

# Survivor's benefits in the Teachers' Pension Scheme

March 2018



Following the Government's consideration of the implications for public service pension schemes of the Walker v Innospec case, regulatory changes will be introduced to provide that:

1. survivors of same-sex marriages and civil partnerships are treated in the same way as widows of opposite sex marriages (survivor benefits in relation to service from 1 April 1972 or 6 April 1978 if the marriage was after the last day pensionable service); and
2. the change applies from the date civil partnerships and same-sex marriages were implemented.

The benefits that this will provide to same-sex survivors will be dependent upon when the deceased member was employed, their pensionable earnings and the length of their service.

Teachers' Pensions will work in conjunction with the Department for Education to implement this change to the Scheme, and will provide further details on our approach and timescales in due course.

## Q&A

Q - Does this change also apply to widowers (male survivors of opposite sex marriages)?

A - The Government is not extending the same treatment to widowers (male survivors of opposite sex marriages). The Government consulted widely on this issue in the joint HM

Treasury and Department for Work and Pensions review of survivor benefits in Occupational Pension Schemes:

<https://www.gov.uk/government/publications/occupational-pension-schemes-review-of-survivor-benefits>.

The European Court of Justice judgment on Barber require schemes to provide equal survivor benefits for males who survive their female spouse in relation to service from May 1990. The Teachers' Pensions Scheme provides survivor benefits for males who survive their female spouse in relation to service from 6 April 1988.

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Q- My civil partner / spouse paid for their pre-1988 service to cover survivor benefits. Will these contributions be refunded?

A - This is under consideration and we will provide an answer when we're in a position to confirm our approach and timescales to implement the changes.

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Q - Why has it taken so long to decide what to do for public service schemes given the Walker case was in July 17?

A - It is only right that the Government properly considers the implications for public service schemes of an indirect case like this.

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Q - Why are schemes not going further and fully equalising survivor benefits for widowers and unmarried partners?

A - The Government's position remains that benefit entitlements should generally be determined in light of the rules applicable at the time the member served. To do otherwise would make Defined Benefit pension schemes unmanageable and unaffordable, and would mean that subsequent generations pick up the costs of improving benefits beyond those envisaged at the time.

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Q - Why has the Government still not responded to the 2014 DWP Review of Survivor Benefits?

A - The Review provided a lot of important information on the costs and impacts of any changes to the existing system of survivor benefits. This is a complex area and it was to be expected that a thorough consideration of the issue would take time. No final decisions have been made on these issues. The Government will respond in due course.

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