

## NHS Superannuation Scheme (Scotland)

### **Circular No. 13/2006**

NHS and other participating employers  
Practitioner Services Division  
GP Practices  
NHS Trade Unions and Staff Associations

7 Tweedside Park  
Tweedbank  
Galashiels  
Selkirkshire  
TD1 3TE  
Telephone: 01896 893100  
Fax: 01896 893214  
SPPA.NHS@scotland.gsi.gov.uk  
[www.sppa.gov.uk](http://www.sppa.gov.uk)

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Dear Sir or Madam

### **NATIONAL HEALTH SERVICE SUPERANNUATION SCHEME (SCOTLAND) – PENSION BENEFITS AND RETIREMENT**

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#### **1. Introduction**

This circular contains important clarification about NHS Pensions benefits and the rules regarding qualifying for retirement benefits. Following a number of recent enquiries, discussions have been held with the Department of Health who have confirmed that the underlying requirement of the NHS Superannuation Scheme Regulations is that all Scheme members must demonstrate a clear intention to retire from the NHS before NHS pension benefits are awarded.

#### **2. Officer Scheme Members**

To qualify for NHS pension benefits an Officer (i.e. salaried employed) Scheme member must resign from their NHS contract of employment and must not return to NHS employment within 24 hours. This rule applies to Officer Scheme members who may qualify for the normal age pension, voluntary early retirement pension, early retirement pension (redundancy etc.) early retirement pension (employer's consent) and ill health retirement pension.

'Non GP Providers' providing General Medical Services (GMS), Personal Medical Services (PMS) or who are Alternative Providers of Medical Services (APMS) are afforded whole time Officer Scheme status. To qualify for NHS pension benefits they must resign from their GMS contract, APMS contract or PMS agreement and cannot return to the NHS either as a contractor or as an employee for at least 24 hours.

An Officer Scheme member who has two or more concurrent part-time pensionable posts at retirement is only required to retire for at least 24 hours in one of them providing that the remaining post(s) do not exceed 16 hours a week. If the remaining post(s) total more than 16 hours a week then it will be necessary to retire for at least 24 hours from some or all of the remaining posts until the total hours reduce to 16 or less per week.

Although an Officer Scheme member who has two or more concurrent pensionable posts is not required to take a 24 hour break in the remaining post(s), they must cease to be pensionable in all their posts to qualify for the age pension, voluntary early retirement pension, or the ill health pension. Officer Scheme members who qualify for the early retirement pension (redundancy) may elect to continue to contribute to the Scheme in respect of any concurrent posts.

A part-time Officer member who has only one part-time post must retire from that post for at least 24 hours irrespective of the number of weekly hours worked.

If an Officer Scheme member who is in receipt of a NHS pension wishes to return to NHS employment after retiring they must work no more than 16 hours a week in the first month of retirement as well as taking the 24 hour break. If they exceed 16 hours in total in any week in the first month following retirement, their pension benefits will be suspended and they will have to repay any pension benefits they may have received. Once the first month has elapsed there are no restrictions (regarding suspension of pension benefits) on the number of hours that can be worked in NHS re-employment.

Officer Scheme members who retire on ill health or redundancy grounds are subject to abatement until the age of 60.

### **3. Practitioner Scheme Members**

To qualify for NHS pension benefits a Medical Practitioner (i.e. a GP Provider who is a GP partner or single handed GP) must resign from any involvement in a GMS contract or 17c agreements. They cannot return to the NHS either as a GP Provider, salaried GP, freelance GP locum, out of hours GP or as an employee for at least 24 hours. Similarly a Dental Practitioner must resign from any involvement in a GDS contract and cannot return to the NHS in any capacity for at least 24 hours.

A salaried GP or salaried Dental Performer must resign from their NHS contract of employment with their practice or Health Board in order to qualify for NHS pension benefits. They cannot return to the NHS in any capacity for at least 24 hours.

Freelance GP locums (i.e. locum Practitioners) must resign from any involvement in NHS work for at least 24 hours to qualify for NHS pension benefits.

A Practitioner Scheme member who has a concurrent part-time pensionable Officer post at retirement (i.e. Clinical Assistant) is not required to retire for at least 24 hours in that Officer post if it is 16 hours a week or less. They must, however, cease paying Scheme contributions in respect of the Officer post.

Practitioner Scheme members do not need to come off their appropriate Performers List in order to access their NHS pension benefits.

These rules apply to all Practitioner Scheme members who qualify for the normal age pension, voluntary early retirement pension, or the ill health pension.

If a Practitioner Scheme member who is in receipt of a NHS pension wishes to return to NHS employment immediately after retiring they must work less than 16 hours a week in the first month of retirement as well as satisfying the 24 hour break. If they exceed 16 hours in total in any week in the first month following retirement their pension benefits will be suspended and they will have to repay any pension benefits they may have received. NHS freelance GP locum work is included in the '16 hour' rule.

Once the first month has elapsed there are no restrictions on the number of hours that a Practitioner can work in the NHS, however Practitioner Scheme members who retire on ill health grounds are subject to abatement until the age of 60.

### **Enquiries**

Enquiries about this circular should be made to SPPA.

Yours faithfully

A handwritten signature in black ink, appearing to read 'I Clapperton', with a long horizontal flourish extending to the right.

Ian Clapperton  
Director of Operations  
SPPA

