

# **NHS Pensions Review**

Allocation to Tiers

Officers

2008/9

Doc. Version:	V1.1
Date:	1 <sup>st</sup> February 2008
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## 1. Introduction

### 1.1. Background

This guidance applies to Officers who are members of either:

- The National Health Service Pension Scheme (Amendment) Regulations 2008 (The revised 1995 NHSPS); or
- The National Health Service Pension Scheme Regulations 2008 (The new NHSPS)

A key feature of the new and revised NHS Pension Schemes is that contribution rates vary from 5% to 8.5% depending on the member's pensionable earnings.

This document explains how the tiered contribution rate allocation should be administered in detail, including the non straightforward cases.

There will inevitably be circumstances which have not been anticipated. Anyone with such a case is encouraged to raise it with Pensions Division who will update the guidance accordingly.

This document only applies to 2008/9. Further advice will be supplied in respect of 2009/10.

## 2. Tiered Employee Contribution Rates

### 2.1. Contribution Rates Table

The table for the initial allocation for 2008/9 based on 2007/8 pensionable pay is:

**Table 1 - Tiered Contribution Rates (2007/8 pay rates)**

Tier	Annual Pensionable Pay (Full time equivalent)	Current Contribution	New Contribution 2008/09
1	Up to £19,682	5% (manuals) 6%	5% 5%
2	£19,683 -£65,002	5% (manuals) 6%	5% (manuals) 6.5%
3	£65,003- £102,499	6%	7.5%
4	£102,500 plus	6%	8.5%

Note: The contribution rate for members in the current 'manual worker' category will remain at 5% until 1 April 2009 regardless of earnings. This means that any existing manual workers falling within bands 3 and 4 would also qualify for the 5% contribution tier in 2008/09. From 1 April 2008 in "The new NHSPS", contributions are no longer dependent on whether employees are in manual or professional grades - these grades for pension purposes do not exist within "The new NHSPS" and pensionable pay alone will determine the contribution tier. The exception is restricted to manual workers within the "Revised 1995 NHSPS" following the Review Partners' agreement that members already paying 5% on 1 April 2008 and those returning to the "Revised 1995 NHSPS" during 2008/09 whose previous employment was as a manual worker will retain this rate for 2008/2009 only.

## 2.2. Updates to Contribution Rates Table

1. The table used to allocate staff to contribution tiers will be updated by the Secretary of State from time to time.
2. An updated table will be issued during 2008/9 once the AfC pay award is agreed.
3. The updated table will be used for new starters who are allocated a contribution tier based on an estimate of 2008/09 earnings (see section 3.3) who start on or after the implementation date of the revised table. Other members will retain their tier based on the 2007/08 table until 2009/10. The date the updated table is to be implemented for new and existing members will be notified when issued by the Secretary of State.

## 3. Allocation to Tiered Contribution Rates

### 3.1. General Principles

1. Once a tiered rate has been determined it is applied to the whole amount. For example, someone with pensionable pay of £150,000 will pay contributions of 8.5% x £150,000.
2. Allocation for 2008/09 will be based on full year, full time equivalent pensionable pay during 2007/08 or estimated full year, full time equivalent pensionable pay during 2008/09 depending on circumstances, with the exception of existing members currently classed as manual and paying 5%.
3. All existing manual workers within the "Revised 1995 NHSPS" will retain the 5% contribution rate including manual workers in tiers 2, 3 and 4 until 1<sup>st</sup> April 2009.
4. Members returning to the "Revised 1995 NHSPS" during 2008/09, whose last employment within the NHSPS was as a manual worker will also retain the 5% contribution rate during 08/09.
5. For members of "The new NHSPS"; contributions are not affected by whether employees are in manual or professional grades, these grades do not exist for pension purposes within "The new NHSPS" and pensionable pay alone is used to determine the contribution tier.
6. The new contribution rates are to be applied from Tax Week 1 / Month 1 2008/9.
7. Employers should use 2007/08 pensionable pay **without** adjusting for any arrears payments or other pay adjustments which may relate to previous years.
8. Pence should be ignored when determining pensionable pay for the purpose of allocating members to tiers.
9. Pensionable pay should include all pensionable allowances etc.
10. Pensionable allowances for part-time workers should be scaled to the full time equivalent.
11. Pensionable pay used to determine a contribution tier should include any deemed pay. Any references to pay received, pay, earnings, income etc should be read as plus any deemed pay.
12. Any disallowed days should be adjusted for by scaling to a full year, full time equivalent pensionable pay.

13. For Officers with multiple contracts the full year, full time equivalent pensionable pay under each contract is considered separately and each contract is allocated a tier individually.
14. Members will normally retain the same contribution rate for the whole of 2008/09:
  - a. Officers moving from employment where they were contributing to the scheme will retain the contribution rate they were allocated for the year by the previous employer.
  - b. Officers moving to Practitioner posts will retain the contribution rate they were allocated for the year as Officers.
  - c. Practitioners moving to Officer posts will pay the contribution rate they were allocated for the year as Practitioners.

There are special rules with respect to members with multiple part time employments who start new employments during 2008/09 and around zero hour contracts which may lead to a contribution tier not being carried over into the new employment. These rules are detailed in Sections 3.3.3 and 3.3.4 below.

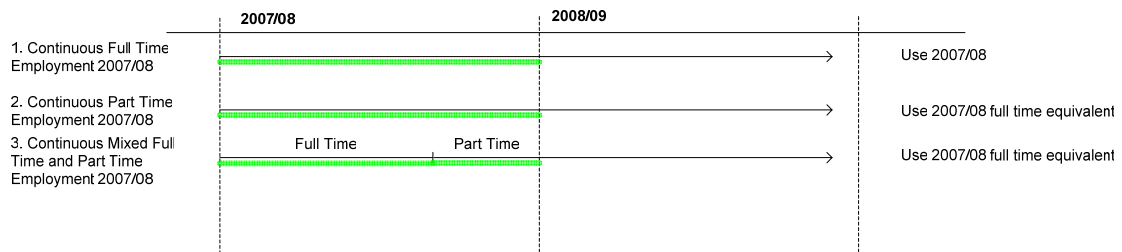
15. New starters in 2008/9 who are joining the pension scheme for the first time will be assessed based on estimated pensionable pay for 2008/9 using the contribution rates table in force at the time they join the scheme.
16. Where allocation to tiers calls for the use of 2007/08 pensionable pay and every effort to obtain 2007/08 data is delayed, for example, a previous employer is delayed in making the data available and the member is unable to provide evidence of pensionable pay, then the member's contribution rate should be temporarily set by reference to the pensionable pay the employer estimates will be received during 2008/09, scaled to an annual, full time equivalent amount and adjusted if necessary when the delayed information becomes available.
17. For members on or returning from maternity leave (no pay SMP etc), parental leave, paternity leave, sick leave (half pay, no pay, SSP) or career breaks etc, normal 'deeming rules' apply from the date of return. Those who go on to half pay during the year must continue to pay the rate of contributions for the tier they were placed in but based on the reduced amount of pensionable pay they actually receive. For those staff already on half pay, the tier should be based on their deemed (i.e. unreduced) rate of pay.
18. With respect to contribution tiers, members of the NHS Pension Schemes in Scotland & Northern Ireland transferring to the NHS Pension Scheme for England and Wales will be treated in exactly the same way as members transferring within the NHS Pension Scheme for England and Wales.

### 3.2. Initial 1<sup>st</sup> April 2008 Allocation

The initial allocation of members to contribution tiers is based on pensionable pay during 2007/08.

#### 3.2.1. Continuous Employment with a Single Employing Authority

Member has continuous employment 1<sup>st</sup> April 2007 to 1<sup>st</sup> April 2008 inclusive with the same employer:



#### General Principle:

- Members who are employed on 1st April 2008 who were continuously employed throughout the scheme year 1 April 2007 to 31 March 2008 (2007/08) by a single Employing Authority should have their contribution tier set according to the pensionable pay they received (plus any deemed pay) in that year.
- Pensionable pay for part time members should be scaled to the full time equivalent.
- Any disallowed days should be adjusted for by scaling to a full year's pay.

#### Illustrative scenarios:

1. Member is full time and employed throughout the scheme year 1 April 2007 to 31 March 2008 by a single employer. Contribution rate is set according to the pensionable pay they received in that year (plus any deemed pay).
2. Member is part time and employed throughout the scheme year 1 April 2007 to 31 March 2008 by a single employer. Contribution rate should be set according to the pensionable pay that would have been received (plus any deemed pay) in that year had the member worked full time. Any pensionable allowances etc for part time members should also be scaled pro rata to the full time equivalent.
3. Member has worked a combination of full time and part time continuously throughout the scheme year 1 April 2007 to 31 March 2008 for a single employer. Contribution rate should be set according to the pensionable pay that would have been received in that year had the member worked full time in both periods. That is, the part time period would be scaled to full time equivalent pay and added to the full time period pensionable pay. An example which illustrates this calculation is included in Section 4 below.

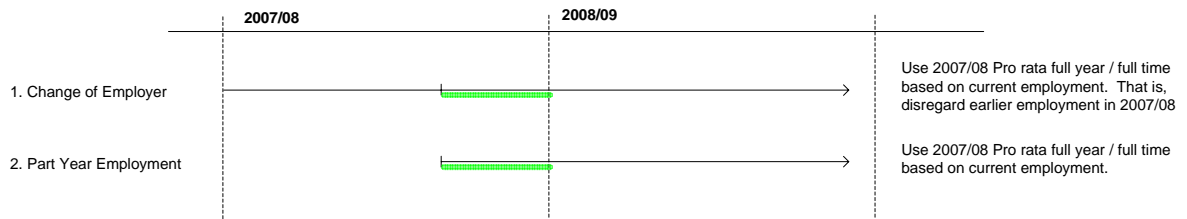
### 3.2.2. Part Year Pensionable Pay

Member is in pensionable employment 31<sup>st</sup> March 2008 and 1<sup>st</sup> April 2008 with the same employer but:

Member has changed employers during 2007/08.

**Or**

Member has only part year service during 2007/08.



#### General Principle:

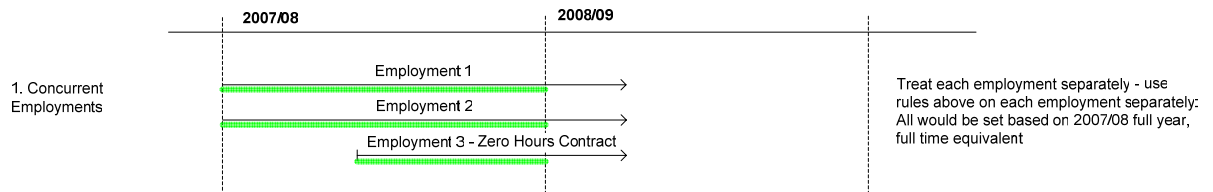
- Members should have their contribution tier set based on the employment current as at 31<sup>st</sup> March 2008 / 1<sup>st</sup> April 2008 scaled to the full year, full time equivalent.
- Employments preceding a change of employer should not be included in the calculation.

#### Illustrative scenarios:

1. Member is employed on 31<sup>st</sup> March 2008 and 1<sup>st</sup> April 2008 by the same employer but changed employers during 2007/08. The member's contribution rate should be based on the pensionable earnings in the employment current as at 31<sup>st</sup> March / 1<sup>st</sup> April scaled to full year equivalent, the earlier employment is disregarded. If the 31<sup>st</sup> March / 1<sup>st</sup> April employment is part time then pensionable earnings should be scaled to the full time equivalent as well as full year equivalent.
2. Member is employed on 31<sup>st</sup> March 2008 and 1<sup>st</sup> April 2008 by the same employer but started the employment part way through 2007/08. The member's contribution rate should be based on the pensionable earnings in the employment current as at 31<sup>st</sup> March / 1<sup>st</sup> April scaled pro rata to an annual figure. If the employment is part time pensionable earnings should be converted a full year, full time equivalent.

### 3.2.3. Concurrent Employments – Initial 1<sup>st</sup> April 2008 Allocation

Member is in pensionable employment which meets the criteria specified in sections 3.2.1 or 3.2.2 above. However, the member has two or more such employments concurrently.



#### General Principle:

- Each employment should be assessed separately and assigned a contribution tier individually.
- The tier for each employment should be determined by applying the rules outlined in Sections 3.2.1 and 3.2.2 to each employment. This may result in different tiers being assigned to each employment.

#### Illustrative scenarios:

1. Member has two part time employments and a zero hours contract as a bank employee. Each employment should be taken separately and the contribution tier(s) set using the rules outlined above. In this scenario, Employments 1 and 2 would both be scaled separately to full time equivalents (see section 3.2.1) and Employment 3 would be scaled to its full year, full time equivalent (see section 3.2.2).

#### Notes:

- Concurrent employment requires each employment to have a separate employment contract. Multiple duties under a single employment contract do not constitute separate employments even if the different duties attract different rates of pay.
- There is no difference in treatment between multiple employment contracts with a single employer and concurrent employments with multiple employers.



### 3.3. Tier Allocation During 2008/09

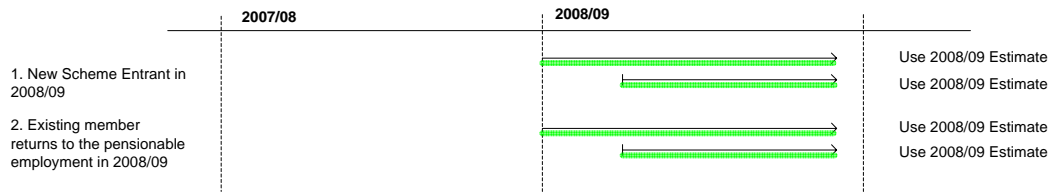
Allocation of members to tiers during 2008/09 may be based on an existing tier or 2008/09 estimated pensionable pay depending on circumstances.

#### 3.3.1. New Scheme Entrant or Returnee

Member joins the NHS Pension Scheme for the first time during 2008/09

Or

Existing scheme member returns to pensionable employment in 2008/09 after a break:



#### General Principle:

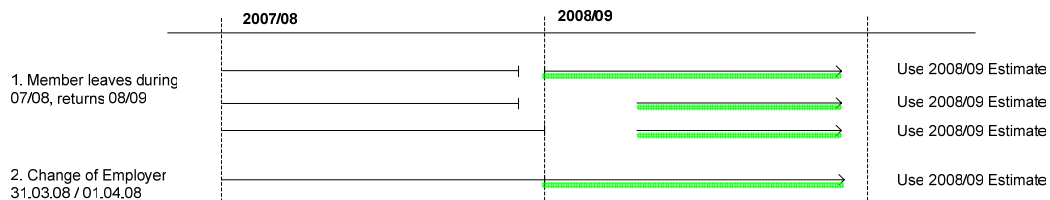
Members should have their contribution tier set based on the employer's estimate of pensionable pay for 2008/09.

#### Illustrative scenarios:

1. Member joins the NHSPS during 2008/09 either on 1<sup>st</sup> April 2008 or later in the year. The contribution rate should be based on the pensionable pay the employer estimates will be received during 2008/09 scaled to the full year, full time equivalent.
2. Existing member returns to pensionable employment during 2008/09 either on 1<sup>st</sup> April 2008 or later in the year. The contribution rate should be based on the pensionable pay the employer estimates will be received during 2008/09 scaled to the full year, full time equivalent.

### 3.3.2. Change in Employment falling over 31<sup>st</sup> March and 1<sup>st</sup> April 2008

Member ceased to be in pensionable employment on or before 31<sup>st</sup> March 2008 but returns to employment on or after 1<sup>st</sup> April. That is, the member wasn't employed by the same employing authority on 31<sup>st</sup> March and 1<sup>st</sup> April.



#### General Principle:

Members should have their contribution tier set based on the employment started in 2008/09.

#### Illustrative scenarios:

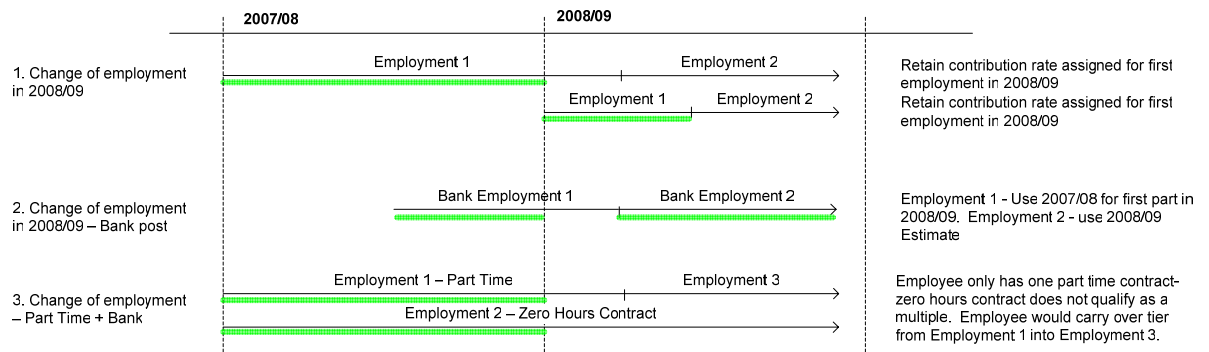
1. Member left employment during 2007/08 and returned to pensionable employment in 2008/09. Contribution tier should be set by the pensionable pay the employer estimates will be received during 2008/09 scaled to the full year, full time equivalent.
2. Member changed employer 31<sup>st</sup> March / 1<sup>st</sup> April. Contribution tier should be set by the pensionable pay the employer estimates will be received during 2008/09 scaled to the full year, full time equivalent.

#### Notes:

- Because the member wasn't employed by the same employer over the 31<sup>st</sup> March / 1<sup>st</sup> April they will not have been given a contribution tier based on 07/08 pensionable pay. Had they been employed by the same employer over the year end / year start then they would have been allocated a tier which they would then have retained for the later employment.

### 3.3.3. Members Moving Employments during 2008/09

Member moves employment, either with the same or a different employer during 2008/09:



#### General Principle:

New starters in 2008/09 who were previously working in the NHS as officers or practitioners and were allocated a contribution tier in that employment should have contributions deducted on the basis of their previously allocated contribution rate; provided the member does not have more than one part time officer employment already or will have more than one part time officer employment with the addition of the new post.

In other cases contributions should be based on the best estimate of pensionable pay for 2008/09. That is where the member:

- has more than one part time officer post at the point of moving employment; or
- will have more than one part time officer post with the addition of the new employment; or
- is moving from a zero hours contract rather than a part time or full time officer or practitioner post.

Special rules around multiple employments are further explored and exemplified in Section 3.3.4.

Moves to or from “zero hours contract” employments should always be reassessed based on the employer’s estimate of 2008/09 full year, full time equivalent pensionable pay.

#### Illustrative scenarios:

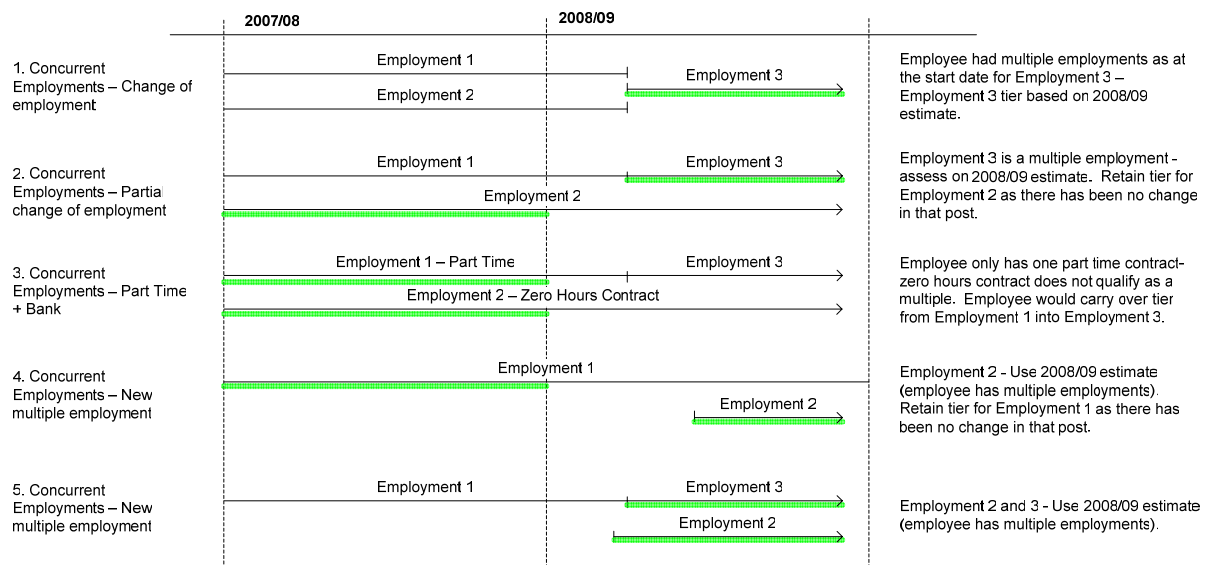
1. Member moves employment during 2008/09. The contribution tier assigned with respect to the first employment in 2008/09 should be retained for the second and any subsequent employments in 2008/09.
2. Member moves from or to a “zero hours contract” employment during 2008/09. The contribution tier for employment 2 should be assessed based on the pensionable pay the employer estimates will be received during 2008/09 scaled to its full year, full time equivalent. This applies whether moving to or from a “zero hours contract” employment and whether or not a change of employer is involved.
3. Member has part time Employment 1 and zero hours Employment 2. Employment 1 terminates and Employment 3 starts without a break. In this scenario the employee does not have multiple employments as the zero hours employment does not count as a multiple employment; therefore, the contribution tier for Employment 3 would be carried over from Employment 1 and since there has been no change in Employment 2 there is no change to the tier already assigned.

### Notes:

- “Zero hours contracts” are employments such as bank staff where there are no minimum hours specified in the employment contract.
- Employments related to “zero hours contracts” are not counted towards multiple employments. For example, a nurse with a substantive post and a bank post who is moving employer would retain the tier allocated by the previous employer for the substantive post and be reassessed for the bank post.

### 3.3.4. Concurrent Employment Scenarios

Member has concurrent employments with the same or a different employer:



### General Principle:

Normally an employee will retain a contribution tier for the whole of 2008/09 and will retain the tier when moving employments. However, in circumstances where a member has more than one part time officer employment already or will have more than one part time officer employment with the addition of the new post, it will not be possible to identify an existing contribution tier that the member should retain.

In such cases the contribution tier for the member’s new employment should be based on estimated 2008/09 full year, full time equivalent pensionable pay, rather than being carried over from a previous employment. That is, where the member:

- has more than one part time officer post at the point of moving employment; or
- will have more than one part time officer post with the addition of the new employment;

The contribution tier for any existing, continuing employment will not be reassessed and would continue unchanged.

“Zero hours contracts” are always reassessed (Section 3.3.3) therefore are not counted towards multiple employments.

There is no difference in the application of the rules with respect to multiple employment contracts with respect to whether they are with a single or multiple employers.

**Illustrative scenarios:**

1. Member has part time Employments 1 and 2 which terminate at the same time and starts new Employment 3 without a break. In this scenario the employee has multiple employments at the point Employment 3 starts; therefore, the contribution tier for Employment 3 would be based on estimated 2008/09 full time equivalent pensionable pay.
2. Member has part time Employments 1 and 2. Employment 1 terminates and Employment 3 starts without a break. In this scenario the employee has multiple employments at the point Employment 3 start; therefore, the contribution tier for Employment 3 would be based on estimated 2008/09 full time equivalent pensionable pay. There has been no change in Employment 2 therefore there is no change to the tier already assigned.
3. Member has part time Employment 1 and zero hours Employment 2. Employment 1 terminates and Employment 3 starts without a break. In this scenario the employee does not have multiple employments as the zero hours employment does not count as a multiple employment; therefore, the contribution tier for Employment 3 would be carried over from Employment 1 and since there has been no change in Employment 2 there is no change to the tier already assigned.
4. Member starts new Employment 2 whilst already employed in Employment 1. In this scenario the employee has multiple employments at the point Employment 2 starts; therefore, the contribution tier for Employment 2 would be based on estimated 2008/09 full time equivalent pensionable pay. There has been no change in Employment 1 therefore there is no change to the tier already assigned.
5. Member starts new Employment 2 whilst already employed in Employment 1 and then terminates Employment 1 and starts Employment 3. In this scenario the employee has multiple employments at the point Employment 2 starts and at the point Employment 3 starts; therefore, the contribution tier for Employment 2 and 3 would be based on estimated 2008/09 full time equivalent pensionable pay. There has been no change in Employment 1 therefore there is no change to the tier already assigned up to the point it terminates.

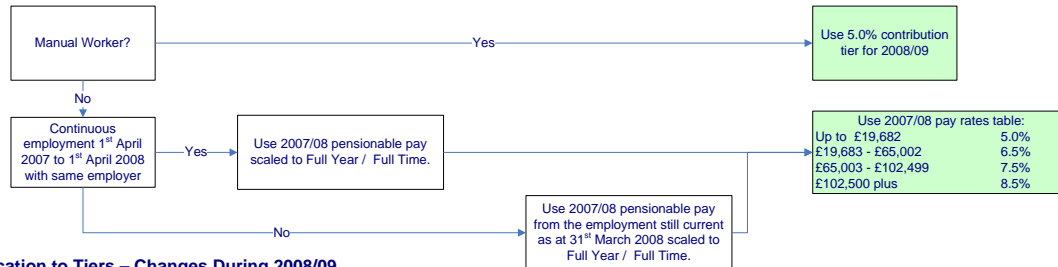
**Notes:**

- Concurrent employment requires each employment to have a separate employment contract. Multiple duties under a single employment contract do not constitute separate employments even if the different duties attract different rates of pay.
- There is no difference between multiple employment contracts with single employer or multiple employers.
- “Zero hours contracts” are not counted towards multiple employments.

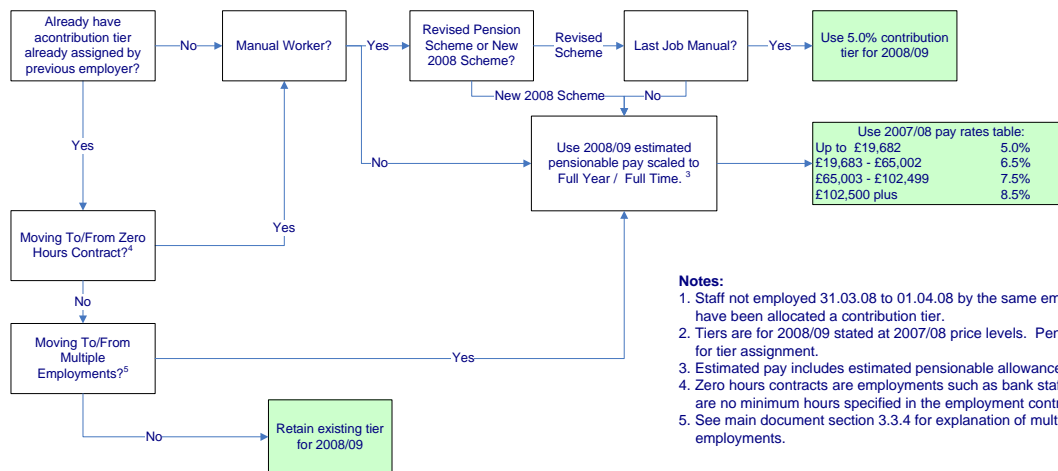
### 3.4. Flowchart

The flowchart below illustrates the rules to be applied when allocating members to contribution tiers at the start of 2008/09 and during 2008/09:

#### Allocation to Tiers 2008/09 – Existing Employees on 31.03.08



#### Allocation to Tiers – Changes During 2008/09



**Notes:**

1. Staff not employed 31.03.08 to 01.04.08 by the same employer will not have been allocated a contribution tier.
2. Tiers are for 2008/09 stated at 2007/08 price levels. Pence are ignored for tier assignment.
3. Estimated pay includes estimated pensionable allowances etc.
4. Zero hours contracts are employments such as bank staff where there are no minimum hours specified in the employment contract.
5. See main document section 3.3.4 for explanation of multiple employments.

#### 4. Calculation of Full Year, Full Time Pensionable Pay

The table below give some examples of how to calculate full year / full time pensionable pay.

Scenario		FTE Pensionable Pay	Tier
Full Time – Full Year	Employed full time  Continuous employment in 2007/08  2007/08 pensionable pay - £20,000.	£20,000  No adjustment is required.	5% if Manual Worker (and a member of the Revised 1995 NHSPS)  6.5% otherwise
Full Time – Full Year but with disallowed days	Employed full time  Continuous employment in 2007/08  2007/08 pensionable pay - £19,000.  Pensionable hours worked = 1900  Full time hours = 1955	£19,000 x 1955/1900 = £19,550  That is: Pensionable Pay x Full Time Hours / Actual Hours	5%
Part Time – Full Year	Employed part time 20 hours per week  Full time for post is 37 hours per week  Continuous employment in 2007/08  2007/08 pensionable pay - £20,000.	£20,000 x 37/20 = £37,000  That is: Pensionable Pay x Full Time Hours / Actual Hours	5% if Manual Worker (and a member of the Revised 1995 NHSPS)  6.5% otherwise

Scenario		FTE Pensionable Pay	Tier
Full Time - Part Year	Employed full time  Continuous employment 01.07.2007 to 31.03.2008  2007/08 pensionable pay - £10,000 for the period worked.	$£10,000 \times 12/9 =$ £13,333  That is: Pensionable Pay x Full Year / Part of Year Worked	5%
Part Time – Part Year	Employed part time 20 hours per week  Full time for post is 40 hours per week  Continuous employment 01.09.2007 to 31.03.2008  2007/08 pensionable pay - £10,000 for the period worked.	$£10,000 \times 40/20 \times 12/7 =$ £34,286  That is: Pensionable Pay x Full Time Hours / Actual Hours x Full Year / Part of Year Worked	5% if Manual Worker (and a member of the Revised 1995 NHSPS)  6.5% otherwise
Mix part-time & full-time	Employed part time 20 hours per week 1.4.07 to 30.11.07. Full time for post is 40 hours per week  Employed full time 1.12.07 to 31.03.08  2007/08 pensionable pay for employment 1 - £30,000.  2007/08 pensionable pay for employment 2 - £10,000.	$£30,000 \times 40/20 +$ $£10,000 = £70,000$  That is: Pensionable Pay Employment 1 x Full Time Hours / Actual Hours + Pensionable Pay Employment 2  Employment 1 is adjusted to full time. Employment 2 is already full time and is simply added to the adjusted Employment 1.	7.5%
Composite pay rate – multiple duties	Continuous employment in 2007/08  Duty 1 - £20,000 - 20 hours per week  Duty 2 - £15,000 – 15 hours per week  Full time for the post is 40 hours per week.	$£10,000 + £20,000 \times$ $40/(20+15) = £34,285$  That is: Total pensionable pay for 2007/08 x full time hours / total hours worked.	5% if Manual Worker (and a member of the Revised 1995 NHSPS)  6.5% otherwise



## 5. Further Support

Anyone with questions about which tier to allocate a member to or how to calculate full time / full year pensionable pay should contact the Pensions Division Help desk:

Tel: 01253 774774

Fax: 01253 774412

NHSnet: <http://www.pensionsagency.nhs.uk>

Web: <http://www.pensions.nhsbsa.nhs.uk>