

Full equalisation of survivor benefits in the Teachers' Pension Scheme achieved

The NASUWT has been campaigning for many years for full equality in the survivor benefits provision in the Teachers' Pension Scheme (TPS).

On 14 July 2020, the Department for Education (DfE) announced that, finally, it was fully equalising survivor benefits provision and that this would occur with immediate effect. In due course, the TPS Regulations will be changed to make it clear that all adult survivor pensions are calculated on the pension of their deceased partner which was accrued from 1972 onwards. However, the DfE has accepted that affected beneficiaries are entitled to a revised pension immediately and that this will not wait until the amended Regulations are in place. In addition, some TPS widowers will be entitled to back pay in addition to an increased pension.

In summary, the change to widowers' pensions is:

- the male spouse, or male civil partner, of a woman TPS 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).

The change will be effective where the woman TPS 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 will potentially lose part of their accrued pension for their partners if and when they are issued with a Gender Recognition Certificate.

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, the NASUWT's campaigning led the 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 TPS 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. In June 2019, the NASUWT responded to a DfE consultation on survivor benefits as follows:

'It is fundamentally unfair, and potentially discriminatory towards women teachers in heterosexual marriages, for widowers' benefits to derive only from accrued service from 1988 onwards.

In order to fully complete the reforms to the TPS to ensure that its provisions for adult survivors are not discriminatory, it is necessary to treat accrual from 1972 onwards as contributing towards widowers' pension benefits... To do otherwise would continue a form of unacceptable discrimination towards women teachers.'

Action for NASUWT members to take

There is no need for NASUWT members, or their partners, to take any action unless they are in receipt of a TPS 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 Government policy and the TPS Regulations.

In the case 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 who has TPS service before 1988;
- the wife or woman civil partner died on or after 5 December 2005;

the beneficiary should make contact with Teachers' Pensions direct to explore the revision of their pension.

Please note – survivor pension beneficiaries should not contact the NASUWT to ask for their pension to be revised. The NASUWT would not pass on members' contact information to Teachers' Pensions under these circumstances.

Teachers' Pensions can be contacted via the My Pension Online portal at: <https://www.teacherspensions.co.uk/members/member-hub.aspx>. Members should note that, during the coronavirus pandemic, the preferable means of contact with Teachers' Pensions is the My Pension Online portal.

The NASUWT is liaising with the DfE over the tracing of all widowers' pension beneficiaries to assess whether they are entitled to an increased pension and back pay. The NASUWT is also liaising with the DfE over reimbursement of discretionary pension contributions paid by women members to achieve pre-1988 TPS service for their husbands.



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