

New Fair Deal - Losing Eligibility & Ongoing Monitoring

On signing the Admission Agreement, a New Fair Deal employer (Admitted Body) has an ongoing obligation to check their employees' eligibility to remain in the scheme.

Employees lose eligibility in the following ways

- **Permanently moving away from the transferred services and/or any Additional Eligible Services**
 - an employee works all their contracted hours on a different contract or services that are not covered by an Admission Agreement, but they continue to work for the same employer;
 - an employee, resigns, retires or is dismissed.
- **Spending 50% or less of their contracted time on the transferred services**
 - In the course of the scheme year (1 April to 31 March), an employee must spend more than 50% of their contracted time on the transferred services to remain eligible for access to the civil service pension schemes.

Employers should calculate this regularly over the course of the scheme year
Any time spent carrying out functions associated with the services under contract or any additional eligible service (see FAQs) counts towards eligibility.

- **Waiving eligibility**
 - **Voluntarily choosing to become an active member of any other workplace pension scheme provided by the Admitted Body**

If an employee joins a different workplace pension scheme, they will immediately lose eligibility for membership of the civil service pension scheme. If an employee is considering this, the Admitted Body **must** consult with them and their trade union or employee representative **before** the employee decides to change schemes. The Admitted Body must make it clear to the employee that they will permanently waive their rights to membership of the civil service pension scheme. If the employee decides to go ahead, then they and the Admitted Body must jointly sign a waiver form. The Admitted Body must also complete a copy of Schedule 4 in the Admission Agreement.
 - **Voluntarily giving up the right to be eligible for the scheme in return for some other advantage**

For example, where a condition of promotion is that the employee must join the employer's own occupational pension scheme for the same period of employment.

In these circumstances, the Admitted Body should follow the waiver process set out above .

The waiver form and Schedule 4 forms are available from pcspadmissions@cabinetoffice.gov.uk

If an employee loses eligibility through any of the above circumstances, the Admitted Body must notify the Cabinet Office, the Contracting Authority and MyCSP within 28 days.

If you are unsure whether an employee will lose or has lost eligibility then please contact pcspadmissions@cabinetoffice.gov.uk

FAQs

What are Additional Eligible Services?

These are services covered by another Admission Agreement (AA). It is possible for an employee to transfer to another AA provided the Civil Service Pensions' Scheme Manager has given express permission. The Admitted Body must request permission to transfer an employee from one Admission Agreement to another at least 3 months in advance of the transfer. The Scheme Manager will contact the Contracting Authorities involved.

The Admitted Body must send requests for the Additional Eligible Services arrangement to apply to pcspadmissions@cabinetoffice.gov.uk

What if I want to move an employee temporarily, to work on another government contract, where there is no Admission Agreement in place?

If an employee works on a contract where there is no Admission Agreement in place (whether or not it is a government contract) that time does **not** count towards their eligibility to stay in the civil service pension scheme. To avoid losing eligibility, the employee must work less than 49% of their contracted time on such services during the scheme year (1 April to 31 March).

What counts as “time spent carrying out functions associated with the services”?

Two examples are:

- training relevant to the contracted services;
- Call-up of Armed Forces Reservists. (In these circumstances you must follow the process in [EPN43](#))

Can an employee waive their eligibility retrospectively?

No, an employee who wishes to waive their New Fair Deal eligibility must do so in good time ahead of the date they wish to permanently leave the scheme.

Can an employee change their mind if they have submitted a waiver form to leave the pension scheme?

No, if an employee has waived their New Fair Deal eligibility and remains transferred out working on the services, the waiver cannot be undone. The purpose of the consultation process before an employee decides to waive their rights is to ensure that they understand what they are giving up.

Can a former employee rejoin the CSPS after resigning, retiring, being dismissed or waiving New Fair Deal Protection?

Eligibility will depend on who they work for as follows.

- They will **not** be eligible to rejoin the CSPS if they take up employment with:
 - ❖ the same Admitted Body that they resigned, retired, were dismissed from or from where they waived their New Fair Deal protection; or
 - ❖ a different Admitted Body, even where there is an Admission Agreement in place.

- They will be eligible to rejoin the CSPS if they take up employment with a Civil Service employer, covered by the CSPS, such as the Ministry of Defence or the Department for Pensions. They will be treated as follows:
 - ❖ if rejoining within five (5) years of resigning, retiring or dismissal, their service will be continuous for pension purposes; or
 - ❖ If rejoining after a break of more than five (5) years, they will be treated as a new joiner.