

The Teachers' Pension Scheme ends discrimination against LGB partners following NASUWT campaigning

The NASUWT is proud of its history of campaigning for pensions equality for Lesbian, Gay, Bisexual, Trans and Intersex (LGBTI) teachers. An important element of this is campaigning so that adult partners of LGBTI teachers receive the same pension entitlement if their partner died as the partners of heterosexual teachers would receive.

Up to 2005, there was no legal recognition of lesbian and gay partnerships and there were no pension benefits for adult survivors of lesbian and gay partnerships. Unlike heterosexual, married teachers, LGB teachers could not pass on pension benefits to their surviving partners. The NASUWT campaigned for this injustice to end.

The Civil Partnership Act came into effect in December 2005 and meant that, for the first time, the surviving partners of LGB teachers in civil partnerships received adult survivor pensions which previously only partners of teachers in heterosexual marriages had received. In 2013, this entitlement was extended to teachers in same-sex marriages following the enactment of the Marriage (Same Sex Couples) Act 2013 in Britain.

However, despite this step forwards, benefits in the Teachers' Pension Scheme (TPS) for civil and same-sex married partners were unequal compared with benefits for widows of heterosexual marriages. Pensions for widows in heterosexual marriages were based on pensionable service back to 1972 and pensions for civil partners and same-sex married partners were only based on pensionable service back to 1988.

The NASUWT campaigned against this discrimination, including by:

- lobbying MPs, UK Government Ministers and MLAs;
- engaging with the TUC and STUC and ensuring that they adopted the NASUWT's campaigning and lobbying aims.

The NASUWT eventually secured equality for LGB teachers and their partners.

Following years of injustice, the Department for Education (DfE) announced in April 2018 that teachers' adult survivor pensions for all same-sex spouses and civil partners in the England and Wales TPS would be based on the same accrued pension as adult survivor pensions for widows of opposite-sex marriages, backdated to 1972. The DfE's announcement was followed by an identical announcement by the Scottish Government in respect of the Scottish TPS in November 2018.

The announcement by the DfE and the Scottish Government followed a decision by HM Treasury for equalisation of benefits which applies to all public sector pension schemes. The NASUWT wishes for members in Northern Ireland to take advantage of this change to provisions.

The NASUWT has led all other unions in campaigning for pensions equality and has played a crucial part in TUC policy and action on this issue.

If any NASUWT members, or surviving partners of NASUWT members, are in receipt of an adult survivor teachers' pension for a civil partner, or same-sex married partner, which is currently restricted to benefits based on pensionable service from 1988 onwards, they should contact the NASUWT direct to discuss their case.