

Transitional Protection Contingent Decisions

March 2025



What is a Contingent Decision?

As part of the Transitional Protection remedy, a Contingent Decision refers to a decision you made as a result of implications of the 2015 Scheme reforms. You would have made a different decision, had the circumstances around your Teachers' Pension Scheme benefits been different.

Background

As you'll be aware, changes were introduced to the Teachers' Pension Scheme in 2015 with those members closest to retirement age receiving Transitional Protection, meaning they remained in the final salary scheme while others entered the career average scheme. These protections have since been deemed discriminatory on age grounds.

During the remedy period (1 April 2015 – 31 March 2022), eligible members accrued Scheme benefits based on the protections that were applicable in 2015 and any actions/decisions made would've been in line with the benefits you had accrued:

- Protected members accrued service under the final salary scheme and may already be in receipt of these benefits
- Tapered protected members may have accrued service under both the final salary and career average schemes in the remedy period and may already be in receipt of benefits from both schemes
- Unprotected members accrued service, under the career average scheme and may already be in receipt of these benefits.

Whilst the remedy removes these differences in treatment, a member's decision/s at the time may have been based on their individual circumstances, which have now changed due to the Transitional Protection remedy. Therefore, some members may want to make a Contingent Decision claim.

How do I make a Contingent Decision claim?

1. You'll need to submit your claim using the '[Contingent Decision and/or Financial Loss Compensation claim](#)' form
2. You must provide information regarding your original decision and advise us what alternate decision or action you'd have taken
3. You'll need to provide relevant supporting evidence to support this alternative decision or action. This evidence should support your request
4. If you can't supply clear evidence, you'll need to provide reasonable justification
5. If your claim is accepted, you'll need to agree to and fulfil any conditions set by the Scheme, or the claim will be rejected
6. Please print the claim form and send your completed form and any supporting evidence to: Teachers' Pensions, 11b Lingfield Point, Darlington, DL1 1AX.

Please note: for supporting evidence, please use copies and don't send original documents, as these won't be returned to you. All claims will be considered on a case-by-case basis.

Evidence and reasonable justification

Any evidence or justification provided will be considered on a case-by-case basis. Possible evidence that could be submitted might include:

- Forms and/or correspondence from the time of your original action. This may include copies of opt out forms, transfer requests and/or letters or other correspondence you have
- Record of appointment(s) or meetings. These may have taken place with Independent Financial Advisors (IFAs), employers or medical professionals
- Evidence of your specific action.

It's recognised that this evidence may not always be available. If so, you must provide a written form of clear justification to support your claim. This can include example calculations of each position.

Other Considerations

1. **Purchasing Retrospective final salary Additional Pension.** Please note that while you can make more than one election to request final salary Additional Pension, all elections must be made at the same time. You'll need to ensure that you consider the total amount of Additional Pension you want to consider and for what periods during the remedy period this covers. You'll need to make sure that when you submit your contingent decision request, you're clear about what you'd have done had you been in the final salary scheme at the time and what you would like to do now
2. **Retrospective Additional Pension Timescales.** If you'd like to consider the opportunity to purchase Retrospective final salary Additional Pension, please note you'll have six months from the date of receiving your Benefit Statement Remediable Service Statement to make your application. So, if for example, you receive your RSS on 1 April 2025, you'll have until 30 September 2025 to submit your request. Any request received outside of this timescale won't be accepted. Once we receive your Contingent Decision claim, the Scheme will have a further six months to process your request.
3. **Requests to reinstate previously Opted Out service.** With effect of 1 October 2024, the opportunity to elect to reinstate any previously opted out service has now closed in line with our regulatory deadlines and is no longer available.

[For more information, please visit our website.](#)

What if I don't agree with the outcome of my claim?

Once we've considered your Contingent Decision, if you receive an outcome or decision you aren't satisfied with, you may wish to raise a new claim with additional supporting evidence. Alternatively, you may wish to submit a complaint. Please don't raise a complaint until we provide the outcome of your claim.

[Our complaints process can be found on our website.](#)