



Public Health Transfers from the NHS to Local Authorities

Pension Provision – Frequently Asked Questions

Background

The Health and Social Care Act 2012, makes provision for the transfer of public health services and staff from primary care trusts (PCTs) to local authorities. The HR principles around this transfer have been discussed and agreed at national level by the *Concordat Steering Group* key partners and guidance and support has been produced to enable a fair and transparent transfer to be effected at local level.

This document has been designed to assist staff in understanding how their current pension arrangements will be affected by the transfer to local authorities and includes a variety of FAQs and information for both employees and employers on other issues such as NHS Pension Direction Orders, Automatic Enrolment and NHS injury benefits.

Discussions about pension provision have been guided by key considerations, including:

- supporting the retention of expertise in the public health workforce during transition
- as far as possible, enabling mobility across the public health workforce in different settings in future, particularly enabling “natural flows” of staff between the NHS and local government
- minimising costs
- respecting local authorities’ role as individual employers.

Both the NHS Pension Scheme (NHSPS) and Local Government Pension Scheme (LGPS) are important and valuable parts of the pay and reward package.

The following guidance is set out in **three sections with an Annex containing a summary of both schemes and a glossary**:

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Section 1: Pension arrangements for public health staff working in local authorities – summary

a) Position as at 1 April 2013

In a [letter](#) dated 17 May 2012 the Local Government Association and the Department of Health outlined the treatment of pensions as part of the Public Health Transfer.

It was confirmed that all staff performing public health functions transferring to local authorities (LAs), who have access to the NHS Pension Scheme on 31 March 2013 will retain access to the NHSPS on transfer from PCTs to local authorities at 1 April 2013.

b) Position post 1 April 2013

In a [letter](#) dated 20 December 2012 the Local Government Association and the Department of Health outlined the pensions position for staff who subsequently change jobs after 1 April 2013 following detailed discussions held by the pensions sub-group of the *Concordat Steering Group*.

The agreement states that:

1. All transferring staff will retain access to the NHSPS if, after transfer they are compulsorily moved to another post within the same local authority and remain in direct local authority employment.
2. Transferring 'public health specialists or practitioners' and staff in the 1995 section of the NHSPS within 10 years of their normal pension age of 55 or 60 as at 1 April 2012 and those likely to receive tapering protection will retain access to the NHSPS if they make a voluntary move to another public health post within the same local authority.

'Public health specialists or practitioners' must meet the following description to retain access to the NHSPS. The description has informed the drafting of the transfer scheme legal document (see section 2 Q2 below).

'Members who are Public Health Specialists or Practitioners: whose job role involves them wholly or mainly undertaking public health practice or activity either in relation to prevention, health protection, healthcare public health, or health promotion programmes for individuals from particular population groups, or in relation to the whole population within a certain geography. They should be registered on one or more of the GMC, GDC, UKPHR, HCPC or NMC registers or be carrying out a public health role as defined by the attached list of Agenda for Change (AFC) role profiles.'

Information Analyst Principal, Public Health Intelligence, AFC payband 8a-b
Information Analyst Advanced/Team Manager, Public Health Intelligence, AFC payband 7

Information Analyst Specialist, Public Health Intelligence, AFC payband 6
Health Improvement Practitioner, AFC payband 5
Health Improvement Practitioner Specialist, AFC payband 6
Public Health Researcher, AFC payband 7
Health Improvement Practitioner Advanced, AFC payband 7
Public Health Research & Development Manager, AFC payband 8a
Health Improvement Principal, AFC paybands 8a/b/c
Public Health Consultant, AFC paybands 8a-9

3. All other transferring staff who do not fall within the categories above will join the LGPS if they move posts voluntarily after transfer.

4. Local authorities, as employers, can decide whether to apply for a Pensions Directions Order to allow continued access to the NHSPS for registered public health professionals and staff nearing retirement (see paragraph 2) where they recruit “new joiners” to public health roles who already have access to the NHSPS. These staff could be recruited from the NHS, another local authority or elsewhere.

Section 2: Frequently Asked Questions (FAQs)

1. I'm transferring to a local authority on 1 April 2013. What will happen to my membership of the NHS Pension Scheme?

All staff performing public health functions transferring to local authorities (LAs), who have access to the NHSPS on 31 March 2013, will retain access to the NHS scheme on transfer from PCTs to LAs at 1 April 2013.

2. Are all local authorities bound by this decision?

All LAs receiving public health functions and staff are doing so in accordance with the provisions of the Health and Social Care Act 2012. The Act confers powers to make schemes for the transfer of staff from PCTs, SHAs and other bodies abolished by the Act. Public health staff will be covered by the schemes transferring staff from PCTs and SHAs on 1st April 2013. Each scheme will list the names of those transferring and the bodies to which they transfer, including those transferring to local authorities. The scheme provides for the protection of terms and conditions and other matters, and a receiving local authority must act in accordance with the provisions of the scheme. If you are transferring your name should appear on the relevant list in the scheme for your current employer. In addition, the schemes may also provide for some staff who are not named on the list, but who obtain posts during March, to be transferred if notified by the relevant receiver.

The Transfer Scheme is a legal documents and the LA you will be transferring to is bound by the legal provisions set out in the Transfer Scheme.

3. What is the Transfer Scheme List?

The Transfer Scheme List will name all the staff transferring from the PCT to the LA on 1 April 2013. All staff listed on the Transfer Scheme List are entitled to membership of the NHSPS at the point of transfer and will remain entitled to access to the NHSPS for so long as they remain in the post in which they transfer on 1 April 2013. This will allow them to contribute to the NHSPS in their transferred post providing they meet the NHSPS qualifying conditions.

The schemes may also provide for some staff who are not named on the list, but who obtain posts during March, to be transferred if notified by the relevant receiver.

4. What are the NHSPS qualifying conditions?

The majority of the transferring staff have eligibility to continue contributing to (or with the option to join) the NHSPS.

A small number of staff involved in the transfer may not be eligible to contribute to the NHSPS. The circumstances where an employee listed on the

Transfer Scheme List would not be eligible to join the NHSPS include the following:

- the employee is over the age of 75
- the employee is a special class officer over the age of 65
- they have reached 45 years pensionable membership

There are further restrictions on eligibility for some individuals who are in receipt of an NHS Pension. It may be prudent to contact NHS Pensions directly in such circumstances – contact details for the Business Services Authority can be found at the following:

<http://www.nhsbsa.nhs.uk/Pensions/2735.aspx>

Please see question 9 below for information on which pension scheme staff not eligible for the NHSPS should be enrolled in.

5. I don't fall into the description set out in Section 1 above – but think I should retain access to the NHSPS – what do I do?

Staff who are covered by a scheme but who do not fall into one of the descriptions are entitled to membership of the NHSPS at the point of transfer. In these circumstances, you would remain entitled to access to the NHSPS on the same terms as other transferring staff – ie you will be protected while you remain in the post in which you transferred on 1 April 2013, and where you are compulsorily moved to another post within the same local authority and remain in direct local authority employment.

A future voluntary move could affect your entitlement to membership of the NHSPS (see Q12).

6. Can I join the LGPS instead of NHSPS when I compulsorily transfer on 1 April 2013?

No. All staff transferring who are eligible to be in the NHSPS will remain in the NHSPS. The LGPS rules mean that while you remain entitled to contribute to the NHSPS you will not be eligible to join the LGPS.

7. I've heard that I will pay higher contribution rates in the NHSPS than in the LGPS. Is that true?

The contribution rates of both the NHSPS and LGPS are set out in Annex A of this document. In certain pay bands the NHSPS contribution rates are higher for employees. The LGPS rules mean that if you are entitled to have access to another public service pension scheme, you cannot have access to the LGPS.

Continued access to the NHSPS for certain groups of staff (as set out above) has been carefully considered and discussed by employers and trade unions

as partners in the *Concordat Steering Group*. The decisions were made after consultation with trade unions' networks and are designed to facilitate movement of public health staff between the NHS and local authority employers. Both the NHSPS and LGPS are valuable parts of the pay and rewards systems.

8. I've opted out of the NHSPS. What is my pension position?

All staff covered by a scheme will retain the right to membership of the NHSPS, including those who have opted out, for so long as they remain in the post in which they transferred on 1 April 2013 and providing they meet the NHSPS qualifying conditions.

Under the Pensions Act 2008 all employers are required to comply with new pensions duties being introduced in stages from 1 October 2012. Every employer in the UK will be allocated a date from which the duties will first apply to the employer and this date is known as the employer's 'staging date'. Employers will have a duty to automatically enrol **eligible jobholders** between the ages of 22 and State Pension Age into a qualifying workplace pension scheme.

Staff covered by a Transfer Scheme who aren't active members of the NHSPS at the local authority staging date will need to be considered as part of the automatic enrolment duties of the local authority. The local authority will need to assess whether these staff members are eligible jobholders. If you're not sure of your pensions position, contact the LA HR Team.

Please see Section 3 b) for more information on automatic enrolment.

9. I'm not in the NHSPS because I'm not eligible so can I join the LGPS when I transfer to a local authority on 1 April 2013?

You may be eligible to join the LGPS and should check with your employer or the LGPS.

10. What is my pension entitlement if I'm compulsorily moved by my employer (eg as part of a re-organisation) to another role within the public health function of the local authority?

You will retain access to the NHSPS if you are compulsorily moved to another post within the same local authority and remain in direct local authority employment.

11. What is my pension entitlement if I'm moved compulsorily to another role outside of the public health function of the local authority?

You will retain access to the NHSPS if you are compulsorily (eg as part of a re-organisation) moved to another post within the same local authority and remain in direct local authority employment.

12. What is my pension entitlement if I move voluntarily to another role within the public health function of the same local authority?

If you are a 'public health specialist or practitioner' (see description above in Section 1) and/or are in the 1995 section of the NHSPS and within 10 years of the normal retirement age of 55 or 60 as at 1 April 2012 and/or you are likely to receive the *tapered protection*, you will retain access to the NHSPS if you make a voluntary move to another public health post within the same local authority.

If you are not covered by either the description of a 'public health specialist or practitioner' or by the 10 year period or likely to receive the *tapered protection* outlined above, you will be eligible to join the LGPS if you move posts voluntarily after transfer (assuming you meet the relevant LGPS eligibility criteria).

The local authority as the employer can, however, apply for an 'Individual' NHS Pension Direction Order to allow continued access to the NHSPS for staff moving voluntarily to such public health roles. The Department of Health will consider these applications on their merit.

Please see Section 3 a) for more information on NHS Pension Direction Orders.

13. What is my pension entitlement if I choose to make a voluntary move to a public health post in another local authority?

This depends on your circumstances and the discretion of the local authority as the new employer.

Local authorities have the option to apply for an 'Open' NHS Pension Direction Order to enable staff with recent entitlement to the NHSPS to retain access to the Scheme providing that they:

- a) are a 'public health specialist or practitioner' (see description in Section 1)
- b) and/or are members of the 1995 section of the Scheme and within 10 years of their normal retirement age of 55 or 60 as at 1 April 2012 (and those likely to receive the *tapered protection*).

LAs with a direction order would be required to offer access to all staff who fall within the direction criteria. If there is no Direction Order in place you would be eligible for membership of the LGPS, subject to its eligibility criteria.

Please see Section 3 a) for more information on NHS Pension Direction Orders.

14. What is my pension entitlement if I choose voluntarily to move to another role outside the public health function but stay within the same local authority?

In such cases you would no longer retain the right to be eligible for the NHSPS and would be eligible to be enrolled into the LGPS, subject to its eligibility criteria. You would be covered by the rules of the Public Sector Transfer Club should you wish to transfer your NHS pension into the LGPS.

15. What is the Public Sector Transfer Club?

The LGPS and NHSPS are both part of the Public Sector Transfer Club. The Club currently allows easier movement of staff mainly within the public sector. It does this by making sure that employees receive broadly equivalent credits when they transfer their pensionable service to a new scheme regardless of any increase in salary when they move to their new employment. This means that what they can expect from their final salary pension remains broadly the same, and so moving from job to job need not lead to pension worries. Club transfer terms are only applied in cases of voluntary moves of employment by individuals and not in circumstances where individuals or groups are compulsorily transferred.

Section 3: More information for employees and employers

a) NHS Pension Direction Orders

A Pension Direction is a legal document drafted under powers conferred within Section 7 of the Superannuation (Miscellaneous Provisions) Act 1967, under which the Secretary of State approves, subject to certain restrictions, the payment of contributions by people employed outside the National Health Service.

LAs will be able to apply for directions to allow continued access to the NHSPS for staff they recruit as outlined in Section 2.

In the main, directions are available on application by Local Authorities for staff who are registered public health professionals and some staff nearing retirement (see Section 1 for more detail). These directions will permit eligible recruits to contribute to the NHSPS providing that they have been entitled to participate in the Scheme in the last 12 months.

A local authority can apply for a Direction Order by contacting the Business Services Authority. More information, including an application pack is available at the following weblink:

<http://www.nhsbsa.nhs.uk/2806.aspx>

b) Automatic Enrolment

Under the Pensions Act 2008 all employers are required to comply with new pensions duties being introduced in stages from 1 October 2012. Every employer in the UK will be allocated a date from which the duties will first apply to the employer and this date is known as the employer's 'staging date'. Employers will be notified of their 'staging date' by the Pensions Regulator. The date will depend on the size of the employer and the number of people in the employer's PAYE scheme on 1 April 2012. The largest employers will start first.

Employers will have a duty to automatically enrol **eligible jobholders** between the ages of 22 and State Pension Age into a qualifying workplace pension scheme.

Those staff transferred under a scheme who aren't active members of the NHSPS will need to be considered as part of the automatic enrolment duties of the local authority when reaching its staging date.

If the LA has already reached its staging date on 1 April 2013 then **eligible jobholders** who are not active members will need to be automatically enrolled in the NHSPS if eligible (or LGPS, as appropriate – see below) under the

requirements of that scheme. If the LA has not reached its staging date it will not be required to automatically enrol **eligible jobholders who are not active members** into the NHSPS (or LGPS, as appropriate – see below) until its staging date is reached.

The following link from the Business Services Authority contains information on the NHSPS and automatic enrolment:

<http://www.nhsbsa.nhs.uk/Pensions/3710.aspx>

The following link from the Local Government Association contains information on the LGPS and automatic enrolment.

<http://www.lge.gov.uk/lge/core/page.do?pagelId=17995528>

Further information is also available on the Pension Regulator website:

<http://www.thepensionsregulator.gov.uk/index.aspx>

Staff transferred under a Scheme **who qualify to contribute towards the NHSPS**

Where the local authority has passed its staging date before 1 April 2013 staff transferred under a Scheme who are entitled to join the NHSPS and are **eligible jobholders** should be automatically enrolled into the NHSPS. Those who are **entitled workers or non-eligible jobholders** should be informed of their right to join the NHSPS. No action needs to be taken for staff aged 75 or over.

If the staging date for a local authority is the same as the transfer date, 1 April 2013, then that local authority must automatically enrol such public health staff who are entitled to join the NHSPS and are **eligible jobholders** but not active members into the NHSPS. Those who are **entitled workers or non-eligible jobholders** should be informed of their right to join the NHSPS. No action needs to be taken for staff aged 75 or over.

If the local authority's staging date is after 1 April 2013, staff transferred under a scheme who aren't active members but are eligible to join the NHSPS should not be brought into the NHSPS on 1 April 2013 (unless they choose to opt to join the NHSPS on that date). However, subject to the following paragraph (transitional delay), if that person has still not joined the NHSPS by the local authority's staging date the local authority must automatically enrol that person into the NHSPS from the authority's staging date, provided the person is an **eligible jobholders** at that time and is eligible for membership of the NHSPS. Those who are **entitled workers or non-eligible jobholders** should be informed of their right to join the NHSPS. No action needs to be taken for staff aged 75 or over.

If the local authority decides to apply the **transitional delay period** to put back its automatic enrolment requirements for **eligible jobholders** and their

staging date is after 1 April 2013, then this **transitional delay period** will also apply to those **eligible jobholders** transferred under a Scheme. However the transitional delay period can only be applied to staff who are, and continue to be, eligible for this. A notice must be issued by the local authority to these persons.

Staff covered by a scheme who don't qualify to contribute towards the NHSPS

Where the local authority has passed its staging date before 1 April 2013 staff transferred under a scheme who are not entitled to join the NHSPS and are **eligible jobholders** should be automatically enrolled into the LGPS. Those who are **entitled workers or non-eligible jobholders** should be informed of their right to join the LGPS. No action needs to be taken for staff aged 75 or over.

If the staging date for a local authority is the same as the transfer date, 1 April 2013, then that local authority must automatically enrol such public health staff who are not entitled to join the NHSPS and are **eligible jobholders** into the LGPS. Those who are **entitled workers or non-eligible jobholders** should be informed of their right to join the LGPS. No action needs to be taken for staff aged 75 or over.

If the local authority's staging date is after 1 April 2013, staff transferred under a Scheme who aren't active members and are not eligible to join the NHSPS should not be brought into the LGPS on 1 April 2013 (but they can choose to opt to join the LGPS from that date). However, subject to the following paragraph (transitional delay), if that person has still not joined the LGPS by the local authority's staging date the local authority must automatically enrol that person into the LGPS from the authority's staging date, provided the person is an **eligible jobholders** at that time and is eligible for membership of the LGPS. Those who are **entitled workers or non-eligible jobholders** should be informed of their right to join the LGPS. No action needs to be taken for staff aged 75 or over.

If the local authority decides to apply the **transitional delay period** to put back its automatic enrolment requirements for **eligible jobholders** and their staging date is after 1 April 2013 then this **transitional delay period** will also apply to those **eligible jobholders** transferred under a Scheme.

Casual or bank staff who are transferred under a scheme and who are already members of the NHSPS will continue to be so. Those staff who are not members, will need to be reassessed each pay period after the authority's staging date, to check whether they qualify for membership of the NHSPS or LGPS. If they do qualify for membership and are eligible jobholders, then the automatic enrolment process should be followed.

c) NHS injury benefits

The Department of Health is currently undertaking a regulatory consultation in respect of the existing NHS Injury Benefit Scheme, which will close the scheme in respect of injuries or conditions which occur on or after 31 March 2013.

A new NHS Injury Allowance Scheme is currently being negotiated by the NHS Staff Council, which proposes that it would be incorporated into NHS Terms and Conditions of Service from 31 March 2013. Until this new NHS Injury Allowance Scheme has been agreed by the NHS Staff Council, it is not possible to provide further information. However, if an agreement is reached, action will be taken to ensure that the NHS Terms and Conditions of Service Handbook are updated, and other staff contracts are updated appropriately to reference the relevant section of the handbook, so that access to this new NHS Injury Allowance is protected on transfer.

A transitional right will exist, after transfer, enabling staff to make claims to the existing NHS Injury Benefits Scheme, in respect of injuries or conditions with a late onset that occur prior to 31 March 2013. Staff transferred under a transfer scheme will retain entitlement to the existing NHS Injury Benefit Scheme so far as they apply after 1 April (ie the transitional rights above) while they remain entitled to the NHSPS.

Information on the Scheme in place up to 31 March 2013 can be found on the following web link:

<http://www.nhsbsa.nhs.uk/InjuryBenefitScheme.aspx>

Allowances and other sums payable under the Local Government (Discretionary Payments) (Injury Allowances) Regulations 2011 are at the discretion of a local authority. Therefore it would be at the discretion of the employer as to whether they would pay such an allowance or other sum to staff who have transferred from the PCT to the local authority. Local authorities need to ensure their policy in respect of the Local Government (Discretionary Payments) (Injury Allowances) Regulations 2011 reflects their position relating to staff who have transferred and have access to the NHS Injury Benefit provisions.

d) Further information and guidance

The NHSPS Employer's Charter outlines the roles and responsibilities for employers in locally administering the NHSPS. See section 2.5 for information an employer must provide to a scheme member.

Employer's Charter:

[http://www.nhsbsa.nhs.uk/Documents/Pensions/Employers_Charter_\(V1\)_02.2012.pdf](http://www.nhsbsa.nhs.uk/Documents/Pensions/Employers_Charter_(V1)_02.2012.pdf)

For further information on the LGPS, go to: www.lgps.org.uk

Annex A Summary of Current Schemes

Current Scheme Comparison Table			
	NHS 1995	NHS 2008	LGPS 2008
Basis of Pension	Final Salary	Final Salary	Final Salary
Accrual Rate	1/80 th plus lump sum	1/60 th	1/60 th
Employee Contributions	Tiered contributions	Tiered contributions	Tiered contributions – between 5.5% and 7.5% (pay bands determining the contribution rate are increased each April in line with Consumer Price Index)
Employer Contributions	Set nationally currently 14%	Set nationally currently 14%	Set locally every three years (on average 14% plus deficit repayments)
Normal Pension Age	60	65	65
Death in Service	2 times pensionable pay	2 times reckonable pay	3 times final pay (but not grossed up to whole-time equivalent in respect of a part-time employee)

NHS & LGPS Employee Contribution Rates from 2013/14 (gross contribution):

NHSPS*

Pensionable Pay (Whole-time equivalent) Paid in 2012/13	Rate
Up to £15,278	5.0%
£15,279 to £21,175	5.3%
£21,176 to £26,557	6.8%
£26,558 to £48,982	9%
£48,983 to £69,931	11.3%
£69,932 to £110,273	12.3%
Over £110,273	13.3%

LGPS

Full time equivalent pensionable pay	Rate
Up to £13,700	5.5%
£13,701 to £16,100	5.8%
£16,101 to £20,800	5.9%
£20,801 to £34,700	6.5%
£34,701 to £46,500	6.8%
£46,501 to £87,100	7.2%
£More than £87,100	7.5%

**Proposed rates subject to consultation and parliamentary process*

Summary of new Schemes from April 2014 and 2015

New Schemes from 2014 /2015 Comparison Table		
	NHS 2015	LGPS 2014
Basis of Pension	Career Average Revalued Earnings (CARE)	CARE
Accrual Rate	1/54 th	1/49 th
Revaluation Rate	CPI + 1.5%	CPI
Employee Contributions	Tiered contributions (To be confirmed between 5% - 14.5% expected)	Tiered contributions (between 5.5% - 12.5%). The pay bands determining the contribution rate are increased each April in line with Consumer Price Index
Employer Contributions	Set nationally – currently 14%	Set locally every three years – amount to be confirmed as part of 2013 fund valuations
Normal Pension Age	State Pension Age (SPA)	SPA
Death in Service	2 times reckonable pay or average annual earnings	3 times final pay (but not grossed up to whole-time equivalent in respect of a part-time employee)

Based on the proposed final agreement on reforms to the NHS Pension Scheme published on 9 March 2012

NHS & LGPS proposed Employee Contribution Rates from 2014/15 (gross contribution):

NHSPS

Up to £15,000	5.0%
£15,001 to £21,175	5.6%
£21,176 to £26,557	7.1%
£26,558 to £48,982	9.3%
£48,983 to £69,931	12.5%
£69,932 to £110,273	13.5%
Over £110,273	14.5%

LGPS

Up to £13,500	5.5%
£13,501 to £21,000	5.8%
£21,001 to £34,000	6.5%
£34,001 to £43,000	6.8%
£43,001 to £60,000	8.5%
£60,001 to £85,000	9.9%
£85,001 to £100,000	10.5%
£100,001 to £150,000	11.4%
More than £150,000	12.5%

Glossary

Concordat Steering Group

The partnership vehicle for discussing and developing the national HR and workforce guidance and support is the Concordat Steering Group (CSG). Its membership includes the Department of Health, Local Government Association (LGA), NHS employers, both NHS and local government trade unions and it is co-chaired by the Royal College of Nursing and the Department of Health. The CSG also provides a link into and influences the overarching national work of the HR Transition Partnership Forum.

Tapered protection

Tapered protection refers to the protection awarded to NHSPS members of the 1995 section who were over 10 years but within 13 years 5 months of their normal pension age on 1 April 2012 and who remain in the 1995 section.

Eligible jobholder

This is a worker –

- a) who is working or ordinarily works in Great Britain under the worker's contract, and
- b) who is aged at least 22 and under State Pension Age, and
- c) to whom earnings of more than the annualised equivalent of £9,440* (2013/14) are payable by the employer in the relevant pay reference period. It should be noted that if a worker has genuinely separate contracts then the earnings from each should be treated separately (not aggregated) when determining whether, in relation to a contract, the worker is an entitled worker, a non-eligible jobholder or an eligible jobholder. Information and examples on how to determine earnings in a pay reference period can be found in [Detailed Guidance no. 3](#) on the Pensions Regulator's website.

*Not in force until 6 April 2013

Non-eligible jobholder

This is a worker –

- a) who is working or ordinarily works in Great Britain under the worker's contract, and
- b) who is aged at least 16 and is under age 75 and to whom annualised equivalent earnings of £5,668 or more but less than or equal to £9,440 (2013/14) are payable by the employer in the relevant pay reference period, or
- c) who is aged at least 16 and under age 22, or has attained State Pension Age and is under age 75, and to whom annualised equivalent earnings of more than £9,440 (2013/14) are payable by the employer in the relevant pay reference period. It should be noted that if a worker has separate contracts then the earnings from each should be treated separately (not aggregated) when determining whether, in relation to a contract, the

worker is an entitled worker, a non-eligible jobholder or an eligible jobholder. Information and examples on how to determine earnings in a pay reference period can be found in [Detailed Guidance no. 3](#) on the Pensions Regulator's website.

Entitled worker

This is a worker –

- a) who is working or ordinarily works in Great Britain under the worker's contract, and
- b) who is aged at least 16 and is under age 75, and
- c) to whom earnings of less than the annualised equivalent of £5,668 (2013/14) are payable by the employer in the relevant pay reference period. It should be noted that if a worker has separate contracts then the earnings from each should be treated separately (not aggregated) when determining whether, in relation to a contract, the worker is an entitled worker, a non-eligible jobholder or an eligible jobholder. Information and examples on how to determine earnings in a pay reference period can be found in [Detailed Guidance no. 3](#) on the Pensions Regulator's website.

Transitional delay period

Under this provision of the Pensions Act 2008 and the Employers' Duties (Implementation) (Amendment) Regulations 2012 employers can choose to delay the automatic enrolment rules for existing eligible jobholders until 1 October 2017. In effect this means the employer is putting back the date of the automatic enrolment requirements for that eligible jobholder. An eligible jobholder to whom the transitional delay period is applied will still have the right to opt in to the NHSPS of LGPS (whichever is applicable) during the period of transitional delay.

For further details on transitional delay periods can be found in [Detailed Guidance no. 3b](#) on the Pensions Regulator's website.

Contact details

This guidance has been formulated in conjunction with the Department of Health, the Local Government Association and the Business Services Authority.

Queries regarding the information in this document should be directed to:

For queries relating to the LGPS contained in this document please contact the Pensions Team at the Local Government Association via email at pensions@local.gov.uk.

For queries relating to the NHS PS please contact the Business Services Authority via email at NHSReforms@NHSPA.gov.uk

DH Gateway reference: 18727