Occupational pensions

The Pension Service
Part of the Department for Work and Pensions

Your guide

October 2005

Why do I need a pension?

Occupational pensions – Your guide

Everyone needs to plan ahead for retirement. People are living longer and healthier lives, so it is even more important to think about how and when to save for retirement and how long to work.

The basic State Pension will give you a start, but to have the lifestyle you want in retirement you need to think about a second pension. And, the sooner you can start the better.

To help you, this guide tells you how occupational pensions work. It looks at some of the questions you may need to think about and it tells you where you can find more information.

Other guides in this series will give you more information about particular areas of pensions. See page 35 for details about how you can get copies of these guides.

These guides can give you helpful information, but only you can make decisions about your pension.

What is an occupational pension scheme?

An occupational pension scheme is an arrangement set up by some employers to give their employees pensions when they retire. Occupational pension schemes may also pay you a tax-free lump sum when you retire and may provide benefits for your dependants if you die before them.

Additional State Pension (SERPS and State Second Pension)

If you are an employee who is not a member of an occupational pension scheme, you will build up an additional State Pension on top of the basic State Pension. Up to April 2002, the additional State Pension was called the State Earnings-Related Pension Scheme (SERPS). SERPS was based on your record of National Insurance contributions and your level of earnings as an employee.

On 6 April 2002, the Government reformed SERPS, creating the State Second Pension to provide a more generous additional State Pension for low and moderate earners, and certain carers and people with long-term illnesses or disabilities. (Any SERPS entitlement you have already built up will be protected, if you have already retired or have not yet reached State Pension age.)

How does my occupational pension affect my additional State Pension?

This will depend on the type of occupational pension scheme that you belong to. Many people, when they retire, receive a pension from their former employer's occupational pension scheme as well as the basic State Pension and the additional State Pension.

However, many occupational pension schemes are set up on a contracted-out basis. If your employer runs this type of scheme and you decide to join it, most or all of the second pension that you get when you retire will come from your employer's scheme and not from the additional State Pension. Members of this type of scheme are said to be 'contracted out' of the state scheme.

It is also important to remember that:

- you will still be entitled to any additional State Pension you built up before you joined the scheme; and

- you will continue to build up benefits in the basic State Pension which will not be affected by you being a member of a contracted-out scheme. From 6 April 2002, if you are a low or moderate earner and a member of a contracted-out occupational scheme, you will build up entitlement to a small amount of State Second Pension on top of what you are building up in your occupational scheme.

What does 'contracted out of the additional State Pension' mean?

Contracting out through an occupational scheme means that you and your employer pay lower National Insurance contributions to compensate for any additional State Pension you have given up. When you retire, most of your second pension will come from your employer's scheme and not from the additional State Pension. However, even if you contract out of the State Second Pension, you may still be able to build up some rights to it. For the tax year 2005/06, a member of a contracted-out occupational scheme earning between £4,264 and £27,800 will get a State Second Pension top-up. The top-up reflects the more generous additional pension the State Second Pension provides and should make sure that low earners will not be worse off by contracting out.

Schemes can only be contracted out of the State Second Pension if HM Revenue and Customs (what used to be the Inland Revenue and Customs and Excise) is satisfied that the schemes meet the relevant conditions.

Employers are responsible for making sure that their schemes meet these conditions, and they must tell you if the scheme is contracted out of the additional State Pension.

If you want to know more about contracting out, please see page 35 for details about how you can get a copy of *Contracted-out pensions – Your guide* (PM7).

What sort of second pension do I need?

Is an occupational pension a good choice for me?

For people in work, occupational pensions are usually a good way of saving for a second pension. But whether or not this type of pension arrangement is suitable for you will depend on your circumstances, such as your working patterns and your pay.

Most employers who provide occupational pension schemes contribute more to them than their employees, and some employers run schemes where you don't have to pay any money at all. Employers must give you details about any scheme that you are eligible to join. It is important that you check it out carefully when you are looking into your pension options. Many people who join occupational pension schemes will be better off when they retire than if they had not joined them.

Some occupational pension schemes may also provide extra benefits, for example:

- a pension for your husband or wife if you die before he or she does (and sometimes to your partner if you are not married); or
- a pension if you become ill and have to retire early.

What if I work part time?

If you work part time and your employer has an occupational pension scheme, you should normally be allowed to join it.

However, if you are not able to, or do not want to join an occupational pension scheme, it is worth thinking about other arrangements, such as a stakeholder pension or a personal pension.

If you are not sure what to do for the best, you can get advice from a financial adviser. But remember, if you see an adviser you may have to pay for their advice.

You can find a list of organisations that can give you help and more information on pages 29 to 32. You can also get help from your employer or union (if you belong to one).

Example of how an occupational pension can help you

Denzel is a 24-year-old office worker. He's just started working for an employer who runs an occupational pension scheme. Although retirement is a long way off for Denzel, he has been thinking about starting a pension for some time. He was impressed that his new employer was prepared to make contributions for him. He also thought his employer's scheme was right for him, so he has decided to join. If he can afford to save more, he will be able to increase his contributions or look at other pension options on top of his occupational scheme.

What do I need to think about?

- Think about your position now. For example, how long is it until you retire? What savings have you set aside for your retirement? Do you already have some pension from previous jobs?Ask your employer if they run a scheme and whether you can join it.
- Read any pension information your employer gives you.
- Think about your future career and retirement plans.
- Ask us for any of our guides in this series. Our guides explain different areas of pensions. See page 35 for details about how you can get copies of these guides.

A list of organisations that can give you help and more information is shown on pages 29 to 32.

The rest of this guide gives you an outline of the different types of occupational scheme, and answers some of the questions you are most likely to ask.

How do occupational pensions work?

What types of occupational pension scheme are there?

There are two main types of scheme.

Salary-related schemes (also known as 'defined benefit' schemes).

The pension you get in a salary-related scheme is based on:

- the number of years you belong to the scheme as an employee; and
- how much you earn (usually, your earnings when you retire or leave the scheme).

You usually have to pay contributions into the scheme **on top of** those that your employer pays.

In a contracted-out salary-related scheme (COSRS), you and your employer will pay lower National Insurance contributions. The difference between the full rate and the lower rate of contributions is known as the rebate. However, if your earnings fall below the level at which you have to pay National Insurance contributions, any rebate will go to your employer.

For a salary-related scheme to be able to contract out of the additional State Pension, it must pass a test of overall 'scheme quality'. The scheme actuary (a professional who works out the costs of different possible events) must issue a certificate to show that the scheme meets this standard.

Money-purchase schemes (also known as ‘defined contribution’ schemes).

In a money-purchase scheme, your contributions (together with your employer’s) are invested. The pension you get is based on the total payments into the pension fund, and how well these investments have done. In general, the longer your payments have been invested, the larger the pension you will get when you retire. Most money-purchase schemes operate by allowing you to use the money you have built up in the scheme to buy an ‘annuity’ from an insurance company – an agreement to pay you a pension for life – when you retire. This annuity may also give payments to your husband or wife if you die before they do.

In a contracted-out money-purchase scheme (COMPS), you and your employer pay lower-rate National Insurance contributions. As with a COSRS, the difference between the full rate and the lower rate is known as the rebate. If your earnings fall below the level at which you have to pay National Insurance contributions, any rebate will go to your employer. Your employer must also pay into the scheme an amount at least as much as the total of the National Insurance contribution rebate. This is known as the 'minimum payment'. Once a year, HM Revenue and Customs will add an age-related payment to your pension, based on your earnings. Older people get a higher age-related payment than younger people, so that they can build up a pension that reflects the additional State Pension they have given up. However, we limit the rebate at around age 54, which means that people of that age and above all receive the same rebate percentage of their earnings.

Because the final pension you get from a COMPS will depend mainly on the amount of money paid in and how well it has been invested, most schemes need you to pay in extra contributions on top of the 'minimum payment' to boost the value of your pension fund. You will get tax relief on your share of the extra contributions and they may also increase the amount of any Child or Working Tax Credit you receive. See the section on 'Will I get tax relief on my contributions?' on page 14.

With this type of scheme, it is the scheme member who takes the risk of the investment performing poorly.

Will I get tax relief on my contributions?

You will usually get **tax relief** on any payments you make towards your pension, up to a set limit. With a basic rate of income tax of 22%, every £100 that goes into your pension costs you £78 (based on the tax year 2005/06). If you pay income tax at the higher rate of 40%, every £100 that goes into your pension fund costs you £60 (based on the tax year 2005/06).

Also, since 6 April 2003, all occupational schemes that provide money-purchase benefits have had to give members a yearly illustration of the amount of pension they might receive when they retire. You can use this information to check that enough money is going into your pension to give you the income you think you will need when you retire. The section 'Can I pay more into my pension?' below will tell you what to do if you want to increase your pension.

Can I pay more into my pension?

Whatever your position, you need to review your pension regularly to make sure it will give you the income you want when you retire.

If you want to increase your pension (for example, if you become better off), your employer must make arrangements for you to pay extra contributions. These are called additional voluntary contributions (AVCs). You can also pay AVCs to another scheme provider. These are called free-standing AVCs or FSAVCs. The charges for FSAVCs are often higher than for paying AVCs through your own occupational scheme. There are limits to the amount of tax relief you can have on pension contributions. Scheme providers must check that your tax relief does not go over these limits before they accept AVCs or FSAVCs.

From 6 April 2006, employers who run occupational schemes will no longer, by law, have to arrange for their employees to pay AVCs. However, it is expected that many will continue to do so voluntarily.

If you are a member of an occupational pension scheme, current tax rules mean that you may be able to use a stakeholder pension or a personal pension (or both) to build up extra pension. You should check with your occupational pension scheme to find out if you can do this. You can also get more information from the HM Revenue and Customs leaflet *Personal Pension Schemes (including Stakeholder Pension Schemes) – A guide for members of tax-approved schemes* (IR3). See page 33 for details about how you can get a copy of this leaflet.

Is my money protected?

Occupational pension schemes in the private sector are set up under trust law. The trustees must run the scheme in the interests of the members and in line with:

- trust law;
- the trust deed (a legal document) and rules; and
- specific laws about pensions.

Although your employer pays into the scheme and may be a trustee, the assets of the pension scheme belong to the scheme, not to your employer. As a scheme member, you are protected by a number of laws designed to make sure schemes are run properly and to make sure funds are used properly.

In particular, there are laws about:

- the way occupational pension schemes must be run;
- the information you must be given;
- people who are not eligible to be trustees (for example, anyone convicted of dishonesty or deception);
- some of the trustees being chosen by the members;
- who the trustees should be (including member-nominated trustees);

- the way funds should be invested;
- the records that the scheme provider must keep; and
- who is authorised to manage pension investments.

Every scheme must provide an annual report, a copy of which you, as a scheme member, can ask for.

All money-purchase schemes and most salary-related schemes automatically give their members a pension statement every year. If this does not happen, members of a salary-related scheme can ask for one.

The Pensions Regulator is responsible for regulating occupational pension schemes and can act quickly to protect your interests if the trustees who run your scheme, or your employer, do not meet their legal obligations. Scheme auditors and actuaries must tell the Pensions Regulator if the law has been broken, but anyone else can also contact them if they think the scheme is being run in the wrong way. The Pensions Regulator can:

- place restrictions on trustees or even disqualify them;
- fine anyone found to have broken pension laws; and

- take court action in more serious cases involving criminal offences.

The Pensions Regulator replaced the Occupational Pensions Regulatory Authority on 6 April 2005. See pages 30 and 31 for details about how to contact the Pensions Regulator.

Some of the biggest pension schemes, particularly in the public sector, are set up by Acts of Parliament and so don't have a trustee structure. They often don't have pension funds. Instead, the employer pays pensions as they go along.

What if I am unhappy with my pension scheme and need to take matters further?

Each pension scheme must have a 'dispute resolution' (disagreement) procedure which your employer must tell you about. If something has gone wrong, you should follow your pension scheme's dispute procedure. If this doesn't work, you can go to the Pensions Advisory Service for an independent explanation and advice. If they can't help, you can take your complaint to the Pensions Ombudsman. The Ombudsman can make a ruling that is legally binding, and it can only be challenged in the courts on a point of law. See page 30 for details of how to contact the Pensions Advisory Service and the Pensions Ombudsman.

Although it's rare, if an insolvent (bankrupt) employer has removed a pension scheme's assets dishonestly, the Pension Protection Fund (which, from September 2005, took over the functions of the Pensions Compensation Board) can make compensation payments to the scheme. See page 20 for more information about the Pension Protection Fund.

What happens if a salary-related scheme has to wind up?

Winding up is the process of ending a pension scheme. This may happen for a number of reasons depending on a scheme's rules. For example:

- an employer may decide to stop contributing to a scheme;
- an employer may become insolvent and this may lead to the scheme being wound up; or
- the scheme's trustees may decide to wind up the scheme.

When a salary-related scheme winds up, the trustees of the scheme have to try to pay what is owed to scheme members using the scheme's current funds (or assets). Sometimes there may not be enough funds to do this.

When this happens, any shortfall becomes a debt the employer owes the scheme. This allows trustees to take action to chase the debt. Regulations also make sure that assets are shared out as fairly as possible. Some unpaid contributions can be claimed when employers become insolvent. And, in certain circumstances, members may have some or all of their SERPS (State Earnings-Related Pension Scheme) or State Second Pension restored for the period they were contracted out.

All of this helps to protect the pension that you have built up. But there is still a chance that you may get less than you expect if your salary-related scheme winds up.

That is why the Government set up the Pension Protection Fund and introduced a new Pensions Regulator.

The Pension Protection Fund

The Pension Protection Fund is a non-departmental public organisation that was set up in April 2005 to protect members of eligible salary-related schemes. It will pay compensation if the pension scheme does not have enough funds to pay its pensions obligations and the employer becomes insolvent.

If this happens, the Pension Protection Fund will pay:

- 100% compensation to people who have reached the scheme's pension age and to those under that age who are receiving a pension because their partner worked for the company and had died or had a pension awarded for ill health; and
- 90% compensation to those who do not fall into the above categories. However, there will be a limit on the benefit paid.

The Pension Protection Fund is paid for using charges each year on eligible types of salary-related schemes. The fund also takes over the assets of any salary-related scheme which may be left, as compensation due to the employer becoming insolvent.

From September 2005, the Pension Protection Fund took over the functions of the Pensions Compensation Board and will continue to pay compensation to all types of occupational schemes (including money-purchase and mixed-benefit schemes) where there have been instances of fraud or of scheme assets being misused.

If your salary-related scheme is being wound up and you want to find out more about how it affects your benefits, you can find out from the scheme trustees. If you are in any doubt about your position, you can get advice from an authorised financial adviser. But, remember, if you do this, you may have to pay.

The Pensions Regulator

The new Pensions Regulator was set up on 6 April 2005 and focuses on protecting the benefits of scheme members by concentrating on those schemes where the members are considered to be at high risk from fraud, poor management or poor administration.

What happens if I change jobs?

Your pension scheme must be able to give you an up-to-date statement of the value of your pension when you change jobs. If you change jobs and you want to transfer your pension, you can ask your present scheme to pay a cash lump sum on your behalf into another occupational, stakeholder or personal pension scheme as long as your new scheme will accept it. The new scheme will then tell you what pension benefits your money will entitle you to. There may also be administration costs associated with the transfer, so if you are not sure what to do for the best, you can get advice from a financial adviser. But, remember, if you see an adviser you may have to pay for their advice.

Or, you can leave the amount you already have in your old scheme and take out a new pension. If you do this and your new employer doesn't offer an occupational pension, or you become self-employed, your only pension options would be to take out a personal pension or a stakeholder pension. If you would like more information about these types of pensions, see *Personal pensions – Your guide* (PM4) and *Stakeholder pensions – Your guide* (PM8). Go to page 35 for information about how you can get a copy of these guides.

I had a pension in a previous job but don't have the details – can anyone help?

The Pension Tracing Service should be able to help. The more details you can give them, the more likely it is they will be able to trace the scheme. See page 31 for details.

What if I get divorced?

If you get divorced or have your marriage annulled, the courts have to take into account the value of all your assets, including the value of your pension entitlement. This is so that the courts can decide how all your assets should be divided.

Since 1 December 2000, couples whose marriages end in divorce or annulment have been allowed to share the value of their pension. The idea is to provide greater flexibility and choice for the divorcing couple and the courts. Pension sharing is not compulsory; it is simply an option available to divorcing couples who are entitled to second pensions, such as:

- an occupational pension;
- a stakeholder pension;
- a personal pension; and
- the additional State Pension.

Pension sharing does not apply to:

- the basic State Pension, as divorced people can already replace their own contribution record with their husband's or wife's record for the period the marriage lasted;
- couples who started divorce or annulment proceedings before 1 December 2000; or

- couples who separate but do not divorce.

Pension sharing only applies to divorce proceedings which started on or after 1 December 2000.

If you want to know more about how divorce affects your pension, you may want to get advice from a lawyer or an independent financial adviser (or both). If you live in England or Wales, you might also find the guide *I want to apply for a Financial Order* (D190) helpful. See page 33 for details about how you can get a copy of this guide. In Northern Ireland, a court can make a pension-sharing order in connection with proceedings for a divorce or annulment. In Scotland, a financial order can be made as part of divorce proceedings. Another guide you may find useful is *Pensions for women – Your guide* (PM6). See page 35 for details about how you can get a copy of this guide.

Recent changes in the law that could affect you

Changes in the law may affect some of the rules explained in this leaflet. In particular, you may want to note the following points.

Civil Partnership Act 2004

The Civil Partnership Act will come into force on 5 December 2005. This will change the way we treat same-sex couples. When that happens, people of the same sex who have formed a civil partnership will be treated, as far as possible, in the same way as a married couple. Same-sex couples who are living together as if they were civil partners (but who have not formed a civil partnership) will be treated in the same way as unmarried couples.

Gender Recognition Act 2004

From April 2005, if you have a full Gender Recognition Certificate, your State Pension age and the amount of State Pension you may get could change. It could also affect the age and the amount of any occupational pension that you may be entitled to. A full Gender Recognition Certificate is given to a person who successfully applies to the Gender Recognition Panel to be legally recognised as a person of the sex opposite to that recorded on their birth certificate. You can get more information on the effect Gender Recognition Certificates have on State Pension from the section 'Guidance on Benefits and Pensions' within the gender recognition application form. You can find a copy of the form on the Gender Recognition Panel website at **www.grp.gov.uk**, or you can ask the Gender Recognition Panel Secretariat to send you a copy by writing to: GRP, PO Box 6987, Leicester LE1 6ZX. Or, you can call them on 0845 355 5155. The line is open between 9am and 5pm, Monday to Friday.

Where can I get more help?

Where to get help and information

Directory

Where we refer to phone numbers which begin with 0845, they will be charged at the local rate based on current charges from BT landlines. Charges for calls from mobile phones and other networks may be different.

The **Pensions Advisory Service** can give you information about any aspect of occupational, stakeholder and personal pensions. You can contact The Pensions Advisory Service if you are having problems with your pension that your scheme managers or trustees cannot sort out. You can contact them on **0845 601 2923** from 9am to 5pm, Monday to Friday. Or, you can visit The Pensions Advisory Service website at **www.pensionsadvisoryservice.org.uk** or email **enquiries@pensionsadvisoryservice.org.uk**

You can also write to The Pensions Advisory Service, 11 Belgrave Road, London SW1V 1RB.

If The Pensions Advisory Service can't help you, you can take your complaint to the **Pensions Ombudsman**. You can contact them on **020 7834 9144** from 9am to 5pm, Monday to Friday.

You can also write to the Pensions Ombudsman, 11 Belgrave Road, London SW1V 1RB.

Or, you can visit the Pensions Ombudsman's website at **www.pensions-ombudsman.org.uk** or email **enquiries@pensions-ombudsman.org.uk**

The **Pensions Regulator** is responsible for regulating occupational pension schemes. You can contact them on **0870 606 3636** from 8.30am to 5.30pm, Monday to Friday. Or, you can visit the Pensions Regulator's website at **www.thepensionsregulator.gov.uk**

You can also write to the Pensions Regulator, Napier House, Trafalgar Place, Brighton, East Sussex BN1 4DW, or email **customersupport @thepensionsregulator.gov.uk**

If an insolvent (bankrupt) employer has removed your pension scheme's assets dishonestly, the **Pensions Compensation Board** can compensate you. You can contact them on **020 7828 9794** from 9am to 5pm, Monday to Friday.

You can also write to the Pensions Compensation Board, 11 Belgrave Road, London SW1V 1RB.

Where to get help and information

If you had a pension in a previous job but you don't have the details, the **Pension Tracing Service** should be able to help. You can contact them on **0845 600 2537** from 9am to 5pm, Monday to Friday. Or, you can write to The Pension Tracing Service, The Pension Service, Tyneview Park, Whitley Road, Newcastle upon Tyne NE98 1BA.

If you have a question about contracting out of the State Second Pension, **HM Revenue and Customs National Insurance Contributions Office** may be able to help, although they will not be able to give you financial advice. You can contact them on **0845 915 0150** from 8am to 5pm, Monday to Friday. Or, you can visit the website at **www.hmrc.gov.uk**

You can also write to HM Revenue and Customs National Insurance Contributions Office, Contracted-Out Employments Group, Benton Park View, Newcastle upon Tyne NE98 1ZZ.

You can write to HM Revenue and Customs National Insurance Contributions Office (Northern Ireland), 24–42 Corporation Street, Belfast BT1 3DP. Or, you can visit the website at **www.hmrc.gov.uk**

Other publications you may find useful

Personal Pension Schemes (including Stakeholder Pension Schemes) – A guide for members of tax-approved schemes (IR3)

You can get this leaflet by calling **HM Revenue and Customs Audit and Pension Schemes stationery orderline** (answerphone) on **0115 974 1670** at any time. You can visit the HM Revenue and Customs website at **www.hmrc.gov.uk/pensionschemes/guidance.htm**

You can also write to HM Revenue and Customs, Audit and Pension Schemes, Yorke House, PO Box 62, Castle Meadow Road, Nottingham NG2 1BG.

I want to apply for a Financial Order (D190)
If you live in England or Wales, you can get this guide from your County Court (details are in your local phone book) or from the Court Service website at
www.hmcourts-service.gov.uk

Our guides in this series

A guide to your pension options (PM1)
This guide gives a general summary of the pensions system and suggests things you should think about.

State pensions – Your guide (PM2)
This guide explains whether you are likely to get a State Pension and how we work state pensions out. It includes more details about the State Second Pension, including examples of how it can help people in different circumstances.

Occupational pensions – Your guide (PM3)
You will find this guide helpful if you are working for an employer who runs a pension scheme and you are a member of the scheme or are thinking of joining.

Personal pensions – Your guide (PM4)
If you are thinking about a personal pension plan, this guide tells you the sort of questions you should be asking and how you can decide if a personal pension is best for you.

Pensions for the self-employed – Your guide (PM5) If you are self-employed, you have different options but you still have important decisions to make. This guide tells you how you can decide what will be best for you.

Pensions for women – Your guide (PM6) As a woman, the pattern of your working life may be different from a man's. For example, you may be more likely to have a career break to raise a family. This guide gives you an idea of the options available, and what you should think about when you plan your pension.

Contracted-out pensions – Your guide (PM7) This guide gives you information about contracting out of (leaving) the State Second Pension if you are an employee.

Stakeholder pensions – Your guide (PM8) This guide tells you what you need to think about before taking out a stakeholder pension. It will help you decide whether this kind of pension is best for you.

State pensions for carers and parents – Your guide (PM9) If you have given up work, or aren't earning very much because you are caring for someone, this guide may help you. It explains what to do to make sure you get as much State Pension as you can in the future.

To order copies of any of the guides in this series, you can call us on **0845 7 31 32 33**. If you have speech or hearing difficulties, a textphone service is available on 0845 604 0210. Or, you can write to us for any of the guides at Pension Guide, Freepost, RLXH-JUEU-GZCH, Northampton NN3 6DF (you don't need a stamp).

You can also see these guides on our website at **www.thepensionservice.gov.uk**

All guides are available in Welsh, on audiotape and in Braille.

For more information on any of the pension options below, please call 0845 7 31 32 33 or visit www.thepensionservice.gov.uk

State

Occupational

Personal

Women

Self-employed

Contracted-out

Stakeholder

Carers and parents

For more copies of this leaflet, or for a Welsh, audiotape or Braille version, you can phone 0845 7 31 32 33

You can also read this leaflet on the internet at www.thepensionservice.gov.uk
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Remember that this leaflet is only a general guide to occupational pensions and is not a full statement of the law. We have made every effort to make sure that the information in this leaflet is correct at the date shown on the cover.

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