

GP locum factsheet

GP locums may pension their temporary or deputising GMS/PMS surgery based locum earnings and also earnings in respect of work undertaken for a 'classic' (i.e. GP led) APMS surgery that qualifies as a NHS Pension Scheme Employing Authority.

GP locums may superannuate appraisal work carried out for NHS England/NHSCB or a Local Health Board via forms A and B.

The employer contributions that are paid by the surgery are 14.3%.

Freelance GP locums cannot 'pension' income in respect of work undertaken for an Independent Provider (IP) even if that IP holds an APMS contract.

A freelance GP locum who trades as a limited company CANNOT 'pension' their income.

Long term practice fee based work is type 2 Practitioner work, not GP Locum work, in NHS pension terms.

The 2015 NHS Pension Scheme

Freelance GP locums are afforded the same rights as other members with regards to if they fall into the 2015 Scheme or remain in the 1995 or 2008 Section. Regardless of where they fall, the rules on NHS Pension Scheme contributions are the same.

How to superannuate NHS income

In order to superannuate their income a GP locum:

- must be on a Medical Performers List and working as an individual
- must be deputising, or providing additional cover, in a GP practice on a temporary basis
- must be performing appraisal work under a contract for services; i.e. fee based
- must send forms A and B and all NHS Pension Scheme contributions to Primary Care Support England (PCSE) or the LHB (Wales) within the 10 week window.

The Employing Authority for all GPs is NHS England or the LHB (Wales). To find out who the cheque should be made payable to and where to send it along with the forms, a GP

locum in England should visit the relevant page of PCSE's website (<http://pcse.england.nhs.uk/locums/>) and a GP locum in Wales should contact their LHB directly, not NHS Pensions.

Annex A provides some GP locum frequently asked questions (FAQs).

Pensionable income

A GP locum may 'pension' practice based work and appraisal work however there has to be a clear and direct transaction between the GP locum (as an individual) and the GP surgery, NHS England or the LHB (Wales).

The pensionable element is 90% of the fee.

Where a GP locum chambers is involved, the locum may still 'pension' their income so long as they are paid directly by a surgery or where the chambers holds an account for the locum.

Out of Hours work must **not** be recorded on forms A or B. The form GP SOLO must be used and this work is recorded as either type 1 or 2 Practitioner pensionable income. All GP pension forms can be found in the Practitioner section of NHS Pensions website.

Non pensionable work

A GP locum who trades as a limited company, or who does not submit their forms or contributions on time, cannot 'pension' their income. Fee based work undertaken for an Independent Provider or Direction body cannot be superannuated.

A GP locum **must** return the employer contributions to the surgery if they originally intended to superannuate their income but then they do not.

GP locum forms and contributions

A GP locum who wants to superannuate their NHS income must take the following steps:

1. Obtain forms GP locum A and B and read the guidance notes carefully.
2. Ensure the commissioner (i.e. surgery) completes their part of form A.
3. Ensure that they collect the employer contributions from the commissioner.
4. Forward forms (A and B) and all contributions to their NHS Pension Scheme Employing Authority on time; i.e. no later than the 7th day of the month following the end of the month covered by the form GP locum B.

GP locums are subject to the same tiered employee contribution rules as other GPs. They must ensure at year end that they have paid the correct tiered rate 'across the board'. The commissioner (i.e. surgery) must, in law, pay the NHS Pension Scheme employer contributions.

The employer contributions that are paid by the surgery are 14.3%.

A GP locum must declare at the outset if they intend to superannuate their income.

There is no liability on a surgery to pay over the employer contributions if a GP locum is not superannuating their income.

If a GP locum informs a surgery that they are going to superannuate their income however it transpires that they do not, they **must** return the employer contributions. It is illegal to keep the employer contributions.

NHS Pension Scheme membership

GP locums are afforded 'Locum Practitioner' NHS Pension Scheme status. If they continue to submit forms GP locum A and B they will have continuous NHS Pension Scheme membership.

If they fail to submit forms GP locum A and B for three calendar months, NHS Pension Scheme membership ceases at the point when they last performed pensionable work. Freelance GP locums are not afforded the same rights in respect of pensionable sick pay, maternity/paternity pay, and life assurance as other GPs.

Life assurance cover

Where a freelance GP locum dies in **active** pensionable employment they are afforded the same death in service cover as other NHS Pension Scheme members. The death (in service) gratuity is basically twice the pensionable pay. The death gratuity is normally paid to a surviving spouse (or the estate if single) though can be paid to others.

The surviving spouse would also receive an annual pension. Any dependent children would receive an allowance for a limited time period. The value of the pension and allowance would be dependent upon individual circumstances at the time of death. If a freelance GP locum is scheduled to work at a surgery, for example, from 9am Monday through to 6pm the following Friday and they died midweek on the Wednesday (at any time), they would be covered by death in service benefits.

However, if they died prior to 9am Monday or after 6pm the following Friday they are not afforded death in service cover. Once contributing membership ceases death in service cover ceases too and is replaced by another type of cover. The NHS Pension Scheme will

normally pay a death gratuity of three times the annual pension at the date of death. As with death in service, there is provision to pay a pension to a surviving spouse and any dependent children would receive an allowance.

Contacting NHS Pensions

Any GP related pension enquiries should be sent to: nhsbsa.practitioners@nhs.net

Annex A - FAQs

Q. I am a GP locum and I have no other Practitioner NHSPS membership but I also do regular appraisal work, can I pension my appraisal work?

A. Locum GPs can pension their appraisal work. You should pension this via locum forms A and B. You must remember to advise PCSE or the LHB that you wish to pension your appraisal work so they can account for the employer contributions.

Q. As a GP locum Scheme member am I subject to tiered employee contributions?

A. Yes. As a general guide your employee contributions will be based on your aggregated GP pensionable pay. There is more information on NHS Pensions website.

Q. How do I pay my contributions and how much will that be?

A. GP locum form B is the monthly summary of surgery and appraisal earnings. It includes full instructions on how to calculate the amount of pension contributions due. The amount will depend on your pensionable earnings. Your pensionable earnings are your gross earnings less 10% deduction for expenses, i.e. 90% of your gross pay. Don't forget you will have to forward the 14.3% employer contributions onto your Employing Authority.

Q. Who is responsible for paying the employer contributions?

A. The commissioner (i.e. surgery) are responsible for paying the NHSPS employer contributions in respect of freelance GP locums.

The NHSPS employer contributions are 14.3%.

Q. I am an existing GP Scheme member; can I backdate Scheme membership for GP locum work I have undertaken?

A. Yes, but you only have a 10 week window from the first date worked.

Q. I am an existing GP partner and also perform GP locum work elsewhere. Can I 'opt out' of pensioning GP Locum work?

A. You cannot opt out per se. However if you do not record your locum work within the 10 week window you are in effect out of time.

Q. I am an existing GP partner (or single hander). Can I work as a locum in my own surgery?

A. Any pensionable income generated in your own surgery **must** be recorded on the GP Provider Certificate of Pensionable Income even if you and your colleagues may regard it as locum work. You must not use locum forms A and B.

Q. I am a surgery based salaried GP. Can I work as a locum in my own surgery?

A. Yes, but only for short 'bursts' and this must be recorded on forms A and B. If this work lasts for more than six months it must be regarded as regular type 2 Practitioner work.

Q. I am currently buying Added Years do I have to pay additional contributions on my GP locum/appraisal earnings?

A. Yes.

Q. I work occasionally for an OOHs provider. Can I 'pension' this OOHs work?

A. If you do any work for an OOHs provider this is not regarded as pensionable GP locum work. You must record this work on the form GP SOLO.

Q. I am currently a freelance GP locum paying into the NHSPS. However I am planning to become a permanent GP in a GMS/PMS/APMS practice, can I continue paying into the Scheme as a GP locum?

A. Yes but your pensionable earnings as a GP locum must continue to be recorded separately on forms GP locum A and B.

Q. Does form GP locum B relate to work carried out in that month or to the pay received in that month?

A. Form GP locum B is a record of the pay you have received in that month; it may relate to work you have performed earlier.

Q. Are travel expenses, i.e. motor mileage allowance pensionable?

A. No. Deduct 10% of your gross pay first which accounts for expenses.

Q. Do I have to send a cheque for the pension contributions with my forms GP locum A and B?

A. Yes. You send your cheques to PCSE or the LHB along with the forms. The LHB is where you are registered and will advise on where to send the cheque and who to make it payable to. For Locums in England please visit PCSE's website at

<http://pcse.england.nhs.uk/locums/>

Q. When do I have to send the completed forms GP locum A and B?

A. Normally, depending on your work pattern and when you choose to invoice for payment, it will be at the end of each month. You should complete the forms in good time so that you can send them and the contributions by the 7th of the following month.

Q. What is the 'Employing Authority Code' number?

A. Each GP surgery, PCSE Regional Team or LHB is allocated a unique Employing Authority code.

Q. Can I claim backdated NHSPS membership?

A. You cannot apply for NHSPS membership for any GP locum work that ended more than 10 weeks before your LHB or PCSE received forms GP locum A and B.

For example if you work at a surgery from 01/01/2016 to 15/01/2016 and then from 25/01/2016 to 31/01/2016 then you have 10 weeks from 01/01/2016 to pension your first period of work and then 10 weeks from 25/01/2016 to pension the second period of work.

Q. I am working as a freelance GP locum in both England and Scotland. Do I have to register on two Performers lists?

A. Yes. If you work as a GP locum in Scotland, or Northern Ireland, you cannot record this work on forms GP locum A and B as these refer solely to pensionable GP locum work in England and Wales. Contact the relevant NHSPS administrators for further advice.

Q. How long can I work at one surgery for before I am no longer classed as a locum?

A. If you work at a surgery for more than 6 months then you must be classed as a Type 2 medical Practitioner in NHS pension term once the 6 months has elapsed. Your surgery must regard you (in NHS pension terms only) as though you are a salaried GP and ensure that their 'top slicing' arrangement with the Employing Authority covers your contributions. You can still work under a contract for services arrangement; your surgery is not legally obliged to employ you under a contract of service.

Q. The surgery I am currently working at would like me to work there beyond the 6 month time limit but I would like to remain as a locum. Is this possible?

A. If a GP works at one specific surgery as a freelance GP locum for up to six months, has a significant break (i.e. one calendar month or more), and then returns to that same surgery in a freelance GP locum capacity they are regarded as a 'Locum Practitioner' (on both sides of the break) in NHS pension terms and can continue to complete Locum forms A & B. if you do not have a break of one calendar month or more then you can no longer be regarded as a Locum.