

# NHS Pensions

# Member factsheet

# Contingent Decisions – Added benefits

The availability to purchase new additional benefits to the legacy 1995/2008 Scheme ended once a member transitions to the 2015 Scheme.

All member service records are now rolled back to the legacy scheme for the period referred to as the ‘remedy period’ from 1 April 2015 to 31 March 2022. Retrospective purchase options may be available to you regarding added years or additional pension arrangements as detailed below.

## Reinstated contracts

### Opted out contingent decisions

If you held a full or half cost added years or additional pension contract but chose to opt out of the legacy scheme instead of moving over to the 2015 Scheme, you may be able to pay retrospective contributions plus associated interest in order to reinstate your additional benefits contract.

First you would need to have successfully applied for and been accepted to buy the opted out service during the remedy period.

See separate guidance about opting out contingent decisions, available on our website <https://www.nhsbsa.nhs.uk/public-service-pensions-remedy-mccloud/contingent-decisions>

### Revoked Choice 2 decisions

If you had an added years contract terminated when you chose to move from the 1995 Section to the 2008 Section under the Choice 2 provision, you may now be able to reinstate this contract.

You must have been affected by Choice 2 and subsequently informed us that you wish to revoke this decision in order to move back to the legacy 1995 Section.

This only applies to added years contracts as additional pension remained an option in the 2008 Section.

More information is available regarding Choice 2, available on our website <https://www.nhsbsa.nhs.uk/public-service-pensions-remedy-mccloud/contingent-decisions> .

## New contracts

Subject to the separate standard added years and additional pension eligibility requirements, you may also be able to retrospectively start a new contract in the legacy scheme during the remedy period (1 April 2015 to 31 March 2022).

This relates to half cost added years in the 1995 Section only or additional pension in the 1995 or 2008 Section. You can apply if you have:

* standard rolled back remedy period service, or;
* bought opted out service during the remedy period

Revoked Choice 2 decisions also means that new half cost added years purchases are possible for those who have moved back to the 1995 Section.

## Eligibility criteria

You must have been employed within the NHS for England and Wales during the remedy period and at the date in which you wish to reinstate or apply for a new added years or additional pension contract.

If instead you had been employed by the NHS for Scotland or Northern Ireland, you should contact the respective separate scheme administrators.

This provision is open to all NHS officers (employed) and practitioners (self-employed) who have rolled back remedy service to the 1995 or 2008 Section. As this is a retrospective application process, you can apply regardless of your current pensionable status as an active, deferred or pensioner member.

You can apply to purchase a retrospective contract if you held active service during the remedy period subject to standard added years or additional pension eligibility requirements. If you previously terminated a contract you can choose to reinstate this.

To avoid making unnecessary applications it is recommended that you first read up on the individual eligibility requirements for making a new half cost added years or additional pension arrangement before you apply.

More information about added years in the 1995 Section or additional pension in the 1995 or 2008 Sections is available in the ‘Increasing your pension’ section of the Member Hub on our website, <https://www.nhsbsa.nhs.uk/member-hub/increasing-your-pension>

It is not possible to reinstate a previous added years or additional pension contract if you had cancelled it due to grounds of financial hardship.

If you had full protection from joining the 2015 Scheme, you would not be able to make a retrospective claim under this provision as you were not restricted from taking out an added years or additional pension contract during the remedy period.

If you are successful in making a claim, you will be responsible for paying the additional contributions plus interest to date.

If you currently contribute to the NHS Pension Scheme and your additional benefits contract has a future end date, you will need to pay the arrears and then maintain the future additional benefits contributions along with your regular pension contributions. Following reviews of the Scheme, the cost of future instalments of an existing arrangement could be changed.

Costs are adjusted to include tax relief for employed officers, whilst self-employed practitioners must instead request tax relief via their self-assessment.

## Application process

If after reading the ‘increasing your pension’ guidance you feel you are eligible and interested in making a claim, we have provided an application form on the website with this factsheet called the ‘Contingent decision (non-compensation) application’.

The application is a generic form that may be used for contingent decisions other than additional benefit enquiries. For this reason it is important that you provide clear instruction as to what you are requested from us. For the purpose of additional benefits enquiry, some application form completion guidance is provided below.

### Application completion guidance

The application only consists of 2 sections, one for your personal details and the second is a free text box to which you can use additional pages if required. To help avoid unnecessary follow up contact, we suggest you confirm to us the following information:

* If you are applying for an added years or additional pension arrangement?
* If you are reinstating an existing arrangement or requesting a new one?
* If known, does this relate to 1995 or 2008 Section scheme benefits?
* Provide your current or last NHS employer if you still work or have since left the NHS, if you have more than one, please list them all?

**Reinstated added years and additional pension**

If you are interested in reinstating an existing closed arrangement, we should have the details on record. If you had more than one arrangement, be clear about which arrangements you wish to reinstate.

**New half cost added years arrangements**

As added years contracts only relate to the 1995 Section and new applications for full cost contracts ended on 31 March 2009, only new applications for half cost contracts can now be considered.

Check you are eligible before applying by reading the guidance in the ‘Increasing your pension’ section of the website, <https://www.nhsbsa.nhs.uk/member-hub/increasing-your-pension> If you think you may be eligible, provide full details of the refunded service to includes dates, employers, hours worked, jobs and supporting evidence such as refund letters and pay slips.

**New additional pension arrangements**

In addition to the above information, provide an idea of how many lots of £250 additional pension you wish to purchase up to a maximum of £5000 and if you wish to purchase personal cover only or with dependant’s cover. Also confirm if you are likely to want to pay as a single lump sum or via instalments.

## What happens after you apply

Once we have all the information required, we will calculate the net cost plus interest for reinstating or starting a new arrangement. You will be sent an illustration. This provides you with the cost, details of additional benefits that can be purchased and the payment options available to you.

The cost will remain correct up to one calendar month from the date of the illustration. If you reply after this period then additional interest will be applied.

Successful applicants will be responsible for paying their backdated additional benefits contribution arrears plus associated interest to date.

For active members with ongoing contracts, regular contributions will continue to be collected by the employer, who will also be asked to arrange collection of the ongoing (future) additional benefit contributions. To avoid building up further arrears, it is important that your employer starts to collect the additional payments from your pay as soon as possible. If you are purchasing additional pension and have more than one employer, it is important that you to tell us which employer you would like contributions to be collected from.

Costs are adjusted to include tax relief for employed (officer members), whilst self-employed (practitioner members) must request this via self-assessment.

All payment must be covered. Any remaining amounts outstanding at the time of retirement or death, will be deducted from pension benefits.

If you wish to proceed with an arrangement, complete and return the ‘payment instruction form’. These are also available on the website.

Active and deferred members will have the option to pay the arrears in a one-off payment or an instalment plan.

Instalment plan calculators will be provided on the website to help you calculate an affordable payment option.

If you have already retired and claiming an NHS pension, you can ask for the cost to be taken from your pension benefits. This would be taken from the arrears of additional pension lump sum if applicable or arrears of pension. If any amount remained, it would be deducted from the ongoing pension until fully recovered. We will ask you to confirm an acceptable monthly pension deduction to recover any remaining amount.

**After we receive your payment instruction**

We will check and confirm receipt of the payment instruction and add the reinstated or new additional benefits contract to your pension record.

**How we use your information**

For more information about how the NHSBSA processes your personal data, please see our Privacy Notice - [www.nhsbsa.nhs.uk/our-policies/privacy/nhs-pensions-privacy-notice](http://www.nhsbsa.nhs.uk/our-policies/privacy/nhs-pensions-privacy-notice)

**NHS Pensions**

**Added benefits contingent decisions**

**www.nhsbsa.nhs.uk/nhs-pensions**