

Guidance notes for OPTING OUT/CEASING ACTIVE MEMBERSHIP

You should detach and retain these for future reference

Please read the following information before completing parts A and B.

The Legal Aid (Scotland) Pension Scheme is administered by the Scottish Public Pensions Agency on behalf of the Scottish Legal Aid Board (SLAB). It is a defined benefit scheme that provides a range of retirement benefits based on pensionable service and salary and is analogous to the National Health Service Superannuation Scotland Scheme (NHSSS).

WHAT DO I PAY AND HOW DO I PAY?

The employee contribution rate is currently 6%. The LA(S)PS is an unfunded scheme and therefore the employer contribution rate is notional and the Board meets the balance of all scheme costs and liabilities as and when these arise. The deductions are made direct from salary, are taken monthly direct from payroll, and are subject to tax relief and are reviewed regularly by the Schemes actuary.

WHY SHOULD I BE A MEMBER OF THE SCHEME?

- **Your benefits are based on your service accrued in the scheme and when you have accrued 2 years membership, you will receive a guaranteed pension at Normal Pension Age which is index-linked.**
- **You will also receive a tax-free lump sum if you were a member of the scheme prior to 1 October 2010. If you joined the scheme on or after 1 October 2010 you may choose to receive a tax-free lump sum by commuting part of your pension.**
- **You have the facility to pay extra contributions for additional pension benefits.**
- **If you are unable to do your current job due to permanent ill health you can apply to receive early payment of your benefits subject to certain conditions.**
- **We will pay a death grant if you die before you retire and may also pay children and dependants' pensions subject to qualifying service.**
- **You may be able to transfer pension rights from another scheme into the LA(S)PS.**

The scheme

The LA(S)PS is a qualifying scheme and all eligible members will be contractually included from the first day of their employment. As your employer, SLAB has, therefore, enrolled you into the scheme from your first day of employment. However, ongoing membership of the scheme is not compulsory and you can choose to opt out at any time.

Opting out/ceasing active membership

If you are considering opting out of the scheme, you may wish to seek independent financial advice before making a decision about your future membership. You may also wish to compare the benefits offered by alternative pension providers before you make your decision. You should note that you will not be able to pay for the period you have opted out of at a later date. You will also cease to have any further cover for death in service lump sum from the scheme.

Automatic Enrolment – what you need to know

- SLAB cannot ask you to join or force you to opt out of the scheme
- If you are asked or forced to opt out of the scheme, you can report this to the Pensions Regulator (www.tpr.gov.uk)
- If you opt out and later change your mind, you may be able to re-join the scheme by giving written notice to SLAB
- If you stay opted out, SLAB will automatically re-enrol you back into the scheme in around three years and every three years thereafter
- If you change your job and have a new employer, they should put you into their scheme
- If you have another job with another employer, your other employer should also put you into the scheme for that employment.

Opting out rules and timescales

As an employee, you may choose to opt out of the LA(S)PS after you have been enrolled in the scheme. SLAB is responsible for ensuring you are made aware of what your opt out period is and this will be given to you with your enrolment information. However, before you choose to opt out of the scheme, you must:

- have become an active member of the scheme
- have received the enrolment information from SLAB.

There are specific timescales during which you can opt out and either not have any contributions deducted from your salary or receive a refund on contributions, otherwise your period of pensionable service will be preserved.

1. **During the first three months of employment**, you can opt out during what is known as the “opt out period relating to auto-enrolment”, which starts after active membership has been achieved by auto-enrolling you from your first day of employment. Should you decide to opt-out during this opt-out period you will either
 - not have any contributions deducted from your salary if your opt-out form is received before payroll cut-off in your first month of employment
 - have any contributions you have made during the first three month period of employment refunded through payroll

In both instances above it will appear that you have decided not to join the scheme and you will appear as never having been an active member of the scheme thereafter.

2. **After three months employment, or having rejoined the scheme any time after your first day of employment** you can still choose to opt out of the LA(S)PS at any time but depending how long you have been in the scheme will determine what will happen next. The ‘Leaving Early’ section within the scheme guides available at www.sppa.gov.uk gives further details on this. Please note that your membership will cease from the beginning of the next pay period. Please be aware if a refund of contributions is due you will be required to complete a refund of contributions claim form. The refund may not be processed through payroll immediately as we may have to wait until we have received other information from the Department of Work & Pensions which enables us to do this- this can take months to progress.

Further details on all of the above are available from our website at www.sppa.gov.uk

Part A Details

Surname	<input type="text"/>	Maiden Name (if applicable)	<input type="text"/>
Forename(s)	<input type="text"/>	Date of Birth	<input type="text"/>
Address	<input type="text"/>		
	<input type="text"/>	Post Code	<input type="text"/>
Phone No.	<input type="text"/>	Superannuation Number	LA/
Nat Ins No.	<input type="text"/>	Employer	Scottish Legal Aid Board

Part B Declaration

I confirm that I have read the guidance and in full knowledge of the potential benefits available to me as a member of the Legal Aid (Scotland) Pension Scheme I elect;

- a. Not to join the Scheme within the first three months of joining SLAB having been automatically joined into the LA(S)PS.
- b. To terminate my membership of the Scheme as from the start of the next pay period.

(please tick whichever box is applicable)

In making this election I acknowledge that, other than my rights, options and benefits which may have accrued to me in the Legal Aid (Scotland) Pension Scheme prior to the effective date of this election, I will have no claim on the Scheme in respect of any period on or after the date of this election.

Signed

Date

PRINT NAME

Please forward to SLAB HR Department for completion.

Part C To be completed by SLAB

1. If a new employee takes this option before the end of the first three month of employment this form should be retained within their personnel record pending possible future enquiries or disputes.
2. Where the member has contributory pensionable service, this form should be forwarded to SPPA.

I confirm that (Name).....
has opted out of the Legal Aid (Scotland) Pension Scheme with effect from
and will cease to be a member of the Scheme thereafter.

Signed

Date

PRINT NAME and POSITION held at SLAB

1. For “non-joiners” of the LA(S)P Scheme (ie those opted out within the first three months of employment). SLAB retain form in employee’s personnel record..
2. All other membership terminations, forward form to Small Schemes, SPPA, 7 Tweedside Park, Galashiels, TD1 3TE

NOTE. This is not a refund application form. Separate application form available from SLAB for a refund of contributions.