

Mental Health Officer (MHO) status – applicable for 1995 scheme members only

History of Mental Health Officer status

Mental Health Officer (MHO) status is a historical provision that was introduced to compensate members caring for patients suffering from mental health disorders.

It was a continuation of arrangements which existed prior to the formation of the HSC in 1948, when treatment for mental health patients was different to today.

Abolition of MHO status

MHO status was abolished for all new entrants to the HSC Pension Scheme after 1 April 1995, and for those previously holding the status who had a break in pensionable employment of any one period of five years or more.

MHO status does not apply in the 2008 Section or the 2015 Scheme.

Eligibility

In order to be considered for the status a member must spend all, or almost all, of their time in the direct treatment or care of those suffering from mental disorders. Doctors and nurses who are identified by their employer as working with mentally disordered patients in a hospital setting, will be granted MHO status automatically if they satisfy the membership criteria. Other grades may be accepted on investigation by HSC Pension Service, taking into consideration the regulations of the scheme specific to MHO status.

A member's employer notifies HSC Pension Service (HSCPS) on joining of any member they believe may satisfy the criteria for the retention of MHO status.

Eligibility following a break

In pensionable employment on 1 April 1995

If a member was in pensionable employment (contributing to the 1995 Section) on 1 April 1995 as an MHO they may, depending on their age, qualify for MHO status on rejoining the 1995 Section, providing the new

employment that attracts the status, as long as they do not have a break in pensionable employment of any one period of five years or more. This is the case even if they subsequently receive a refund of contributions, transfer benefits out of the Scheme or retire.

Not in pensionable employment on 1 April 1995

If a member had deferred benefits as an MHO member on 1 April 1995 they may, depending on their age, qualify for MHO status on rejoining the 1995 Section in employment which attracts the status, as long as they do not have a break in pensionable membership of any one period of five years or more.

Note: If the member had transferred benefits out of the Scheme, received a refund or retired as a Special Class member prior to 1 April 1995 then they are not eligible for the status on returning to pensionable employment.

Benefits

1995 Section members who have 20 years MHO membership can:

- retire from age 55 without any reduction to benefits, providing they are still in pensionable MHO employment on the day before they retire.
- count each complete year of MHO membership after building up 20 years, as 2 years for benefit purposes, known as 'doubling'.

Transition to the 2015 Scheme

MHO membership counting towards doubling will cease when you move over to the 2015 Scheme.

1995 Section members holding MHO status who either move straight into the 2015 Scheme or do so following the end of a period of Tapered Protection and who do not exceed a break of five years or more, will have a final salary link for the purpose of the 1995 Section pension benefits.

If the final salary link is maintained and the criteria to retire at age 55 for MHO purposes is met, the 1995 Section benefits can be claimed once all HSC employment ends. Any 2008 Section or 2015 Scheme benefits would be calculated as normal and if being paid before the Normal Pension Age would attract an actuarial reduction.

Part time membership

Originally a 1995 Section member had to be whole time to qualify for MHO status. However, part time members were granted the status in certain circumstances. MHO status was backdated to 8 April 1976 for part timers who made a valid application to an Employment Tribunal and for those members who were contributing to the 1995 Section on 14 January 1999. A member who was not in pensionable employment on 14 January 1999 but subsequently rejoined the 1995 Section after that date will still be entitled to have MHO status considered for current and future periods of part time membership, subject to fulfilling the other criteria.

MHO work done outside the HSC

Some periods of work with mental health patients which does not count towards a member's pension may count towards the 20 years required to double membership. This includes:

- membership no longer reckonable in the HSC Pension Scheme, for example membership refunded or transferred out of the Scheme,
- work with mental health patients outside the HSC (including some work in government approved premises outside the UK).

When considering whether this membership counts towards a member's doubling date, doubling cannot commence from a date prior to entry to the HSC Pension Scheme or prior to age 50.

A member should contact HSC Pension Service if they believe they have membership which may count towards their doubling date. They should include documentary evidence, such as job descriptions, person specifications or letters of appointment to enable HSC Pension Service to investigate further.

Retention of MHO status

Historically, following management restructuring within the HSC, representations were made to allow Scheme members who were appointed to posts which, although within nursing, were managerial in character, to retain MHO status. Guidelines were developed to enable employers to make decisions on retention of MHO status.

Criteria for retention of MHO status

When considering whether a member is entitled to retain MHO status they must have clear line management responsibility for ward nursing staff and consequently a responsibility for the treatment or care of patients suffering from mental health disorders.

Entitlement to retain the status will be strengthened if a member's responsibilities include setting and monitoring standards of psychiatric nursing and development and training of nursing staff under their control.

Retention of MHO status applies to those working in mental health trusts and units catering primarily for patients suffering from mental health disorders. Those who are employed in units which do not cater primarily for those with mental health disorders will not normally be allowed to retain MHO status.

A member must have held the status in the post directly before the post in which they wish to 'retain' the status.

Retention of MHO status cannot usually be considered when a member's previous job was not within nursing. This is because the grades of staff they are managing do not always automatically qualify for MHO status in their own right.

Decision making

The decision about whether a member can retain MHO status can be made by the employer for a member who is appointed to any nursing post up to and including the grade of Director of Nursing (or equivalent) only. Members above this grade will not normally be allowed to retain the status as it is extremely unlikely they will fulfil the criteria.

A member who believes they fulfil the criteria to retain MHO status should therefore contact their employer in the first instance who will make the decision and contact HSC Pension Service for confirmation.

If an employer has any doubts about whether a particular member can retain MHO status, they will contact HSC Pension Service providing copies of the current and former job descriptions together with any other information considered relevant to the application.

Should an employer believe a specific member above the grade of

Director of Nursing exceptionally warrants the status they must contact HSC Pension Service providing the supporting information detailed above.

Investigations into retention of MHO status should be completed at, or before the time a member commences the role. HSC Pension Service would not expect these investigations to be commenced just prior to retirement.

When deciding whether a member can retain MHO status consideration is given to whether the particular member can retain MHO status in that role. This does not necessarily mean that MHO status would apply automatically to any other member subsequently undertaking the role.

In all cases of retention HSC Pension Service maintain the right to make the final decision.

MHOs restriction of membership

A member with MHO status is restricted to 40 years pensionable membership at age 55 and 45 years overall.

When the maximum 45 years pensionable membership is reached before age 60 an MHO must continue to pay contributions until age 60, unless they opt out of the 1995 Section or retire and claim their pension benefits.

Where maximum 45 years pensionable membership is reached after age 60, but before 65, a member must stop paying contributions when 45 years pensionable membership has been achieved.

All MHOs must cease paying contributions at age 65 regardless of the amount of pensionable membership they have achieved.

In all cases pension benefits are not payable until a member leaves HSC employment and retires or on reaching age 75* whichever is earlier.
*70 on or before 31 March 2008.

Alternative benefit calculation

Benefits are usually based on pensionable pay up to the date contributions stopped. However, the HSC Pension Scheme regulations allow for an alternative calculation for MHOs who cease to be pensionable, but have continued to work in the HSC before taking retirement benefits.

In these circumstances, if more beneficial, the regulations allow benefits to be calculated using straight membership (no doubled years) and a later pensionable pay figure. The later pensionable pay figure and the straight membership total would be assessed at whichever of the following events happened first:

- retirement
- reaching upper pensionable age 65
- death
- the achievement of 45 years actual membership (not including doubled years).

If benefits using this method are more beneficial, then the regulations also allow outstanding contributions to be deducted from the retirement or death benefit lump sum.

Process for applying for MHO status

- Read the information provided in this factsheet to check if you may be eligible for MHO status.
- Contact HSC Pension Service to ascertain if the status is already recorded on our records.
- If required download the MHO1a form located in the “Scheme forms” page on our website www.hscpensions.hscni.net