



Department
for Education

Teachers' Pension Scheme: proposed changes to scheme regulations

Government consultation

Launch date 30 November 2021

Respond by 24 January 2022

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Introduction

The Teachers' Pension Scheme (TPS) provides pension and other benefits to teachers in England and Wales. There is a final salary scheme with two sections, with normal pension ages of 60 and 65 (depending on when the member joined), and a career average scheme. It is the career average scheme that all new members join.

As well as an annual pension payable from when a member reaches their scheme pension age, there are other provisions such as ill-health pension, death benefits including payment of a death grant in respect of those who die whilst they are still teaching and ongoing survivor pensions regardless of when the member dies, and various scheme flexibilities which allow members to accrue more pension, convert some pension entitlement to a lump sum, retire before normal pension age etc.

If an individual is employed by a participating employer in a predominantly teaching role (and roles akin to teaching such as lecturing), and is between the ages of 16-75, they are likely to be eligible for enrolment into the TPS.

The scheme covers a range of establishments in the education sector which includes academies, maintained schools, further education colleges and certain universities ('post-1992' universities). Independent schools do not automatically participate in the TPS, but they are eligible to apply to join.

The TPS is funded by a combination of member and employer contributions.

The Department for Education (the Department) is consulting on a draft statutory instrument, referred to in this document as the draft regulations, which would amend some rules of the England and Wales TPS.

Who this is for?

This consultation focuses on the TPS, which provides a pension for participating teachers and other eligible staff working in the education sector in England and Wales.

The Department has a published list of organisations that it would expect to consult with on proposed scheme changes and those on the list will be contacted. The list includes member representatives, TPS employers and other sector bodies.

Issue date

The consultation was issued on 30 November 2021.

Enquiries

If your enquiry is related to the policy content of the consultation you can contact the team by emailing tps.consultations@education.gov.uk.

If your enquiry is related to the DfE e-consultation website or the consultation process in general, you can contact the DfE Ministerial and Public Communications Division by email:

Consultations.Coordinator@education.gov.uk or by telephone: 0370 000 2288 or via the [DfE Contact us page](#).

Additional copies

Additional copies are available electronically and can be downloaded from [GOV.UK DfE consultations](#).

Background and context

When new public service pension schemes were introduced in 2015, transitional protection arrangements allowed older workers to continue building pension in the existing final salary schemes whilst younger workers were moved into new career average schemes. Following a successful legal challenge in the McCloud case, the Court of Appeal found that this difference in treatment in the transitional arrangements amounted to age discrimination. The Government has introduced a Bill into Parliament to implement changes to remedy the age discrimination that was identified.

[The Public Service Pensions and Judicial Offices Bill](#) (the Bill) was introduced into the House of Lords on 19 July 2021. Subject to Parliamentary approval, this puts in place a legal framework which requires relevant departments to make amendments to pension scheme regulations to facilitate implementation of the required remedy to the discrimination, as directed by the Bill.

The remedy has two phases. First, to move all remaining active members of the legacy schemes into the new schemes on 1 April 2022, which ensures equal treatment moving forward. Second, to remove the effect of transitional protection by offering eligible members a choice over the set of benefits (legacy scheme or new scheme) they wish to receive for any remediable service during the remedy period of 1 April 2015 (when the discrimination arose) to 31 March 2022 (following which all members will be in the new scheme therefore ensuring equal treatment on an ongoing basis). Eligible members for the second phase of the remedy are essentially those who were members of the legacy scheme on or before 31 March 2012 (when the reforms were announced) and continued to be in pensionable service at some point during the remedy period without having had a disqualifying break in service. More detailed information concerning the scheme reforms and McCloud judgment is provided in subsequent sections of this document.

The Department is consulting on draft regulations making changes to the TPS rules which are necessary as a result of provisions in the Bill to implement the first phase of the McCloud remedy. The draft Teachers' Pension Scheme (Amendment) Regulations 2022 (see separate attachment) propose amendments to scheme regulations consequential to the Bill's provisions which will close both sections of the legacy scheme to further accrual on 31 March 2022. Remaining active members of the legacy scheme will move into the new scheme on 1 April 2022, as required by the Bill.

Members transferring to the new scheme retain a salary link to the legacy scheme, so that their accrued final salary scheme benefits are calculated using their pensionable pay at retirement rather than the point of transfer.

The transfer to the new scheme will happen automatically on 1 April 2022 and requires no action by members. The scheme administrator will write to those members involved to notify them of the change of scheme.

The draft regulations are being consulted on at the same time as the Bill goes through Parliament. This is to ensure that, upon becoming an Act of Parliament, the necessary scheme rule changes can be enacted for 1 April 2022.

Implementation of the second phase of the remedy will require further changes to TPS regulations. The Department will consult separately on these changes in 2022.

Consultation questions

The Department welcomes comments and views on the proposals set out in this document and the draft regulations.

Respondents are asked to consider;

Q.1 - Are there any scenarios where a full protection member who will transition to the new scheme on 1 April 2022 could have entitlement to ill-health pension in the legacy scheme, if their application was instead approved on 31 March 2022?

Q.2 - Do the draft amendments achieve the policy aims as described in the consultation document?

Q.3 – Are any other amendments to scheme regulations required to achieve the stated policy aims?

Q.4 - Are there any further considerations and evidence that you think the Department should take into account when assessing any equality issues arising as a result of these proposed amendments?

Q.5 - Are there any other comments regarding the draft amendments?

We would like to hear your views on our proposed amendments.

Respond online

To help us analyse the responses please use the online system wherever possible. Visit www.education.gov.uk/consultations to submit your response.

Other ways to respond

If for exceptional reasons, you are unable to use the online system, for example because you use specialist accessibility software that is not compatible with the system, you may download a word document version of the form and email or post it.

By email

tps.consultations@education.gov.uk

By post

TPS Pensions Policy Team
Department for Education
Bishopsgate House
Darlington
DL1 5QE

Deadline

The consultation closes at 23:55 on 24 January 2022.

The McCloud case

Public service reforms and the Court of Appeal judgment

In 2010, the Chancellor of the Exchequer invited Lord Hutton of Furness to chair the Independent Public Service Pensions Commission (IPSPC). The IPSPC was tasked with undertaking a fundamental structural review of public service pension provision.

The IPSPC published its [final report](#) in 2011, setting out recommendations to reform public service pensions to better balance the interests of taxpayers, employers and members. The Government accepted the IPSPC's recommendations as the basis for discussions with public service workers, trades unions and other representative bodies.

In November 2011, the Government published a [Command Paper](#) setting out the Government's framework for reform of the public service schemes. Further discussions were undertaken with each of the workforces to develop scheme design proposals.

In April 2015, new schemes were introduced for each of the main workforces – teachers, the NHS, the armed forces, firefighters, police, judiciary and civil service - following similar reforms for local government workers in 2014. The reforms were implemented by regulations made under the [Public Service Pensions Act 2013](#) (the PSP Act 2013).

As part of the reforms, those within 10 years of their scheme normal pension age remained in the old (legacy) pension schemes. This transitional protection was not a recommendation of the IPSPC but was agreed following discussions with member representatives.

In December 2018 the Court of Appeal found in *Lord Chancellor and Secretary of State for Justice v McCloud, The Secretary of State for the Home Department v Sargeant* [\[2018\] EWCA Civ 2844](#) (the McCloud judgment) that transitional protection unlawfully discriminated against younger members of the judicial and firefighters' pension schemes, and also gave rise to indirect sex and race discrimination. On 27 June 2019 the Supreme Court denied the Government permission to appeal the Court of Appeal's judgment.

On 15 July 2019 the Chief Secretary to the Treasury made a [written ministerial statement](#) setting out that the Government considered that the Court of Appeal's judgment had implications for all of the public service pension schemes and planned to come forward with proposals to remedy the discrimination across all schemes.

The remedy

On 16 July 2020, the Government published a [consultation](#) containing two proposed options for retrospectively removing the discrimination suffered by members who were not eligible for transitional protection due to their age and proposed that legacy schemes would be closed to all members on 31 March 2022.

The Government proposed that members should be given a choice of which scheme benefits they wish to receive during the period from when the new schemes were introduced to the date that the legacy schemes are to be closed. Amongst other issues, the consultation sought views on whether the choice should be made immediately (once the necessary legislative changes were made) or deferred until the point that a member's pension benefits become payable.

In February 2021 the Government published its [response](#), confirming that the legacy schemes would close on 31 March 2022 and that affected members would be given a choice of which pension benefits they wish to receive when those benefits are paid. This choice of pension benefits when the pension becomes payable is referred to as a Deferred Choice Underpin (DCU).

In the [Queen's Speech](#) on 11 May 2021 the Government announced its intention to bring forward the legislation to implement retrospective changes to remedy the discrimination that arose and to ensure equal treatment for all members within each of the main public service pension schemes by moving all members into the new schemes on 1 April 2022.

The [Public Service Pensions and Judicial Offices Bill](#) was introduced into the House of Lords on 19 July 2021. The Bill puts in place a framework to address the discrimination identified by the Court of Appeal, both retrospectively and prospectively, as well as the consequential effects of that remedy. Departments are required to make new pension scheme regulations to implement the remedy.

Changing scheme rules to implement the remedy

The Bill is currently going through Parliament. The Department has identified that upon Royal Assent, two sets of scheme regulations are needed to give effect to the requirements of the Bill. Regulations will amend scheme rules to implement the remedy and provide authority for the administrator to apply the changes.

The two sets are:

1. Amendments to facilitate the closure of the legacy Teachers' Pension Scheme (the two final salary sections) to end further accrual on 31 March 2022 and move all active members into the new scheme on 1 April 2022.
2. New provisions that enable the scheme to:
 - Implement the DCU and offer eligible members a choice over the set of benefits (legacy scheme or new scheme) they wish to receive in respect of remediable service during the remedy period of 1 April 2015 to 31 March 2022 when pension benefits become payable.
 - Correct any overpayment or underpayment of pension benefits or member contributions already paid in relation to a member because of their choice.
 - Facilitate the payment of appropriate compensation to address financial loss arising from the discrimination or operation of the remedy, e.g. overpaid tax.

This consultation relates to the first set of regulations.

The second set of regulations are being developed and will be consulted on separately.

Draft regulations

Scheme rules for the Teachers' Pension Scheme

The TPS is effectively made up of two schemes with a total of three sections. The legacy scheme is made up of two sections, with normal pension ages of 60 or 65 and pays pension benefits according to the final salary of the member. The rules of the legacy scheme are set out in the Teachers' Pensions Regulations 2010 (the 2010 regulations) (SI 2010/990).

The new scheme is a career average scheme with a normal pension age equal to State Pension Age or 65 (whichever is higher). The rules of the new scheme are set out in the Teachers' Pension Scheme Regulations 2014 (the 2014 regulations) (SI 2014/512).

Schedule 3 to the 2014 regulations provides the transitional arrangements for members of the new scheme who have pension rights accrued in the legacy scheme. Schedule 3 also contains the transitional protections that allowed older members near to normal pension age to remain in the legacy scheme beyond 31 March 2015 which, in respect of similar provisions in the judicial and firefighters' pension schemes, the Court of Appeal found discriminated against younger members.

Explanation of the draft regulations

This section explains how the draft regulations amend existing scheme rules and deliver the requirement, under Clause 76 of the Public Service Pensions and Judicial Offices Bill, to prevent any further accrual in the legacy scheme from 1 April 2022.

As Schedule 3 to the 2014 regulations already provides transitional arrangements for members of the legacy scheme moving to the new scheme (unprotected members and tapered protection members), only a small number of amendments are required to implement this first phase of the McCloud remedy for full protection members.

Draft regulation 2 (2) (a) and 2 (2) (b)

Schedule 3 to the 2014 regulations sets out a number of definitions that apply to this part of the 2014 regulations.

Draft regulation 2 (2) (a) inserts a definition of "final salary benefits" that applies to draft regulation 2 (6) and 2 (7).

Draft regulation 2 (2) (b) inserts a new definition of “transition date” for a full protection member who has not taken a retirement pension under the legacy scheme. This effectively provides a full protection member of the legacy scheme with a date of transition to the new scheme of 1 April 2022.

Draft regulation 2 (3)

Paragraph 5 of Schedule 3 to the 2014 regulations provides for continuity of service for transition members unless they have a gap in service of more than 5 years beginning on or before their legacy scheme closing date and the day on which they join the new scheme.

Draft regulation 2 (3) inserts a definition of the legacy scheme closing date, being 31 March 2022, for full protection members.

Draft regulation 2 (4) and 2 (5)

Part 2 of Schedule 3 to the 2014 regulations covers exceptions to the transitional arrangements for full protection members.

Paragraph 6 (2) is amended so that a full protection member will cease to be a full protection member on 31 March 2022, if they have not already ceased to be a full protection member as a result of no longer being in pensionable service in the legacy scheme.

Paragraph 9 describes members who are subject to Fair Deal transfer arrangements and are entitled to full protection. Paragraph 9 is amended by draft regulation 2 (5) so that the transitional protection afforded is in respect of Fair Deal transfers that take place before 1 April 2022.

Draft regulation 2 (6) and 2 (7)

Clause 76 (restriction of existing schemes) of the Bill amends section 18 of the PSP Act 2013 so that all further accrual in the legacy scheme is prevented from 1 April 2022. Clause 77 provides an exception to this, being the transfer of service from a scheme which is not a new scheme (under section 1 of the PSP Act 2013). This provides for transfers of past service from other unreformed public service schemes, or from private sector schemes established under the old Fair Deal arrangements or from unreformed schemes under Public Sector Transfer Club terms (or their equivalent), to be credited in legacy schemes in respect of service after 31 March 2022.

Draft regulation 2 (6), with draft regulation 2 (2) (a), amends paragraph 27 of Part 5 (receipt of club transfer values) of Schedule 3 to the 2014 regulations to allow transfer of final salary service into the legacy scheme for periods of service after 1 April 2022, where it involves transfers from certain unreformed schemes.

Draft regulation 2 (7) makes a similar amendment to paragraph 29 of Part 6 (bulk transfer payments for accepted members).

A member who is able to transfer legacy scheme service, which was accrued after 1 April 2022 into the TPS, would accrue any future service in the new scheme.

Draft regulation 2 (8)

Part 7 of Schedule 3 to the 2014 regulations covers the payment of benefits to transition members. Paragraph 31 (3) is amended to simplify the regulation regarding an election to pay contributions for Additional Pension in the legacy scheme as the existing distinction will no longer be needed after 1 April 2022.

Additional Pension is a scheme flexibility that is available in both the legacy and new sections of the TPS, in which active members can purchase further annual pension in multiples of £250.

The policy position is that members can continue to make payments for Additional Pension after they move to the new scheme on 1 April 2022 in respect of an election for Additional Pension that was made on or before 31 March 2022. This is because members are not accruing any further legacy scheme pension after 31 March 2022, they are simply finishing their payments. This approach is consistent with other members who have made Additional Pension elections before transitioning to the new scheme. No new election can be made for Additional Pension in the legacy scheme from 1 April 2022.

There are a range of flexibilities in the new scheme that are available to members, including Additional Pension (for those members who have not reached the NPA of the new scheme). Further information on flexibilities will be provided by the scheme administrator and can also be viewed on the [Teachers' Pensions website](#).

Additional Voluntary Contributions (AVCs) are another flexibility for teachers, however AVCs are separate to the TPS and are therefore unaffected by this issue. As such no change to regulations in respect of AVCs is necessary.

Amendments to Schedule 3 not deemed to be necessary

As Schedule 3 to the 2014 regulations already provides for members transitioning from the legacy scheme to the new scheme, extensive amendments to regulations are not needed. For the avoidance of doubt, the following paragraphs set out the intended policy in a number of key areas.

Ill-health applications

Members who move to the new scheme and subsequently become subject to ill-health retirement from 1 April 2022 onwards will be assessed, and receive ill-health benefits, in accordance with the ill-health arrangements under the reformed new scheme provisions.

There may be cases that are in the process of being considered for ill-health retirement on the date that all active members would begin to accrue benefits in the new scheme - i.e. the ill-health process begins on or before 31 March 2022 and does not conclude until 1 April 2022 or later.

For any ill-health cases that straddle 1 April 2022, the intended policy is that if the application is approved, members would receive an award paid from the new scheme, that is no less generous than if the award had been determined on 31 March 2022 under legacy scheme rules. This would mean that such members receive a new scheme ill-health pension calculated at the date they actually retire, but that if a legacy scheme ill-health pension calculated as at 31 March 2022 would have been higher, the new scheme pension must be increased by the difference between the two.

Paragraph 38 of Schedule 3 to the 2014 regulations already provides for a transition member to receive an ill-health pension if they have applied before their transition date and the application is successfully determined.

The Department does not believe that there would be entitlement to ill-health pension in the legacy scheme for a full protection member who transitions to the new scheme on 1 April 2022. That is because there is no entitlement to ill-health pension if the member has reached the scheme NPA and full protection members are those who will have reached their NPA by 31 March 2022. Under paragraph 6 (b) of Schedule 7 to the 2010 regulations, the entitlement date for ill-health pension in the legacy scheme cannot be before the member ceases to be in pensionable employment, excluded employment, on non-pensionable sick leave, on non-pensionable family leave or on a career break.

As a full protection member only transitions to the new scheme where they have pensionable service after their transition date (1 April 2022) there are not thought to be any full protection members affected who would be eligible to an ill-health pension in the legacy scheme. They could however be eligible to an ill-health pension in the new scheme, due to the higher NPA of that scheme, and regulations already provide that an undecided application made prior to transition is to be considered against the new scheme criteria.

Respondents are asked to comment if they have identified scenarios where a full protection member who transitions to the new scheme on 1 April 2022 could have entitlement to ill-health pension in the legacy scheme, if their application was instead approved on 31 March 2022. The Department will also further consider whether there is any need to amend scheme regulations to achieve this policy intent.

Payment of pension benefits

Part 7 of Schedule 3 to the 2014 regulations provides for the payment of benefits to transition members. All service accrued by a member in the legacy scheme prior to their transition to the new scheme is protected and would not be affected by the transition.

Under paragraph 32 of Schedule 3, the final salary link is maintained, so that the salary used for the purposes of calculating legacy scheme benefits is based on the member's continuing service in the new scheme, rather than their salary on their transition date.

TPS contribution rate

The same TPS member contribution structure applies to the new and legacy schemes. Full protection members who transition to the new scheme on 1 April 2022 would therefore see no change to their contribution rate, other than if the member also has a change in their pensionable earnings that moves them into another tier.

Multiple contracts / LGPS

Final salary scheme members with multiple teaching employments cannot accrue more than 365 days service in a year. Any service over 365 days will not be pensionable in the TPS, nor will any contributions be payable in respect of that additional service. Service in excess of 365 days may be pensionable in the Local Government Pension Scheme and if so, member contributions will be payable in accordance with LGPS rules.

The above restriction does not apply to the new scheme arrangements and service over 365 days remains pensionable in the new TPS.

As with all other transition members in this scenario, a full protection member who transitions to the new scheme on 1 April 2022 will therefore no longer accrue any additional teaching service in the LGPS and instead will be enrolled into the TPS in respect of all teaching employments. No action will be required by the member, unless they wish to opt-out of the TPS in respect of any of those employments once they have been enrolled. Affected members should note that there are different member contribution structures and benefit rules between the TPS and LGPS schemes.

Such members will become deferred members of the LGPS scheme in respect of their additional contracts, although there is the option to transfer LGPS service into the TPS within 12 months of moving into the new scheme.

Other relevant provisions

Part 8 of Schedule 3 to the 2014 regulations provides for the following elections and arrangements to continue to apply for a member who transitions from the legacy scheme to the new scheme without any further action being required by the member:

- An election for an employment not to be pensionable (opt-out)
- Period of qualifying service for retirement benefits carries over
- Nomination of a death grant recipient
- Nomination of a surviving nominated beneficiary
- Repayment of balance of contributions
- Residential emoluments
- Election to pay contributions by a person serving in a reserve force
- Commutation of small pensions

Respondents are asked to consider;

Q.1 - Are there any scenarios where a full protection member who will transition to the reformed scheme on 1 April 2022 could have entitlement to ill-health pension in the legacy scheme, if their application was instead approved on 31 March 2022?

Q.2 - Do the draft amendments achieve the policy aims as described in the consultation document?

Q.3 – Are any other amendments to scheme regulations required to achieve the stated policy aims?

Equality Impact Assessment

The Public Sector Equality Duty

The Public Sector Equality Duty is set out in section 149 of the Equality Act 2010 and requires public authorities, in the exercise of their functions, to have due regard to the need to:

- eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the 2010 Act,
- advance equality of opportunity between people who share a protected characteristic and those who do not, and
- foster good relations between people who share a protected characteristic and those who do not.

This involves having due regard to the need to:

- (a) remove or minimise disadvantages suffered by people due to their protected characteristics, and
- (b) take steps to meet the needs of people from protected groups where these are different from the needs of other people.

The equality duty covers nine protected characteristics: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex (gender) and sexual orientation.

HM Treasury has conducted an [Equality Impact Assessment](#) which considers the impact of the overarching policy and the proposed Bill powers and requirements. As set out in paragraph 1.8, that assessment does not cover the secondary legislation made using powers in the Bill.

This assessment therefore focuses on the impact of the proposed changes to TPS rules in relation to the first phase of the McCloud remedy. This closes the legacy scheme to any further accrual after 31 March 2022 and moves all remaining active members of that scheme into the new scheme on 1 April 2022.

The equality duty is an ongoing duty and we will continue to consider and amend this assessment until the final regulations enacting the first phase of the McCloud remedy are made.

A separate equality impact assessment will be carried out in due course as regulations are developed to address the second phase of the McCloud remedy.

Assessment

Those affected by the changes set out in the draft regulations are members of the legacy scheme who were within ten years of their NPA (of 60 or 65) and an active member on 31 March 2012 and will continue to be an active member of the scheme on and after 31 March 2022.

The unlawful age discrimination was between:

- those members who received full transitional protection because they were ten years or less from their normal pension age, and
- those members who did not receive full transitional protection because they were more than ten years from their normal pension age.

Age

The transitional protection implemented as part of reforms to public service pension schemes was found by the Court of Appeal to be directly age discriminatory as eligibility for such protection was based on age criteria.

The table below shows the number of full protection members who were still active on 22 September 2021

| Age band | Male | Female | Total |
|----------|--------|--------|--------|
| 55-59 | 1,223 | 2,644 | 3,867 |
| 60-64 | 7,422 | 16,335 | 23,757 |
| 65-69 | 3,160 | 5,618 | 8,778 |
| 70-74 | 753 | 748 | 1,501 |
| Total | 12,558 | 25,345 | 37,903 |

The proposed changes to TPS regulations would be applied to all members regardless of age. The exceptions that allowed certain members who were close to their normal pension age to remain in the legacy scheme after 31 March 2015 under transitional protection arrangements would apply only in respect of service up to 31 March 2022. From 1 April 2022, all active members would be in the new scheme and

from that point all members would accrue future pension benefits on the same basis irrespective of age.

The effects of the transitional protection on service between 1 April 2015 and 31 March 2022 will be addressed by the second phase of the McCloud remedy, as described on page 10 of this document. An equality impact assessment will be carried out as those regulations are developed.

Sex

The Equalities Act 2010 lists 'sex' as a protected characteristic. Data for the Teachers' Pension Scheme is also divided by sex. However, it is important to note that sex and gender are two different concepts. A person's gender identity is not always the same as the sex assigned to them at birth, and some people may not identify as having a gender or as non-binary. Gender reassignment is also a protected characteristic under the Equality Act 2010.

The latest available information shows that there are 25,345 full protection members who are recorded as female and who are still active and may therefore transition to the new scheme on 1 April 2022, compared to 12,558 who are male. The proposed amendments will therefore impact more female members which reflects the fact that there are significantly more females in the scheme. However, the proposed amendments will affect a greater percentage of members who are recorded as male as 33.1% of the full protection members who are still active are male, compared to 28.5% of the overall active membership of the TPS (TPS Annual Report and Accounts for the year ended 31 March 2021). The proposed changes will apply to all members regardless of sex and gender identity. From 1 April 2022, all active members of the TPS will be in the new scheme and from that point will accrue future pension benefits on the same basis irrespective of sex. Therefore, it is considered that any impact which is greater on one group compared to another, is justified.

Ethnicity (Race)

Available data on TPS membership only covers a member's age and sex, as the scheme administrator only collects data that is necessary for the administration of the scheme.

Data from the School Workforce Census is available however on the protected characteristics of staff in schools, which is regarded as a reasonable proxy for the characteristics of active members of the TPS, given the high percentage of those eligible to be members.

Breakdown of teacher headcount by ethnic group, (Source: School Workforce Census, 2020)

| Ethnicity | Number | % |
|------------------------------|---------|------|
| White | 423,575 | 83% |
| Black or Black British | 11,195 | 2% |
| Asian or Asian British | 22,629 | 4% |
| Any other Mixed background | 6,905 | 1% |
| Any other ethnic group | 2,835 | 1% |
| Information not yet obtained | 36,713 | 7% |
| Refused | 4,234 | 1% |
| Total | 508,086 | 100% |

The data from the School Workforce Census indicates that the biggest impact of the proposed changes to the TPS would be on members who are White. As the scheme administrator does not hold specific data, it is not possible to conclude if any groups would be impacted more than others.

As the proposed amendments would apply to all full protection members equally, regardless of their ethnicity, and would result in all active members being part of the same scheme, we do not consider that there are any unjustifiable impacts in this regard.

Marriage and Civil Partnership, Disability, Religion and Belief, Gender Reassignment and Sexual Orientation

There is no available data on these groups in relation to the TPS membership. However, the Department has considered the potential impact of the proposals and does not envisage any unjustified differential impacts that the proposed amendments would cause for members by reference to these protected characteristics given the reason for the proposed changes to scheme rules and the result they would have – in all members being in the same section of the TPS from 1 April 2022.

Conclusion

The Department has considered the impact of the proposals in the context of this duty and we invite respondents to help refine this initial analysis by contributing further perspectives or identifying where there might be equality impacts to consider.

Respondents are asked to consider;

Q.4 - Are there any further considerations and evidence that you think the Department should take into account when assessing any equality issues arising as a result of these proposed amendments?

Q.5 – Are there any other comments regarding the draft amendments?

Next Steps

After the consultation has closed on 24 January 2022, responses will be fully considered before changes to TPS regulations are finalised. Implementation is subject to the passage of the Bill although it is planned to lay regulations in March 2022, to come into force on 1 April 2022.

Subject to the outcome of the consultation, the TPS scheme administrator will write to all active members of the legacy scheme in due course. No action needs to be taken; membership will move automatically from the legacy scheme to the new scheme as has already been the case for all other TPS members who also have service in the legacy scheme.

Further information on this issue can be found on this [Transitional Protection section of the Teachers' Pensions website](#). This section is regularly updated with new information.



Department
for Education

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