NHS Pensions - Mental Health Officer status (1995 Section only)

History of Mental Health Officer status

Mental Health Officer (MHO) status is a historical provision that was introduced to compensate members caring for patients suffering from mental health disorders.

It was a continuation of arrangements which existed prior to the formation of the NHS in 1948, when treatment for mental health patients was different to today.

Abolition of MENTAL HEALTH OFFICER status

Mental Health Officer status was abolished for all new entrants to the NHS Pension Scheme after 6 March 1995, and for those previously holding the status who have a break in pensionable employment of any one period of five years or more.

Mental Health Officer status does not apply in the 2008 Section or the 2015 Scheme.

Eligibility

In order to be considered for the status a member must spend all, or almost all, of their time in the direct treatment or care of those suffering from mental disorders. Doctors and nurses who are identified by their employer as working with mentally disordered patients, will be granted Mental Health Officer status automatically if they satisfy the membership criteria. Other grades may be accepted on investigation.

A member’s employer notifies NHS Pensions on joining of any member they believe may satisfy the criteria for Mental Health Officer status

Where there is a dispute about eligibility the Department of Health and NHS Pensions have the final say.

Eligibility following a break

In pensionable employment on 6 March 1995

If a member was in pensionable employment (contributing to the 1995 Section) on 6 March 1995 as an Mental Health Officer they may, depending on their age, qualify for Mental
Health Officer status on rejoining the 1995 Section in employment which attracts the status, as long as they do not have a break in pensionable employment of any one period of five years or more. This is the case even if they subsequently receive a refund of contributions, transfer benefits out of the Scheme or retire.

**Not in pensionable employment on 6 March 1995**

If a member had deferred benefits as an Mental Health Officer member on 6 March 1995 they may, depending on their age, qualify for Mental Health Officer status on rejoining the 1995 Section in employment which attracts the status, as long as they do not have a break in pensionable membership of any one period of five years or more.

**Note:** If the member had transferred benefits out of the Scheme, received a refund or retired as a Special Class member prior to 6 March 1995 then they are not eligible for the status on returning to pensionable employment.

**Benefits**

1995 Section members who have 20 years Mental Health Officer membership can:

- retire from age 55 without any reduction to benefits, providing they are still in pensionable Mental Health Officer employment on the day before they retire.
- count each complete year of Mental Health Officer membership after building up 20 years, as two years for benefit purposes, known as ‘doubling’.

**Transition to the 2015 Scheme**

Mental Health Officer membership counting towards doubling will cease when you move over to the 2015 Scheme.

1995 Section members holding Mental Health Officer status who either move straight into the 2015 Scheme or do so following the end of a period of Tapered Protection and who do not exceed a break of five years or more, will have a final salary link for the purpose of the 1995 Section pension benefits.

If the final salary link is maintained and the criteria to retire at age 55 for Mental Health Officer purposes is met, the 1995 Section benefits can be claimed once all NHS employment ends. Any 2008 Section or 2015 Scheme benefits would be calculated as normal and if being paid before the Normal Pension Age would attract an actuarial reduction.

**Part time membership**
Originally a 1995 Section member had to be whole time to qualify for Mental Health Officer status. However, part time members were granted the status in certain circumstances. Mental Health Officer status was backdated to 8 April 1976 for part timers who made a valid application to an Employment Tribunal and for those members who were contributing to the 1995 Section on 14 January 1999. A member who was not in pensionable employment on 14 January 1999 but subsequently rejoined the 1995 Section after that date will still be entitled to have Mental Health Officer status considered for current and future periods of part time membership, subject to fulfilling the other criteria.

**Mental Health Officer work done outside the NHS**

Some periods of work with mental health patients which does not count towards a member’s pension may count towards the 20 years required to double membership. This includes:

- membership no longer reckonable in the NHS Pension Scheme, for example membership refunded or transferred out of the Scheme,
- work with mental health patients outside the NHS (including some work in government approved premises outside the UK).

When considering whether this membership counts towards a member’s doubling date, doubling cannot commence from a date prior to entry to the NHS Pension Scheme or prior to age 50.

A member should contact NHS Pensions if they believe they have membership which may count towards their doubling date. They should include documentary evidence, such as job descriptions, person specifications or letters of appointment to enable NHS Pensions to investigate further.

**Retention of Mental Health Officer status**

Historically, following management restructuring within the NHS, representations were made to allow Scheme members who were appointed to posts which, although within nursing, were managerial in character, to retain Mental Health Officer status. Guidelines were developed to enable employers to make decisions on retention of Mental Health Officer status.

**Criteria for retention of Mental Health Officer status**

When considering whether a member is entitled to retain Mental Health Officer status they must have clear line management responsibility for ward nursing staff and consequently a responsibility for the treatment or care of patients suffering from mental health disorders.
Entitlement to retain the status will be strengthened if a member’s responsibilities include setting and monitoring standards of psychiatric nursing and development and training of nursing staff under their control.

Retention of Mental Health Officer status applies to those working in mental health trusts and units catering primarily for patients suffering from mental health disorders. Those who are employed in units which do not cater primarily for those with mental health disorders will not normally be allowed to retain Mental Health Officer status.

A member must have held the status in the post directly before the post in which they wish to ‘retain’ the status.

Retention of Mental Health Officer status cannot usually be considered when a member’s previous job was not within nursing. This is because the grades of staff they are managing do not always automatically qualify for Mental Health Officer status in their own right.

**Decision making**

The decision about whether a member can retain Mental Health Officer status can be made by the employer for a member who is appointed to any nursing post up to and including the grade of Director of Nursing (or equivalent) only. Members above this grade will not normally be allowed to retain the status as it is extremely unlikely they will fulfil the criteria.

A member who believes they fulfil the criteria to retain Mental Health Officer status should therefore contact their employer in the first instance who will make the decision and contact NHS Pensions for confirmation.

If an employer has any doubts about whether a particular member can retain Mental Health Officer status, they will contact NHS Pensions providing copies of the current and former job descriptions together with any other information considered relevant to the application.

Should an employer believe a specific member above the grade of Director of Nursing exceptionally warrants the status they must contact NHS Pensions providing the supporting information detailed above.

Investigations into retention of Mental Health Officer status should be done at, or before the time a member commences the role. NHS Pensions would not expect these investigations to be commenced just prior to retirement.

When deciding whether a member can retain Mental Health Officer status consideration is being given to whether the particular member can retain Mental Health Officer status in that role. This does not necessarily mean that Mental Health Officer status would apply automatically to any other member subsequently undertaking the role.
In all cases of retention NHS Pensions maintain the right to make the final decision.

**Mental Health Officers restriction of membership**

A member with Mental Health Officer status is restricted to 40 years pensionable membership at age 55 and 45 years overall.

When the maximum 45 years pensionable membership is reached before age 60 an Mental Health Officer must continue to pay contributions until age 60, unless they opt out of the 1995 Section or retire and claim their pension benefits.

Where maximum 45 years pensionable membership is reached after age 60, but before 65, a member must stop paying contributions when 45 years pensionable membership has been achieved.

All Mental Health Officers must cease paying contributions at age 65 regardless of the amount of pensionable membership they have achieved.

In all cases pension benefits are not payable until a member leaves NHS employment and retires or on reaching age 75* whichever is earlier.

*70 on or before 31 March 2008.

**Alternative benefit calculation**

Benefits are usually based on pensionable pay up to the date contributions stopped. However, the NHS Pension Scheme regulations allow for an alternative calculation for Mental Health Officers who cease to be pensionable, but have continued to work in the NHS before taking retirement benefits.

In these circumstances, if more beneficial, the regulations allow benefits to be calculated using straight membership (no doubled years) and a later pensionable pay figure. The later pensionable pay figure and the straight membership total would be assessed at whichever of the following events happened first:

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

If benefits using this method are more beneficial, then the regulations also allow outstanding contributions to be deducted from the retirement or death benefit lump sum.
**Process for applying for Mental Health Officer status**

- Read the information provided in this factsheet to check if you may be eligible for Mental Health Officer status.
- Telephone our customer contact centre to confirm whether the status is already recorded on our records.
- If required download the SM Mental Health Officer enquiry form located in our Pension Scheme forms page.

Where possible, members should query Mental Health Officer status direct with the relevant employer using form SM Mental Health Officer and completing the attached ‘Form A’. The Employer Directory located in the Members Hub can be used to look up the address or our customer contact centre may be able to help you.

Mental Health Officer Form B should only be used to contact NHS Pensions if the employer cannot be located or when non pensionable or non NHS employment is being queried.