**NHS Pensionable Pay**

As the number of continuity teams being set up increases the RCM has received several queries about pensionable pay, for example around on-call payments and unsocial hours.

So what is pensionable pay? Pensionable pay is the amount of pay pension contributions are based and paid on. Pay that is pensionable is your basic salary excluding overtime (in excess of whole time hours), one off bonuses, and expenses. Not everything that you earn is pensionable

The key to pensionable pay is ‘regular payments’. Pensionable pay should include regular payments such as unsocial hours allowance, London weighting and on-call availability allowance payments. There is no minimum number of hours that can be pensionable in the NHS Pension Scheme. The maximum number of hours that can be pensionable are the normal (standard) whole time hours for the relevant job.

If I work overtime is that pensionable? Overtime, in relation to the NHS Pension Scheme, is hours worked in excess of the whole time standard working week. If you work part time any additional hours you work up to the whole time working week are pensionable. Hours worked over the whole time working week (e.g. 37.5 hours) are not pensionable.

What about if I work on-call? Midwives and Maternity Support Workers (MSWs) working in continuity teams are likely to be undertaking on-calls. The RCM would not expect working on-call to equal enforced overtime, therefore midwives and MSWs may be doing on-calls as part of standard hours. Where a midwife or MSW is performing additional on-call hours their on-call income is pensionable up to the whole time working week; (e.g. 37.5 hours). Where on call hours exceed whole-time the income is not pensionable.

A midwife working in this way might part roster a % of their hours for routine antenatal and postnatal care leaving a surplus to off-set against call out hours when on call. A short reference period such as 4 weeks should be used to ensure that excess overtime or contracted hours are not accrued. Staff would still have set periods of on-call and be paid the allowance for this, however when called out these hours could be offset against the non-rostered surplus. In this instance work done on-call as part of standard hours is not classed as overtime (up to whole time hours) therefore would be pensionable. Note that the Agenda for Change terms and conditions of service handbook states ‘staff cannot receive unsocial hours payments and payments for on-call and other extended service cover for the same hours of work’.

What if my team has agreed to move to an inclusive pay arrangement, is this pensionable? In developing services that deliver continuity of carer midwives and managers may consider a move to an inclusive pay arrangement. Also known as a salary ‘uplift’ this covers on-call payments or on

call and unsocial hours payments. As this payment is regular and covers standard hours it should be pensionable, as stated above hours worked over the whole time working week (e.g. 37.5 hours) are not pensionable.

The RCM recommends that each organisation should seek clarification regarding their individual uplift offer direct with the NHSBSA/NHS Pension.

Tiered contribution rates are broadly based on the previous year’s whole time equivalent pensionable pay. Contributions paid are based on actual pay during that pay period (month) therefore when applying rosters staff should be aware that these may not match pay periods. This could impact pensionable pay and how payroll apply superannuation, for example if the number of on-calls and unsocial hours worked vary week by week.

The RCM has produced detailed guidance covering employment rights and regulations and salary uplifts relating to continuity. You can access all the relevant resources on the RCM website [here](https://www.rcm.org.uk/promoting/professional-practice/continuity-of-carer/).

NHS Business Services Authority have produced a factsheet on pensionable pay which can be accessed through the ‘Member Hub’.

Staff who are subject to a pay protection arrangement should refer to their individual agreement and clarify with their payroll department whether there would be any impact on pensionable pay. Further information on protection of pay following a reduction in pensionable pay is available on the NHS Business Services Authority website [here](https://www.nhsbsa.nhs.uk/sites/default/files/2017-04/Protection%20of%20%20Pay%20and%20Voluntary%20Protection%20of%20Pay%20Factsheet-20170217-%28V3%29_0.pdf).