



Q&As – Pension Specific

1. If Viapath did award pay increases above the AfC pay band, would this be pensionable?

This would be determined in accordance with the rules of the NHS Pension Scheme, but it would generally be expected that all pay increases would be pensionable.

2. If Viapath were to award a bonus payment would this amount be pensionable?

This will be determined in accordance with the rules of the NHS Pension Scheme. Generally speaking discretionary bonuses are not pensionable.

3. What information will be sent to staff that are auto enrolled into the pension scheme on 1.1.15 as they do not want a deduction in their January salary.

Information regarding enrolment has been included in the Pension Factsheet dated 30 October 2014; and this information will be repeated in a letter due to be sent out to individuals in mid December 2014.

4. What assurances can Viapath give to ensure they manage the pension accordingly under the terms of Direction Status?

Direction Status is granted by the Secretary of State and the Direction includes specific roles and responsibilities to be undertaken by a NHS Pension Direction Employer; compliance with these responsibilities is not optional by Viapath.

5. If the transfer was delayed would Viapath still be able to offer an NHS pension under Direction Status?

Direction Status is directly linked to the TUPE transfer of the RoE workforce to Viapath and, therefore it will apply from the date of the re-structure, whatever that date is.

6. Can I freeze my NHS pension and go into a separate private pension scheme?

If staff want to opt-out of the NHS pension scheme they are free to do so. They will be re-enrolled into the NHS pension scheme periodically in accordance with Viapath's automatic enrolment duties. Viapath will not make contributions to transferring staff's private pension schemes if staff choose to opt out of the NHS pension scheme.

Viapath cannot give staff advice on their personal pension position. If individuals need help in deciding what is right for them they should arrange to take their own financial advice.

7. What happens if the pension age is raised?

Entitlement to NHS pension benefits is determined in accordance with the rules and legislation governing the NHS Pension Scheme in force at any time. Viapath has no control or influence over the operation of the NHS Pension Scheme.



8. How will staff be informed if their personal pensions contribution are increased?

Employee's contribution rates are determined in accordance with the rates set by the government. If those rates change, Viapath will inform you.

Your monthly payslip will show you how much has been deducted each month, based on the rates set by the Government.

9. Under Direction Status, will Viapath pay the same rate of employer contribution as the Trust did?

Viapath will pay the rate of employer contributions it is required to pay under the Pension Direction. The Trust currently contributes 14% of employees' pensionable pay and this level of contribution will continue with Viapath. The level of contributions paid by Viapath does not impact the level of pension that you will receive as your pension entitlement is calculated in accordance with the Rules of the NHS Pension Scheme, not the level of contribution that is made by an employer.

10. More info needed on Injury Allowance and what this means going forward?

If an employee suffers an injury, disease or other health condition that would have entitled them to benefits under the NHS Injury Allowance arrangements, Viapath will pay to that employee the same level of benefits they would have received under those arrangements.

Broadly speaking this means that if an employee is on authorised sickness absence, or on a phased return to work, with reduced pay or no pay due to an injury, disease or other health condition that is wholly or mainly attributable to their Viapath employment a payment will be made by Viapath to eligible employees that tops up sick pay, or earnings when on a phased return to work, to 85 per cent of pay.

11. Who are the underwriters of the NHS Pension under Direction Status?

Benefits payable from the NHS Pension Scheme are paid by the UK Government as they fall due, so it is the UK Government that is liable to ensure benefits are paid. This is the same regardless of whether or not the benefits were earned whilst working for an employer with Direction Status.



12. What does the below term as contained in the Direction Pension covering letters mean, and what would be implication for Direction Pension members if it were that the Secretary of State was to terminate access to the NHS Pension Scheme?

Important notes:

c) If a NHS Pension Direction Employer fails to satisfy any of the requirements of the NHS Pension Scheme Regulations (or the NHS Pension Direction) the Secretary of State may terminate access to the NHS Pension Scheme, after giving three months written notice.

If Viapath failed to comply with its requirements as an employer in the NHS Pension Scheme, the pension Direction could be terminated. This is aimed at extreme situations such as Viapath failing to pay contributions to the NHS Pension Scheme or to provide the NHS Pension Scheme with information on employees. It is only expected it to be terminated in the case of persistent or serious unremedied breaches.

If that were to happen, employees' membership of the NHS Pension Scheme would cease.

However, the commercial contracts with King's and Guy's provide that Viapath will comply with the terms of the Direction Letter. There is also a provision in the agreements that if the Direction is terminated Viapath must ensure that pensions arrangements will be provided which comply with New Fair Deal.

13. Will Viapath provide an in-house pensions advisor post transfer for issues such as advice on retirement?

NHS Pensions website - <http://www.nhsbsa.nhs.uk/Pensions.aspx> - provides advice and guidance on the Scheme, including a member helpline and an "Ask Us" facility. In the event that there are changes to the Scheme affecting more than individual members Viapath will consider providing dedicated advice at that time.

14. If a staff member desires to move to Viapath terms and conditions, will the whole package be pensionable?

Whether or not particular parts of a package are pensionable will depend on the Rules of the NHS Pension Scheme and the specifics of any package offered. Generally speaking basic pay / salary will be pensionable.



15. Part of my work involves research. Is this work considered non NHS, therefore will my pension be at risk if I spend more or the majority of my time on research activities?

To remain in the NHS Pension Scheme transferred staff need to spend at least 50% of their employed time working on either the transferred NHS function, or other NHS work for the same employer. 'NHS work' has quite a wide meaning and would normally include, for example, working on the IT systems that are used to deliver the NHS work or providing other administrative support for that work.

If you currently undertake research as part of your NHS role then after the transfer similar research to support NHS work will be NHS work for the purposes of calculating whether you are entitled to retain membership of the NHS Pension Scheme.

16. How will any future changes to the scheme be communicated?

Any future changes to the pension scheme will be communicated to you. This may be by either Viapath or the NHS Pension Scheme depending on the type of change.

17. What will happen if the government changes its mind on Direction Status., What guarantees can we have around retaining access to the pension scheme post transfer?

It is not possible for Viapath to foresee changes made by Government. However, Viapath has entered into a contract with Kings and Guys to agree that it will comply with the terms of the Pension Direction. There is also a provision in the agreements that if the Direction is terminated Viapath must ensure that pensions arrangements will be provided which comply with New Fair Deal.

18. I understand direction status is limited to not for profit organisations. Has Direction Status been granted to Viapath under false pretences and does this mean it may be taken away?

This is no longer the case.

In October 2013 the Government made an announcement regarding the extension of the 'Fair Deal for Staff Pensions' – this is commonly referred to as the New Fair Deal. One of the key principles of the New Fair Deal is that if staff are compulsorily transferred from the public sector to an independent provider of public services, the staff retain access to their current employer's pension arrangements.

This means that under New Fair Deal staff that are transferred from GSTT or KCH to one of the Viapath Entities will retain access to the NHS Pension Scheme.



19. Why didn't Viapath apply for "Open" Direction status? How will it attract staff if it cannot offer the NHS pension scheme?

Pension Directions can be "open" or "closed". A closed Direction is limited to a specific list of employees who have transferred from the public sector. An open Direction is not limited to a specific list of employees, but is open to all of the Direction employer's staff.

Viapath's Pension Directions are closed Directions that relate only to those staff transferring from GSTT and KCH who are eligible for membership of the NHS Pension Scheme.

Open Direction, when granted, applies to an employer's entire workforce and it is not possible for an employer to use the NHS Pension as a recruitment or retention tool on a selective basis. Open Direction would therefore not be affordable for Viapath. Furthermore, Open Directions have not been granted in recent years and there is no guarantee that an application would be successful.

Viapath has been recruiting staff since 2009 without offering an NHS Pension to new starters. Today we have circa 600 employees working on this basis. Lack of an NHS pension has not prevented us recruiting over that period.

In terms of Viapath's ability to attract staff, we have an ambition to be an employer of choice and this will be realised through creating an attractive employee proposition. This includes but is not limited to pensions and other terms and conditions of employment; it also includes other equally important employment elements such as training, personal development and career progression.