

To: ALL TEACHERS' PENSION SCHEME
EMPLOYERS

September 2003

TEACHERS' PENSIONS LETTER 2/03

Dear Colleague

Retrospective Access to Occupational Pension Schemes by Part-time Workers (‘Preston’)

1. This Teachers' Pensions Letter is about the arrangements for dealing with Employment Tribunal claims by part-time workers claiming unlawful exclusion from the Teachers' Pension Scheme.
2. Although these arrangements only apply to employers who have claims lodged against them, this letter (and attachments) is being sent to all TPS employers. This cannot be avoided because the information held centrally is incomplete and it has not been possible to identify which employers are not involved in this exercise.
3. By 1st August 2003 employer respondents were required to serve on the Employment Tribunal a schedule indicating whether **(a)** a claim could now be settled (“successful claims”); **(b)** on the information currently available it is not known whether a claim could be settled (“not known claims”); and **(c)** the claim is not yet ripe for settlement (i.e. it is still subject to outstanding appeals).
4. The Tribunal directed that representatives of the applicants and respondents agree a standard form of questionnaire for the purpose of ensuring that all relevant information is available to enable cases to be settled. Accordingly, a Working Group was set up earlier this year to agree the Questionnaire and other administrative matters on which agreement is required. The teacher unions and the employer associations are represented on the Working Group and have agreed the format and procedure for completing the Questionnaire ‘Education1’ to be used for all claims involving the Teachers' Pension Scheme. (See Annex A for a full list of representative organisations and unions.)
5. The Employment Tribunal has directed that you are required to send a copy of the Questionnaire ‘Education1’ by **1 October 2003** to those applicants you have identified as falling within the **(a)** “successful” and **(b)** “not known” categories. Guidance for Applicants has also been produced. You will need to attach a covering letter to the Questionnaire and Notes of Guidance. The covering letter should:
 - (i) make clear which category the claim falls within;

(ii) state the Employment Tribunal case number; and

(iii) provide a contact person to whom queries should be addressed and the name and address of the person to whom the questionnaire should be returned. (**There is also space for the latter name to be entered on Questionnaire 'Education1'.**)

6. **One** copy of Questionnaire 'Education1' and supporting notes of guidance was enclosed with the copy issued by post. Please note that Teachers' Pensions do not have spare copies to send through the post. If you require further copies you will need to take photocopies or download them from the Questionnaire 'Education1' and Guidance for Applicants included in this section.

7. Applicants are required to complete and return the questionnaire within 28 days of receipt. If you do not receive a reply within that period without reasonable explanation then you must send a list of those claims to the Employment Tribunal requesting that they are struck out.

8. Further information about the settlement/withdrawal procedures is given in the attached **Annex B** headed 'Guidance for Employers'. **Annex C** contains a summary of the statutory changes affecting the Teachers' Pension Scheme.

Next Steps

9. As indicated at paragraph 8 in the Guidance for Employers, further information will follow shortly about the use of notional salaries etc to construct service records where information is no longer available or where the service claimed was remunerated on a flat-rate hourly basis.

10. In relation to claims that you decide are 'successful claims', you will need to send an **offer letter** containing **settlement terms** to the applicants. This will include the items listed at paragraph 17 of the Guidance for Applicants. The Working Group is meeting in early October to agree these procedures, including the options that will be available to successful applicants for payment of the employee contribution. Following that meeting, a further Teachers' Pension Letter will be sent setting out the agreed procedure for respondent employers to follow.

Yours faithfully



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Note: Neither the Department for Education and Skills nor Capita Teachers' Pensions is involved in handling individual claims and, as such, cannot comment on the merits of individual claims.