

# NHS Pensions

## Final salary linking – Guide for employers



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## Background

### What is final salary linking?

A final salary link means when a member retires, if they have membership in the 1995/2008 Scheme, their benefits will be based on their pensionable pay on or near their retirement and not at the point they transitioned to the 2015 Scheme.

This guide covers the final salary link rules for protected and transition/tapered NHS Pension Scheme members.

### Protected members

A fully protected NHS Pension Scheme member is someone who on 1 April 2012:

- was either 10 years or less or over their Normal Pension Age, and
- in active membership on both 31 March 2012 and 31 March 2015.

These members will remain in the existing 1995 or 2008 Section until retirement and will not move to the 2015 Scheme.

The Public Service Pensions Act fully protected UK public sector pension scheme members who were closest to retirement at the time of the reforms.

### Transition members

A transition member is a person who has moved to the 2015 Scheme from the 1995 or 2008 Section on or after 1 April 2015. If they have not yet reached their transition date they will still be in the 1995/2008 Scheme.

For members of UK public sector pension schemes who do not qualify for full protection, or their tapered protection has expired, the Government made a commitment that their 1995 or 2008 Section pension benefits would be calculated using their pensionable earnings at retirement or when they left the 2015 Scheme rather than their earnings when they left their 1995 or 2008 Section. This is known as the final salary link.

The final salary link is lost if there is a break in public sector pension scheme membership exceeding five years the link is lost.

Where a transition member retains their final salary link, their 1995 or 2008 Section pension benefits are based on their current pensionable/reckonable pay and not their historical pay when they left the 1995 or 2008 Section.

Further information about transition members is outlined later in this guide.

### Members with tapered protection

A 1995/2008 Section member who was born from 2 April 1962 to 31 August 1965 inclusive will have tapered protection until their transition date, so long as they were an active 1995/2008

member on 31 March 2012, 31 March 2015, and on 1 April 2015 and they did not have a break exceeding five years before their transition date.

Where a member was subject to the pensionable earning cap special rules apply that are outlined later in this guide.

## Members with full protection



### 1995 Section

A 1995 Section fully protected member includes a person born on or before 1 April 1962 who was an active 1995 Section member before 1 April 2012, and also on 31 March 2015 and 1 April 2015. This assumes they do not have a break in membership of more than five years.

Members eligible for full protection include:

Date of birth	Membership status
On or before 01/04/1962	<ul style="list-style-type: none"> <li>A 1995 Section fully protected member includes a person born on or before 1 April 1962 who was an active 1995 member before 1 April 2012, and also on 31 March 2015 and 1 April 2015. This assumes they do not have a break in NHS pensionable membership exceeding 5 years.</li> </ul>
On or before 01/04/1962	<ul style="list-style-type: none"> <li>An active 1995 member on 31/03/2012 who then left and returned to NHS pensionable employment on or after 01/04/2015 following a break of less than 5 years and was under age 60 upon their return.</li> </ul>
On or before 01/04/1962	<ul style="list-style-type: none"> <li>A deferred 1995 member who returns to NHS pensionable employment before 01/04/2015 after a break of less than 5 years and was under age 60 upon their return</li> </ul>
On or before 01/04/1962	<ul style="list-style-type: none"> <li>An active 1995 member prior to 31/03/2012 who left NHS pensionable employment and returned on or after 01/04/2015 after a break of less than 5 years and before the age of 60</li> </ul>
On or before 01/04/1962	<ul style="list-style-type: none"> <li>A pensioner in receipt of 1995 ill health benefits who returned to NHS pensionable employment before 01/04/2015 and before age 50</li> </ul>



### 2008 Section

A 2008 Section fully protected member includes a person born on or before 1 April 1957 who was an active member before 1 April 2012, and also on 31 March 2015 and 1 April 2015.

Members eligible for full protection include:

Date of birth	Membership status
On or before 01/04/1957	<ul style="list-style-type: none"> <li>An active 2008 member on or before 31/03/2012 who left with a deferred pension and returned to NHS pensionable employment before 01/04/2015.</li> </ul>
On or before 01/04/1957	<ul style="list-style-type: none"> <li>An active 2008 member on or before 31/03/ 2012 who left with a deferred pension and returned to NHS pensionable employment on 01/04/ 2015 following a break in membership of less than 5 years.</li> </ul>

On or before 01/04/1957	<ul style="list-style-type: none"> <li>An active 2008 Section member with membership before April 2012 who retired took their NHS pension and returned to NHS pensionable employment on or before 31/03/2015</li> </ul>
On or before 01/04/1957	<ul style="list-style-type: none"> <li>An active 2008 Section member with membership before April 2012 who retired claimed their NHS pension and who returned to NHS pensionable employment on 01/04/2015 after a break of less than 5 years.</li> </ul>
On or before 01/04/1957	<ul style="list-style-type: none"> <li>A deferred 1995 Section member who returned after break of 5 years or more in NHS pensionable employment to the 2008 Section on or before 31/03/2012.</li> </ul>
On or before 01/04/1957	<ul style="list-style-type: none"> <li>Active member of another UK public sector pension scheme on 31/03/2012 who would have been fully protected in that scheme and would have also been hypothetically fully protected in the NHS pension scheme on joining the NHS on 01/04/2015 following a break of less 5 years.</li> </ul>
On or before 01/04/1957	<ul style="list-style-type: none"> <li>Active member of another UK public sector pension scheme prior to 31/03/2012 who returned to that scheme on 01/04/2015 following a break of less than 5 years and joined the NHS pension scheme following a break of less than 5 years after leaving the other UK scheme. These members would have been fully protected in that scheme had they remained there and would have been hypothetically fully protected in the NHS pension scheme.</li> </ul>

## Transition/tapered members



### 1995/2015 members

A 1995/2015 transition member is someone, born on or after 1 September 1965, who was a 1995 Section member prior to April 2015.

1995/2015 transition members include:

Date of birth	Membership status
On or after 01/09/1965	A member with deferred 1995 Section membership before April 2015 who returned to the NHS (under age 60) wef 01/04/2015
On or after 01/09/1965	A member with deferred 1995 Section membership before April 2015 who returned to the 1995 Section (under age 60 ) on or before 31/03/2015



### 2008/2015 members

A 2008/2015 transition member is someone, born on or after 1 September 1960, who was a 2008 Section member prior to April 2015.

Date of birth	Membership status
On or after 01/09/1960	A 2008 section member who left with deferred benefits and returned to 2008 section on or before 31/03/2015.
On or after 01/09/1960	A 2008 Section member who retired and claimed their NHS pension before April 2015 and then returned to NHS employment.
On or after 01/09/1960	A 1995 Section member (with deferred benefits) who returned to the NHS prior to April 2015 and joined the 2008 Section
Not relevant	A person who first joined the 2008 Section on 01/04/2012 and who has no previous UK public sector pension scheme membership.
Not relevant	A person with no previous UK public sector pension scheme membership who first joined the 2008 Section on 01/04/2012 who then left and then returned to the NHS on or after 01/04/2015





### Tapered protection - 1995 section members

A 1995 Section member who was born from 2 April 1962 to 31 August 1965 inclusive has tapered protection until their transition date, so long as they were an active 1995 member on 31 March 2012, 31 March 2015, and on 1 April 2015 and that they did not have a break of 5 years or more before their transition date.

1995 section members with tapered protection include:

Date of birth	Membership status
02/04/62 – 31/08/65 inclusive	An active 1995 member on or before 31/03/2012 who left and returned to the NHS employment on 01/04/2015, before age 60, before their transition date and following a break of less than 5 years.
02/04/62 – 31/08/65 inclusive	A 1995 section member who left and returned to NHS employment on or before 31/03/2012 and before age 60 following a break of less than 5 years
02/04/62 – 31/08/65 inclusive	A 1995 section ill health pensioner who returned to NHS employment before age 50 and before 01/04/2015.



### Tapped protection - 2008 section members

A 2008 Section member born from 2 April 1957 to 31 August 1960 inclusive has tapered protection until their transition date, so long as they were an active 2008 member on 31 March 2012, 31 March 2015, and on 1 April 2015 and that they did not have a break of 5 years or more before their transition date. 2008 section members with tapered protection include:

Date of birth	Membership status
02/04/57 – 31/08/60 inclusive	An active 2008 member on or before 31/03/2012 who left and returned to NHS employment on 01/04/2015 after a break of less than 5 years but before their transition date.
02/04/57 – 31/08/60 inclusive	An active 2008 member on or before 31/03/2012 who left but returned to NHS employment before 01/04/2015.
02/04/57 – 31/08/60 inclusive	A deferred 1995 section member who returned after a break of 5 years or more to the 2008 section on or before 31/03/2012.
02/04/57 – 31/08/60 inclusive	An active 2008 member before 01/04/2012 who retired and took their 2008 NHS pension benefits who returned to NHS employment on or before 31/03/2015

02/04/57 – 31/08/60 inclusive	An active 2008 member before 01/04/2012 who retired and took their 2008 NHS pension benefits who returned to NHS employment on 01/04/2015 following a break of less than 5 years but before their transition date.
02/04/57 – 31/08/60 inclusive	A member of another UK public sector pension scheme on or before 31/03/2012 who would, had they stayed there, been entitled to tapered protection – who joined the NHS after leaving the other UK scheme within 5 years but before their transition date and would be entitled to tapered protection in the NHS pension scheme.

**Tapered protection ends if the break between leaving the NHS and returning is 5 years or more. Where the break in membership is less than 5 years, the break is ignored and tapered protection continues up to the transition date.**

## Returning to NHS pension scheme after a break of five years or more.

Protection is lost where a 1995 or 2008 Section member has a break of 5 years or more. However, if they are a member of another UK public sector pension scheme during the break they may retain full protection and final salary link.

**If the break is exactly five years a member may lose their protection and upon return join the 2015 Scheme but retain the final salary link.**

## No break in membership

NHS pension benefits in respect of transition members are based on a combination of final salary 1995/2008 Section and career average pay 2015 Scheme.

Members who have continuous membership will retain a final salary link in respect of their 1995 Section or 2008 Section pensionable membership. This means a member's pension benefits for their 1995 section membership will be calculated using their pensionable pay. If they are a member of the 2008 Section it will be calculated using their reckonable pay, at the point they leave the 2015 scheme.

Where a transition member is entitled to the final salary link, their 1995 or 2008 Section benefits must be reviewed if the Employing Authority provides revised pensionable pay.

Examples 1 and 2 below outline how the final salary link applies where there are no breaks in NHS pension scheme membership.



### ... Example 1:

1995/2015 transition member with 10 years 1995 Section membership and 20 years 2015 Scheme membership; no breaks.

	01/04/2015				
_____ 1995 _____		_____ 2015 _____		LDOS	
.....10 years.....	£30k	.....	20 years.....	£60k	

1995 Section pensionable pay as at 31 March 2015 = £30,000.00.

Pensionable pay at last day of service in 2015 Scheme = £60,000.00.

1995 Section annual pension = £7,500.00 calculated as follows;

£60,000.00 (best last three years final salary linked pay at retirement) x 3650 days ÷ 29200.

1995 Section lump sum £22,500.00 (£7,500.00 x 3).

2015 Scheme revalued annual pension is £13,000.00.

Total pension benefits are:

**Annual pension of £20,500.00 (£7,500.00 + £13,000.00).**

**Lump sum of £22,500.00.**



... **Example 2**

2008/2015 transition member with 10 years 2008 Section membership and 20 years 2015 Scheme membership; no breaks.

	01/04/2015		
_____ 2008 _____		_____ 2015 _____	LDOS
..... 10 years.....	£25k .....	20 years.....	£40k

2008 Section reckonable pensionable pay as at 31 March 2015 = £25,000.00.

Final salary linked reckonable pay at LDOS in 2015 Scheme = £40,000.00.

2008 Section annual pension is £6,666.67 calculated as follows:

£40,000.00 (final salary linked reckonable pay) x 3,650 days ÷ 21900.

2015 Scheme revalued annual pension is £13,000.00.

Total pension benefits are:

**Annual pension = £19,666.67 (£6,666.67 + £13,000.00).**

## Breaks in 2015 membership of 5 years or less

Where there is a break in NHS pension scheme membership exceeding five years during 2015 Scheme membership, this may have an impact on the final salary link. If the person was a member of another UK public sector pension scheme during the break, this may bridge the gap and they may retain the final salary link.

Where the member is a 1995/2015 transition member and has a break that is more than 364 calendar days but no more than 5 years this may have an effect on what pay is used to calculate their 1995 Section pension benefits. Please see the examples below..

NHS pension scheme members who leave and rejoin and the break is less than 5 years are able to retain a final salary link between their new membership with their previous membership as though they have always been an active member.

### Breaks in 2015 Scheme membership of 5 years or less

Examples 3 ,4 and 5 below outline how the final salary link applies where the break in NHS pension scheme membership is 5 years or less.



#### Example 3

A 1995/2015 transition whole time member with 10 years 1995 Section membership and 10 years 2015 Scheme membership in total. There is also break in 2015 Scheme membership that is 5 years or less.

01/04/2015  
\_\_\_\_ 1995 \_\_\_\_\_ | \_\_\_\_\_ 2015 \_\_\_\_\_ BREAK =< 5 YEARS \_\_\_\_\_ 2015 \_\_\_\_\_ |  
..10 years..... £30k .... 5 years.... ..... £40K ..... 5 years..... . £60K.

1995 Section pensionable pay as at 31 March 2015 = £30,000.00.

Pensionable pay immediately prior to break = £40,000.00.

Pensionable pay at LDOS in the 2015 Scheme = £60,000.00.

1995 Section annual pension = £7,500.00 calculated as follows:

£60,000.00 (best of last three years final salary linked pay) x 3,650 days ÷ 29200.

1995 Section lump sum = £22,500.00 (£7,500.00 x 3).

2015 Scheme revalued annual pension = £10,000.00.

Total pension benefits are:

**Annual pension = £17,500.00** (£7,500.00 + £10,000.00)

**Lump sum of £22,500.00**

- The final salary link is maintained and 2015 Scheme benefits continue to be revalued because the break in 2015 membership is five years or less.



#### Example 4

A 1995/2015 transition member with 10 years 1995 Section membership and 20 years 2015 Scheme membership. There is a break of less than five years commencing whilst a 1995 Section member.

		01/04/2015	
_____ 1995 _____	BREAK =< 5 YEARS	_____ 2015 _____	ILDOS
...10 years.....	£20k . . . . .	20 years.....	£40K

1995 Section pensionable pay at break = £20,000.00  
 Final salary linked pensionable pay LDOS in 2015 Scheme = £40,000.00  
 1995 Section annual pension = £5,000.00 calculated as follows:  
 £40,000.00 (best of last three years final salary linked pay) x 3650 days ÷ 29200  
 1995 Section lump sum = £15,000.00 (£5,000.00 x 3)  
 2015 Scheme revalued annual pension is £8,000.00.

Total pension benefits are:

**Annual pension = £13,000.00** (£5,000.00 + £8,000.00)

**Lump sum = £15,000.00**

- The final salary link is maintained because the break is five years or less.



#### Example 5

A 2008/2015 transition member with 10 years 2008 Section membership and 10 years 2015 Scheme membership in total. There is a break in 2015 Scheme membership that is 5 years or less.

		01/04/2015	
_____ 2008 _____	_____ 2015 _____	BREAK =< 5 YEARS	_____ 2015 _____
....10 years.....	£30k	5 years...£40k . . . . .	5 years..... £60K LDOS

2008 Section reckonable pay as at 31 March 2015 = £30,000.00.  
 2008 Section reckonable pay immediately prior to break = £40,000.00.  
 Pensionable pay at LDOS in the 2015 Scheme = £60,000.00.  
 2008 Section annual pension = £10,000.00 calculated as follows:  
 £60,000.00 (final salary linked reckonable pay) x 3650 days ÷ 21900.  
 2015 Scheme revalued annual pension = £10,000.00.

Total pension benefits are:

**Annual pension = £20,000.00** (£10,000.00 + £10,000.00).

- The final salary link is maintained and 2015 Scheme benefits continue to be revalued because the break is five years or less.

## Breaks in 1995 or 2008 Section membership of five years or less.

Where a 1995/2015 or 2008/2015 transition member has a break in 1995 or 2008 Section membership of five years or less they retain the final salary link.

Examples 6, 7 and 8 below outline how the final salary link applies where the break in NHS pension scheme membership is 5 years or less.



### Example 6

A 1995/2015 whole time transition member with 8 years 1995 Section membership who, after a break of more than 364 calendar days but less than 5 years or less, returned (before April 2008) to a further 8 years of 1995 Section membership. They joined the 2015 Scheme on 1 April 2015 and had 10 years continuous membership before retiring.

			01/04/2015		LDOS
__1995 BREAK=>364 DAYS <5 years__	1995		2015		
8 years	£25K	8 years	£40k	10 years	50K

Pensionable pay at end of 1st period of 1995 Section membership = £25,000.00.

Pensionable pay at end of 2nd period of 1995 Section membership = £40,000.00.

Pensionable pay at last day of service in 2015 Scheme = £50,000.00.

1995 Section pension based on two separate periods of membership = £8,200.00 as follows:

1st 1995 Section pension of £2,500.00 ( $£25,000.00 \times 2920 \text{ days} \div 29200$ ) + PI = £3,200.00.

2nd final salary linked 1995 Section pension of £5,000.00 ( $£50,000.00 \times 3650 \text{ days} \div 29200$ )  
 $£3,200.00 + £5,000.00 = £8,200.00$ .

### OR

1995 Section benefits based on combined membership (16 years) and final salary link =  
£10,000.00

( $£50,000.00 \times 5840 \text{ days} \div 29200$ ).

Most beneficial 1995 Section annual pension = £10,000.00 lump sum = £30,000.00.

2015 Scheme revalued annual pension = £9,200.00.

Total pension benefits are:

**Annual pension = £19,200.00** ( $£10,000.00 + £9,200.00$ )

**Lump sum = £30,000.00**



### Example 7

A 1995/2015 whole time transition member with 8 years 1995 Section membership who, after a break of 364 calendar days or less returned (before April 2008) to a further 8 years of 1995 Section membership. They joined the 2015 Scheme on 1 April 2015 and had 10 years continuous membership before retiring.

		01/04/2015		LDOS
__1995 BREAK=<364 DAYS __	1995		2015	
8 years	£25k		8 years £40k	10 years £50k

Pensionable pay at end of 1st period of 1995 Section membership = £25,000.00.

Pensionable pay at end of 2nd period of 1995 Section membership = £40,000.00.

Pensionable pay at LDOS in 2015 Scheme = £50,000.00.

1995 Section benefits based on combined membership (16 years) and final salary link = £10,000.00

(£50,000.00 x 5840 days ÷ 29200).

Lump sum = £30,000.00 (£10,000.00 x 3).

2015 Scheme revalued annual pension = £9,200.00.

Total pension benefits are:

**Annual pension = £19,200.00** (£10,000.00 + £9,200.00).

**Lump sum = £30,000.00**



### Example 8

A 2008/2015 whole time transition member with 3 years 2008 Section membership who, after a break of 5 years or less returned to the 2008 Section for a further 2 years before joining the 2015 Scheme on 1 April 2015. The first period of 2008 Section membership is eligible for the final (reckonable) salary link.

		01/04/2015		LDOS
__2008 BREAK =<5 years __	2008		2015	
3 years	£25k		2 years £40k	10 years £50k

Reckonable pay at end of 1st period of 2008 Section membership = £25,000.00.

Reckonable pay at end of 2nd period of 2008 Section membership = £40,000.00.

Pensionable pay at LDOS in 2015 Scheme = £50,000.00.

Annual 2008 Section = £3,333.33 (£40,000.00 x 1825 days ÷ 21900).

2015 Scheme revalued annual pension = £9,200.00

Total pension benefits are:

**Annual pension = £12,533.00** (£3,333.00 + £9,200.00).



## Breaks in membership of more than five years

Where there is a single break exceeding five years during 2015 Scheme membership the final salary link ends immediately prior to the break. The 1995 or 2008 Section benefits thereafter are index linked as though they were deferred. The break also means that revaluation of the 2015 Scheme pension ends at the break. The (first) 2015 Scheme pension is revalued up to the break and then index linked as though it was deferred. The second 2015 Scheme pension is revalued in the normal way up until last day of pensionable membership.

If the member had membership with another UK public sector pension scheme during the break this may bridge the gap and they may retain the link.

Where there is a single break exceeding five years during 1995 or 2008 Section membership there are different rules regarding the early (pre-break) membership.

A 2015 Scheme single break exceeding five years can result in the following:

- 1995 or 2008 Section pension with final salary link up to break plus PI.
- 1st revalued 2015 Scheme pension up to break plus PI.
- 2nd revalued 2015 Scheme pension up to LDOS.

A member who was entitled to full or tapered protection will lose that protection if they return to the NHS after five years or more unless they have been in pensionable public service elsewhere. There is more information later in this guide.

### Breaks in membership exceeding five years whilst a 2015 Scheme member; not a member of another UK public sector pension scheme during the break.



#### Example 9:

A whole time 1995/2015 transition member with 10 years 1995 Section membership and two five year periods of 2015 Scheme membership. There is a break in 2015 Scheme membership exceeding five years.

	01/04/2015			LDOS
_____ 1995 _____   _____ 2015 _____		BREAK > 5 YEARS		_____ 2015 _____
.....10 years.....	£30k ...		5 years... £40k	5 years
£50K				

1995 Section pensionable pay as at 31 March 2015 = £30,000.00.

Pensionable pay immediately prior to break = £40,000.00.

Pensionable pay at LDOS in 2015 Scheme = £50,000.00.

1995 Section annual pension = £5,000.00 calculated as follows;

£40,000.00 (final salary linked pay immediately prior to break) x 3650 days ÷ 29200.

Index linked 1995 Section annual pension up to LDOS in 2015 Scheme = £5,200.00.

1995 Section lump sum £15,600.00 (£5,200.00 x 3).

Pre-break 2015 Scheme revalued annual pension = £3,000.00.

Pre-break 2015 Scheme revalued and index linked annual pension = £3,200.00.

Post break 2015 Scheme revalued annual pension = £4,500.00.

Total pension benefits are:

**Annual pension = £12,900.00** (£5,200.00 + £3,200.00 + £4,500.00).

**Lump sum = £15,600.00.**

- The final salary link is maintained only up to the break; not thereafter. The 1995 Section pension and the first 2015 Scheme pension are index linked (PI) as though they were deferred. The same principle would apply to a 2008/2015 transitional or tapered member.

### 1995/2015 transition member with a break in 1995 Section membership exceeding five years; not a member of another UK public sector pension scheme during the break.



#### Example 10:

A 1995/2015 whole time transition member with 8 years 1995 Section membership who, after a break of more than 5 years, returned to the 1995 Section, before April 2008, for a further 8 years. They joined the 2015 Scheme on 1 April 2015 and had 10 years membership before retiring. The first period of 1995 Section membership is eligible for the final salary link because, although the break exceeds five years it is during 1995 Section membership. The first 1995 Section pension cannot be paid earlier than the second 1995 Section pension which is the same rule as for a fully protected 1995 section member.

		01/04/2015			LDOS
__ 1995 BREAK => 5 years	1995		2015		
8 years	£25k	8 years	£40k	10 years	£50k

Pensionable pay at end of 1st period of 1995 Section membership = £25,000.00.

Pensionable pay at end of 2nd period of 1995 Section membership = £40,000.00.

Pensionable pay at LDOS in 2015 Scheme = £50,000.00.

Annual pension from 1st 1995 Section membership = £2,500.00 (£25,000.00 x 2920 days ÷ 29200)

Annual pension of £2,500.00 + PI = £3,200.00.

Lump sum from 1st period of 1995 Section membership + PI = £9,600.00 (£3,200.00 x 3).

Annual pension from 2nd period of 1995 Section membership = £5,000.00 (final salary linked pay of £50,000.00 x 2920 days ÷ 29200).

Lump sum from 2nd period of 1995 Section membership = £15,000.00 (£5,000.00 x 3).

Total 1995 Section annual pension = £8,200.00 (£3,200.00 + £5,000.00).

#### OR

Combined 1995 Section annual pension based on **all** 1995 membership and final salary link = £10,000.00 (£50,000.00 x 5,840 days ÷ 29,200).

Lump sum = £30,000.00 (£10,000.00 x 3).

- This combined pension is more beneficial than two separate 1995 pension 2015 Scheme revalued annual pension = £9,200.00.

Total pension benefits are:

**Annual pension = £19,200.00** (£10,000.00 + £9,200.00).

**Lump sum = £30,000.00.**

Although the break in 1995 Section membership exceeds five years the first period of 1995 Section can be linked to the second period and the final salary link applies because the member initially returned to the 1995 Section. The first 1995 Section pension cannot be paid before the second 1995 Section pension even if it is based on it's own pensionable pay; i.e. £25,000.

**2008/2015 Section member with a break in membership exceeding five years before they returned to the NHS and was not a member of another UK public sector pension scheme during the break.**



**Example 11:**

A Whole time 2008 Section member with 3 years 2008 Section membership who, after a break of more than 5 years, returned to the NHS. The 2008 Section membership is eligible for the final (reckonable) salary link.

	01/04/2017		LDOS
2008 BREAK >5 years		2015	
3 years	£25k	10 years	£50k

Reckonable pay at end of 1st period of 2008 Section membership = £25,000.00.

Pensionable pay at LDOS in 2015 Scheme = £50,000.00.

Annual 2008 Section pension = £1,250.00 (£25,000.00 x 1095 days ÷ 21900).

There is no final salary link.

2015 Scheme revalued annual pension = £9,200.00.

Total pension benefits are:

**Annual pension = £10,450.00** (£1,250.00 + £9,200.00)

- A 2008 Section member with a break exceeding five years cannot, upon their return to the NHS, rejoin the 2008 Section.
- Their 2008 Section membership is therefore 'decoupled' meaning they can take their 2008 Section pension and remain a 2015 Scheme member.
- They are not required to take '24 hour retirement' in order to claim their 2008 Section pension however there is no final salary link.

**Members with 1995 Section membership followed by a break of five years or more who returned to the NHS on 1 April 2008 as 2008 Section members; i.e. members with entitlement in both sections known as 'MEBS'.**



1995 Section annual pension = £2,500.00 ( $£20,000.00 \times 3650 \text{ days} \div 29200$ ).

Index linked 1995 Section annual pension at LDOS = £3,500.00.

Index linked 1995 Section lump sum = £10,500.00 ( $£3,500.00 \times 3$ ).

- There is no final salary link.
- 2008 Section annual pension = £2,000.00 ( $£40,000.00 \times 1095 \text{ days} \div 21900$ ). Using final salary link.

2015 Scheme annual revalued pension = £7,500.00.

Total pension benefits are:

**Annual pension = £13,000.00** ( $£3,500.00 + £2,000.00 + £7,500.00$ ).

**Lump sum = £10,500.00.**

- As the break after leaving the 1995 Section is five years or more it means that the 1995 Section membership is decoupled.
- The member may take their 1995 Section pension before taking their 2008/2015 pension benefits.
- They are not required to take '24 hour retirement' in order to claim their 1995 Section pension benefits only.
- Decoupling means that the 1995 Section pension is not final salary linked however final salary linking applies for the 2008 Section pension.

### **Breaks in NHSPS membership of more than five years where the person was a member of another pension scheme during the break.**

The section covers where a 1995/2015 or 2008/2015 transition member has a break in NHS pension scheme membership of more than five years but joined another pension scheme during the break.

Members who voluntarily move to another UK public sector pension scheme may be eligible for protection depending upon their individual circumstances. For example, a person who was a protected member in the Teachers Pension Scheme and moves to the NHS pension scheme will join the 2008 Section and not the 2015 Scheme. They do not have to transfer their Teachers Pension Scheme benefits. However, for the final salary link to apply, in respect of former 1995/2008 Section membership, it is necessary for a member to transfer their benefits in to the NHS pension scheme.

The final salary link is subject to rules allowing the transfer. More information can be found about transfers on our website. Where a member is not able to transfer in their UK public sector pension scheme there is no final salary link.

Where the previous pension scheme is not a UK public sector pension scheme this membership would not bridge the gap and therefore no final salary link.

Where the member was a member of a UK public sector pension scheme during the break, this **may** result in continuity of membership effectively bridging the gap and allowing for the final salary link upon their return to the NHS pension scheme..

The following are UK public sector pension schemes:

- Judiciary Scheme.
- Local Government Pension Scheme.
- Teachers' Pension Scheme.
- NHS Pension Scheme (including Scotland and Northern Ireland).
- Fire and Rescue Workers Scheme.
- Police Forces Scheme.
- Armed Forces Scheme

## 1995 Section Mental Health Officers/special classes

Where a fully protected 1995 Section member held Mental Health Officer (MHO) status but is no longer a MHO we do a comparison calculation at retirement using the the uniform accrual formula (UAF) pension. The most favourable pension is awarded.

The Uniform Accrual Formula (UAF) calculation works by increasing the amount of benefit that would otherwise be payable by a proportion of the extra benefit that the member would have earned had they remained as a Mental Health Officer (MHO) until retirement (including any doubled years). The proportion is equal to the ratio of MHO membership to the total potential membership to age 55 (excluding any doubled years).

The pensionable pay used is the notional Mental Health Officer pay at the point the status is lost.

The formula is as follows

$$\frac{\text{Final years' pensionable pay}}{80 \text{ (accrual rate)}} \times \frac{\text{Actual MHO membership}}{\text{Potential membership to age 55}} \times \text{Total potential membership to age 55}$$

If the member continues treating psychiatric patients until their last day of membership in the 2015 Scheme the final salary link continues.

Uniform Accrual pension may still apply to members who move to the 2015 Scheme even if they may longer qualify for mental health officer status.

Fully protected 1995 Section Special Class/mental health officers may retire at age 55 without reduction.

## Transition 1995/2015 Mental Health Officers and the final salary link.

- A 1995/2015 transition member who was a 1995 Section and holds mental health officer status who continues treating psychiatric patients is entitled to the final salary link in respect

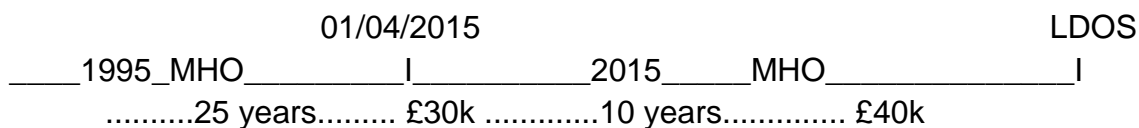
of their 1995 Section pension benefits so long as they do not have a break exceeding five years.

- These members are also entitled to take their 1995 Section pension at age 55 in full, but must take a 24 hour break and will not be able to re-join the 2015 Scheme.
- Members can retain MHO status in respect of their 1995 Section pension benefits only.
- There is no maximum membership restriction for 1995/2015 transitional mental health officers and they would be entitled to the uniform accrual calculation for their 1995 section membership.
- Where a 1995 Section MHO has not built up 20 years MHO membership before they move to the 2015 Scheme they can still take their 1995 Section pension benefits from age 55 in full. These members would also automatically qualify for the Uniform Accrual calculation.
- Doubling ceases upon joining the 2015 Scheme.



... **Example 18:**

A 1995/2015 whole time transition Mental health officer who continued to treat psychiatric patients whilst a 2015 Scheme member; achieved 'doubling' in the 1995 Section after 20 years.



1995 Section pensionable pay as at 31 March 2015 = £30,000.00.

Pensionable pay at LDOS in 2015 Scheme = £40,000.00.

Actual 1995 Section pensionable membership at 31 March 2015 = 25 years (9125 days).

Doubled 1995 Section pensionable membership at 31 March 2015 = 5 years (1825 days).

Total 1995 Section membership = 30 years (10950 days (9125 + 1825)).

2015 Scheme pensionable membership at LDOS = 10 years.

1995 Section annual pension = £15,000.00 calculated as follows:

£40,000.00 (best of last 3 years final salary linked pay at retirement) x 10950 days ÷ 29200

1995 Section lump sum £45,000.00 (£15,000.00 x 3)

2015 Scheme revalued annual pension is £13,000.00.

Total pension benefits are:

**Annual pension = £28,000.00** (£15,000.00 + £13,000.00).

**Lump sum = £45,000.00.**

## Transition 1995/2015 Special Class members and the final salary link.

A 1995 Section Special Class member is a:

Nurse (including a Nurse Auxiliary or Occupational Health Nurse)

Physiotherapist

Midwife

Health Visitor.

- Special Class status was abolished for all new 1995 Section members with effect from 7 March 1995.
- A transition 1995/2015 member may retain their Special Class status in respect of their 1995 Section benefits only.
- Membership is not restricted to 40 years pensionable membership at age 60 or 45 years overall.
- A Special Class 1995/2015 transition member may take their 1995 Section pension in full from age 55 and be eligible for final salary link so long as they spent all of the last five years (leading up to retirement) in Special Class NHS pensionable membership and did not have a break exceeding five years.
- Members may elect to take or defer their 2015 Scheme benefits where there is a break in pensionable membership of less than five years providing Special Class status remains intact upon return to NHS employment.
- 1995 Section Special Class benefits are paid in full from age 55; i.e. no early retirement actuarial reduction. 2015 Scheme benefits may be paid at 55 also but are subject to actuarial reduction. but they cannot rejoin the 2015 scheme if they return to NHS pensionable employment



### Example 19:

A 1995/2015 whole time member who continued to meet Special Class status whilst a 2015 Scheme member. They retire at age 55.

	01/04/2015		LDOS
_____1995__	SPECIAL CLASS		SPECIAL CLASS_2015_____
.....25 years.....	£30k .....		10 years £40k

1995 Section pensionable pay as at 31 March 2015 = £30,000.00.

Pensionable pay at LDOS in 2015 Scheme = £40,000.00.

Actual 1995 Section pensionable membership at 31 March 2015 = 25 years (9125 days).

2015 Scheme pensionable membership at LDOS = 10 years.

1995 Section annual pension = £12,500.00 calculated as follows:

£40,000.00 (best of last 3 years final salary linked pay at retirement) x 9125 days ÷ 29200.

1995 Section lump sum £37,500.00 (£12,500.00 x 3).



2015 Scheme revalued annual pension is £13,000.00.

Total pension benefits are:

**Annual pension = £25,500.00** (£12,500.00 + £13,000.00).

**Lump sum = £37,500.00.**

The final salary link rules are the same for Special Class transition/tapered members as they are for normal members except that their 1995 Section pension is unreduced if payable from 55.

## Practitioners and the final salary link.

Most practitioner members also have officer membership before becoming a general practitioner. General dental practitioners or ophthalmic medical practitioner may also have concurrent officer membership.

A small number of practitioners, mainly general dental practitioners may have no officer membership.

Practitioners are entitled to an equivalent final salary link in respect of their pre-transition practitioner or officer membership. This is facilitated by continuing to dynamise their pre-transition practitioner membership. Their pre-transition officer membership is either regarded as an index linked separate officer pension or converted into a flexible value earnings credit.

### How the equivalent final salary link applies to Practitioners.

Although there are still Practitioners in the 2015 Scheme there are no longer any 'flexibilities'. Transition 1995/2015 and 2008/2015 Practitioners have their flexibility rights protected up to the point of joining the 2015 Scheme; i.e. up to and including 31 March 2015 for transitions or later for tapered members.

There are two options in respect of officer membership that does not automatically convert to practitioner prior to moving to the 2015 Scheme. The option that provides the most beneficial pension benefits at retirement is the one that is used. The options are:

- Option 1: The 'flexible value earnings credit pension + 1995 (or 2008) dynamised practitioner pension + 2015 pension.
- Option 2: An index-linked separate officer pension + 1995 (or 2008) dynamised practitioner pension + 2015 pension.

The flexible value earnings credit pension is a figure or credit that represents the value of the best Officer 'flexibilities' pension up to the transition date.

The flexible value earnings credit pension is uprated annually by scheme Actuaries (GAD) factor from the transition date (i.e. 1 April 2015 or later) up to last day of service. If the member has a break in 2015 membership exceeding five years, the flexible value earnings credit pension is uprated to the point when the member has the break.

## Pensionable re-employments and the final salary link.

- Where a 1995/2015 transition or tapered member retires and claims their NHS pension benefits they can never return to NHS pensionable employment even if they defer their 2015 Scheme benefits. Therefore their NHS employer has to offer alternative pension arrangements.
- A 2008/2015 transition or tapered member can claim their pension benefits and return to NHS pensionable employment up to age 75.

### The final salary link and returning to NHS pensionable employment; 2008/2015 transition members.

- Final salary linked reckonable pensionable pay used to calculate the 2008 Section benefits is not reviewed if a 2008/2015 pensioner returns to NHS pensionable employment.
- The final salary link can only be applied once at the first retirement. The reckonable pay is however, reassessed if the member takes partial retirement/draw down.

#### Example 20: 2008/2015 pensioner returns to NHS employment

	01/04/2015		LDOS 1 <sup>st</sup> pension		LDOS
_____2008_____		_____2015_____		_____2015_____	
.....10 years.....	£30k	.....	25 years.....	£40k	RE-EMPLOYMENT £45k

2008 reckonable pensionable pay as at 31 March 2015 = £30,000.00

2008 final salary linked reckonable pensionable pay at 1st retirement = £40,000.00

Pensionable pay at 2nd retirement = £45,000.00

The original 2008 Section pension remains based on reckonable pay of £40,000.00

The same principle applies to 2008/2015 practitioners. Their original 2008 practitioner pension and Flexible value earnings credit/separate officer pension is not reviewed if they return to pensionable employment.

The first pension must be reviewed where revised pay and factors are provided.

## **Restricting 1995 Section pensionable pay and the final salary link.**

Where a protected part time 1995 Section member's sessional or hourly pensionable pay rate is inordinate NHS Pensions may apply a comparable whole time equivalent pensionable pay figure so that NHS pension benefits are not inflated. This rule also applies to 1995/2015 part time transition and tapered members entitled to the final salary link.

Contributions are not refunded where NHS Pensions applies a comparable whole time equivalent pensionable pay figure.

Where a protected whole time 1995 Section member's pensionable pay is inordinate in the context of final salary based pension benefits NHS Pensions may restrict the pensionable pay figure so that NHS pension benefits are not inflated. Once an appropriate final salary figure calculated all excess employee and employer contributions are returned. Alternatively pension benefits may be awarded on the original pensionable pay figure, however the Employing Authority is subject to a final pay control charge. More information about final pay controls can be found on our website.

## Restricting inordinate pensionable pay where there is a final salary link.

Where a whole time member is a transition member with the final salary link and has an inordinate pay rise at retirement that inflates their 1995 Section benefits NHS Pensions may restrict the pensionable pay figure in respect of the final salary linked 1995 Section pension benefits only. The 2015 Scheme benefits are not affected; that is, they are based on the unrestricted pensionable because the 2015 Scheme is not a final salary related scheme.

In this instance employee and employer contributions are **not** refunded because 2015 Scheme benefits are still based on the unrestricted pensionable pay. This rule does not apply to 2008/2015 transition or tapered members.

## **Applying final pay controls where there is a final salary link.**

As an alternative to restricting the pensionable pay pension benefits may be awarded on the inordinate pensionable pay provided by the Employing Authority. The Employing Authority is subject to a final pay control charge. Where a 1995/2015 transition (or tapered) member with the final salary link has an inordinate pensionable pay rise and final pay controls apply, the charge levied on the Employing Authority is in respect of 1995 Section benefits only.

## The pensionable earnings cap and the final salary link.

On 1 June 1989 HMRC introduced a limit for pensionable pay known as the pensionable earnings cap. In the NHS the cap applied to members who joined the NHSPS for the first time on, or after, 1 June 1989 and to members who joined the NHSPS before 1 June 1989 but who had a break in pensionable employment of 12 months or more ending wef 1 June 1989. The cap also applied to members who left or opted out of the NHSPS and took a refund or a transfer out, then rejoined the NHSPS on or after 1 June 1989.

Although HMRC removed the cap with effect from 6 April 2006 the Department of Health decided to retain an 'in house NHS pension scheme cap' up to 31 March 2008. With effect from 1 April 2008 a virtual cap was still required in respect of members pensionable membership and Added Years contracts that were previously subject to the cap. Although the cap mainly affects 1995 Section members the following may also be subject::

- 2008 section members who transferred in from another public sector pension scheme or under a bulk transfer arrangement and who were previously subject to the cap.
- 2008 Section members who moved from the 1995 Section under 'Choice'.
- Transition members of the 2015 Scheme who were previously subject to the cap.

### How the cap affects the final salary link.

Where a transition member was subject to the cap and entitled to the final salary link they will still be subject to the virtual cap when they join the 2015 Scheme. This will result in three pensions:

- 2015 Scheme uncapped revalued benefits.
- 1995 Section benefits based on membership from 1 April 2008 and uncapped pay.
- 1995 Section benefits based on membership before 1 April 2008 and virtual capped pay.

A member who was subject to the cap the final salary link pay in respect of membership prior to 1 April 2008 is different to the final salary link pay for membership from 1 April 2008 up to joining the 2015 Scheme.

A member's pensionable earnings did not exceed the cap prior to April 2008 but exceeds the virtual cap at retirement their pre-April 2008 membership is capped.

Transfers of final salary related benefits (that were subject to the cap) from other UK public sector pension schemes to the 2008 Section continue to be capped even if the pensionable pay was below the cap.

Where a member is part time it is their whole time equivalent pensionable pay that is assessed against the cap.

## Protection of pay and final salary link

If a member has at least two years qualifying service and suffers a reduction in earnings through no fault of your own, they may apply to protect their pension benefits. This facility is available to members of the 1995 and 2008 sections of the Scheme, it is not available for members of the 2015 Scheme.

A member of the 1995/2008 Scheme who transitioned to the 2015 Scheme who does not hold full protection, will maintain a final salary link for their 1995/2008 pension benefits providing they do not have a break of 5 years or more. As long as a final salary link is maintained, the member can request voluntary or involuntary protection of pensionable pay subject to the relevant criteria. Further information about protection of pay can be found on our website.

### 1995/2008 section transition member with deferred benefits

- Where a member has not had a break of five years or more they will have a final salary link for their 1995/2008 section pension benefits.
- Where a member has 1995/2008 section benefits and they have had a break of 5 years or more before entering the 2015 Scheme, there is no final salary link. As there is no final salary link it is not necessary to apply for Protection of Pay because previous pay in the 1995/2008 section is automatically deferred.
- Where a member has previous period(s) of deferred membership (breaks of 12 months or more) in the 1995/2008 section, these will be taken into account automatically under reg9/41 42 regulations at retirement previously mentioned in this guide.

### Members of 1995/2008 section with full protection returning to the NHS pension scheme after a break of 1 year or more

Members of the 1995/2008 Scheme who have Full Protection and return to the Scheme after a break of 1 year or more but less than 5 years benefits will automatically become deferred. From the point at which the deferment occurred, any pension benefits accrued when the member leaves will be pay protected. We will write to the member approximately one year after being they left the scheme to confirm the deferment has taken place.

### Members of 2015 scheme returning to the NHS pension scheme

For member of the 2015 Scheme any breaks of less than five years does not defer membership and their final salary will be linked. If they have a break of five years or less, their pension earned so far will continue to be revalued. Where the break is more than five years their pension continues to be revalued but only at the rate of CPI.



## Members with less than a 5 year break

Transition member	Final salary link	Rules on 1st April 2015
Single break between leaving 1995/2008 Section and joining 2015 Scheme of 5 years or less. Not a member of another UK public sector pension scheme during the break.	<b>Yes</b>	Member retains the final salary link in respect of previous 1995/2008 Section membership as the break does not exceed 5 years.
Single break between leaving 1995/2008 Section and joining 2015 Scheme of 5 years or less. Member of a UK public sector pension scheme during the break.	<b>Yes</b>	Member retains the final salary link in respect of previous 1995/2008 Section membership as the break does not exceed 5 years.  Membership of another UK public sector pension scheme not relevant.
Several breaks in NHS pension scheme membership however individually they are 5 years or less.  Not a member of another UK public sector pension scheme during the breaks.	<b>Yes</b>	Member retains the final salary link when joining 2015 Scheme in respect of previous 1995/2008 Section membership as single breaks do not exceed 5 years.
Several breaks in NHSPS membership however individually they are 5 years or less.  A member of another UK public sector pension scheme during the breaks.	<b>Yes</b>	Member retains the final salary link in respect of previous 1995/2008 Section sector upon joining 2015 Scheme as the singular breaks do not exceed 5 years.  Membership of another UK public sector pension scheme not relevant.
Break between leaving the NHS and returning as a 2015 Scheme member is 5 years or less. Active member of a final salary based UK public sector pension scheme during the break. Transferred out their 1995/2008 Section benefits. Upon return to NHS, transferred in their UK public sector pension scheme into NHSPS under Club terms.	<b>Yes</b>	Member retains the final salary link in respect of the 2008 Section membership credit resulting from the transfer in of the final salary element of the UK public sector pension scheme.

## Basic final Salary linking rules – Members with more than a 5 year break

Transition member	Final salary link	Rules on 1 <sup>st</sup> April 2015
<p>Break between leaving 1995/2008 Section and joining 2015 Scheme is more than 5 years. Not a member of another UK public sector pension scheme during the break.</p>	<p><b>No</b></p>	<p>No final salary link in respect of previous 1995/2008 Section membership. Deferred 1995/2008 Section benefits based on historical 1995/2008 Section pay.</p>
<p>Break between leaving 1995/2008 Section and joining 2015 Scheme is more than 5 years. Member of a private pension scheme during the break which was not a UK public sector pension scheme. Did not transfer out their 1995/2008 Section membership to the other scheme.</p>	<p><b>No</b></p>	<p>No final salary link in respect of previous 1995/2008 Section membership. Deferred 1995/2008 Section benefits based on historical 1995/2008 Section pay.</p>
<p>Break between leaving the NHS and rejoining as a 2015 Scheme member is more than 5 years. Joined a pension scheme during the break which was not a UK public sector pension scheme and transferred out their 1995/2008 Section to that scheme. Did /did not transfer in their (private) pension upon returning to NHS.</p>	<p><b>No</b></p>	<p>No 1995/2008 Section membership, therefore no final salary link.</p>
<p>Break between leaving 1995/2008 Section and joining 2015 Scheme is more than 5 years. Active member of a final salary based UK public sector pension scheme during the break. Did not transfer out their 1995/2008 Section benefits to other scheme. Upon return to NHS did not transfer in their UK public sector pension scheme into NHSPS.</p>	<p><b>No</b></p>	<p>No final salary link in respect of previous (deferred) 1995/2008 Section membership. The deferred 1995/2008 Section benefits are based on historical 1995/2008 Section pay.</p>

## Appendix - Final Salary Linking - Which pay do we use?

**1995 Section members** – best of the last 3 years total pensionable pay

**2008 Section members** – the average of the best consecutive 3 years reckonable pay in the last 10 years.

**2015 Scheme members** – Total of 1/54<sup>th</sup> of pensionable pay + index adjustment for each year of membership

### Transitional/tapered protection members – Less than 5 years break

Section or Scheme	Pay used
1995 Section member who moved to the 2008 Section (2008 Section choice optant)	<ul style="list-style-type: none"> <li>Average of the best consecutive 3 years in the last 10 years at retirement for membership on or after 1 April 2008.</li> </ul>
1995 Section member who transitions to the 2015 scheme	<p>1995 Section membership</p> <ul style="list-style-type: none"> <li>Using 1995 Section membership up to 31/03/2015 or tapered protection end date and the best of the last three years total pensionable pay at retirement date.</li> </ul> <p><b>and</b></p> <p>2015 Scheme</p> <ul style="list-style-type: none"> <li>2015 Scheme total of 1/54<sup>th</sup> of pensionable pay + index adjustment for each year of 2015 scheme membership.</li> </ul>
2008 Section member who transitions to the 2015 scheme	<p>2008 Section membership</p> <ul style="list-style-type: none"> <li>Using 2008 Section membership up to 31/03/2015 or tapered protection end date and the average of the best consecutive 3 years reckonable pay in the last 10 years at retirement</li> </ul> <p><b>and</b></p> <ul style="list-style-type: none"> <li>2015 Scheme total of 1/54<sup>th</sup> of pensionable pay + index adjustment for each year of 2015 Scheme membership.</li> </ul>
2015 Scheme	<ul style="list-style-type: none"> <li>Total of 1/54<sup>th</sup> of pensionable pay + index adjustment for each year of 2015 Scheme membership</li> <li>Breaks of less than 5 years in the 2015 Scheme are ignored.</li> </ul>

## Members who have had a break of more than 5 years

<p>Member who has 1995 Section membership and then joins the 2008 Section with more than a 5 year break</p>	<p>1995 Section membership</p> <ul style="list-style-type: none"> <li>• Best of the last 3 years total pensionable pay for 1995 Section membership</li> </ul> <p><b>and</b></p> <p>2008 Section membership</p> <ul style="list-style-type: none"> <li>• the average of the best consecutive 3 years reckonable pay in the last 10 years for membership on or after 1 April 2008</li> </ul>
<p>Member who has 1995 Section membership and then joins the 2015 Scheme with more than a 5 year break</p>	<p>1995 Section membership</p> <ul style="list-style-type: none"> <li>• Best of the last 3 years total pensionable pay for 1995 Section membership up to the date membership of this Section ceased</li> </ul> <p><b>and</b></p> <p>2015 Scheme</p> <ul style="list-style-type: none"> <li>• Total of 1/54<sup>th</sup> of pensionable pay + index adjustment for each year of 2015 Scheme membership</li> </ul>
<p>Member who has 2008 Section membership and then joins the 2015 Scheme with more than a 5 year break</p>	<p>2008 Section membership</p> <ul style="list-style-type: none"> <li>• Best consecutive 3 years in the last 10 for 2008 Section membership up to the date membership of this Section Ceased</li> </ul> <p><b>and</b></p> <p>2015 Scheme</p> <ul style="list-style-type: none"> <li>• Total of 1/54<sup>th</sup> of pensionable pay + index adjustment for each year of 2015 Scheme membership</li> </ul>
<p>Member has 1995/2008 Section membership and is in the 2015 Scheme which are each separated by a break of more than 5 years.</p>	<p>1995 Section membership</p> <ul style="list-style-type: none"> <li>• Best of the last 3 years total pensionable pay for 1995 Section membership</li> </ul> <p><b>and</b></p> <p>2008 Section membership</p> <ul style="list-style-type: none"> <li>• the average of the best consecutive 3 years reckonable pay in the last 10 years for membership on or after 1 April 2008.</li> </ul> <p><b>and</b></p> <p>2015 Scheme</p> <ul style="list-style-type: none"> <li>• Total of 1/54<sup>th</sup> of pensionable pay + index adjustment for each year of 2015 Scheme membership</li> </ul>
<p>2015 Scheme</p>	<p>2015 Scheme</p> <p>For break of 5 years or more in the 2015 Scheme - each period is treated separately.</p>

## Key notes

### Member with full protection

At 1 April 2012, were either 10 years or less or over their Normal Pension Age and in active membership on both 31 March 2012 and 31 March 2015. Members with full protection remain in the 1995/2008 Scheme until they retire or leave the Scheme.

### Members with tapered protection

Members of the 1995/2008 Scheme who, as at 1 April 2012, were more than 10 years, but not more than 13 years and 5 months from their Normal Pension Age and are in active membership on both 31 March 2012 and 31 March 2015 are entitled to limited protection this is called Tapered protection. Members with tapered protection will transition to the 2015 Scheme, but on a date later than 1 April 2015 depending on their age.

### Members with no protection

Members of the 1995 or 2008 Section who, as at 1 April 2012, were more than 13 years and 5 months from their Normal Pension Age have no protection and will move to the 2015 Scheme on 1 April 2015.