

# Out of hours providers

A guide to administering the NHS Pension Scheme



## Contents

The NHS Pension Scheme and Out of Hours providers.....	3
An overview of the NHS Pension Scheme.....	3
How to become an NHS Pension Scheme employing authority .....	3
OOHs providers responsibilities .....	4
OOHs practice staff .....	6
Overview.....	6
Record keeping and contributions .....	6
OOHs GPs .....	8
Overview.....	8
Practice based GP providers or salaried GPs working for an OOHs provider .....	9
GPs who are solely OOHs GPs .....	10
Freelance GP locums working for an OOHs provider .....	10
Miscellaneous .....	12
Overview.....	12
Death In Service .....	12
Tax related information .....	12
Opting out of the NHS Pension Scheme.....	12
Added years .....	12
Additional Pension .....	12
Maternity and paternity pay .....	13
Refunds of employee contributions.....	13
Sickness pay .....	13
SOLO Form .....	14
Transfers in or out of the NHS Pension Scheme .....	14
Contacting us .....	15
General enquiries .....	15
Other enquiries: .....	15

# The NHS Pension Scheme and Out of Hours providers

## An overview of the NHS Pension Scheme

This guide provides guidance for Out of Hours providers (OOHs providers) that are NHS Pension Scheme employing authorities. This includes a hospital trust that is the local OOHs provider. This guide is divided into several chapters covering different aspects of NHS Pension Scheme administration.

The NHS Pension Scheme is a statutory occupational pension scheme that is contracted out of the State Pension. This means that NHS Pension Scheme members pay reduced National Insurance contributions. There are three sections (or parts) to the NHS Pension Scheme:

- The 1995 Section
- The 2008 Section
- The 2015 Scheme

The NHS Pension Scheme provides a range of index-linked pension benefits at retirement and life assurance cover. Pension benefits are based broadly on membership and pensionable pay and are underwritten and guaranteed by the government.

The NHS Pension Scheme rules are legislated for under the statutory NHS Pension Scheme Regulations available on the Employer Hub section of our website. The NHS Pension Scheme 'fund' is not invested in stocks or shares and is not subject to the vagaries of the Stock Market.

The NHS Pension Scheme for England & Wales is jointly administered by the NHS Business Services Authority/NHS Pensions ('NHS Pensions') and employing authorities.

The employing authority in respect of OOHs non-GP employed staff is the relevant OOHs provider. The employing authority in respect of OOHs GPs (employed or self-employed) is NHS England or the Local Health Board in Wales, not the OOHs provider. Where a GP is employed by a trust to perform OOHs the trust is the employing authority.

## How to become an NHS Pension Scheme employing authority

An OOHs provider may elect to become an NHS Pension Scheme employing authority on a voluntary basis subject to meeting the relevant criteria of being a company limited by guarantee (where all the members are GPs) or a 'not for profit' body corporate. To facilitate this, it must contact the Scheme Access Team at NHS Pensions. Further information is available on our website

If an OOHs provider elects to terminate its NHS Pension Scheme employing authority status it must give at least three months notice to its staff and to NHS Pensions. Where an NHS trust provides local OOHs services it must offer access to the NHS Pension Scheme to the OOHs staff.

## OOHs providers responsibilities

OOHs providers are legally bound to administer the NHS Pension Scheme in accordance with the NHS Pension Scheme Regulations, the Pensions Act, and other overarching pension legislation.

A non-GP employee is a practice Staff NHS Pension Scheme member. A non-GP employee of a trust that provides OOHs is an officer member.

Where a GP performs OOHs for an OOHs provider on a self-employed (or employed) basis they are a Practitioner in NHS Pension Scheme terms. If they perform OOHs for a trust on a self-employed basis they are also a Practitioner. A GP performing OOHs for a trust on an employed (salaried) basis is an Officer in NHS Pension Scheme terms.

Table 1: Membership status rules

<b>Employer</b>	<b>Type of OOHs worker</b>	<b>NHS Pension Scheme Status</b>	<b>Notes</b>
OOHs provider	Salaried non-GP employee	Practice Staff	Contributions & annual pension record sent directly to NHS Pensions
Trust (OOHs)	Salaried non-GP employee	Officer	Contributions & annual pension record sent directly to NHS Pensions
OOHs provider	Self-employed GP	Practitioner	Contributions & SOLO form sent to NHSE/PCSE (England) or LHB (Wales)
OOHs provider	Employed GP	Practitioner	Contributions & SOLO form sent to NHSE/PCSE (England) or LHB (Wales)
Trust (OOHs)	Self-employed GP	Practitioner	Contributions & SOLO form sent to NHSE/PCSE (England) or LHB (Wales)
Trust (OOHs)	Employed GP	Officer	Contributions & annual pension record sent directly to NHS Pensions

An OOHs provider's main responsibilities are summarised as follows:

- It must offer access to the NHS Pension Scheme for eligible staff.
- It must provide new staff with guidance about the NHS Pension Scheme within one month of joining such as referring them to our website.
- It must maintain local and accurate pension records.
- It must deduct (non-GP) practice staff employee contributions (at the correct tiered rate) and send them, along with employer contributions, directly to us, NHS Pensions, by the 19th day of the month following payment of salary. This also applies to a trust that employs an OOHs GP.
- It must collect GP employee contributions (at a tiered rate based on the GP's aggregate/annualised GP pensionable income) and send them, along with the employer contributions, and the SOLO form, to NHS England (NHSE)/Primary Care Support England (PCSE) for England or the Local Health Board for Wales by the 7th day of the month following payment. This does not apply to a trust that employs an OOHs GP.
- It must assist staff with the completion of NHS Pension Scheme forms.
- It must pay the initial NHS Pension Scheme death in service benefits in respect of non-GP staff. NHSE/PCSE and Local Health Boards are responsible for GPs.

## OOHs practice staff

### Overview

The guidance in this chapter applies to non-GP staff (for example practice staff) employed (e.g. contract of service) by an OOHs provider. It also applies to staff (including GPs) employed under a contract of service by a trust to perform OOHs services.

### Record keeping and contributions

A new practice staff pensionable post is created by submitting joiner form SS10. The form must include the member's full name and permanent address, their National Insurance number, and their date of birth. The form must not be used for GPs.

An employee must be put into the NHS Pension Scheme on day one of their employment unless they elect to opt out (by completing form SD502) or if they are ineligible to join the NHS Pension Scheme. For example, if they are already in receipt of (1995 Section) NHS pension benefits or in whole-time pensionable service elsewhere. In such cases the OOHs provider must consider its liabilities to offer alternative pension arrangements under Department of Work and Pensions (DWP) auto-enrolment legislation. Where the employee is in part-time pensionable employment elsewhere there is scope to join the NHS Pension Scheme, however aggregated hours must not exceed whole-time.

OOHs providers must provide us with an up to date annual pension record for every (practice staff) employee. The deadline is two months after each NHS Pension Scheme year end. The pension record must include the following information:

- employee and employer contributions
- employee contribution tiered rate
- employee pensionable pay and gross rate of pay
- additional pension, Added Years, and Additional Voluntary Contributions (AVC) if applicable
- non-pensionable days (number of and dates)
- actual part-time hours/session worked and whole time equivalent (WTE) hours
- number of part-time deemed hours/sessions
- date of commencement if mid-year
- National Insurance number
- employment type.

Where there is a change to any information already provided such as a change of name or address, an election to opt of the NHS Pension Scheme, for example, an OOHs provider must disclose the revised data to us within one calendar month.

OOHs providers are able to use Pensions Online (POL) when updating practice staff pension records. The advantages of this are:

- updating of records within 24 hours
- guidance on how to complete online forms
- validation checks that will lead to fewer processing errors
- the ability to produce estimates of benefits for employees.

Table 2: Basic pension benefit and contribution rules for OOHs practice staff & officers

<b>Feature or benefit</b>	<b>1995 section</b>	<b>2008 section</b>	<b>2015 scheme</b>
Pay used to calculate pension benefits	Best of last three years	Average of best consecutive three years in last 10	Every year's pay counts
Accrual rate	1/80th	1/60th	1/54th
Lump sum at retirement	3 (for service from 25/03/1972 for male members) x annual pension and can also commute	No automatic lump sum (unless an optant) but can commute	No automatic lump sum but can commute
Normal pension age	60 (55 for Special Class members)	65	State Pension age (minimum age 65)
Maximum membership	45 years	45 years	No limit (also applies to transition members)
Employee tiered contribution rate	Based on WTE (annualised) pensionable pay in that post	Based on WTE (annualised) pensionable pay in that post	Based on WTE (annualised) pensionable pay in that post

More information about contributions can be found on our website.

Following a request from us an OOHs provider must:

- Prior to the start of an NHS Pension Scheme year, declare the estimated total employee, employer, Added Years, additional pension, and Early Retirement Reduction Buy Out (ERRBO) contributions.
- Within two months of year end declare the total amount of all contributions paid over during the year. Where the total contributions paid over are revised the OOHs providers must disclose the revised figure within one month.

## OOHs GPs

### Overview

This chapter applies to self-employed and employed OOHs GPs working for an OOHs provider/employing authority and to self-employed OOHs GPs working for a trust. An OOHs GP employed (for example contract of service) by a trust is an Officer. The trust, as the employing authority, must therefore send contributions and annual updates directly to us, NHS Pensions. Please refer to Chapter 2.

NHS Pension Scheme contributions must be sent by the OOHs provider to the GP's NHS Pension Scheme employing authority (NHS England or the Local Health Board in Wales) within seven days of month end. As an OOHs provider is not aware of a GP's other NHS income the GP is responsible for advising on the correct tiered employee contribution rate.

Table 3: Different types of GPs who perform OOHs

GP Type	NHS Pension Scheme rules
Practice based GP provider or salaried GP	They must pension OOHs income via SOLO form in addition to their practice income
GP who only performs OOHs or OOHs/111	They must pension their OOHs & 111 income as a type 2 Practitioner unless they elect to opt out of the NHS Pension Scheme
Freelance GP locum performing OOHs or a combination of OOHs/111	They must pension their OOHs & 111 income as a type 2 Practitioner unless they opt out of the NHS Pension Scheme – they may pension Practice based freelance GP locum work on forms A & B
Freelance GP locum performing 111 only for an OOHs provider	They may pension their 111 income as a freelance GP locum work on forms A & B

Table 4: NHS Pension Scheme Membership & pension benefit rules for GPs who perform OOHs

Feature or benefit	1995 section	2008 section	2015 scheme
Pay used to calculate pension benefits	Career GP pay	Career GP pay	Every year's pay counts
Accrual rate	1.4% of total dynamised GP pay	1.87% of total dynamised GP pay	1/54 <sup>th</sup> of pay
Lump sum at retirement	3 x annual pension and can also commute	No automatic lump sum (unless an optant) but can commute	No automatic lump sum but can commute
Normal pension age	60	65	State Pension Age - minimum age 65

Minimum pension age for voluntary early retirement	50 or 55	55	55
Maximum membership	45 years	45 years	No limit (also applies to transition members)

## Practice based GP providers or salaried GPs working for an OOHs provider

This section also applies to a GP provider or salaried GP performing OOHs on a self-employed basis for a trust.

A surgery based GP provider (e.g. partner) or salaried GP NHS Pension Scheme member working for an OOHs provider that is a NHS Pension Scheme employing authority, under a self-employed (or employed) arrangement, must pension their OOHs income unless they are trading as a limited company in that role.

The OOHs provider must not create a unique pension record and must not send in pension forms or contributions directly to us, NHS Pensions.

A GP SOLO form must be sent to NHS England/PCSE or the Local Health Board (Wales) along with the NHS Pension Scheme contributions. The SOLO form is located in the Practitioner webpage at on our website. Occasionally a GP provider may elect for their surgery, rather than themselves, to be paid the OOHs fee in which case the SOLO form is not required. The fee must include the employer contributions.

The tiered employee contribution rate is based on the GP's aggregated/annualised in year pensionable income, not just their OOHs income. If the GP is buying NHS Pension Scheme added years those contributions must also be collected and forwarded.

Table 5: NHS Pension Scheme tiered employee contribution rules for GP providers and salaried GPs who perform OOHs

Type of OOHs GP	Rules
GP provider - 1995 or 2008 Section member	Tiered rate based on aggregate 'in year' GP pensionable income from all sources
GP provider - 2015 Scheme member	Tiered rate based on annualised aggregate 'in year' GP pensionable income from all sources
GP provider -1995/2015 or 2008/2015 transition member	Tiered rate based on annualised aggregate 'in year' GP pensionable income from all sources

Surgery based salaried GP - 1995 or 2008 Section member	Tiered rate based on aggregate 'in year' GP pensionable income from all sources
Surgery based salaried GP - 2015 Scheme member	Tiered rate based on annualised aggregate 'in year' GP pensionable income from all sources
Surgery based GP - 1995/2015 or 2008/2015 transition member	Tiered rate based on annualised aggregate 'in year' GP pensionable income from all sources

## GPs who are solely OOHs GPs

An OOHs GP who solely performs OOHs work (or a mixture of OOHs and 111) for an OOHs provider (employed or self-employed) is a type 2 medical Practitioner as is an OOHs GP who solely performs OOHs work for a trust on a self-employed basis.

Their NHS Pension Scheme employing authority is NHS England or the Local Health Board (Wales). The OOHs provider must inform the employing authority of any new joiners and liaise on a regular basis. This is so that the pension record remains up to date. The OOHs provider may use the SOLO form or any other method to keep NHS England/PCSE or the Local Health updated.

Table 6:Employee contribution rate rules for career (solely) OOHs GPs

Type of solely OOHs GP	Rules
1995 or 2008 Section member	Tiered rate based on aggregate 'in year' OOHs pensionable income
2015 Scheme member	Tiered rate based on annualised aggregate 'in year' OOHs pensionable income
1995/2015 or 2008/2015 transition member	Tiered rate based on annualised aggregate 'in year' OOHs pensionable income

## Freelance GP locums working for an OOHs provider

GPs who have chosen to be a freelance GP locum and who are engaged by an OOHs provider to perform OOHs work (or a mixture of OOHs and 111) are type 2 medical Practitioners. They **must not** complete freelance locum forms A and B.

In this scenario the GP will have two concurrent pensionable posts, a type 2 medical Practitioner post (OOHs/111) and a freelance GP locum post in respect of their core surgery locum work. The OOHs provider may use the SOLO form or any other method to update the GP's employing authority. The tiered employee contribution rate must take account of the GP's aggregate/annualised pensionable income.

Where a freelance GP locum only performs 111 work for an OOHs provider this is regarded as a freelance GP locum in NHS Pension Scheme terms and they must complete locum forms A and B if they wish to pension their 111 income. If GP trades as a limited company, and not as an individual, they cannot pension their NHS income.

## Miscellaneous

### Overview

This chapter covers several miscellaneous issues relating to OOHs providers.

### Death in Service

If an employee or GP dies in pensionable service the bereavement team at NHS Pensions must be contacted immediately. If the GP is also a practice-based GP provider or salaried GP we may already be aware.

### Tax related information

Although OOHs providers must provide us with all the necessary information to enable annual allowance statements to be issued it likely that this will have already been provided if the person is a GP.

### Opting out of the NHS Pension Scheme

If a (non-GP) practice staff/officer employee chooses to opt out of the NHS Pension Scheme they must formally complete form SD502. If they have other NHS pensionable posts, they wish to opt out of they must complete separate opt out forms.

Where a GP provider or salaried GP elects to opt out of the NHS Pension Scheme they opt out of all their GP work including OOHs. If, however they are also a freelance GP locum they may continue to pension their locum income.

### Added years

Although the option to take out a new added years contract no longer exists OOHs providers must ensure that existing contracts are honoured. OOHs providers must ask staff (including GPs) if they have an existing added years contract.

Where an OOHs GP has an added years contract their additional contributions must also be collected from their OOHs income, declared on the SOLO form, and sent to NHS England/PCSE or the Local Health Board.

### Additional Pension

The Additional Pension was introduced in April 2008 and replaced added years.

OOHs providers must ask new staff if they have an Additional Pension contract however if they are a GP provider or salaried GP they will be paying additional contributions via their surgery.

## **Maternity and paternity pay**

When a (non-GP) practice staff/officer employee or an employed GP goes on maternity/paternity leave and intends to return to work they can pension the whole period of leave. Although the tiered remains the same employee contributions are based on their actual (reduced) pensionable pay. If their NHS pay stops the employee contributions are based on their pay immediately before pay was suspended. The contributions should still be collected during the absence or immediately upon a return to work.

If they choose not to pay pension contributions during unpaid maternity/paternity leave NHS Pension Scheme membership ceases on the day they last paid contributions. If they change their mind and decide not to return to work or decide to opt out of the NHS Pension Scheme then the last date of pensionable membership will be the date contributions were last paid.

In all cases employer contributions are based on the person's actual pay before any reduction in pensionable pay for the time the person is on reduced pay.

Self-employed OOHs GPs are not afforded pensionable maternity/paternity leave.

## **Refunds of employee contributions**

NHS Pension Scheme members who have less than 2 years **total** NHS Pension Scheme membership when they leave NHS employment or who opt out of the NHSPS may claim a refund of employee contributions.

## **Sickness pay**

When a (non-GP) salaried employee is on full paid sick leave then NHS Pension Scheme contributions are payable on all the full sick pay. If they go onto reduced or half pay sick their employee contributions are payable on the reduced amount however there is no change to the rate. Any contributions deducted for an added years or additional pension contract should be deducted from the full (unreduced) pay.

The employer contributions are based on the members normal (unreduced) pay.

If a member goes on to 'no-pay' then no contributions are payable by either the member or the OOHs provider.

Self-employed OOHs GPs are not normally entitled to sick pay unless their contract for services says otherwise.

## **SOLO Form**

The SOLO form was born out of the 2004 GP contract and records a GP provider's or salaried GP's NHS ad hoc income including OOHs.

## **Transfers in or out of the NHS Pension Scheme**

The NHS Pension Scheme can accept transfers in from some pension schemes. If accepted a transfer into the NHS Pensions Scheme is converted into either a service or pensionable pay credit.

A member has 12 months from first joining the NHS Pension Scheme to request a transfer in from another scheme.

A person may transfer out their NHS Pension Scheme benefits to another HMRC approved pension scheme however there are strict rules to safeguard the member.

In all circumstances a person must seek expert independent advice.

## Contacting us

OOH providers can contact us by phone, email or post.

### General enquiries

You can contact us by:

**Email:** [nhsbsa.pensionemployers@nhs.net](mailto:nhsbsa.pensionemployers@nhs.net) (employers only)

**Telephone:** 0300 3301 353

Monday to Friday, 8am to 6pm

[Find out about call charges](#)

### Other enquiries:

Annual Allowance: [nhsbsa.annualallowance@nhs.net](mailto:nhsbsa.annualallowance@nhs.net)

Data cleanse: [nhsbsa.datamanagement@nhs.net](mailto:nhsbsa.datamanagement@nhs.net)

ESR: [nhsbsa.esrreconciliationteam@nhs.net](mailto:nhsbsa.esrreconciliationteam@nhs.net)

### You can write to:

NHS Pensions

PO Box 2269

Bolton

BL6 9JS

All handwritten envelopes will require the postage to be paid. Royal Mail will not accept:

- handwritten freepost envelopes
- pre-paid envelopes where the address has been changed