



Your NHS Pension Choice Employer Newsletter

Pensions

Our ref: Choice Newsletter 3/ 2009

All NHS Chief Executives
Payroll Managers and Pensions Officers
Directors of Finance and Human Resources
Direction Bodies, all GP Practices and
Out of Hours Providers
SHA Directors

Date: August 2009

NHS PENSIONS CHOICE NEWSLETTER

The following information is being sent to you on behalf of the Department of Health and should be brought to the attention of relevant personnel.

NHS Pensions Choice Exercise

Purpose

Nic Greenfield, Director of Pay, Pensions and Non Medical Education, wrote to all SHA workforce Leads on 22 May 2009 about the NHS Pension Choice Exercise (PCE), which is referenced in both the Operating Framework and the Standard Contract. NHS Pensions have issued two employer Newsletters so far on the Pension Choice Exercise.

The purpose of this note is to draw your urgent attention to the need to identify staff that may:

be part of a TUPE or TUPE like transfer on or after 1 October 2009 to an employer who cannot offer membership of the NHS Pension Scheme

Failure to carry out the PCE for such staff before employment is transferred could leave employers open to challenge under the Occupational Pension Scheme Disclosure Regulations.

Further detail on the process will follow in the next series of NHS Pensions Choice Newsletters – visit www.nhsbsa.nhs.uk/pensions. In the meantime, we strongly encourage employers to take the following action:

i) **Raise Staff Awareness** – Bring the PCE to the attention of staff subject to a TUPE or TUPE like transfer as described above. You can do this by ensuring that they receive a copy of the “Your NHS Pension Choice DVD” and “Your NHS Pension Choice Guide”. Both should now be available from local payroll departments. Further supplies can be obtained by ringing the Choice Help-line number:

Telephone: 0300-123-1701 (the call centre is open Monday-Friday 8am-6pm)

Email: choice.employers@prolog.uk.com

ii) **Notify NHS Pensions** - Inform NHS Pensions about the transfer as soon as possible. NHS Pensions will need the date of the transfer and a list of NHS Pension Scheme members who are likely to be included, so that they can make preparations for any members who decide they want to participate in the exercise. The list of those who transfer may well change, but to ensure employers meet their obligations under disclosure legislation, we strongly encourage employers to notify NHS Pensions at the earliest opportunity. Please email details to:

Peter Atkinson at: PAtkinso@nhspa.gov.uk

And

Mark Anderton at: MAnderto@nhspa.gov.uk

iii) **Factor in the PCE to the contracting process** – Allow sufficient time in the contracting process for members to indicate whether they wish to participate in the PCE. If they decide to do so, they must have at least 3 months from receiving their Choice Statement in which to make their Choice **before** their employment is transferred.

iv) **Raise Contractor Awareness** - Make potential contractors aware of the requirement under “Fair Deal” regarding the provision of a comparable pension scheme as early as possible in the contracting process. Any comparable scheme must provide for staff that may transfer from the 1995 section or the 2008 section of the NHS Pension Scheme.

Background

Staff subject to a TUPE or TUPE like transfer to an employer outside the NHS that is not eligible to offer membership of the NHS Pension Scheme to its staff, are subject to the requirements of the Fair Deal for Staff Pensions. Choice will have a significant effect on the member’s benefits long term. In this context, it is important that members are able to participate in PCE before their employment is transferred.

TUPE staff will be asked to sign a Declaration Form inviting them to confirm whether or not they wish to opt into the PCE. If they decide to so, NHS Pensions will provide a Comparative Choice Statement. Staff must have at least 3 months from receiving their Choice Statement to consider whether to remain a member of the 1995 section or transfer to the 2008 section of the NHS Pension scheme.

Further guidance designed specifically for staff subject to TUPE or TUPE like transfers, is in development and will be posted on the NHS Pensions and NHS Employer websites in due course.

More information:

Contracting

http://www.dh.gov.uk/en/Publicationsandstatistics/Publications/PublicationsPolicyAndGuidance/Browsable/DH_074315

http://www.dh.gov.uk/en/Publicationsandstatistics/Publications/PublicationsProcurement/DH_093148

TUPE Transfers under Fair Deal

http://www.gad.gov.uk/services/Staff%20Transfers/Broad_Comparability_Assessments.html

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Workforce Directorate
Department of Health

Yours sincerely



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