

NHS Pensions - Scheme Protection arrangements for Special Class and Mental Health Officers

Q1. How does Scheme Protection apply to Special Class and Mental Health Officers?

A. Special Class and Mental Health Officer members of the 1995 Section will have a Normal Pension Age of earlier than age 60 if they meet certain qualifying conditions (see Q2). One of these conditions is that the member is in Special Class or Mental Health Officer employment on their last day of employment before retirement. Therefore, a member will not be able to confirm until retirement that they meet this condition, even if they currently meet all the other conditions for an Normal Pension Age earlier than age 60.

It has therefore been decided that if a member is 'on track' to qualify for a Normal Pension Age of earlier than age 60 they will be assessed for **Protection purposes only** against an Normal Pension Age of age 55, irrespective of their actual age at which they would qualify for an Normal Pension Age of lower than age 60.

Q2. What conditions do I have to satisfy to be considered 'on track' for a normal pension age of lower than age 60?

A. You will be considered on track for a lower Normal Pension Age if, as at 1 April 2012, you meet **all** of the following conditions:

- you have been in Special Class or Mental Health Officer pensionable employment since before 6 March 1995
- you have not had a break in pensionable employment for any one period of five years or more ending on or after 6 March 1995
- you were in a Special Class or Mental Health Officer post on 1 April 2012 (see Q3 below if you were not in such a post on 1 April 2012) and
- either:
 - if you are a Special Class member, you have the potential to have been in a Special Class post for five years before reaching age 60 **or**
 - if you are a Mental Health Officer member, you have the potential to achieve 20 years membership in Mental Health Officer posts before reaching age 60.

Note: A person who is both a Special Class and Mental Health Officer only needs to satisfy one of these alternative conditions.

Q3. What is the position if I have previously been a Special Class or Mental Health Officer but I wasn't in one of those posts on 1 April 2012?

A. If you were not in Special Class or Mental Health Officer pensionable employment on 1 April 2012 but you are in such employment either:

- on 31 March 2015 or
- on your last day of active membership (because you left such employment before 31 March 2015 and return after 1 April 2015) or
- on the last day of Tapered Protection before being due to move to the 2015 Scheme (because you have been assessed for Protection against an Normal Pension Age of 60)
- **and** you meet the other conditions listed at Q2.

You will also be treated as on track for an Normal Pension Age of earlier than age 60 and assessed for Protection purposes against an normal pension age of age 55.

This additional opportunity to be assessed for Protection against an Normal Pension Age of age 55 is to ensure that any member who has taken a short career break or was temporarily occupying a non Special Class or non Mental Health Officer post on 1 April 2012, but subsequently returns by to a Special Class or Mental Health Officer post before they would otherwise be due to move to the 2015 Scheme, is not disadvantaged.

The following examples illustrate how this arrangement will work.

Example 1: Jenny had been a nurse member since 1994 and started a career break on 1 January 2012. She was aged 46 as at 1 April 2012. Jenny returns to Special Class membership on 1 January 2015 (ie after a break of less than five years) and is still in the Special Class post on 31 March 2015. She is therefore assessed for Protection purposes against an Normal Pension Age of age 55. As Jenny was less than 10 years away from age 55 as at 1 April 2012 she qualifies for full Protection and remains a member of the 1995 Section and does not move to the 2015 Scheme.

Example 2: Karen had been a nurse member since 1994. She wasn't in a Special Class post on 1 April 2012 (but would have qualified for Special Class status if she had been – see Q2). Karen was aged 46 on 1 April 2012 and therefore does not qualify for any Protection against an Normal Pension Age of 60. Karen subsequently returns to a Special Class post but leaves the Scheme on 30 June 2014. If Karen then rejoined the Scheme again on or before 29 June 2019 (ie after a break of less than five years) she would be assessed for Protection purposes against an Normal Pension Age of age 55. As Karen was less than 10 years away from age 55 on 1 April 2012 she qualifies for full Protection, rejoins the 1995 Section and does not move to the 2015 Scheme.

Example 3: Mike has been a Mental Health Officer since 1994 and moved to a non Mental Health Officer post on 1 March 2012. He was aged 48 years and six months as at 1 April 2012. As Mike is not in a Mental Health Officer post on 1 April 2012 or 31 March 2015, he is assessed for Protection against a Normal Pension Age of 60. Mike is more than 10 years but less than 13 years and five months away from age 60 and is entitled to Tapered Protection and due to move to the 2015 Scheme on 1 April 2017.

Mike returned to a Mental Health Officer post on 1 March 2016 (ie after a break of less than five years, before the end of his Tapered Protection period and with the potential to achieve 20 years Mental Health Officer membership before age 60). Mike is therefore reassessed for Protection purposes against a Normal Pension Age of 55. As Mike was less than 10 years away from age 55 as at 1 April 2012, he now qualifies for full Protection and remains a member of the 1995 Section and does not move to the 2015 Scheme.

Q4. What happens if after I have been assessed for Protection against a lower normal pension age and I subsequently cease to qualify as a Special Class or Mental Health Officer member?

A. You will remain a member of the 1995 Section and not move to the 2015 Scheme. You will, however, lose the right to retire early and your Normal Pension Age will revert to the standard Normal Pension Age of 60 within the 1995 Section.