

## **NHS Pensions**

# **A Guide to applying to become an Out of Hours Provider Employing Authority (OOHP EA)**

**Out of Hours Provider Employing Authority access to the NHS Pension Scheme**

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## **Overview**

The purpose of this guide is to inform Out of Hours Providers (OOHP) on how to become an Out of Hours Provider Employing Authority (OOHP EA), including how to access the NHS Pension Scheme and specific rules and regulations that impact them. General information regarding the NHS Pension Scheme and administration of the scheme is available on our website.

### **What is an Out of Hours Provider Employing Authority (OOHP EA)?**

An OOHP EA is an organisation that meets the criteria below and has successfully applied to become an Employing Authority for the NHS Pension Scheme.

#### **A company limited by guarantee**

A company limited by guarantee, where the majority of the members (owners or partners) are either General Medical Services (GMS) or Personal Medical Services (PMS) contractors whose GMS contract or PMS agreement requires them to provide Out of Hours (OOH) services.

General Practitioners (GPs) who are partners or shareholders of such a contractor (and all remaining members are other GMS or PMS contractors or GPs who are partners or shareholders in such contractors). The company must have an Out of Hours Contract to provide solely out of hours services for GMS or PMS Contractors, a Delegated Clinical Commissioning Group (CCG) or Local Health Board (LHB) in Wales.

The company's business of providing out of hours primary medical services must be operated wholly or mainly in a way which is of a 'mutual trading' character.

#### **A body corporate**

A body corporate, whose members include at least one GMS or PMS contractor, or a GP who is a partner or shareholder of such a contractor.

The body must be operated for the benefit of the general public or the recipients of its primary medical services and on a 'not for profit' basis that forbids the payment of dividends, requiring any 'profits' to be re-invested in the business and requires assets to be transferred to a charity or similar body on its winding up. It must have a contract which is solely for Out of Hours services with a Delegated CCG, GMS or PMS Practice or LHB in Wales to provide out of hours primary medical services.

**Out of Hours access to the NHS Pension Scheme does not relate to staff who are already members of the NHS Pension Scheme under a New Fair Deal Closed Direction/Determination arrangement.**

## **How to become an NHS Pension Scheme Employing Authority**

If an OOHP meets the relevant criteria it is not legally required to become a NHS Pension Scheme IP EA, it has a choice.

In order to become an Employing Authority an OOHP must complete an application form in full and send it (with supporting evidence) by email to: [nhsbsa.schemeaccess@nhs.net](mailto:nhsbsa.schemeaccess@nhs.net)

**This email address must not be used for routine pension enquiries.**

If an OOHP would like to password protect the application form then a contact name and telephone number should be provided in the covering email.

The application form can be downloaded from the OOHP section on our website. Click onto 'Employer Hub' and then click onto 'Access to the NHS Pension Scheme'

Any incomplete or incorrect forms will be returned and this will potentially delay the date the OOHP will become an Employing Authority.

### **OOHP EAs Additional Information**

OOHP EAs are legally bound to administer the NHS Pension Scheme in accordance with NHS Pension Scheme Regulations and statutory pension legislation. OOHP EAs are obliged to offer the NHS Pension Scheme to all of their eligible employed staff, including those who work part-time and on 'bank'.

An OOHP EA must notify us if its contract ends.

**Once approved as an OOHP EA, an organisation may then absorb any additional NHS contracts it is awarded under the OOHP EA code.**

If staff are received under a compulsory transfer 'New Fair Deal' arrangement then a Direction Application should be made.

Almost all NHS staff are eligible to join the NHS Pension Scheme. They also have the freedom to opt out if they wish. OOHPs have a legal duty to make their staff aware of their pension rights. If an individual is in any doubt about their pension arrangements it is recommended they seek Independent Financial advice.

Pensionable (non-GP) salaried staff are Practice Staff in NHS pension terms. They enjoy exactly the same pension rights as (non-GP) salaried staff working in a GP practice.

GPs are always afforded Practitioner NHS Pension Scheme rights. The Employing Authority for an OOHPs GP is always NHS England or Local Health Board, even if an OOHP employs a GP.

Where a person is ineligible to join the NHS Pension Scheme their employer must consider their auto enrolment liabilities.

**Important** - Employers are advised to identify those employees who will be eligible for NHS Pension Scheme membership in advance of submitting the application form so that such employees can be enrolled into the NHS Pension Scheme from the relevant effective date if the application is successful.

## Contacting us

There is a dedicated email address that OOHP EAs can use to contact us for general enquiries [nhsbsa.pensionemployers@nhs.net](mailto:nhsbsa.pensionemployers@nhs.net)

For queries about the application and joiner process please contact the Scheme Access Team [nhsbsa.schemeaccess@nhs.net](mailto:nhsbsa.schemeaccess@nhs.net)

If you need to send us anything by post our address is

NHS Pensions  
PO Box 2269  
Bolton  
BL6 9JS

## Telephone Numbers:

Scheme Access Team: 01253 774546

Employer Helpline: general enquiries 0300 3301 353  
Open 8.00am to 6.00pm Monday to Friday

Member helpline: 0300 3301 346 or 0191 279 0571  
Open 8.00am to 6.00pm Monday to Friday

Pensions Online:

You can contact Pensions Online (POL) helpdesk by:

Email: [nhsbsa.polhd@nhs.net](mailto:nhsbsa.polhd@nhs.net)

Telephone: 0870 011 7108 (Open 10am to 2pm Monday to Friday)