

Equalisation of widowers' pensions in the Scottish Teachers' Superannuation Scheme

The NASUWT has been campaigning for many years for full equality in the survivor benefits provision in the Scottish Teachers' Superannuation Scheme (STSS), the final salary pension scheme for Scottish teachers.

On 4 August 2020, the Scottish Public Pensions Agency (SPPA) announced that it was finally equalising survivor benefits provision.

In summary, the changes to widowers' pensions are:

- the male spouse, or male civil partner, of a woman STSS member will receive survivor benefits calculated according to the member's pensionable service from April 1972 (or April 1978 if the marriage or civil partnership took place after the last day of pensionable service); and
- the change will be effective where the woman STSS member died on or after 5 December 2005.

The change to the regulations will also benefit trans women teachers in opposite-sex marriages and civil partnerships. It will end the anomaly where trans women can lose part of their accrued pension for their partners if and when they are issued with a Gender Recognition Certificate.

The changes in provision are outlined in an SPPA circular available at: https://pensions.gov.scot/sites/default/files/2020-08/2020-08_Scottish_Teachers%27_Circular.pdf.

Background

Survivor benefits provision has been historically discriminatory, with survivor pensions for widows being calculated since 1988 on the pension of the deceased partner which was accrued from 1972 onwards, whereas survivor pensions for widowers and same-sex married and civil partners were calculated on the pension of the deceased partner which was accrued from 1988 onwards.

Equalisation for same-sex partners

In 2019, NASUWT campaigning led the UK Government and the Scottish Government to equalise survivor benefits provision for same-sex married and civil partners, meaning that their survivor pension was calculated on the pension of their deceased partner which was accrued from 1972 onwards. The NASUWT applauded this breakthrough in equality for Lesbian, Gay and Bisexual (LGB) teachers.

Widowers' pensions

This meant that the remaining discrimination in the STSS was towards widowers from heterosexual marriages and male survivors of heterosexual civil partnerships. These survivors had their pensions calculated on the pension of their deceased partner which was accrued from 1988 onwards, unless their wife or civil partner had purchased additional pension benefits for their surviving husband or civil partner.

The NASUWT continued to campaign for full equality for all legal partners of teachers. The Union pressed the Scottish Government to take this step in meetings of the Scottish Teachers' Pension Scheme Advisory Board (STPSAB), the pensions consultation body for teachers in Scotland.

Action for NASUWT members to take

There is no need for NASUWT members, or their partners, to take any action unless they are already in receipt of a teacher's male survivor pension. Any survivor pension to which the widower of a teacher is entitled in the

future will be adjusted to take into account the change in UK and Scottish Government policy and the STSS Regulations.

In cases of:

- an NASUWT member who is in receipt of a widower's pension;
- a surviving male spouse or civil partner of an NASUWT member who is in receipt of a widower's pension;
- the deceased wife or woman civil partner having accrued Teachers' Pension Scheme (TPS) service before 1988; and
- the wife or woman civil partner having died on or after 5 December 2005;

an increase may need to be made to the survivor pension.

However, the SPPA has indicated that there is no need for scheme members to contact the SPPA at this time. The SPPA will consider the necessary changes and write to individuals affected at the earliest opportunity.

The NASUWT has placed this issue on the agenda for a meeting of the STPSAB scheduled for early September 2020 and will press for a prompt case-by-case review of all relevant widowers' pensions. The NASUWT is liaising with the SPPA over the tracing of all beneficiaries to assess whether they are entitled to an increased pension and back pay. The NASUWT is also liaising with the SPPA over reimbursement of any discretionary pension contributions paid by women members to purchase pre-1988 STSS service for their husbands.



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