension Scheme |
| Freelance GP Locum performing OOHs or a combination of OOHs/111 | They must pension their OOHs and 111 income as a type 2 Practitioner unless they opt out of the NHS Pension Scheme – they may pension Practice based freelance GP Locum work on forms A and B |
| Freelance GP Locum performing 111 only for an OOHs provider | They may pension their 111 income as a freelance GP Locum work on forms A and B |

Table 4: NHS Pension Scheme membership and pension benefit rules for GPs who perform OOHs

|  |  |  |  |
| --- | --- | --- | --- |
| **Feature or benefit** | **1995 section** | **2008 section** | **2015 scheme** |
| Pay used to calculate pension benefits | Career GP pay | Career GP pay | Every year’s pay  counts |
| Accrual rate | 1.4% of total dynamised GP pay | 1.87% of total dynamised GP pay | 1/54th of pay |
| Lump sum at retirement | Normally 3 times the annual pension, and can also commute pension for a bigger lump sum | No automatic lump sum (unless an optant) but can commute | No automatic lump sum but can commute |
| Normal pension age | 60 | 65 | State Pension Age  (minimum age 65) |
| Minimum pension age for voluntary early retirement | 50 or 55 | 55 | 55 |
| Maximum membership | 45 years | 45 years | No limit |

### Practice based GP providers or salaried GPs working for an OOHs provider

This section also applies to a GP provider or salaried GP performing OOHs on a self-employed basis for a Trust.

A surgery based GP provider, such as a partner or salaried GP NHS Pension Scheme member, working for an OOHs provider that is an NHS Pension Scheme employing authority, under a self-employed or employed arrangement, must pension their OOHs income – unless they are trading as a limited company in that role.

The OOHs provider must not create a unique pension record and must not send in pension forms or contributions directly to us, NHS Pensions.

For OOH work In England, an annual Solo form should be sent to the GP for upload to PCSE Online. The OOHs provider must pay the contributions to the ICB who commissioned the service. They must also submit a monthly Solo spreadsheet to PCSE. Further guidance can be found on the Solo forms, located on our website at [www.nhsbsa.nhs.uk/member-hub/information-practitioners-and-non-gp-providers](http://www.nhsbsa.nhs.uk/member-hub/information-practitioners-and-non-gp-providers).

The tiered member contribution rate is based on the GP’s aggregated/annualised in year pensionable income, not just their OOHs income. If the GP is buying NHS Pension Scheme Added Years, those contributions must also be collected and forwarded.

Table 5: NHS Pension Scheme tiered member contribution rules for GP providers and salaried GPs who perform OOHs

|  |  |
| --- | --- |
| **Type of OOHs GP** | **Rules** |
| GP provider – 1995 or 2008 Section member | Tiered rate based on aggregate ‘in year’ GP  pensionable income from all sources |
| GP provider – 2015 Scheme member | Tiered rate based on annualised aggregate ‘in year’ GP pensionable income from all  sources |
| GP provider – 1995/2015 or 2008/2015 transition member | Tiered rate based on annualised aggregate  ‘in year’ GP pensionable income from all sources |
| Surgery based salaried GP – 1995 or 2008  Section member | Tiered rate based on aggregate ‘in year’ GP  pensionable income from all sources |
| Surgery based salaried GP – 2015 Scheme member | Tiered rate based on annualised aggregate  ‘in year’ GP pensionable income from all sources |
| Surgery based GP – 1995/2015 or 2008/2015 transition member | Tiered rate based on annualised aggregate ‘in year’ GP pensionable income from all sources |

### GPs who are solely OOHs GPs

A self-employed or employed OOHs GP who solely performs OOHs work, or a mixture of OOHs and 111 for an OOHs provider, is a type 2 medical practitioner, as is an OOHs GP who solely performs OOHs work for a Trust on a self-employed basis.

Their NHS Pension Scheme employing authority is NHS England or the Local Health Board (Wales). The OOHs provider must inform the employing authority of any new joiners and liaise on a regular basis, this is so that the pension record remains up to date. The OOHs provider may use the Solo form or any other method to keep NHS England/PCSE/ICB or the LHB updated.

Table 6: Member contribution rate rules for solely OOHs GPs

|  |  |
| --- | --- |
| **Type of solely OOHs GP** | **Rules** |
| 1995 or 2008 Section member | Tiered rate based on aggregate ‘in year’ OOHs pensionable income |
| 2015 Scheme member | Tiered rate based on annualised aggregate ‘in  year’ OOHs pensionable income |
| 1995/2015 or 2008/2015 transition member | Tiered rate based on annualised aggregate ‘in  year’ OOHs pensionable income |

### Freelance GP Locums working for an OOHs provider

GPs who have chosen to be a freelance GP Locum and who are engaged by an OOHs provider to perform OOHs work, or a mixture of OOHs and 111, are type 2 medical practitioners in NHS Pension Scheme terms. They must notcomplete freelance GP Locum forms A and B.

In this scenario, the GP will have two concurrent pensionable posts, a type 2 medical practitioner post (OOHs/111) and a freelance GP Locum post in respect of their core surgery Locum work. The OOHs provider may use the GP Solo form or any other method to update the GP’s employing authority. The tiered member contribution rate must take account of the GP’s aggregate/annualised pensionable income.

Where a freelance GP Locum only performs 111 work for an OOHs provider, they are regarded as a freelance GP Locum in NHS Pension Scheme terms and they must complete Locum forms A and B if they wish to pension their 111 income. If a GP trades as a limited company, and not as an individual, they cannot pension their NHS income.

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# OOH GPs working for ICBs

### Self-employed GP board members and clinical leads

If a surgery-based GP provider, surgery based salaried GP, or a GP who solely performs Out of Hours services, is working for a ICB as a board member, clinical lead, or other role, under a contract for services (self-employed) arrangement their ICB income is pensionable.

### Freelance GP Locums

GPs who are solely freelance GP Locums can now pension board and advisory work only for an ICB, via the Solo form route. ICBs how have GPs working under a contract for services need to upload a month Solo spreadsheet to PCSE Online. Guidance for ICBs can be found at Primary Care Support England’s website. ICBs must make payments direct to NHS Pensions using the RFT1 process. This can be one or multiple RFTs, as long as they are updated on ESR.

# Additional information

### Death in Service

If a member or GP dies in pensionable service, the bereavement team at NHS Pensions must be contacted immediately. If the GP is also a practice based GP provider or salaried GP, NHS Pensions may already be aware.

A sole freelance GP Locum is regarded as being in pensionable service if they are at work and paying into the scheme. For example, if they are contracted to work 9am–5pm Monday to Wednesday, they would be eligible for Death in Service benefits from 9am Monday until 5pm Wednesday.  
  
If the member passes away on the Thursday, regardless of whether they were due to return to work the following Monday, they would not be regarded as being in pensionable service and would not be eligible for Death in Service benefits.

### Tax related information

Although OOHs providers must provide NHS Pensions with all the necessary information to enable annual allowance statements to be issued, it is likely that this will have already been provided if the person is a GP.

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### Opting out of the NHS Pension Scheme

If a non-GP Practice Staff or Officer member chooses to opt out of the NHS Pension Scheme, they must formally complete form SD502. If they have other NHS pensionable posts they wish to opt out of, they must complete separate opt out forms.

Where a GP provider or salaried GP elects to opt out of the NHS Pension Scheme, they opt out of all their GP work, including OOHs. However, if they are also a freelance GP Locum they may continue to pension their Locum income.

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### Locum A and B forms

Locum forms A and B, along with the relevant pension contributions, must be submitted to PCSE within 10 weeks of any work being completed. You cannot pension any work performed longer than 10 weeks ago, regardless of when the fee for the work is paid.

### 

### Added Years

Although the option to take out a new Added Years contract no longer exists, OOHs providers must ensure that existing contracts are honoured. OOHs providers must ask staff, including GPs, if they have an existing Added Years contract.

Where an OOHs GP has an Added Years contract their additional contributions must also be collected from their OOHs income, declared on the GP Solo form, and sent to NHS England/PCSE or the Local Health Board.

### **Additional Pension**

The Additional Pension was introduced in April 2008 and replaced Added Years.

OOHs providers must ask new employees if they have an Additional Pension contract. However, if they are a GP provider or salaried GP, they will be paying additional contributions via their practice.

### 

### **Maternity, paternity, shared parental and adoption leave**

When a non-GP Practice Staff or Officer member or an employed GP goes on maternity, paternity, shared parental, or adoption leave and intends to return to work, they can pension the whole period of leave. Although the tiered rate remains the same, member contributions are based on their actual (reduced) pensionable pay. If their NHS pay stops, the member contributions are based on their pay immediately before pay was suspended. The contributions should still be collected during the absence or immediately upon a return to work.

If they choose not to pay pension contributions during unpaid maternity, paternity, shared parental, or adoption leave, NHS Pension Scheme membership ceases on the day they last paid contributions. If they change their mind and decide to not return to work or opt out of the NHS Pension Scheme, the last date of pensionable membership will be the date contributions were last paid.

In all cases employer contributions are based on the person’s actual pay before any reduction in pensionable pay for the time the person is on reduced pay.

Self-employed OOHs GPs and freelance GP Locums are not afforded pensionable maternity, paternity, shared parental and adoption leave.

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### **Refunds of employee contributions**

NHS Pension Scheme members who have less than 2 years total NHS Pension Scheme membership when they leave NHS employment, or who opt out of the NHS Pension Scheme, may claim a refund of member contributions.

### **Sick leave**

When a non-GP Practice Staff or Officer member is on full paid sick leave, NHS Pension Scheme contributions are payable throughout this period. If they go onto reduced or half pay sick leave, their member contributions are payable on the reduced amount however, there is no change to the rate. Any contributions deducted for an Added Years or Additional Pension contract should be deducted from the full unreduced pay.

The employer contributions are based on the member’s normal unreduced pay.

If a member goes on to no pay, no contributions are payable by either the member or the OOHs provider.

Self-employed OOHs GPs are not normally entitled to sick pay unless their contract for services states otherwise.

Freelance GP Locums are not afforded sick leave.

### **Transfers in or out of the NHS Pension Scheme**

The NHS Pension Scheme can accept transfers in from some pension schemes. If accepted, a transfer into the NHS Pensions Scheme is converted into either a service or pensionable pay credit.

A member has 12 months from first becoming eligible to join the NHS Pension Scheme to request a transfer in from another scheme.

A person may transfer out their NHS Pension Scheme benefits to another HMRC approved pension scheme – however, there are strict rules to safeguard the member.

In all circumstances a person must seek expert independent advice. More information on transferring into and out of the Scheme can be found on our website at [www.nhsbsa.nhs.uk/member-hub](http://www.nhsbsa.nhs.uk/member-hub).