

Pension

Most staff employed in the NHS have the right to be members of the NHS Pension Scheme (NHSPS). Pensions under the NHSPS includes the retirement pension and early payment of pension on grounds of ill health.

If you are transferred from the NHS to an independent provider you should, under the Government's New Fair Deal guidance, be able to remain a member of the NHSPS as long as you remain wholly or mainly engaged in NHS funded work. You should speak to your trade union or HR representative for more details.

Fair Deal was introduced in 1999 to provide pension protection for staff compulsorily transferred out of the public sector. The approach taken was for staff compulsorily transferred from the public sector to have access, via the new employer, to a pension scheme broadly comparable to their originating public sector pension. New Fair Deal which took effect on 7 October 2013, builds on this principle by removing the requirement for a broadly comparable scheme, and allowing compulsorily transferred staff continued membership of the NHSPS.

It will be for the independent provider to apply to the NHSPS Manager (Secretary of State (SoS) for Health and Social Care) for access to the NHSPS which, subject to the SoS's decision, will be granted via a direction for the 2008 Section of the NHSPS or a determination for the 2015 NHSPS. Details of how independent providers can apply for access to the NHSPS for eligible staff can be found on the [NHS Business Services Authority](#) website. Membership of the NHSPS for eligible staff compulsorily transferred from the NHS to an independent provider should be continuous i.e. as if they had stayed in the NHS.