

# NHS Pension Scheme

## Joiners & Eligibility Guide for Employers



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## Membership of the NHS Pension Scheme

## Background

There are two parts to the NHS Pension scheme which consists of 1995/2008 Section and the 2015 Scheme.

The 1995 and 2008 Sections are based upon final salary arrangements and the 2015 Scheme is a career average re-valued earnings (CARE) arrangement.

### 1995/2008 Section

For members in the 1995 Section the pension accrual rate is 1/80<sup>th</sup> of their highest years pensionable earnings (from their last three years membership) for each year of pensionable membership. For practitioners it is 1.4% of uprated pensionable earnings (i.e. dynamised) throughout their career .

The normal pension age (NPA) for members retiring in the 1995 Section is 60. Members with Special Class status and Mental Health Officers may be eligible for an earlier retirement age, from 55. This is subject to them meeting all relevant eligibility criteria at their chosen retirement date.

The minimum pension age for some members considering retirement in the 1995 Section is age 50. However, the minimum pension age increases to age 55 for those members who:

- join for the first time after 6 April 2006
- rejoin after 6 April 2006 with deferred benefits prior to 31 March 2000
- left the Scheme before 31 March 2000 and have not re-joined (deferred benefits)

On 1 April 2008 a new section of NHS Pension Scheme (2008 Section) was introduced for new members and former 1995 Section members who were returning to the Scheme after a break in membership of five years or more. Members who were able to continue in the 1995 Section after 1 April 2008 were given the choice to move from the 1995 Section to the 2008 Section.

For members in the 2008 Section the pension accrual rate is 1/60<sup>th</sup> of reckonable pay for each year of membership they accrue. Reckonable pay is calculated as the average of the highest three consecutive years' pensionable earnings in the last 10 years of membership. For Practitioners it is 1.87% of total career uprated (i.e. dynamised) pensionable earnings.

The normal pension age (NPA) for the 2008 Section members is 65.

Members cannot have more than 45 years membership in the 1995 or 2008 Section.

## 2015 Scheme

The 2015 Scheme commenced on 1 April 2015. Active membership of the 1995 or 2008 Sections ended on 31 March 2015 for those members who were not eligible for full or tapered protection. More information about protection arrangements is included later in this guide.

Benefits in the 2015 Scheme are built up at a rate of 1/54th of actual pensionable earnings in each scheme year of active membership, which runs from 1 April to 31 March each year. This is known as the pension account or 'pension pot'. Each scheme year the pension account is revalued until 2015 Scheme membership ceases. The pension pot is revalued each year to ensure that the value of an active 2015 Scheme member's NHS pension is protected against inflation.

The 1/54th build up in the 2015 Scheme is the same for Officers, practice staff, non-GP Providers, and Practitioners.

There is no maximum limit on pensionable membership in the 2015 Scheme. The pension age in the 2015 Scheme is the later of age 65 or equal to the member's State Pension age. A member may continue active membership of the 2015 Scheme after their normal pension age.

Membership of the 1995/2008 Section and 2015 Scheme must cease at age 75.

## General

All NHS employers must **enrol all eligible employees** into the NHS Pension Scheme from their first day of employment.

The Scheme is open to any NHS workers aged between 16 and 75 who are:

- directly employed by the NHS (this includes apprentices)
- Medical, Dental and Ophthalmic Practitioners and Trainees who have a contract with the NHS
- General Medical Practice staff (from 01.09.1997)
- eligible staff of Independent Provider/Direction bodies which have specifically been granted access to the Scheme
- non-General Practitioner providers
- Freelance Locum Medical Practitioners

A member of the 1995/2008 Section, and 2015 Scheme can be both an Officer and a Practitioner. Officer membership cannot exceed whole time. More information about different types of members is included later in this guide.

## Scheme protection arrangements

The 1995/2008 Section closed with effect from 1 April 2015 with the exception for some members who may be entitled to continue in the 1995/2008 Section under scheme protection arrangements.

### Members with full protection

Members with full protection are not compelled to move to the 2015 Scheme at any point. They continue to remain in their existing section of the 1995/2008 Scheme under the protection arrangements.

A member of the 1995/2008 section is entitled to **full protection** if;

- on 1 April 2012, they were within 10 years of their normal pension age or over their normal pension age
- and they have not had a break in membership of five years or more ending after 31 March 2012

Members who have full protection will remain in the 1995/2008 Scheme until they retire or leave the Scheme.

### Members with tapered protection

Tapered protection means a member will remain in the 1995/2008 section for a limited period, according to how far they were from their normal retirement age on 1 April 2012. They remain in the 1995/2008 Section until their protection expires.

A member of the 1995/2008 section is entitled to tapered protection if

- on 1 April 2012, they were more than 10 years, but less than 13 years and five months from their normal pension age
- and they have not had a break in membership of five years or more ending after 31 March 2012

Members who have tapered protection will move to the 2015 Scheme, but on a date later than 1 April 2015 depending on their age.

All members with tapered protection will have moved to the 2015 Scheme by 1st April 2022.

### Members with no protection

Members who on 1 April 2012, were more than 13 years and five months away from their normal pension age, do not have any protection and moved to the 2015 Scheme on 1 April 2015.

## Types of members

The NHS Pension Scheme has different types of members. They are:

- Officers
- practice staff
- Practitioners
- non-GP Providers
- Special Class members
- Mental Health Officers (MHOs)
- Pension Credit members

### Officers/PracticeStaff

An Officer is a member employed by a NHS Trust, NHS Foundation Trust, NHS England, Local Health Board (Wales), a Direction (or Determination) body, Independent Provider, Health Authority, or CCG (Clinical Commissioning Group).

A GP formally employed by a CCG under a contract for service is also classed as an Officer. If they work for a CCG under a contract for services (i.e. self-employed) they are classed as a Practitioner. More information about practitioners later in this guide.

Practice staff are members other than a GP, employed by a GP surgery, APMS (Alternative Provider of Medical Services) contractor, or Out of Hours provider (that is registered as an Employing Authority). These members have the same pension rights as an Officer with the exception that they are not automatically covered by the NHS redundancy pension.

A member employed by a Direction/Determination body may have access to NHS redundancy pension depending on their contract of employment.

Officers and practice staff cannot pension income in excess of whole time.

An Officer member may also be a Practitioner member.

### Practitioners

Membership of the NHS Pension Scheme is open to eligible NHS (medical, dental, and ophthalmic) Practitioners.

To work as a General Medical Practitioner (GP), General Dental Practitioner (GDP), or

Ophthalmic Medical Practitioner (OMP) in England or Wales members must be listed on a Performers List and registered with their regulatory body such as the GMC or the GDC.

GP Registrars (or trainee GPs) are afforded Officer NHS Pension Scheme status.

A Type 1 medical practitioner is:

- A GP Provider (GP partner, single–hander, or shareholder, in a GMS (General Medical Services), PMS (Personal Medical Services), sPMS (specialist Personal Medical Services), or classic APMS (Alternative Provider of Medical Services) surgery.
- An Ophthalmic Medical Practitioner. For example a person performing General Ophthalmic Services (GOS) who is a qualified doctor.

Where a GP Provider performs ad-hoc work such as Out of Hours (OOHs), Clinical Commissioning Group (CCG), or appraisals, on a self-employed (contract for services) basis this must be pensioned unless the GP trades as a limited company.

A Type 1 dental practitioner is:

- A General Dental Practitioner (GDP) who is a Contractor (Provider) in a GDS (General Dental Services) or PDS (Personal Dental Services) dental practice. The dental practice can be either single handed, a partnership, or be part of a company/dental body corporate (DBC).
- A GDP who is an Associate (Performer) in a GDS or PDS dental practice. An Associate who trades as a limited company cannot 'pension' their GDS/PDS income

A Type 2 medical practitioner is:

- A salaried or long term fee based GP working in a GMS, PMS, classic APMS, or SPMS surgery. This includes GP retainers.
- A salaried or long term fee based GP working directly for a LHB (Local Health Board) in Wales.
- A GP who works solely for an Out of Hours provider (OOHP) either on a salaried or fee based arrangement.

Where a GP surgery based Type 2 medical practitioner performs ad hoc work such as OOHs, CCG, or appraisals on a self-employed (contract for services) basis this must be pensioned unless they trade as a limited company.

A Type 2 dental practitioner is:



- A NHS dental vocational/foundation trainee working directly for a GDS/PDS surgery or a dentist working under a contract for services for NHS England or a Local Health Board that relates to the performance of primary dental services.
- A freelance GP locum is a qualified GP who deputises or assists on a temporary basis in a surgery. Although a third party may be involved in arranging the work, the GP locum must be paid directly by the surgery in order to pension their income.

The commissioning surgery must pay the NHS Pension Scheme employer contributions. From 1 April 2014 a freelance GP locum may pension regular appraisal income paid to them by NHS England or a Local Health Board in Wales.

A GP locum is not legally bound to pension their GP locum income however they have a 10 week window if they elect to do so. They are not subject to the 'opting out' rules.

## **Non-GP Providers**

A non-GP Provider is a sole trader, shareholder, or partner in a GP (or APMS) who is not a GP.

Non-GP Providers always have whole time Officer status regardless of the number of hours they work and they can only pension income from **one** post. If they are working in more than one NHS post concurrently they must decide which post to pension.

Their pensionable pay is their share of the practice's profits unless they are a fixed salary partner.

## **Members with Special Class status**

Special Class status is a historical provision of the 1995 Section and is only relevant to members who were employed in the following grades on or before 6 March 1995:

- nurse (excluding nursery nurses)
- physiotherapist

- midwife
- health visitor

Subject to qualifying criteria being met, Special Class status allows a member to retire from the age of 55 without a reduction to their benefits. Historically, the status was provided in recognition of the arduous and physically demanding nature of duties associated with these types of employment and in anticipation that many members employed in these grades would be unable to perform their duties beyond age 55. Actual entitlement to an earlier retirement age is subject to the member continuing to hold the status in a qualifying post until their 55th birthday (or their chosen retirement date, if later).

Special Class status was abolished for all new members who joined the 1995 Section after 6 March 1995 and for any members returning after a break in membership of any one period of five years or more. Members who did not hold Special Class status prior to 6 March 1995 cannot access the status in any type of employment.

A 1995 Section member with Special Class status on or before 6 March 1995 can maintain their Special Class status for as long as they continue in a qualifying post and provided they do not have a break in membership of five years or more. If they do have a break of five years or more their entitlement to Special Class status is permanently lost.

Members who transition to the 2015 Scheme may still be able to maintain Special Class status to be 'on track' for retirement from age 55 but only in respect of benefits earned in the 1995 Section.

Following a legal case in 1990 ('the Barber Judgement'), Special Class status was extended to male members, though only for pensionable service with effect from 17 May 1990. Any pension benefits earned prior to 17 May 1990 are subject to actuarial reduction if claimed before age 60.

Where a Special Class member leaves pensionable employment before age 55 and does not return, or if their Special Class status ceases before retirement for any other reason, their normal pension age is 60. The only exception to this rule is where a Special Class member is made redundant but does not qualify for the redundancy pension. In this scenario, if the member does not return to pensionable NHS employment, they may claim their deferred pension benefits in full from age 55.

A fully protected Special Class 1995 Section member must cease paying contributions the day before their 65<sup>th</sup> birthday regardless of their length of service. They are restricted to 40 years pensionable membership at age 60 and 45 years overall, if they continue active membership beyond age 60. Where the maximum membership is reached but pensionable employment continues, members must continue to pay contributions unless they opt out, claim their pension benefits or reach age 65.

Where a Special Class 1995 Section member is not fully protected and moves into the 2015 Scheme, their membership of the 2015 Scheme is not subject to this restriction.

Special Class status does not apply to managerial grades. However, where a Special Class member moves into a managerial role for which their professional registration / qualifications are essential requirements, they may be allowed to retain their special class status in some circumstances. For example, where a nurse progresses through the nursing hierarchy as far as director of nursing.

Retention of Special Class status in managerial grades is subject to an application and agreement by NHS Pensions.

A Special Class member who meets all eligibility criteria may retire from age at 55 and qualify for their full (unreduced) 1995 NHS pension benefits. They must have spent all of the last five years pensionable membership (leading up to retirement) as a special class member.

Special Class status does not apply in the 2008 Section or the 2015 Scheme. A 1995 Section member who transitions to the 2015 Scheme can maintain their Special Class status notionally whilst in the 2015 Scheme if they continue in a qualifying post but any entitlement to an earlier retirement age applies only to their deferred benefits in the 1995 Section.

Please refer to the Special Class factsheet for further details.

## **Mental Health Officers (MHOs)**

Mental Health Officer (MHO) status is a historical provision for 1995 Section members caring for patients who are mentally-ill.

The status enables the potential for MHO's to achieve entitlement to an earlier retirement age, from age 55, where the member has served at least 20 years as an MHO and continues to hold MHO status until their 55th birthday (or their chosen retirement date, if later).

Also, once 20 years have been served as a MHO, each full year served as a MHO thereafter counts as two years towards their retirement benefits.

The MHO rules are as follows:

- MHO status is a provision of the 1995 Section only. It is not applicable to membership of the 2008 Section or the 2015 Scheme.

- MHO status was abolished for all new entrants to the 1995 Section after 6 March 1995 and for those previously holding MHO status who have a break in membership of any one period of five years or more.
- Prior to 14 January 1999 a member had to be whole time to qualify for MHO status. With effect from 14 January 1999, part time members were retrospectively granted access to MHO status. MHO status could be backdated as far as 8 April 1976 for part time members who made a successful application to an employment tribunal.
- To qualify for MHO status, a member must spend all, or almost all, of their time in the direct treatment or care of patients suffering from mental disorders (i.e. in the presence of patients). Ward nursing and medical staff who are identified by their employer as working in establishments that cater wholly for mentally ill patients are granted MHO status automatically. Members working in other grades can be considered for MHO status if their duties meet the criteria. NHS Pensions ultimately determines entitlement to MHO status in all cases.
- MHOs are restricted to 40 years calendar length membership at age 55 and 45 years overall (including doubled years). If they achieve the maximum calendar length membership but continue in pensionable employment they must continue to pay contributions unless they opt-out or take their pension. MHOs must cease paying contributions at age 65 regardless of the amount of pensionable membership built up.

Historic membership periods as a MHO for which a refund / pension transfer was paid or periods working in mental health services outside the NHS do not count as reckonable MHO membership. They can however count towards the date from which doubling of current MHO membership commences, subject to NHS Pensions' agreement.

- MHO status is not applicable to managerial grades however, it might be possible for a MHO to retain the status if they move to a managerial grade. For this to be possible they must have clear line-management responsibility for ward nursing or medical staff who themselves meet the eligibility criteria for MHO status – meaning that as a manager, they continue to have responsibility for the treatment or care of patients who are mentally ill.
- A 1995 Section MHO with full protection can retire from age 55 on an unreduced pension providing they are still in pensionable employment on their retirement date and have at least 20 years pensionable MHO service. MHO's who do not achieve 20 years MHO service, or who cease membership or MHO status before age 55, have a retirement age of 60 but may be entitled to have their benefits calculated under an alternative method (known as Uniform Accrual) which may be more beneficial.

- MHO status does not apply in the 2008 Section or 2015 Scheme. A 1995 Section MHO who transitions to the 2015 Scheme may maintain their MHO status notionally whilst in the 2015 Scheme but only for the purpose of maintaining entitlement to an earlier retirement age in respect of their benefits earned in the 1995 Section. There is no upper age limit (65) for transitional members who move to the 2015 Scheme.
- A 1995 Section MHO who transitioned to the 2015 Scheme before they accrued 20 years MHO service can continue to build up MHO qualifying service towards the 20 years required to enable them to claim their 1995 Section pension benefits earlier than age 60 (should this be possible before age 60).
- Doubling of membership for transitional members must cease at 31 March 2015 or the date they transitioned to the 2015 Scheme, if later.
- NHS pension benefits must be paid at age 75 (70 on or before 31 March 2008) if an MHO is still working. A 24 hour break in employment is not necessary in these circumstances.

The 1995 Section Regulations allow for an alternative calculation for MHOs who cease to be pensionable but have continued to work in the NHS before taking their pension benefits. In these circumstances, if more beneficial, pension benefits are calculated using actual membership (no doubled years) and a later pensionable pay figure. The later pensionable pay and actual membership values would be assessed at whichever of the following events happened first:

- retirement
- reaching maximum pensionable age 65
- death
- the achievement of 45 years actual membership (not including doubled years)

## **Pension Credit members**

A Pension Credit member is a member who has been allocated a percentage share of another member's NHS pension benefits as a result of a Court Pension Sharing Order.

A Pension Credit member may not necessarily be a member of the NHS Pension Scheme in their own right but is allocated a pension record and scheme reference number, under which their pension credit benefits are held independently of their former partner or spouse.

Where a Pension Credit member is also a NHS Pension Scheme member in their own right, the two records must be kept separate.

A Pension Credit member cannot increase their Pension Credit entitlement however, it is index-linked in accordance with the 1974 Pensions Increase Act.

## Types of NHS Employing Authorities

Every NHS Pension Scheme member is employed by a NHS Employing Authority. The Employing Authority for Practitioners and Non-GP providers is NHS England (via their Area Team) or the Local Health Board, if in Wales.

An Employing Authority is responsible for:

- Maintaining accurate individual pension records via Pensions Online or alternative arrangements.
- Collection of employee contributions at the correct rate and forward these along with employer contributions (and any additional contributions) directly to NHS Pensions by the 19th day of the month end.
- Provision of pensions information locally to their employees.
- Paying the initial/short term Adult dependant's pension/Children's pension for active deceased members.
- Providing an annual contribution assurance statement.
- Enrolling their employees in the scheme and compliance with auto-enrolment legislation.

## NHS Trusts and Foundation Trusts

NHS Trusts and Foundation Trusts automatically have Employing Authority status. All trust employees are Officer members.

Where a trust is the local Out of Hours (or commissioned services) provider it must pension the earnings (via the SOLO form) in respect of any self-employed GPs it contracts with.

## GP practices and classic APMS contractors

GP practices and classic APMS contractors automatically get Employing Authority status. All non-GP employees are practice staff.

The Employing Authority for any employed or self-employed GPs or non-GP Providers working at the surgery is NHS England or the Local Health Board (Wales).

## **NHS England and Local Area Teams**

NHS England and its local area teams automatically have Employing Authority status. All salaried (non-GP) employees are Officers.

NHS England's local area teams are the Employing Authority for all Practitioner and nonGP Provider members. Dental Services (based in Eastbourne) act on behalf of NHS England in respect of General Dental Practitioners.

In the unlikely event that NHS England (or a local area team) directly employs a GP, they are a Type 2 medical practitioner

## **Local Health Boards (Wales)**

The seven Local Health Boards (LHBs) in Wales are all Employing Authorities. All salaried (non-GP) employees are Officers.

The LHBs are the Employing Authority for all Practitioner and non-GP Provider members in Wales.

Dental Services (based in Eastbourne) act on behalf of the LHBs in respect of General Dental Practitioners in Wales.

Where a LHB employs a GP they are Type 2 medical practitioner.

## **Clinical Commissioning Groups**

All Clinical Commissioning Groups (CCGs) have Employing Authority status. All salaried employees (including employed GPs) are Officers.

Where a CCG engages a GP under a contract for services (i.e. on a self-employed basis) the CCG must ensure the income is pensioned via the SOLO form.

## **Out of Hours Providers**

An Out of Hours Provider (OOHP) may elect to become an Employing Authority. It is not mandatory. All (non-GP) employees are practice staff. Where an OOHP engages a GP under a contract for services they must ensure the income is pensioned usually via the SOLO form. Where an OOHP employs a GP under a contract of service the GP is a Type 2 medical practitioner. However the Employing Authority is NHS England or the LHB if in Wales.

An OOHP that is an Employing Authority may cease to be an Employing Authority. However, it must give NHS Pensions and its staff at least three months notice.

## **Independent Providers**

An Independent Providers (IP) may elect to become an Employing Authority. It is not mandatory. It may elect for open or closed (restricted) NHS Pension Scheme access. All employees are Officers subject to spending more than 50% of their time working on the qualifying contract. The total pensionable pay cannot exceed 75% of the total contract(s) value.

Anyone engaged by an IP under a contract for services is not eligible for NHS Pension Scheme membership.

An IP that is an Employing Authority may cease to be an Employing Authority. However, it must give NHS Pensions and its staff at least six months notice. An organisation can be both an IP and a Direction/Determination body.

Direction Employers

## **Determinations/Direction bodies**

A Direction Employer is an organisation that supports the NHS by providing health services that are not normally available within the NHS. These organisations can seek a 'direction' from the Secretary of State to allow their employees to be included in the NHS Pension Scheme. Typically, a direction of this kind is only given to voluntary sector / not-for-profit organisations.

With effect from 1 April 2015, a Direction body is now also regarded as a Determination body. There are two types: open and closed. Most Direction/Determination bodies are closed, only allowing access to the NHS Pension Scheme to those staff they have inherited under TUPE (transfer of undertakings) legislation.

Employees who do have NHS Pension Scheme access are Officers. However, entitlement to the redundancy pension depends on their contract of employment. Anyone engaged by a Direction/Determination body under a contract for services is not eligible to join the NHS Pension Scheme.

An organisation can be both an IP and a Direction/Determination body.



## **Local authorities**

Local authority employees are members of the Local Government Pension Scheme. However, anyone who moved into a local authority under TUPE legislation from the NHS, and continues to work in the provision of public health, may remain in the NHS Pension Scheme under a closed Direction/Determination arrangement. The local authority is given its own Employing Authority code for these staff.

A local authority can decide whether to apply for a closed Direction/Determination in order to allow continued access to the NHS Pension Scheme for 'new starter' public health professionals and staff nearing retirement.

## **Dental Practices**

General Dental Services or Personal Dental Services contractors (i.e. dental practices) are not NHS Employing Authorities. Dental practice staff (who are not qualified dentists) do not have access to the NHS Pension Scheme.

Qualified and listed NHS dental Practitioners who are GDS/PDS contractors or who work for a contractor (either in an employed or self-employed capacity) are allowed access to the NHS Pension Scheme. Their Employing Authority is NHS England or the LHB. However, Dental Services act as the Area Team.

## **Scheme protection arrangements for 1995/ 2008 Section members**

Upon the introduction of the 2015 Scheme, members were allocated protection to remain in the 1995/2008 Scheme, according to how far from their normal retirement age they were, as at 1 April 2012 and whether they had a break in membership of more than five years.

The following members are eligible to continue in the 1995 Section with effect from 1 April 2015.

### **Members born on or before 1<sup>st</sup> April 1962 (fully protected members)**

- Members born on or before 1 April 1962 who were active 1995 members on 31 March 2012 and on 31 March 2015 and 1 April 2015.
- Active members of the 1995 section prior to 31 March 2012 who returned to the NHS on or after 1 April 2015 following a break of less than five years and under 60 upon their return.

- Members with deferred 1995 membership who returned to the NHS before 1 April 2015 after a break of less than five years, who were under 60 upon their return.

### **Members born from 2 April 1962 to 31 August 1965 inclusive (tapered protection members)**

- Members born from 2 April 1962 to 31 August 1965 inclusive who were active 1995 members on 31 March 2012 and on 31 March 2015 and 1 April 2015. (Access to the 1995 Section is temporary up to the transition date).
- Active members of the 1995 section on 31 March 2012 who then left and re-joined the NHS on or after 1 April 2015 following a break of less than five years returning before age 60 and before their transition date. (Access to the 1995 Section is temporary up to the transition date).

### **Special Class members and MHOs**

The provisions below apply to members who, on the relevant dates, were 'on-track' to achieve an earlier normal retirement age in the 1995 Section by virtue of their Special Class / MHO status.

#### **Members born on or before 1 April 1967**

- Special Class/MHO members who were in 1995 pensionable employment on 31 March 2012 and also on 31 March 2015 and 1 April 2015.
- Special Class/MHO members who were in 1995 pensionable employment on 31 March 2012, left the NHS and then returned before 60 on or after 1 April 2015 after a break of less than five years.
- Special Class/MHO members who were in 1995 pensionable employment prior to 31 March 2012, who had left the NHS and returned before age 60 after a break of less than five years on or after 1 April 2015.

#### **Members born from 2 April 1967 to 31 August 1970 inclusive**

- Members born from 2 April 1967 to 31 August 1970 inclusive who hold Special Class/MHO status, and who were in 1995 pensionable employment on 31 March 2012, and also on 31 March 2015 and 1 April 2015. (Access to the 1995 Section is temporary up to the transition date).

- Members born from 2 April 1967 to 31 August 1970 inclusive who hold Special Class/MHO status who were in 1995 pensionable employment on 31 March 2012, then left the NHS and returned after a break of less than five years, before their transition date, on or after 1 April 2015. (Access to the 1995 Section is temporary up to the transition date).
- Members born from 2 April 1967 to 31 August 1970 inclusive who hold Special Class/MHO status, who were 1995 members prior to 31 March 2012, who left the NHS and returned before the age of 60, after a break of less than five years, before their transition date, on or after 1 April 2015. (Access to the 1995 Section is temporary up to the transition date).

### **Pensioners eligibility to rejoin the 1995 section**

- Members born on or before 1 April 1962 who are in receipt of 1995 ill health benefits, who returned to NHS pensionable employment **before** 1 April 2015 and before age 50.
- Members born from 2 April 1962 to 31 August 1965 inclusive, who are in receipt of 1995 Section ill health benefits, who returned to NHS employment **before** age 50, and before 1 April 2015. (Access to the 1995 Section is temporary up to the transition date).

### **Ill health applicants – transitional arrangements**

This relates to 1995 Section members who submitted an (in service) ill health pension application (AW33E) to NHS Pensions prior to 1 April 2015.

Membership of the 1995 Section is retained until the application is complete. This includes Internal Dispute Resolutions (IDRs), appeals, and ombudsman determinations. If the application is successful the member is entitled to 1995 Section ill health benefits and they have up to 12 months from the medical decision to take their benefits. If the application is unsuccessful the last day of 1995 Section membership is the date of the final medical or ombudsman decision.

### **2008 Section eligibility for members from 1<sup>st</sup> April 2015**

The following are eligible for continued access to the 2008 Section with effect from 1 April 2015.

### **Members born on or before 1 April 1957 (fully protected members)**

- Members who were active 2008 members on 31 March 2012 and on 31 March 2015, and 1 April 2015.
- Members who were active 2008 members on 31 March 2012, who then left and returned to the NHS **before** 1 April 2015.
- Members who were active 2008 members on 31 March 2012, who then left and returned to the NHS on or after 1 April 2015, following a break in service of less than five years.
- Members who were 2008 members prior to 31 March 2012, returned to the NHS on or after 1 April 2015, following a break of less than five years.
- Members who were 2008 members prior to 31 March 2012, who had left and returned to the NHS **before** 1 April 2015, after a break of less than five years.
- Members with deferred **1995** Section membership, who returned to the NHS from 1 April 2008 to 31 March 2012 inclusive, following a break of five years or more.

### **Members born from 2 April 1957 to 31 August 1960 inclusive (tapered protection members).**

- Members who were an active 2008 member on 31 March 2012, and on 31 March 2015 and 1 April 2015. (2008 Section membership is temporary up to the transition date).

Members who were active members on 31 March 2012, who then left the NHS and returned to the NHS on or after 1 April 2015, after a break of less than five years and before their transition date. (2008 Section membership is temporary up to the transition date).

- Members with deferred **1995** Section membership, who returned to the NHS from 1 April 2008 to 31 March 2012 inclusive, following a break of five years or more (2008 Section membership is temporary up to the transition date).
- Members born from 2 April 1957 to 31 August 1960 inclusive who was a 2008 member prior to 31 March 2012, left and returned to the NHS on or after 1 April 2015, after a break of less than five years, and before their transition date (2008 Section membership is temporary up to the transition date).

- Members born from 2 April 1957 to 31 August 1960 inclusive who were a 2008 member prior to 31 March 2012, left and returned to the NHS **before** 1 April 2015, after a break of less than five years (2008 Section membership is temporary up to the transition date).
- Members born from 2 April 1957 to 31 August 1960 inclusive with deferred **1995** Section membership, who returned to the NHS from 1 April 2008 to 31 March 2012 inclusive, after a break of five years or more. (2008 Section membership is temporary up to the transition date).

### **Pensioners eligibility to re-join the 2008 Section**

- Members born on or before 1 April 1957 who were an active 2008 member prior to 1 April 2012, in receipt of 2008 NHS pension benefits and returned to the NHS **before** 1 April 2015.
- Members born on or before 1 April 1957 who were an active 2008 member before 1 April 2012, in receipt of 2008 NHS pension benefits, returning to the NHS on or after 1 April 2015 and after a break of less than five years.
- Members born from 2 April 1957 to 31 August 1960 inclusive who were an active 2008 member before 1 April 2012, in receipt of 2008 NHS pension benefits, returning to the NHS **before** 1 April 2015, following a break of less than five years. (2008 section membership is temporary up to the transition date).

Members born from 2 April 1957 to 31 August 1960 inclusive who were an active 2008 member before 1 April 2012, in receipt of 2008 NHS pension benefits, returning to the NHS on or after 1 April 2015 following a break of less than five years and before their transition date. (2008 Section membership is temporary up to the transition date).

### **Ill health applications (transitional arrangements)**

- Members that submitted an in-service ill health NHS pension application (AW33E) to NHS Pensions prior to 1 April 2015 retain 2008 membership until the application is complete including any IDRs, appeals, or Ombudsman determinations.
- If the ill health application is successful the member is entitled to 2008 Section ill health benefits and they have up to 12 months from the medical decision to take their benefits. If the application is unsuccessful the last day of 2008 Section membership is the date of the final medical or Ombudsman decision.

## Members eligible to join the 2015 Scheme on 1<sup>st</sup> April 2015.

- All members will join the 2015 Scheme on either 01/04/2015 or at a later date (when their transition date expires) if they have protection.
- Members under age 75 who join the NHS for the very first time on or after 1 April 2015, with no previous NHS or Public Service pension scheme membership.

Where there is a break in 2015 Scheme service, commencing after 1 April 2015, of more than five years the first period of 2015 service is deferred and revaluation ceases. Separate pension accounts are created for the earlier (deferred) 2015 service and the new (post break) 2015 service. Where any singular break is five years or less revaluation continues.

Where the member has retained Special Class or MHO (1995) rights, these rights cease following a break of five years or more.

If a tapered member has a break in pensionable service that is up to and including five years the final salary link (in respect of 1995/2008) benefits remains. If the break is more than five years there is no final salary link.

## Waiting period joiners

1995 Section members who retired on or after 1 April 2008 but before 1 October 2009 were eligible to join the 2008 Section following a break in 1995 Section membership described as a 'waiting period'. Those (1995) retirees who have not yet re-joined the 2008 Section are, from 1 April 2015, now eligible to join the 2015 Scheme.

For those members who did not retire on the grounds of ill health their 'waiting period' is the longer of:

- two years from the date of their retirement
- the length of any extra service they may have received as part of a retirement on redundancy grounds

For members who did retire on the grounds of ill health, their 'waiting period' is the longer of:

- two years from the date of their retirement
- one year starting from the date the member returned to work if the ill health pension was a Tier 2

- the length of any extra service the member received under the pre 1.4.2008 ill health arrangements

## Members with previous membership of other UK public service schemes

Where a member qualified for protection in another public service pension scheme, this may qualify them for protection arrangements in the NHS Pension Scheme (2008 Section). This includes:

- Members who were formerly members of another UK public service pension scheme on 31 March 2012 who, had they stayed in the other scheme would have been entitled to full protection. Providing they joined the NHS following a break of less than five years they would also be fully protected in the NHS Pension Scheme.
- Members who were formerly members of another UK public service pension scheme prior to 31 March 2012 who returned to that scheme on or after 1 April 2015 following a break of less than five years. As long as they join the NHS following a break of less than five years after leaving the UK public service scheme they would also be fully protected in the NHS Pension Scheme.
- Members who were members of another UK public service pension scheme on 31 March 2012 who, had they stayed in the other scheme, would have been entitled to tapered protection, then join the NHS after a break (since leaving the UK scheme) of less than five years and before their transition date, would also be entitled to tapered protection in the NHS Pension Scheme. (Access to the 1995/2008 Section is temporary up to the transition date).
- Members who were members of another UK public service scheme prior to 31 March 2012, who left and then returned to that scheme on or after 1 April 2015, following a break of less than five years. If they then join the NHS following a break of less than five years after leaving the UK public service scheme and before their transition date, they would also be entitled to tapered protection in the NHS Pension Scheme. (Access to the 1995/2008 Section is temporary up to the transition date).

## Employees not eligible to join the NHS Pension Scheme

The following are not entitled to join the NHS Pension Scheme:

- Officer members that are already in an aggregate of whole time Officer pensionable employments elsewhere in the NHS.
- A person under 16 or over 75 years old.
- Members in receipt of 1995 Section pension benefits, other than members in receipt of a 1995 ill health pension who return to the NHS before 50.
- Employees who are employed (or engaged) by an organisation providing NHS services that is not an Employing Authority.
- Employees employed by an Independent Provider/Employing Authority that fails to meet the more than 50% criteria.
- Self-employed persons other than Practitioners.
- An individual trading as a limited company in respect of 'ad hoc' work.
- A non-executive director including a chair. (GPs who are non-executive CCG directors/chairs must pension their Practitioner income).
- A General Dental Services (GDS) or Personal Dental Services (PDS) Contractor who is not a qualified and listed General Dental Practitioner.
- An honorary post holder unless they are an active NHS Pension Scheme member elsewhere.
- 1995 Section members who left the NHS and returned on or after their 60<sup>th</sup> birthday cannot build any further membership.

## Option to give up protection

All 2008 Section members entitled to full or tapered protection had a time limited opportunity to voluntarily move from the 2008 Section to the 2015 Scheme. The limited time period is three months if the member was in pensionable service on 1 April 2015 or three months from the member's first day of pensionable service.



A decision to give up protection after 1 April 2015, but within the three month limited period, is backdated to 1 April 2015. Any service and contributions with effect from 1 April 2015 are treated as 2015 service and contributions.

1995 Section members are not entitled to give up protection.

## Breaks of five years or more

A 1995 Section member who left the NHS and returned before 1 April 2008 after a break of any length can rejoin the 1995 Section upon their return so long as they did not reach age 60 and become entitled to deferred retirement benefits during the break.

A 1995 Section member who left the NHS and returned on or after 1 April 2008 (but before 1 April 2015) after a break of five years or more can join the 2008 Section upon their return so long as they did not reach age 60 during the break. These are sometimes referred to as 'MEBS' (members of both Sections).

With effect from 1 April 2015, a former 1995 member who returns to the NHS after a break of five years or more joins the 2015 Scheme regardless of their age. However, if they reached 60 whilst away from the NHS and had deferred 1995 Section benefits, these benefits became payable from age 60. This means they cannot build up 2015 Scheme benefits and must take their (deferred) 1995 pension at 60. The (deferred) 1995 Section benefits are index linked in accordance with the 1971 Pensions Increase Act.

Where a former 1995 Section member rejoins the 2008 Section after a break of five years, if they satisfy the 2008 fully protected criteria they remain in the 2008 Section until retirement, assuming there are no further breaks of five years or more.

If they satisfy the tapered protection criteria they remain in the 2008 Section up to the transition date, assuming there are no further breaks of five years or more. Thereafter they transition to the 2015 Scheme.

### **1995 Section members who opted out but remain in NHS employment.**

A 1995 Section member who opted out of the NHS Pension Scheme (but did not leave NHS employment) and rejoined before 1 April 2008 after a break of five years or more can rejoin the 1995 Section regardless of their age (i.e. the age 60 rule did not apply).

A 1995 Section member who opted out of this Section, remained in NHS employment, and rejoined the NHS Pension Scheme between 1 April 2008 and 31 March 2015 inclusive after a break of five years or more, can join the 2008 Section upon re-joining; the age 60 rule did not apply. These are sometimes referred to as 'MEBS'. If the member satisfies the 2008

fully protected criteria, they remain in the 2008 Section until retirement assuming there are no further breaks of five years or more. If the member satisfies the tapered protection criteria they remain in the 2008 Section up to the transition date, assuming there are no further breaks of five years or more. Thereafter they join the 2015 Scheme.

From 1 April 2015 a 1995 member who opted out and re-joins the NHS Pension Scheme after a break of five years or more joins the 2015 Scheme subject to being under age 75.

## **Special Class and MHO status**

1995 Special Class or MHO status is lost where there is a break of five years or more.

## **2008 Section members**

A 2008 Section member who left the NHS, or opted out, and returned to NHS pensionable employment before 1 April 2015 after a break of five years or more initially rejoined the 2008 Section upon their return. Their total 2008 Section membership cannot exceed 45 years.

If they satisfy the 2008 fully protected criteria they remain in the 2008 Section until retirement, assuming there are no further breaks of five years or more. If they satisfy the tapered protection criteria they remain in the 2008 Section up to the transition date, assuming there are no further breaks of five years or more. Thereafter the member will join the 2015 Scheme.

From 1 April 2015, a 2008 member who re-joins the NHS Pension Scheme after a break of five years or more joins the 2015 Scheme regardless of their age.

## **2015 Scheme members**

Where a 2015 Scheme member leaves the NHS or opts out for a period of more than five years, the earlier 2015 membership is deferred. In-service revaluation (in respect of the earlier membership) ceases at the point of leaving the 2015 Scheme. The (deferred) 2015 Scheme benefits are index linked in accordance with the 1971 Pensions Increase Act. Upon returning to the 2015 Scheme, 'in-service' revaluation commences in respect of the new service only.

If the break is five years or less, the period of 2015 membership before the break is treated as continuous and links with the period of membership after the break meaning that in-service revaluation continues.

## Opting out

An active 1995/2008 Section or 2015 Scheme member may elect to opt out at any time. Elections to opt out are only effective from the current or a future date (normally the first day of the next pay period).

A member cannot opt out retrospectively.

A member can rejoin the NHS Pension Scheme at any time subject to being under the age of 75.

If a member opted out prior to 1 April 2012 it was not time limited. The opting out remained in place unless the member elected to rejoin the NHS Pension Scheme. From 1 April 2012, employers are obliged to re-enrol non-members every three years as part of their autoenrollment duties.

Where a tapered protection member has opted out of the 1995 or 2008 Section (prior to 1 April 2015) they are regarded as having opted out of the 2015 Scheme on their transition date. They can however join the 2015 Scheme at any time.

A part-time member with two or more pensionable posts can opt out of one NHS post and remain pensionable in the other.

## Practitioners

Where a Practitioner transitional member has opted out of the 1995 or 2008 Section (prior to 1 April 2015) they are regarded as having opted out of the 2015 Scheme on their transition date. They can however join the 2015 Scheme at any time.

A Practitioner member must opt out of all their Practitioner posts.

A member can opt out of their Practitioner pensionable post but remain an active member in any Officer posts they have. Likewise a member can opt out of their Officer pensionable post but remain a Practitioner active member.

Freelance GP locums are not required to opt out of the NHS Pension because their NHS membership is solely triggered by completing GP locum forms A and B. Where they have not completed forms A and B for a period of three calendar months the Employing Authority must close down the pensionable post retrospectively (i.e. when the locum last worked).

## **Non-GP Providers**

Non-GP Providers may only pension income in respect of one nominated surgery they must clearly state where they are opting out.

## Quick reference tables – Eligibility & protection rules

**Table 1: 1995 Section eligibility with effect from 1 April 2015**

Description of person	1995 section eligibility	Protection rights	Rules
1995 Section member (born on or before 1 April 1962) in pensionable employment on or before 31 March 2012, and on 31 March 2015 / 1 April 2015.	Yes	Fully protected	They remain in the 1995 Section. Total 1995 service cannot exceed 45 years. If there is a subsequent break in service of equal to five years or more 1995 Section membership ceases and they join the 2015 Scheme upon their return to work subject to being under 60.
1995 Section member (born from 2 April 1962 to 31 August 1965 inclusive) who was in pensionable employment on or before 31 March 2012 and on 31 March 2015 / 1 April 2015.	Yes, up until tapered end date	Tapered protection	They remain in the 1995 Section until their tapered protection ends. Total 1995 service cannot exceed 45 years. If there is a break in service of five years or more commencing before their transition date, 1995 Section membership ceases and they join the 2015 Scheme upon their return to work, subject to being under 60.
1995 Section member (born on or before 1 April 1962) with previous 1995 Section service before 1 April 2012 returning to the NHS before 1 April 2015 following a break of less than five years.	Yes	Fully protected	They remain in the 1995 Section. Total 1995 service cannot exceed 45 years. If there is a further break in service of five years or more commencing before the transition date, 1995 Section membership ceases and member joins the 2015 Scheme upon their return to work, subject to being under 60.

<b>Description of person</b>	<b>1995 section eligibility</b>	<b>Protection rights</b>	<b>Rules</b>
1995 Section member (born on or before 1 April 1962) with previous 1995 Section service on or before 31 March 2012 returning to NHS with effect from 1 April 2015 following a break of less than five years.	Yes	Fully protected	They rejoin the 1995 Section. Total 1995 service cannot exceed 45 years. If there is a further break in service of five years or more, 1995 Section membership ceases and member joins the 2015 Scheme upon their return to work, subject to being under 60
1995 Section member (born from 2 April 1962 to 31/08/1965 inclusive) with previous 1995 membership on or before 31 March 2012 who returned to the NHS with effect from 1 April 2015 after a break of less than five years.	Yes, until tapered end date	Tapered protection	They remain in the 1995 Section until their tapered protection ends. Total 1995 service cannot exceed 45 years. If there is a further break in service of five years or more 1995 Section membership ceases and they join the 2015 Scheme upon their return to work, subject to being under 60.
1995 Special Class/MHO 1995 Section member (born on or before 1 April 1967) who was in pensionable employment on or before 31 March 2012 and in pensionable employment on 31 March 2015 / 1 April 2015.	Yes	Fully protected	Member remains in the 1995 Section. Total 1995 service cannot exceed 45 years. If there is a subsequent break in service of five years or more 1995 Section Special Class/MHO status ceases and member joins the 2015 Scheme upon their return to work, subject to being under 60.

<b>Description of person</b>	<b>1995 section eligibility</b>	<b>Protection rights</b>	<b>Rules</b>
A 1995 Special Class/ MHO member (born from 2 April 1967 to 31 August 1970 inclusive) who was in pensionable employment on or before 31 March 2012, and on 31 March 2015 / 1 April 2015.	Yes, until tapered end date	Tapered protection	They remain in the 1995 Section until their tapered protection ends. Total 1995 service cannot exceed 45 years. If there is a break in service of five years or more commencing before the tapered protection date 1995 Section MHO/Special Class membership ceases and they join the 2015 Scheme upon their return to work, subject to being under 60.
A 1995 Special Class/ MHO member (born on or before 1 April 1967) who was in pensionable employment on or before 31 March 2012, then left, and then returned to the NHS on or after 1 April 2015 after a break of less than five years.	Yes	Fully protected	They remain in the 1995 Section. Total 1995 service cannot exceed 45 years. If there is a further break in service commencing before the tapered protection end date of five years or more 1995 Section membership ceases and member joins the 2015 Scheme upon their return to work, subject to being under 60.

<b>Description of person</b>	<b>1995 section eligibility</b>	<b>Protection rights</b>	<b>Rules</b>
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<p>Special Class/ MHO (born from 2 April 1967 to 31 August 1970 inclusive) who was not in pensionable employment on 31 March 2015 but had earlier 1995 service on or before 31 March 2012, then left the NHS and then returned on or after 1 April 2015. Break in 1995 service is less than five years.</p>	<p>Yes, until tapered end date</p>	<p>Tapered protection</p>	<p>They remain in the 1995 Section until their tapered protection ends. Total 1995 service cannot exceed 45 years. If there is a break in service of five years or more commencing before the tapered protection end date 1995 Section MHO/Special Class membership ceases and they join the 2015 Scheme upon their return to work, subject to being under 60.</p>
<p>Person (born on or before 1 April 1962) in receipt of 1995 Section ill health benefits returning to pensionable employment before 1 April 2015, before age 50, and following a break of less than five years.</p>	<p>Yes</p>	<p>Fully protected</p>	<p>They rejoin the 1995 Section. Total 1995 service (inc build up) cannot exceed 45 years. If there is a subsequent break in service of five years or more 1995 Section membership ceases and they join the 2015 Scheme upon their return to work, subject to being under 60.</p>
<p><b>Description of person</b></p>	<p><b>1995 section eligibility</b></p>	<p><b>Protection rights</b></p>	<p><b>Rules</b></p>



Person (born from 2 April 1962 to 31 August 1965 inclusive) in receipt of 1995 Section ill health benefits returning to pensionable employment before 1 April 2015, before age 50, and following a break of less than five years.	Yes, until tapered end date	Tapered protection	They rejoin the 1995 Section up to their tapered protection end date however total 1995 service (inc build up) cannot exceed 45 years. If there is a subsequent break in service of five years or more commencing before the transition date 1995 Section membership ceases and they join the 2015 Scheme upon their return to work, subject to being under 60.
1995 Section member who submitted an (in service) ill health pension application (AW33E) to NHS Pensions prior to 1 April 2015.	Yes, until the ill health pension application process is complete	Temporary protection	They remain in the 1995 Section until the application is complete including Internal Dispute Resolutions (IDRs)/appeals. (Does not affect fully protected 1995 Section members who automatically remain in the 1995 Section).

**Table 2: 2008 Section eligibility with effect from 1 April 2015**

<b>Description of person</b>	<b>2008 Section Eligibility</b>	<b>Protection Rights</b>	<b>Rules</b>
2008 Section member (born on or before 1 April 1957) in pensionable employment on or before 31 March 2012 and on 31 March 2015 / 1 April 2015.	Yes	Fully protected	They remain in the 2008 Section. Total 2008 service cannot exceed 45 years. If there is a break in service of =>5 years 2008 Section service ceases and they join the 2015 Scheme upon their return to work.

2008 Section member (born on or before 1 April 1957) with previous 2008 service on or before 31 March 2012 returning to the NHS before 1 April 2015 following a break of less than five years.	Yes	Fully protected	They remain in the 2008 Section. Total 2008 service cannot exceed 45 years. If there is a further break in service of five years or more 2008 service ceases and they join the 2015 Scheme upon their return to work.
2008 Section member (born on or before 1 April 1957) with previous 2008 service on or before 31 March 2012 returning to NHS on or after 1 April 2015 following a break of less than five years.	Yes	Fully protected	They rejoin the 2008 Section however total 2008 service cannot exceed 45 years. If there is a further break in service of five years or more 2008 Section service ceases and they join the 2015 Scheme upon their return.
2008 Section member (born from 2 April 1957 to 31 August 1960 inclusive) who was in pensionable	Yes, until tapered end date	Tapered protection	They remain in the 2008 Section until their tapered protection ends however total 2008 service cannot exceed 45 years. If there is a further break in service of five years

<b>Description of person</b>	<b>2008 Section Eligibility</b>	<b>Protection Rights</b>	<b>Rules</b>
employment on or before 31 March 2012 & on 31 March 2015 / 1 April 2015.			or more commencing before the tapered protection end date 2008 Section membership ceases and they join the 2015 Scheme upon their return to work.

<p>2008 member (born from 2 April 1957 to 31 August 1960 inclusive) who was not an active member on 31 March 2015 but had previous 2008 service on or before 31 March 2012. Their break, before returning to the NHS with effect from 1 April 2015, is less than five years.</p>	<p>Yes, until tapered end date</p>	<p>Tapered protection</p>	<p>They remain in the 2008 Section until their tapered protection ends however total 2008 service cannot exceed 45 years. If there is a further break in service of five years or more commencing before the transition date 2008 Section membership ceases and they join the 2015 Scheme upon their return to work.</p>
<p>A person (born on or before 1 April 1957) who was previously a 1995 Section member and who returned to the NHS before 1 April 2015 (joining the 2008 Section) after a break of five years or more.</p>	<p>Yes</p>	<p>Fully protected</p>	<p>They join the 2008 Section however total 1995/2008 service cannot exceed 45 years. If there is a further break in service of five years or more 2008 Section service ceases and they join the 2015 Scheme upon their return.</p>
<p>A person (born from 2 April 1957 to 31 August 1960) who was previously a 1995 Section member and who returned to the NHS</p>	<p>Yes, until tapered end date</p>	<p>Tapered protection</p>	<p>They remain in the 2008 Section until their tapered protection ends however total 1995/ 2008 service cannot exceed 45 years. If there is a further break in service of five or more commencing before</p>

<p><b>Description of person</b></p>	<p><b>2008 Section Eligibility</b></p>	<p><b>Protection Rights</b></p>	<p><b>Rules</b></p>
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before 1 April 2015 (and joined the 2008 Section) after a break of five years or more			the tapered protection end date 2008 Section membership ceases and they join the 2015 Scheme upon their return to work.
Person (born on or before 1 April 1957) in receipt of 2008 Section pension benefits returning to the NHS before 1 April 2015 following a break of less than five years	Yes	Fully protected	They rejoin the 2008 Section however total 2008 service cannot exceed 45 years. If there is a further break five years or more 2008 Section service ceases and they join the 2015 Scheme.
Person (born on or before 1 April 1957) in receipt of 2008 Section pension benefits returning to the NHS on or after 1 April 2015 following a break of less than five years.	Yes	Fully protected	They rejoin the 2008 Section however total 2008 service cannot exceed 45 years. If there is a further break five years or more 2008 Section service ceases and they join the 2015 Scheme.
2008 Section member (born from 2 April 1957 to 31 August 1960 inclusive) who was in pensionable employment on or before 31 March 2012, is in receipt of NHS pension benefits, and who returned to the NHS before 1 April 2015	Yes, until tapered end date	Tapered protection	They rejoin the 2008 Section until their tapered protection ends however 2008 service cannot exceed 45 years. If there is a further break in 2008 service of five years or more commencing before the tapered date 2008 Section membership ceases and they join the 2015 Scheme upon their return to work.

<b>Description of person</b>	<b>2008 Section Eligibility</b>	<b>Protection Rights</b>	<b>Rules</b>
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following a break of less than five years.			
2008 Section member (born from 2 April 1957 to 31 August 1960 inclusive) who was in pensionable employment on or before 31 March 2012, is in receipt of NHS pension benefits, and who returned to the NHS on or after 1 April 2015 following a break of less than five years.	Yes, until tapered end date	Tapered protection	They rejoin the 2008 Section until their tapered protection ends however 2008 service cannot exceed 45 years. If there is a further break in 2008 service of five years or more commencing before the tapered date 2008 Section membership ceases and they join the 2015 Scheme upon their return to work.
A person (born on or before 1 April 1957) who was a member of another UK public sector pension scheme on or before 31 March 2012 and would have been entitled to full protection in that scheme, would also be fully protected in the NHS Pension Scheme, and they join the NHS following a break of less than five years after leaving the other scheme.	Yes	Fully protected	They join the 2008 Section. If there is a break in service of five years or more 2008 Section service ceases and the member joins the 2015 Scheme upon their return.
<b>Description of person</b>	<b>2008 Section Eligibility</b>	<b>Protection Rights</b>	<b>Rules</b>

<p>A person born from (2 April 1957 to 31 August 1960 inclusive) who was a member of another UK public sector pension scheme on or before 31 March 2012 and who would have been entitled to tapered protection in that scheme had they remained there, and in the NHS Pensions Scheme. They join the NHS following a break of less than five years after leaving the other scheme.</p>	<p>Yes, until tapered end date</p>	<p>Tapered protection</p>	<p>They join the 2008 Section until their tapered protection ends. If there is a further break in service five years or more before the tapered protection date 2008 Section membership ceases and they join the 2015 Scheme upon their return to work.</p>
<p>2008 Section member who submits an (in service) ill health pension application (AW33e) to NHS Pensions prior to 1 April 2015.</p>	<p>Yes, until the ill health pension application process is complete</p>	<p>Temporary protection</p>	<p>They remain in the 2008 Section until the application is complete. This includes Internal Dispute Resolutions (IDRs)/appeals. If the application is successful they are entitled to 2008 Section ill health benefits and they have up to 12 months to take their benefits. If the application is unsuccessful the last day of 2008 Section membership is the date of the final decision. (Does not affect fully protected 1995 Section members).</p>

**Table 3: 2015 Scheme eligibility with effect from 1 April 2015**

<b>Description of person</b>	<b>2015 eligibility with effect from 1 April 2015</b>	<b>1995/2008 section eligibility</b>	<b>Rules</b>
A person joining the NHS Pension Scheme for the first time with effect from 1 April 2015. They have no public sector pension scheme service in the UK.	Yes	No	They join the 2015 Scheme on first day of NHS employment.
A person (born on or after 1 September 1965) who was a 1995 Section member prior to 1 April 2015.	Yes	Only up to 31/03/2015	They join the 2015 Scheme with effect from 01/04/2015.
A 1995 Section member (born from 2 April 1962 to 31 August 1965 inclusive) in pensionable employment on or before 31 March 2012 and in pensionable employment on or after 1 April 2015.	With effect from the tapered end date	Up to tapered date	They join the 2015 Scheme after tapered protection ceases. If there is a break in 1995 service five years or more commencing before the tapered end date 1995 Section membership ceases and they immediately join the 2015 Scheme.

<b>Description of person</b>	<b>2015 eligibility with effect from 1 April 2015</b>	<b>1995/2008 section eligibility</b>	<b>Rules</b>

<p>A 1995 Section member (born from 2 April 1962 to 31 August 1965 inclusive) in pensionable employment on or before 31 March 2012 followed by a break of less than five years who returned to the NHS on or after 1 April 2015.</p>	<p>With effect from the tapered end date</p>	<p>Up to tapered date</p>	<p>They remain in the 1995 Section until the tapered protection date and join the 2015 Scheme thereafter. If there is a further break in 1995 service of five years or more commencing before the tapered end date 1995 Section membership ceases.</p>
<p>A 1995 Section Special Class or MHO (born on or after 1 September 1970) in pensionable employment with effect from 1 April 2015.</p>	<p>Yes</p>	<p>Only up to 31/03/2015</p>	<p>They join the 2015 Scheme with effect from 01/04/2015.</p>
<p>A 1995 Special Class/MHO member (born from 2 April 1967 to 31 August 1970 inclusive) in pensionable employment on or before 31 March 2012 and in pensionable employment on or after 1 April 2015.</p>	<p>With effect from the tapered end date</p>	<p>Up to tapered date</p>	<p>They join the 2015 Scheme after tapered protection ceases. If there is a further break in 1995 service five years or more commencing before the tapered date 1995 Section membership ceases and they join the 2015 Scheme.</p>



<b>Description of person</b>	<b>2015 eligibility with effect from 1 April 2015</b>	<b>1995/2008 section eligibility</b>	<b>Rules</b>
A deferred 1995 Section member (of any age) returning to the NHS with effect from 1 April 2015 after a break five years or more.	Yes	Only up to leaving the 1995 Section	Upon their return they join the 2015 Scheme with effect from 01/04/2015 subject to being under 60.
A 1995 ill health pensioner with no protection, under the age of 50, who returned to the NHS with effect from 1 April 2015.	Yes	Only up to taking their 1995 ill health pension.	They join the 2015 Scheme on first day of NHS reemployment.
A person who transferred out previous 1995 Section membership (and who was not a UK public sector scheme member on or before 31 March 2012) who joined the NHS on or after 1 April 2015.	Yes	Not applicable; previous 1995 transferred out	They join the 2015 Scheme on first day of NHS reemployment.
A person (born on or after 1 September 1960) who was a 2008 Section member prior to 1 April 2015.	Yes	Only up to 31/03/2015	They join the 2015 Scheme with effect from 01/04/2015.

<b>Description of person</b>	<b>2015 eligibility with effect from 1 April 2015</b>	<b>1995/2008 section eligibility</b>	<b>Rules</b>
A person who first joined the 2008 Section with effect from 1 April 2012 and who has no previous UK public sector pension scheme membership.	Yes	Only up to 31/03/2015	They join the 2015 Scheme with effect from 01/04/2015.
A person with no previous UK public sector pension scheme membership who first joined the 2008 Section with effect from 1 April 2012, then left and then returned to the NHS on or after 1 April 2015.	Yes	Only up to 31/03/2015	They join the 2015 Scheme with effect from 01/04/2015.
A deferred 2008 Section member (of any age) returning to the NHS with effect from 1 April 2015 after a break of five years or more.	Yes	Only up to leaving the 2008 Section	They join the 2015 Scheme with effect from 01/04/2015.

<b>Description of person</b>	<b>2015 eligibility with effect from 1 April 2015</b>	<b>1995/2008 section eligibility</b>	<b>Rules</b>

2008 Section pensioner (under the age of 75) who returned to the NHS with effect from 1 April 2015 after a break of five years or more.	Yes	Only up to taking their 2008 pension.	They join the 2015 Scheme on first day of NHS reemployment.
A person (born from 2 April 1957 to 31 August 1960 inclusive) who was a member of the 2008 Section on or before 31 March 2012 and is in receipt of 2008 pension benefits and who returned to the NHS after a break less than five years on or after 1 April 2015.	With effect from tapered date	Up to tapered date	They remain in the 2008 Section until the tapered end date and join the 2015 Scheme thereafter. If there is a further break in 2008 service of five years or more commencing before the tapered date 2008 Section membership ceases.
A 1995 Section Special Class or MHO (born on or after 1 September 1970) in pensionable employment with effect from 1 April 2015.	Yes	Only up to 31/03/2015	They join the 2015 Scheme with effect from 01/04/2015.

<b>Description of person</b>	<b>2015 eligibility with effect from 1 April 2015</b>	<b>1995/2008 section eligibility</b>	<b>Rules</b>
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A 1995 Special Class/MHO member (born from 2 April 1967 to 31 August 1970 inclusive) in pensionable employment on or before 31 March 2012 and in pensionable employment on or after 1 April 2015.	With effect from tapered date	Up to tapered date	They join the 2015 Scheme after tapered protection ceases. If there is a further break in 1995 service of five years or more commencing before the tapered date 1995 Section membership ceases and they join the 2015 Scheme.
A deferred 1995 Section member (of any age) returning to the NHS with effect from 1 April 2015 after a break of five years or more.	Yes	Only up to leaving the 1995 Section	Upon their return they join the 2015 Scheme with effect from 01/04/2015 subject to being under 60.
A 1995 ill health pensioner with no protection, under the age of 50, who returned to the NHS with effect from 1 April 2015.	Yes	Only up to taking their 1995 ill health pension.	They join the 2015 Scheme on first day of NHS reemployment.

<b>Description of person</b>	<b>2015 eligibility with effect from 1 April 2015</b>	<b>1995/2008 section eligibility</b>	<b>Rules</b>
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A person who transferred out previous 1995 Section membership (and who was not a UK public sector scheme member on or before 31 March 2012) who joined the NHS on or after 1 April 2015.	Yes	Not applicable; previous 1995 transferred out	They join the 2015 Scheme on first day of NHS reemployment.
A person (born on or after 1 September 1960) who was a 2008 Section member prior to 1 April 2015.	Yes	Only up to 31/03/2015	They join the 2015 Scheme with effect from 01/04/2015.
A person who first joined the 2008 Section with effect from 1 April 2012 and who has no previous UK public sector pension scheme membership.	Yes	Only up to 31/03/2015	They join the 2015 Scheme with effect from 01/04/2015.

<b>Description of person</b>	<b>2015 eligibility with effect from 1 April 2015</b>	<b>1995/2008 section eligibility</b>	<b>Rules</b>
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A person with no previous UK public sector pension scheme membership who first joined the 2008 Section with effect from 1 April 2012, then left and then returned to the NHS on or after 1 April 2015.	Yes	Only up to 31/03/2015	They join the 2015 Scheme with effect from 01/04/2015.
A deferred 2008 Section member (of any age) returning to the NHS with effect from 1 April 2015 after a break of five years or more.	Yes	Only up to leaving the 2008 Section	They join the 2015 Scheme with effect from 01/04/2015.
2008 Section pensioner (under the age of 75) who returned to the NHS with effect from 1 April 2015 after a break of five years or more.	Yes	Only up to taking their 2008 pension.	They join the 2015 Scheme on first day of NHS reemployment.

<b>Description of person</b>	<b>2015 eligibility with effect from 1 April 2015</b>	<b>1995/2008 section eligibility</b>	<b>Rules</b>
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<p>A person (born from 2 April 1957 to 31 August 1960 inclusive) who was a member of the 2008 Section on or before 31 March 2012 and is in receipt of 2008 pension benefits and who returned to the NHS after a break less than five years on or after 1 April 2015.</p>	<p>With effect from tapered date</p>	<p>Up to tapered date</p>	<p>They remain in the 2008 Section until the tapered date and join the 2015 Scheme thereafter. If there is a further break in 2008 service of five years or more commencing before the tapered end date 2008 Section membership ceases.</p>
<p>A person (born from 2 April 1957 to 31 August 1960 inclusive) who was a member of the 2008 Section on or before 31 March 2012 and is in receipt of 2008 pension benefits and who returned to the NHS after a break of five years or more on or after 1 April 2015.</p>	<p>First day of NHS re-employment</p>	<p>Up to taking their 2008 pension benefits</p>	<p>They join the 2015 Scheme on day one of their reemployment.</p>
<p><b>Description of person</b></p>	<p><b>2015 eligibility with effect from 1 April 2015</b></p>	<p><b>1995/2008 section eligibility</b></p>	<p><b>Rules</b></p>

A person who transferred out previous 2008 Section membership (and who was not a UK public sector scheme member on or before 31 March 2012) who joined the NHS on or after 1 April 2015.	Yes	Not applicable; previous 2008 membership transferred out	They join the 2015 Scheme on first day of NHS reemployment.
A 2015 Scheme member who returns after a break less than five years.	Yes	Not applicable	They rejoin the 2015 Scheme upon return. Revaluation continues.
A 2015 Scheme member who returns after a break of five years or more.	Yes	Not applicable	They rejoin the 2015 Scheme on first day of NHS re employment. Revaluation ceases on the last day of the first period which becomes deferred. The later period attracts revaluation up until LDOS subject to no further breaks of five years or more. They join the 2015 Scheme on first day of NHS employment.

**Table 4: No NHS Pension Scheme eligibility**

Description of person	1995/2008/2015 eligibility	Rules
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Officer/practice staff member already in (aggregated) whole time Officer NHS pensionable employment elsewhere in England or Wales.	No	Employer must offer alternative 'in house' pension arrangements.
A self-employed non-GP Provider with more than one NHS post in England or Wales.	Limited to one post	As they can only 'pension' one post (i.e. surgery) they must make their own their own arrangements regarding other posts.
A person under 16 or over 75.	No	Employer must offer alternative 'in house' pension arrangements.
A person in receipt of 1995 Section pension benefits other than ill health.	No	Employer must offer alternative 'in house' pension arrangements.
A person employed (or engaged) by an organisation providing NHS services that is not a NHS Pension Scheme Employing Authority.	No	Employer must offer alternative 'in house' pension arrangements.
A person employed by an Independent Provider/Employing Authority who does not meet the 'more than 50%' criteria.	No	Employer must offer alternative 'in house' pension arrangements.
A self-employed person other than a Practitioner.	No	Individual must make their own pension arrangements.
An individual trading as a limited company in respect of 'ad hoc' work.	No	Individual/Ltd co must make their own pension arrangements.
Non-executive director including chair persons who are not CCG based GPs.	No	Individual must make their own pension arrangements.
General Dental Services (GDS) or Personal Dental Services (PDS)	No	Individual must make their own pension arrangements.
<b>Description of person</b>	<b>1995/2008/2015 eligibility</b>	<b>Rules</b>

Contractors who are not qualified/listed Dental Practitioners.		
Honorary post holders who do not have a concurrent Officer/Practitioner post	No	Employer must offer alternative 'in house' pension arrangements.
A deferred 1995 Section member returning to the NHS on or after 60.	No	Employer must offer alternative 'in house' pension arrangements.
A person employed by a GMS, PMS, or APMS surgery to perform private or sub-contracted' work on behalf of the surgery.	No	Employer must offer alternative 'in house' pension arrangements.
Dental practice staff (other than qualified dentists).	No	Employer must offer alternative 'in house' pension arrangements.