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All NHS Chief Executives  
Payroll Managers and Pensions Officers,  
Directors of Finance and Human Resources  
Direction Bodies, all GP Practices and  
Out of Hours, SPMS and APMS Providers

Date 8 August 2007

Dear Colleague,

### **NHS PENSIONS NEWSLETTER**

This letter provides information about NHS Pension Scheme access for providers of Specialist Personal Medical Services (SPMS) and Alternative Providers of Medical Services (APMS). Information is also provided regarding the NHS Injury Benefits Scheme.

### **Specialist Personal Medical Services (SPMS)**

#### Qualifying as a Scheme Employing Authority

Any organisation that qualifies as a SPMS Provider also qualifies as a Scheme Employing Authority by virtue that SPMS is a subset of PMS.

#### Providers

A Provider may be an individual, two or more individuals working together in partnership, or a company limited by shares.

Under NHS Pension Scheme Regulations a GP, who is a single-handed SPMS Provider, or in a partnership providing SPMS, or a shareholder in a Limited Company providing SPMS, is called a GP Provider and is afforded type 1 (i.e. Principal) Practitioner Scheme status with the host

Primary Care Trust (PCT) or Local Health Board (LHB) being their 'employer' for Scheme purposes.

Their pensionable pay is based on their share of the income less expenses and they must complete the 'Certificate of Pensionable Profits' on an annual basis and forward it to the PCT or LHB for validation. This means that a GP will have to complete two Certificates, and be afforded two type 1 Practitioner posts, if they are concurrently a SPMS Provider and also a GMS or PMS Provider. The PCT or LHB is responsible for forwarding the Scheme contributions and relevant paperwork (i.e. forms SS14 and SD55) to NHS Pensions.

A non-GP single-hander, partner, or shareholder (i.e. a nurse, practice manager, pharmacist, etc) in SPMS is called a non-GP Provider and is treated as if they were a whole time Officer regardless of the hours they work. As Officer Scheme members are only allowed to 'pension' their NHS income up to whole time this will affect other concurrent NHS pensionable posts that a non-GP Provider will have and they will have to decide which posts they elect to be pensionable. A non-GP Provider's pensionable pay is also based on their share of the income less expenses and they must complete the 'Certificate of Pensionable Profits' on an annual basis and forward it to the PCT or LHB. The host PCT or LHB is their 'employer' for Scheme purposes and is responsible for forwarding the Scheme contributions and relevant paperwork to NHS Pensions.

SPMS Providers are **not** entitled to a NHS redundancy pension.

If any SPMS Providers are not active in the actual provision of SPMS they cannot join the NHS Pension Scheme.

### Employed Staff

Any individuals who are formally employed by a SPMS Provider and who are not GPs (i.e. drivers, clerks, nurses, consultants, etc) have the same NHS Pension Scheme rights as GP Practice staff and Out of Hours staff. This means they are afforded main Scheme rights but are not covered for the redundancy pension or the agreed early retirement pension. The SPMS Provider is their Scheme Employing Authority (EA) and will require an EA code.

### Salaried GPs

The Scheme Employing Authority in respect of any salaried GPs and GPs with special interests (i.e. type 2 (Assistant) Practitioners) employed or engaged by a SPMS Provider is the PCT or LHB. Salaried GPs working for a SPMS Provider enjoy the same pension rights as Salaried GPs employed by a GMS or PMS Practice.

## The NHS Injury Benefits Scheme

GP, and non-GP, Providers in SPMS and salaried GPs are covered by the NHS Injury Benefit Scheme Regulations. Their 'employer' for Injury Benefit Scheme purposes, and the body responsible for paying benefits, is the 'host' PCT or LHB.

Individuals, other than GPs, who are employed by a SPMS Provider are not covered by the NHS Injury Benefit Scheme Regulations.

## **Alternative Providers of Medical Services (APMS)**

### Qualifying as a Scheme Employing Authority

The NHS Pension Scheme Regulations were amended on 5 April 2005 to allow Scheme membership for certain providers of APMS. APMS contractors that would be eligible to enter into a GMS contract or PMS agreement with a PCT or LHB can apply to become a Scheme Employing Authority. To qualify as an Employing Authority, the APMS contractor must be run by an individual, two or more individuals in partnership, or a company limited by shares, but the individual, partners, or shareholders must all come from the 'NHS family'. The 'NHS family' consists of NHS Trusts and their employees, GMS/PMS Providers and their employees, and healthcare professionals.

### Providers

A GP who is a single-handed APMS Provider, in a partnership providing APMS, or a shareholder in a Limited Company providing APMS is called a GP Provider and is afforded type 1 (i.e. Principal) Practitioner Scheme status with the host PCT or LHB being their 'employer' for Scheme purposes. Their pensionable pay is based on their share of the income less expenses and they must complete the 'Certificate of Pensionable Profits' on an annual basis and forward it to the PCT or LHB for validation. A GP who is a Provider in more than one organisation will have to complete Certificates in respect of each of their roles as a Provider. They will therefore have more than one type 1 Practitioner post. The PCT or LHB is responsible for forwarding the Scheme contributions and relevant paperwork (i.e. forms SS14 and SD55) to NHS Pensions.

An individual single-hander, partner, or shareholder in who is providing APMS and is not a GP is called a non-GP Provider and is regarded as if they were a whole time Officer regardless of the hours they work. As Scheme members with Officer status are only allowed to 'pension' their NHS income up to whole time this will affect other concurrent NHS pensionable posts. A non-GP Provider's pensionable pay is based on their share of the income less expenses and they must complete the 'Certificate of Pensionable Profits' on an annual basis and forward it to the PCT or LHB. The host PCT or LHB is their 'employer' for Scheme purposes and is responsible for forwarding the Scheme contributions and relevant paperwork to NHS Pensions.

APMS Providers are not entitled to the NHS redundancy pension.

If any Providers are not active in the actual 'day to day' provision of APMS they cannot join the NHS Pension Scheme.

### Employed Staff

Any individuals who are formally employed by an APMS Provider and who are not GPs have the same NHS Pension Scheme rights as GP Practice staff and Out of Hours staff. This means they are afforded main Scheme rights but are not covered for the redundancy pension or the agreed early retirement pension. The APMS Provider is their Scheme Employing Authority (EA) and will require an EA code.

### Salaried GPs

The NHS Pension Scheme Employing Authority in respect of any salaried GPs and GPs with special interests (i.e. type 2 (Assistant) Practitioners) employed or engaged by an APMS Provider is the PCT or LHB. Salaried GPs working for a APMS Provider enjoy the same pension rights as Salaried GPs employed by a GMS or PMS Practice.

### The NHS Injury Benefits Scheme

GP (and non-GP) Providers and salaried GPs in APMS who are allowed access to the NHS Pension Scheme are also covered by the NHS Injury Benefit Scheme Regulations. Their employer for Injury Benefit Scheme purposes is the 'host' PCT or LHB.

Any other individuals who are formally employed by an APMS Provider are not covered by the NHS Injury Benefit Scheme Regulations.

### **Enquiries**

Any enquiries about this Newsletter, either from existing Providers or prospective Providers, should be made direct to the Policy Development Unit (PDU) at NHS Pensions. Any requests to be set up as an Employing Authority should also be made in the first instance to PDU.

Yours sincerely



Ian Merga  
Head of Policy and Injury Benefits