

NHS Pensions

Leaving Early and Transferring Out Guide

For members of the
NHS Pension Scheme

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Introduction

There are two separate NHS Pension Schemes (in this guide they are jointly known as the Scheme); the 1995/2008 NHS Pension Scheme (the 1995/2008 Scheme) and the 2015 NHS Pension Scheme (the 2015 Scheme). The aim of this guide is to give information to Scheme members who:

- leave NHS employment without taking retirement benefits, or
- leave the Scheme but not NHS employment.

During your membership of one of these Schemes your pension benefits will have grown and you may also have been paying additional contributions to the NHS Money Purchase Additional Voluntary Contributions Scheme (the NHS MPAVC Scheme), therefore once you leave the Scheme you must decide what to do with these valuable benefits.

This guide explains the options open to you, please read it carefully before you decide.

The small print

This guide is intended to provide you with a general overview of the benefits provided by the Scheme. We have taken great care to get the details right at the time of publication but it does not give a complete or legally binding statement of the law and regulations which govern this Scheme. Nothing in this guide can override the Regulations that set out the conditions of entitlement and determine the rate at which benefits are payable. In the event of any conflicting information, the Regulations will prevail.

This guide will continue to be updated. You can find the most up to date version on our website at: www.nhsbsa.nhs.uk/nhs-pensions. Supporting information and factsheets are available on our website.

If you are in any doubt about how your benefits are calculated or what you may be entitled to, please contact your local pension administrator or NHS Pensions.

What are my options?

If you leave the 1995/2008 Scheme and later return to the NHS employment, you would normally rejoin the 2015 Scheme unless you rejoin within five years and are allowed to remain in the 1995/2008 Scheme due to the 'Protection' arrangements outlined below:

- If you, as at 1 April 2012, were either already over your Normal Pension Age or 10 years or less from your Normal Pension Age and in active membership on both 31 March 2012 and 31 March 2015 you are entitled to Full Protection and you remain a member of either the 1995 or 2008 Section of the 1995/2008 Scheme.
- If you, as at 1 April 2012, were more than 10 years, but less than 13 years and 5 months, from your Normal Pension Age and in active membership on both 31 March 2012 and 31 March 2015 you are entitled to Tapered Protection and you remain a member of either the 1995 or 2008 Section of the 1995/2008 Scheme until a transition date determined by your age in years and months as at 1 April 2012.
- If you were not in active membership in the 1995/2008 Scheme on both 31 March 2012 and 31 March 2015 you may still qualify for Protection provided you rejoin the Scheme following a break of less than five years and return before your Normal Pension Age.

If you do not meet the Protection arrangements you will rejoin the 2015 Scheme.

If you are a member of the 1995/2008 Scheme and take a refund of your contributions or transfer out, or you are a 1995 Section pensioner you will normally only be eligible to join the 2015 Scheme on your return to NHS employment.

Information about Protection and the 2015 Scheme is available at: www.nhsbsa.nhs.uk/nhs-pensions

Leaving and rejoining the 1995|2008 Scheme

If you return to NHS employment after 1 April 2015 following a break of less than five years, are under Normal Pension Age and are entitled to either Full Protection or Tapered Protection you will rejoin the same section of the 1995/2008 Scheme. If you have Tapered Protection, you will either stay in the 1995/2008 Scheme until your transition date to move to the 2015 Scheme or move straight into the 2015 Scheme.

If you are not entitled to any Protection, or move following Tapered Protection, you will join the 2015 Scheme and your benefits already built up in the 1995/2008 Scheme will be retained and calculated using a final salary pay at, or near, retirement. This is known as having a 'final salary link'. Following the move to the 2015 Scheme the value of practitioner benefits already built up in the 1995/2008 Scheme remain protected through the continued application of dynamising factors to practitioner earnings

received before the move.

If you return to NHS employment following a break of exactly five years you will not be entitled to rejoin the 1995/2008 Scheme, but you will join the 2015 Scheme and be entitled to a final salary link.

If you return to NHS employment following a break of more than five years then your 1995/2008 Scheme and 2015 Scheme pension benefits will be separate. If you rejoin and you were previously a member of the:

- 1995 Section and are under age 60; or
- 2008 Section and are under age 65,

you will be given a one-off opportunity to transfer any deferred 1995/2008 Scheme pension rights into the 2015 Scheme.

For the purpose of determining eligibility for access to the 1995/2008 Scheme and a final salary link, any pensionable employment in a qualifying public service pension scheme during a break in NHS employment may be ignored.

Pensionable public service employment means a person who for England, Wales, Scotland and Northern Ireland, was a:

- civil servant
- in the judiciary
- local government worker
- teacher
- health service workers
- fire and rescue worker
- police worker; or
- a member of the armed forces.

Leaving and rejoining the 2015 Scheme

If you rejoin the 2015 Scheme following a break of five years or less, your earlier period of 2015 Scheme membership will link with your current 2015 Scheme membership and the pension rights you built up before the break will receive full in-scheme revaluation, based on a rate set by the Treasury plus 1.5%, for each Scheme year during the break. The revaluation rate set by Treasury could be either a positive or a negative amount.

If you rejoin the 2015 Scheme following a break of more than five years, your earlier period of 2015 Scheme membership will not link, in-scheme revaluation will stop and on retirement will be revalued by the application of Pensions Increase. Your pension benefits for your earlier period of membership will be calculated separately to those of your current 2015 membership, with only your current 2015 membership being eligible for in-scheme revaluation.

In calculating whether a break in 2015 Scheme membership is five years or less any pensionable employment in a public service pension scheme is ignored.

Option	Less than two years qualifying membership when you leave	Two years or more qualifying membership when you leave
Option 1 Leave your benefits in the Scheme and take a deferred pension at Normal Pension Age	No, unless you have transferred in a personal pension	Yes
Option 2 Transfer the value of your benefits to another registered pension scheme subject to satisfying time limits.	Yes, if under Normal Pension Age, and you joined your new pension arrangement within 12 months; and you apply for the transfer within 12 months of joining your new arrangement	Yes, if the relevant time limits are met, and the transfer is to a defined benefit arrangement
Option 3 Refund your pension contributions, less tax and National Insurance contributions	Yes, if under Normal Pension Age and have not transferred in a personal pension	No

If you have a NHS Money Purchase AVC Scheme fund this guide will explain the options open to you, but if you wish, you can decide separately about this arrangement. For example, defer your main Scheme pension benefits, but transfer your NHS MPAVC Scheme fund.

If you are thinking of transferring your NHS pension rights you should carefully compare the pension benefits you are giving up with what your new pension scheme is offering you. You should also read the Pension Regulator guidance for Scheme members on Pension Liberation Fraud which is available for download from our website at: www.nhsbsa.nhs.uk/nhs-pensions

It is important to note that if you are intending to return to NHS employment and take a refund of your contributions or transfer out you may be giving up all your existing pension rights in the NHS Pension Scheme.

If you are staying in NHS employment and thinking about opting out of the Scheme, you should download the form SD502 from our website and return the completed form to your Payroll Department.

If you are in any doubt you should seek independent financial advice (there is more information about this later).

If you do decide to opt out of the Scheme, you will be re-enrolled into the Scheme due to Auto enrolment on either your employer's staging date, re-enrolment date or, in certain circumstances, when you become an 'eligible worker'. Further information about Auto-enrolment can be found on our website at: www.nhsbsa.nhs.uk/nhs-pensions

If you are re-enrolled because of Auto-enrolment your employer will write to you to let you know. At that time you will have to decide if you want to remain in the Scheme or opt out again.

Important

Whilst you are an active member of the NHS Pension Scheme, you have enhanced ill health retirement, life assurance and family benefits cover. If you leave the Scheme these enhanced pension benefits may no longer be payable.



Option 1: Deferring benefits

If you have two or more years qualifying membership or you have less than two years qualifying membership and transferred in pension rights from a personal pension you can choose to leave ('defer') your benefits in the Scheme. A deferred pension is usually payable from your Normal Pension Age.

What counts as qualifying membership?

Qualifying membership counts towards the two years' membership needed for deferred benefits but may not count when we work out benefits. Qualifying membership can include:

- transferred in pension rights – the difference between the length of transfer in membership credit and the length of membership or contributing period in the transferring scheme
- part time pensionable membership - counts as qualifying membership at full length, but when we work out pension benefits we only use the hours or programmed activities worked
- breaks of not more than three months between periods of employment for casual employees or freelance locum medical practitioners
- membership of a previous occupational pension scheme, if you transferred to the NHS under a TUPE arrangement, and decide not to transfer those pension rights
- qualifying membership in the 1995 Section counts as qualifying membership in the 2008 Section for members with entitlement to benefits in both sections of the 1995/2008 Scheme
- qualifying membership in the 1995/2008 Scheme counts as qualifying in the 2015 Scheme for members who moved to the 2015 Scheme on 1 April 2015, or later
- earlier refunded membership if you rejoin within a month of leaving.

Will my deferred benefits increase annually?

Your deferred Scheme benefits are increased annually to keep pace with rises in the cost of living. Increases are paid in April and reflect any rise in the rate of inflation in the 12 month period up to the end of September in the previous year and revalued by the application of Pensions Increase.

Do I need to apply to defer my benefits?

You do not need to apply to defer your benefits. We will automatically write to you about this.

Please write to us if you change your address.

I have a NHS Money Purchase AVC arrangement, can I defer this?

If you have a NHS MPAVC Scheme arrangement, the fund will automatically be deferred with your main Scheme benefits. Your additional contributions will remain invested but the return is not guaranteed and they will not be increased each year by the application of Pensions Increase.

You may be able to transfer your NHS MPAVC to any other registered pension scheme in which you are participating (for example another AVC scheme, a personal or stakeholder pension). You should contact your AVC provider direct for further information.

When can I claim my deferred benefits?

Deferred Scheme benefits are payable from your Normal Pension Age. This is age 60 for members of the 1995 Section and includes members of the special classes and mental health officers (MHO) (see additional information below) and age 65 for members of the 2008 Section. For members of the 2015 Scheme, your Normal Pension Age is equal to your State Pension Age (SPA) or age 65, whichever is higher.

You can download the retirement claim form, AW8P, from our website at:

www.nhsbsa.nhs.uk/nhs-pensions. Or you can contact us for one three months before you reach Normal Pension Age.

1995 Section

If you are a member of the 1995 Section with special class or MHO status and are made redundant but are not entitled to or decided not to claim your pension on redundancy grounds, you may be able to claim your deferred benefits at age 55.

This will only be the case if at the time you were made redundant you had the necessary membership to be entitled to retire at age 55:

- For special class members this is the last five years pensionable employment as a member of the special classes. (For men with special class status only benefits based on membership from 17 May 1990 can be paid at age 55 without reduction).
- For MHO members this is 20 years MHO membership and being an MHO on leaving pensionable employment.

Your benefits for this period of membership must also have remained deferred i.e. you must not have rejoined the Scheme within 12 months.

Can I take my deferred benefits early?

If you leave the Scheme with deferred benefits and have reached minimum pension age you may be able to claim your deferred main Scheme and any NHS MPAVC Scheme benefits early, provided you are no longer in NHS employment. Your benefits will be reduced to cover the extra cost of being in payment longer.

Information about minimum pension age can be found in the Scheme Guides available on our website at: **www.nhsbsa.nhs.uk/nhs-pensions**

You cannot take your deferred benefits on Voluntary Early Retirement grounds if you left the 1995 Section before 31 March 2000.

What if I become permanently incapable of any regular work?

If you become permanently incapable of any regular work of like duration to your last NHS job because of ill health before your Normal Pension Age, we may be able to pay your deferred benefits early. If this happens please ask us for form AW240 or you can download it from our website. The form gives you more information about what you need to do to apply. Do not delay completing and returning the form as this may affect the date from which we can pay your ill health benefits if your application is successful.

Important

Should you die before or after you take your deferred benefits then life assurance and family benefits may be payable.



Option 2: Transferring pension rights

If you are leaving NHS employment, or just the Scheme, you may be able to transfer your pension rights to a new pension provider.

You may only transfer to a pension scheme or arrangement that is registered with HM Revenue and Customs (HMRC) and able to accept a transfer payment from the NHS Pension Scheme.

There are some restrictions on the type of scheme you can transfer to. Time limits may also apply for members with less than two years qualifying membership. More details are on page 12.

For possible transfers to a Qualifying Recognised Overseas Pension Scheme (QROPS) please refer to the current version of the overseas transfer guide and application pack on our website at:

www.nhsbsa.nhs.uk/nhs-pensions

If you leave the Scheme but not NHS employment certain conditions may apply if you are a member of the 1995 Section.

What if I have a NHS MPAVC fund with Prudential, Standard Life or Equitable Life?

If you are transferring your benefits out of the main Scheme and have also paid contributions to the NHS MPAVC Scheme with one of the above providers, you can choose to either:

- transfer your NHS MPAVC fund to any other registered pension scheme in which you are participating; or
- leave your NHS MPAVC fund invested with one or more of the three NHS providers.

If you decide to leave the fund invested it will continue to be covered by the rules of the NHS MPAVC Scheme. No new contributions can be added and you should contact your provider for the options available to you on retirement.

Which pension scheme can I transfer to and what are the transfer age and time limits that I need to be aware of?

Pension scheme	Two or more years' qualifying membership	Less than two years' qualifying membership
Defined Benefit (DB) schemes		
A registered defined benefit pension scheme	You can apply for the transfer at any time but it must be completed before you reach Normal Pension Age.	You must: <ul style="list-style-type: none"> • join your new registered scheme within 12 months of leaving pensionable NHS employment; and • apply for a transfer within 12 months of joining your new scheme; and • complete the transfer before you reach Normal Pension Age.
A registered occupational pension scheme that is a member of the Public Sector Transfer Club (the Club)	To qualify for a transfer on Club terms you must: <ul style="list-style-type: none"> • apply for payment of the transfer within 12 months of joining the new Club scheme; and • the period between leaving the sending Club scheme and joining the receiving Club scheme must be no more than five years. If either of these conditions are not met the transfer may only be completed on non-Club terms. Important: When transferring from a Club Scheme, on Club terms, any excess growth in the pension benefits (for example arising from an increase in pensionable pay) will be taken into account when calculating the pension input amount for Annual Allowance purposes. The transfer must also be completed before Normal Pension Age.	
Defined Contribution (DC) schemes		
A registered occupational pension scheme (money purchase)	From 6 April 2015 transfers to schemes that provide 'flexible' benefits (including money purchase benefits) are not permitted.	You must: <ul style="list-style-type: none"> • join your new scheme within 12 months of leaving pensionable NHS employment; • apply for a transfer within 12 months of joining the occupational pension; and • complete the transfer before you reach Normal Pension Age.

To purchase an Annuity

<p>A registered insurance company to purchase one or more annuities which satisfy the requirements made by the Secretary of State of the Treasury</p>	<p>You can apply for the transfer at any time but it must be completed before you reach Normal Pension Age.</p>	<p>You must:</p> <ul style="list-style-type: none"> • complete the transfer to a buy out policy within 12 months of leaving pensionable NHS employment or if earlier your Normal Pension Age.
<p>A registered personal pension scheme (including a SIPP) or stakeholder pension</p>	<p>From 6 April 2015 transfers to schemes that provide 'flexible' benefits (including money purchase benefits) are not permitted.</p>	<p>You must:</p> <ul style="list-style-type: none"> • take out a personal pension within 12 months of leaving pensionable NHS employment; • apply for a transfer within 12 months of taking out the personal pension; and • complete the transfer before you reach Normal Pension Age.

Overseas pension scheme

<p>A Qualifying Recognised Overseas Pension Scheme (QROPS)</p>	<p>From 6 April 2015 transfers to schemes that provide 'flexible' benefits, (including money purchase benefits) are not permitted.</p> <p>More information on QROPS transfers can be found in the Overseas Transfer Guide and application pack on our website at: www.nhsbsa.nhs.uk/nhs-pensions</p>	<p>You must:</p> <ul style="list-style-type: none"> • join your new registered scheme within 12 months of leaving pensionable NHS employment; and • apply for a transfer within 12 months of joining your new scheme; and • complete the transfer before you reach Normal Pension Age <p>More information about transfers to an overseas pension scheme can be found in the Overseas Transfer guide on the website: www.nhsbsa.nhs.uk/nhs-pensions</p>
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Important

In **ALL** cases the transfer must be completed, this means the transfer payment sent to your new pension scheme, before you reach the Normal Pension Age for the Section or Scheme you are a member of. You should bear this in mind when timing your transfer out application.

For more detailed information on transferring benefits out of the Scheme please refer to the Transfer Out Guide and application pack on our website at:
www.nhsbsa.nhs.uk/nhs-pensions

How do I apply for a transfer value?

To apply for a transfer you should download either the Transfer Out guide or the Overseas Transfer guide along with the accompanying application pack from our website at:

www.nhsbsa.nhs.uk/nhs-pensions

You should read the guide carefully before making a transfer out application.

Protecting against pension scams

The tactics used by pension scammers to encourage people to transfer their pension savings to them is constantly changing. Some of the tactics used by pension scammers include offering free pension reviews, health checks and promises of better returns on their savings, pension loans, upfront cash or other promotions to tempt them. Most of these are bogus. Some scammers are also directing members to transfer their pension savings into small (often one or two member) occupational schemes in an attempt to escape scrutiny from regulators.

The Pensions Regulator has published new guidance for members, pension scheme administrators, pension providers and independent financial advisers (IFAs) to raise awareness of Pension Scams.

The Pension scams awareness booklet for members is available on the Pensions Regulators website at:

<http://thepensionsregulator.gov.uk>



Pension scams. Don't get stung.

Option 3: Refund of contributions

You may have to take a refund of contributions, if:

- you have less than two years qualifying membership and you have left NHS pensionable employment or the Scheme
- you have no membership after your Normal Pension Age (because after that age you are entitled to retirement benefits regardless of how long you have been a member of the Scheme)
- you have no deferred membership
- you have never had a transfer of pension rights into the Scheme from a personal pension
- you have re-entered pensionable NHS employment and you have had a disqualifying break in NHS pensionable employment, unless you have requested a transfer to another pension scheme within the transfer time and age limits.

If you leave NHS employment or just the Scheme and have less than two years qualifying membership you can apply for a refund immediately.

Can I avoid a refund of contributions?

You do not have to have a refund until you have a disqualifying break in membership. The length of the disqualifying break depends on whether you were a member of the 1995/2008 Scheme or the 2015 Scheme.

1995|2008 Scheme

If you leave the 1995/2008 Scheme with less than two years qualifying membership and do not qualify for benefits, you must either take a refund of contributions or consider a transfer of pension rights unless you rejoin the 1995/2008 Scheme or the 2015 Scheme within 12 months of leaving.

If you rejoin within 12 months of leaving and have taken a refund of contributions during this break you may repay the refund within six months of rejoining. The membership refunded will then count towards your overall pension. Please refer to the leaving and rejoining section of this guide.

2015 Scheme

If you leave the 2015 Scheme, with less than two years qualifying membership you do not qualify for benefits. If you rejoin the 2015 Scheme following a break of more than five years you will be required to take a refund of contributions, if you have not already done so.

If you rejoin the 2015 Scheme following a break of five years or less and have taken a refund of contributions during the break you may repay the refund within six months of rejoining. The membership refunded will then count towards your overall pension. Please refer to the leaving and rejoining section of this guide.

You may be able to avoid taking a disqualifying break if on leaving you undertake:

- a course of study or training, which will be of benefit to the NHS; or
- an employment comparable to NHS work.

You should ask NHS Pensions for approval as soon as possible after starting the course of study, training or comparable employment. You must also return to the NHS as soon as is reasonably practicable after finishing the course of study, training or comparable employment.

By avoiding a disqualifying break you will be able to keep all the benefits you have built up in the Scheme.

How do I apply for a refund?

To apply for a refund you need to complete the application form RF12 available on our website at: www.nhsbsa.nhs.uk/nhs-pensions

You should print off form RF12 and complete Part 1, next forward this along with Part 2 to the NHS employer where you last paid pension contributions. Your employer will complete Part 2 of the form before submitting it to NHS Pensions for us to process your refund application.

How much will be refunded?

If you claim a refund, your own pension contributions will be refunded, but not your employer's. Before payment, deductions will be made for:

- your share of the National Insurance contributions which must be paid in order to secure your rights in the State Additional Pension Scheme (S2P) for the period of Scheme membership; and
- Income Tax at a rate of 20% for refunds up to £20,000 and 50% on the amount over £20,000.

The amounts to be deducted will be detailed in the refund statement we send you. You must let us know at once if any of your personal details change, for example your address or bank details, after you have made an application for a refund.

What if I paid in to the NHS Money Purchase AVC Scheme?

Any additional contributions will be refunded by the provider. You may opt instead to transfer them to another pension provider. Please see the earlier section on transfers.

If you receive a refund of the contributions from the main Scheme you cannot leave your NHS MPAVC fund invested. You will instead receive a lump sum equal to the realisable value of your investments in the NHS MPAVC Scheme. This lump sum is subject to tax. If your employer paid AVC contributions on your behalf they will receive a lump sum based on the value of the investments they made.

Where can I find further financial information and help?

The following organisations provide information about transfers that may assist you when deciding whether to transfer:

The Financial Conduct Authority can be contacted at: www.fca.org.uk or

Financial Conduct Authority

25 North Colonnade

Canary Wharf

London

E14 5HS

Tel: 0800 111 6768

The Pensions Regulator can be contacted at www.thepensionsregulator.gov.uk or

Pensions Regulator

Napier House

Trafalgar Place

Brighton

BN1 4DW

Tel: 0345 600 0707

The Pensions Advisory Service can be contacted at www.pensionsadvisoryservice.org.uk or

Pensions Advisory Service

11 Belgrave Road

London

SW1V 1RB

Tel: 0300 123 1047

Independent financial advice

If you are in any doubt which pension arrangement will be best for you, you should seek independent financial advice.

Under legislation all financial advisers have to decide whether to be 'independent' or 'tied'. A financial adviser who is independent can offer a range of financial services and products, whereas a financial adviser who is tied can only offer the products of one company. Before you ask for advice, make sure you know which type of adviser you are dealing with.

Most financial advisers charge for their advice. The charge may be in the form of a fee payable by you or commission payable by any company that you decide to invest in. If the adviser you choose charges on a commission basis, you should ask how your investments are affected by these charges.

Your Pensions Officer or employer may be able to help you find a source of independent financial advice or you can contact the following for a list of companies:

IFA Promotions Limited
17-19 Emery Road
Brislington
Bristol BS4 5PF

Telephone: 0330 1000 755

www.unbiased.co.uk

You must check that the company you have chosen is authorised with the FCA. In order to proceed with a transfer to a defined contribution scheme where your transfer value is over £30,000, the Pensions Regulator requires that you must provide a signed confirmation from your IFA of the appropriate financial advice you have received. They must include the following statements:

that the adviser has the required authorisations under the relevant legislation to provide advice on the transfer of safeguarded benefits that the advice has been provided which is specific to the type of transaction proposed by the member on the transfer of safeguarded benefits to flexible benefits the name of the member that was given the advice and the scheme in which they hold safeguarded benefits, to which the advice applies the reference number of the company or business in which the adviser works.

Please ensure you give details of the Scheme to your financial adviser so they can give you the best advice.

Show your adviser your relevant Member Guide. You can download the latest version from our website at: **www.nhsbsa.nhs.uk/nhs-pensions**

If you have benefits in the Scheme your adviser should see details of these. Please write and ask us for details:

NHS Pensions
PO Box 683
Unit 5
Newcastle Upon Tyne
NE5 9EE

Member helpline: 0300 330 1346

www.nhsbsa.nhs.uk/nhs-pensions

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