

## **NHS Pensions – Part Time Access membership enquiry factsheet**

### **Important note:**

You should first read the 'Membership record factsheet' as this covers the bulk of the membership related enquiries that we receive and includes a list of commonly queried reasons why employment might not be included in your pension record.

### **What is Part Time Access?**

NHS Pension Scheme membership has always been available to NHS employees who work full time but this was not always the case for part time workers (refer to the 'membership record factsheet for a full breakdown of all the key dates of change). Part time workers access was progressively introduced over time with most of the changes relating to the part time non-medical grades.

Part Time Access (PTA) refers to the House of Lords ruling regarding access to occupational pension schemes for part-time employees. On 8 February 2001, the House of Lords confirmed that access to membership of occupational pension schemes for part time employees could be backdated to 8 April 1976, providing the relevant normal conditions for membership were satisfied and the appropriate scheme contributions are paid.

The House of Lords ruling is concerned primarily with those NHS employees who were unable to join their occupational pension scheme because the Scheme's regulations or rules prevented them. In respect of NHS employees, the ruling may affect those non-medical grades who worked less than half the standard full-time hours for the grade during the period from 8 April 1976 to 1 April 1991.

### **What do I need to do if a PTA membership claim needs investigating?**

Most eligible claims have been resolved through employment tribunals and newly identified cases would now be very rare. Enquiries can be made direct with us but we ask you to first check that your request will be valid, by considering the following criteria:

- As well as this factsheet you have also fully read the 'Membership record' factsheet.
- The period of employment in question is between 8 April 1976 and 1 April 1991.
- During the period in question you had worked less than half the standard full time hours.

- You are applying for a relevant part time period within an employment to which is either still ongoing or you have since left that employment within the last 6-months.
- You will be able to provide some documentary evidence to support your claim, such as for example; contract of employment, appointment letters, payslips or end of tax year P60 forms. These documents can help us identify the dates of employment and hours that you had worked in the NHS.

If a PTA enquiry is not relevant you may also wish to read the Standard membership enquiry and Retrospective membership enquiry factsheets.

If you do still feel that a PTA membership claim is relevant, all enquiries with us must be made using the following application form:

### **SM PTA1 – Part time access membership application**

The supportive documentary evidence you provide will be very valuable in helping us process your enquiry because your employer is not likely to have retained historic payroll information and we would only normally hold records of employment where contributions have already been paid.

Enquiries received in any other format or where the application form is incomplete, will not be accepted and will be returned to you.

### **What happens after I submit an application?**

Once we receive your completed application form and supportive documentary evidence, we will verify the information with the records we currently hold and any details we may receive from your employer at that time. We will write to you as soon as possible but please be aware that this can sometimes take several weeks if we need to gather additional information from an employer. Our reply will explain if the claim has been successful in full, in part or if it has been rejected.

### **What will be the offer if my claim is successful?**

If successful we will confirm the period of membership to be offered and what the cost of the employee pension contributions payable by you is likely to be. To help you decide whether or not to proceed with the offer, we will provide you with an estimate to show how the period of membership will affect your pension benefits. Payment options for the collection of employee pension contributions are explained and an election form is provided for you to confirm your intentions.

After receiving the offer details from us, it is your choice whether you decide to proceed or not and you can let us know your decision using the election form. If you do wish to proceed, you must agree to make payment of the contributions for the full period of membership detailed in the offer. It is not possible to pay for only part of the membership being offered. You may wish to seek independent financial advice before making your decision.

## How will contributions be collected if I decide to proceed with a successful claim?

This will depend on whether you are a pensioner, an active member or a deferred member.

**Pensioner member** - (someone who is in receipt of a NHS Pension)

- Payment in full, to be received within six months of receiving our settlement letter.
- We can offset the cost of the contributions from any additional lump sum and the pension arrears that will become payable to you from the PTA membership. If the arrears do not cover the full payment of contributions, we will arrange to deduct any remaining amount from your revised pension.

**Active member** - (someone who is still contributing to the NHS Pension Scheme)

- Payment in full, to be received within six months of receiving our settlement letter.
- Monthly instalments deducted from your pay by your current employer.  
The collection of the contributions must be completed before you retire and the payment period cannot exceed 24-months. You can however arrange to shorten the payment period if preferred. If you change NHS jobs, the outstanding balance can be transferred to the new employer but if you leave the NHS before you complete the instalments, you will be required to pay the outstanding balance direct to us.
- Deduction from the pension lump sum.  
This option is only possible if you do not think you will be able to pay the full cost of your backdated contributions, you will be claiming your NHS pension within the next 18-months and you can confirm a definitive retirement date.  
However, you should be aware that the cost of backdated contributions will be recalculated at your retirement date as a '**retired member**' and interest will be applied to that date. Your contribution calculation will be reduced to take account of the tax relief that you would have received if you had been an active member. We are not able to predict what this revised amount will be.

**Deferred members** - (someone who will become entitled to a deferred pension)

- Payment in full, to be received within six months of receiving our settlement letter.

By electing to purchase a period of membership you will be entering into a contractual commitment to pay the required pension contributions. Once you have made your decision it will not be possible, at some later stage, to withdraw from that contract (unless the terms of this offer are withdrawn by us in light of subsequent information coming to light). If you decide not to purchase your part time membership, you will not be able to subsequently alter your decision and elect to purchase the service.

We will give consideration to any member regarding the length of time required to collect the outstanding contribution amount if you are likely to suffer from financial hardship. We will take a sympathetic view of your situation and your ability to pay, but we would need you to give us information about your financial position if applicable.

For all members; In the event of your death before a contract has been completed, the remaining contribution amount will be deducted from the lump sum on death.

Separate factsheets and enquiry forms are available for Mental Health Officer (MHO) and Special Class (SC) status enquiries.

Please complete all relevant boxes on the form SM PTA1 before submitting the enquiry. Any incorrectly or partially completed forms may be returned to you.

Whenever possible remember to enclose pay slips, pay advice or other supportive documentary evidence when submitting your enquiry.

The outstanding employer contributions that would normally be paid by the employer will be covered by us and will not impact your pension benefits in any way.

## Frequently asked questions

### **Can I claim compensation from NHS Pensions?**

No, the employment Tribunal has ruled that the only form of remedy available to applicants is admission to the Pension Scheme, on payment of the appropriate employee contributions.

### **Can I claim for all my part time employment?**

No, the legal ruling is that claims can be backdated to 8 April 1976 or from the start of employment whichever is the latter. We are only considering for settlement those cases where the claim relates to periods of employment where the employee worked less than half the full time hours for their grade, and the employee joined the Pension Scheme as soon as they became eligible to do so.

### **How will the cost of backdated contributions be calculated?**

Because it is unlikely that actual pay details throughout the period of these historic claims would now be available and the need to operate an administratively straightforward calculation process across all the many applications, the cost will be calculated using a special method devised by the Government Actuary's Department. The methodology used has the agreement of the main unions and professional bodies representing applicants.

### **What does the special calculation method involve?**

It uses your annual rate of pay at the end of the claim period because this is more readily available. This figure is adjusted by a formula to reduce it on a year-by-year basis back to the start of the claim using the Average Weekly Earnings (AWE) statistics, thereby reflecting a more accurate value throughout the reinstatement period. A rolling sum in respect of interest on the unpaid contributions is added on a monthly basis.

The Government Actuary's Department has confirmed that the method described above will fairly treat everyone who has the usual NHS career path of moving steadily up the grade structure of their career stream.

Where, however, your career path during the period of your claim has been unusual, involving a significant promotion or marked salary increase **near the end of your claim**, we will consider an alternative calculation method providing you can provide documentary evidence of your salary throughout the period of your claim.

### **What percentage of contributions will I be paying?**

You will pay the contribution rate you would have paid had you been allowed to join the Scheme at the time which would have been either 6% or 5%.

### **Income tax and National Insurance contributions**

If you have already retired or are no longer working for the NHS, the calculation of your contributions for the backdated membership will be reduced to take into account of the tax relief that you would have received if still employed by the NHS.

The contributions will not be reduced for tax purposes if you are still an active member. This is because you have the option of asking your employer to make payment by instalments from your pay. The employer will instead take the instalment payments from your pay before tax and National Insurance deductions, meaning that you will receive income tax relief.

If as an active member you decide to pay in full by sending payment direct to us, we will acknowledge your payment and provide details that can be sent to HM Revenue and Customs in order for you to apply for a tax rebate.

If you have contributed to a personal pension scheme that relates to the same period of employment that has been accepted for backdated membership, you may wish to inform the provider to establish what options are available to you regarding the personal pension. The provider should also be able to confirm if you had been contracted-in or out of the State Pension at the time and if contact with the HM Revenue and Customs is required or not.

The HM Revenue and Customs should be contacted if you have any further specific tax or National Insurance related enquiries.