ATL’s guide to the Teachers’ Pension Scheme

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Association of Teachers and Lecturers

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Introduction

Teachers’ pensions are crucially important to the vast majority of our members. ATL has been working with its colleague unions, employers and government to negotiate the changes that will give the best possible revised arrangements for members. This is perhaps the most important pensions development for many years.

There is no doubt that, given the circumstances in public sector pensions, the outcome of the negotiations is an excellent one. The revised scheme will apply to all new members from 1 January 2007. The date itself represents a significant achievement for the negotiators, as this was first proposed for implementation at September 2006. The delay until January 2007 has allowed an additional cohort of new entrants to teaching to have a retirement age of 60.

The revised method of calculating the pensionable salary is also a major victory. When negotiations on restructuring started, ATL highlighted the potential problems that would arise from the proposed changes to the safeguarding provisions in the School Teachers’ Pay and Conditions Document (STPCD). ATL was initially a lone voice highlighting this issue. Even though these negotiations were about pay, it was ATL that raised and pursued the pension implications.

Any dispassionate observer would say that the outcome to these intensive negotiations has provided all current and future teachers with one of the best pension schemes around.

Please remember that this booklet is intended as an illustrative guide only and does not override Teachers’ Pensions legislation. As the negotiations on the revisions to the Teachers’ Pension Scheme have been so intense exact details of some of the changes are not yet available. This booklet contains what is known at this time. Please check with ATL’s website or contact the pensions team if you have specific queries not covered by this booklet. It is intended to rewrite ATL’s popular series of factsheets entitled Understanding the Teachers’ Pensions Scheme, in line with the revised scheme.
Membership of the Teachers’ Pension Scheme

Membership of the Teachers’ Pension Scheme is available to all teachers and lecturers working in maintained schools and colleges in England and Wales. This includes voluntary aided, voluntary controlled, Trust schools and academies.

If you are employed full-time you will automatically be entered into the Teachers’ Pensions Scheme. From 1 January 2007 if you take up a part-time post you will be automatically be entered into the Teachers’ Pensions Scheme. If you do not wish to contribute to the Teachers’ Pensions Scheme you must contact Teachers’ Pensions to opt out of the Scheme. You may wish to seek financial advice before deciding to opt out of the Scheme.

If you are currently in part-time employment and have not elected to join the Scheme then you will remain out of the Scheme until either you elect to join or you move to another full- or part-time post.

Centrally employed teachers who are paid under the STPCD will be eligible for membership of the Teachers’ Pension Scheme. Centrally employed staff who are paid on the Soulbury pay scale may be eligible for membership in certain circumstances. Teachers and lecturers in this position should check with their employer.

Independent schools can apply for membership of the Teachers’ Pension Scheme. If the school is in membership of the Teachers’ Pension Scheme then all teachers employed at the school are eligible to join. You should check with your school’s bursar to see if the school has membership of the Teachers’ Pensions Scheme.

All employers must offer a pension scheme to their employees. There is, however, no requirement for employers to make a contribution into the scheme, except into the Teachers’ Pensions Scheme.
Northern Ireland
Teachers in Northern Ireland are eligible for membership of the Northern Ireland Superannuation Scheme (NISS). The NISS has not yet undergone the same changes as the Teachers’ Pension Scheme; however, it is likely that similar changes will be made in the near future. Teachers in Northern Ireland should continue to use the series of factsheets entitled *Understanding the Teachers’ Pension Scheme*, and check ATL’s website for updates until further notice.

Scotland
The Scottish Teachers Pension Scheme is broadly similar to the Teachers’ Pensions Scheme although they have not completed their review, and so many of the changes introduced at 1 January 2007 will not have been implemented. The Scottish Teachers’ Pension Scheme is administered by the Scottish Public Pensions Agency. You can visit their website at: [http://www.sppa.gov.uk/scot_teachers/home.htm](http://www.sppa.gov.uk/scot_teachers/home.htm).

The Channel Islands and the Isle of Man
Jersey, Guernsey and the Isle of Man have their own pension schemes. You should contact your employer or your ATL branch secretary for details.

Teachers who have transferred service from the Teachers’ Pension Scheme into the Jersey, Guernsey or Isle of Man pension scheme, who wish to return to England or Wales to teach, will be treated as new entrants with a normal pension age of 65. A teacher who still has service in the Teachers’ Pension Scheme in England and Wales and returns to teaching will retain a normal pension age of 60 if they return by 31 December 2007 or have been out of the Scheme for less than five years.

Local Government Pension Scheme
Details of the Local Government Pension Scheme can be found at: [http://www.lgps.org.uk/](http://www.lgps.org.uk/).
Contributions

Employee contributions to the Teachers’ Pension Scheme were increased from six percent to 6.4% with effect from 1 January 2007. If you receive a payment backdated prior to 1 January 2007 (i.e. a threshold payment backdated to 1 September 2006) you should pay a six percent pension contribution on the salary, which was due to 31 December 2006.

Employer contributions to the Teachers’ Pension Scheme were increased from 13.5% to 14.1% with effect from 1 January 2007. The employer contribution will be reduced to 14% with effect from 2008. The employer contribution will be limited from then on to a maximum of 14%.

ATL deputy general secretary, Gerald Imison, writes:

Members might ask: ‘Why should I have to pay more for my pension?’

Firstly, the teachers’ contribution rate has always had the potential for variation, as the Scheme goes through a valuation every four years. While the changes have normally been to the employer’s contribution, this has never had to be the case, which is why the teachers’ unions agreed, in the end, to a cap on the employers’ contribution from 2008. The 2004 valuation showed that an increase of 0.8% of total contributions was needed. ATL’s Executive Committee decided that an increase of 0.2% was acceptable.

While current members retain their right to retire at age 60, those entering the Scheme from 2007 will only be entitled to their full pension at age 65. If existing scheme members retained a six percent contribution rate, even if they accepted the 0.2% increase arising from the 2004 valuation, the younger and less well-paid teachers would have been faced with a significantly higher contribution rate. Part of this would have funded the improvements for existing members and that did not seem fair. Bearing in mind the improvements on offer the Executive Committee decided that it would support a further 0.2% increase in making a teacher’s contribution 6.4% from January 2007.
Normal pension age

Your normal pension age is the age at which you may draw your pension benefits in full. There are two normal pension ages within the Teachers’ Pension Scheme.

Normal pension age at 60

If you fall within the following categories you will have a normal pension age of age 60:

• if you joined the Teachers’ Pension Scheme prior to 1 January 2007;
• if you have service in the Teachers’ Pension Scheme prior to 1 January 2007 and have a break in service of less than five years1;
• if you have service in the Teachers’ Pension Scheme prior to 1 January 2007 and return to service prior to 31 December 20071;
• if you return to pensionable employment whilst drawing a teacher’s pension from a normal pension age of 60.

Normal pension age at 65

If you fall within the following categories you will have a normal pension age of 65:

• if you joined the Teachers’ Pension Scheme on or after 1 January 2007;
• if you have service in the Teachers’ Pension Scheme prior to 1 January 2007 and have a break in service of more than five years and do not return to service prior to 31 December 2007. (Reckonable service credited prior to 1 January 2007 will retain a normal pension age of 60);
• If you return to pensionable employment whilst drawing a teacher’s pension from a normal pension age of 65.

You are not able to elect to change your normal pension age.

1 The minimum amount of service required to retain your normal pension age of 60 is a total of 30 reckonable days, or some pensionable employment on 60 days in any one year, or 13 weeks on a regular contract.
How benefits are calculated

Benefits payable by teachers’ pensions are calculated by reference to:

- your pensionable salary;
- your total of reckonable service; and
- your normal pension age.

Pensionable salary

Your pensionable salary is the salary Teachers’ Pensions will use to calculate your pension benefits. It is not your annual salary at retirement. When calculating your pensionable salary Teachers’ Pensions will undertake up to four separate calculations.

The ways of calculating your pensionable salary are:

- Final salary
  Teachers’ Pensions will calculate the full-time equivalent salary paid in the 365 days prior to your retirement. This calculation will be undertaken for all retirements on or after 1 January 2007.

- 10 years prior to retirement
  Teachers’ Pensions will consider your salary over the 10 years prior to your retirement. Each salary will be increased in line with the Retail Price Index (RPI). Teachers’ Pensions will then identify the highest salary over three consecutive years. Teachers’ Pensions will then use the average of these three years to arrive at your pensionable salary. This calculation will be undertaken for all retirements on or after 1 January 2007.

- Pre-1 January 2007
  Teachers’ Pensions will use the best consecutive 365 days of salary within the last three years of teaching prior to your retirement. This calculation will only be undertaken for those teachers with a normal pension age of 60 years for retirements on or before 31 December 2008; and for teachers who were out of service at 1 January 2007 and who do not return to service before retirement.

- Hypothetical award
  A hypothetical award calculation will be undertaken by Teachers’ Pensions when you have had a break in service.

In all cases the most beneficial calculation will be used to determine your pension benefits.

Part-time and supply teachers

If you are a part-time teacher your pensionable salary will be calculated with reference to the full-time equivalent salary appropriate for your post.

If you are a supply teacher Teachers’ Pensions will use 195 days of supply salary to find an annual salary rate. As teachers’ salaries increase annually, the more supply work that you undertake close to retirement the higher your pensionable salary will be.
Reckonable service
Reckonable service is the total amount of time you have contributed to the Teachers' Pensions Scheme. Reckonable service is calculated in the following ways:

- if you work full-time, one year of reckonable service is added to your record for each year of teaching;
- if you are a regular part-time teacher you will be credited with a proportion of a year for each calendar year of teaching;
- if you are an irregular (i.e. supply) teacher you need to work for 195 days to accrue one year of reckonable service. All service on which you pay pension contributions will be added to your total of reckonable service at Teachers’ Pensions. Supply organised through an agency is not pensionable.

Benefit statement
You will receive a statement of your pension benefits from Teachers’ Pensions each year based on information held on your service record. This will include all service up to 31 March of that year. It is important that you check that the service that you think you have worked is reflected on this statement. If you think that there is service missing please contact your employer in the first instance to ensure that the information has been passed to Teachers’ Pensions.

ATL recommends that you retain copies of your pay slips in case there is a query with your pension contributions at a later date.

You will not receive a benefit statement if you are out of reckonable service.

How your pension benefits are calculated
Your pension will be calculated in one of the following ways:

- Normal pension age 60
  You will receive an annual pension of 1/80th of your pensionable salary for each year of service. In addition you will receive a tax-free lump sum of 3/80ths of your pensionable salary for each year of service. You will also have the option to commute part of your pension to increase your lump sum. For each £1 of annual pension you commute you will receive £12 of lump sum.

- Normal pension age 65
  You will receive an annual pension of 1/60th of your pensionable salary for each year of service. There is no automatic entitlement to an automatic lump sum; however you will have the option to commute part of your annual pension into a tax-free lump sum. For each £1 of annual pension you commute you will receive £12 of lump sum.
Leaving before normal pension age

Ill-health retirement
If you are too ill to continue teaching you may be eligible for the award of ill-health retirement. Ill-health retirement will only be granted to you if medical evidence shows that you are permanently incapacitated from teaching on both a full- and part-time basis.

The decision to retire on the grounds of ill-health is a major step that should not be taken hastily, certainly not before you are fully aware of your financial position after retirement.

In recent years it has become much more difficult to obtain ill-health benefits in England and Wales as you now have to be ‘permanently incapacitated from both full-time and part-time teaching or lecturing’. If your condition may improve after appropriate medical treatment, even if you do not wish to undergo the treatment, you are not eligible to receive ill-health benefits. However, you do not have to be unfit for all forms of employment.

Sick leave
If you are employed under the nationally agreed conditions of service (i.e. The Conditions of Service for School Teachers in England and Wales [the Burgundy Book]) and you have completed more than three years of employment you are entitled to sick leave on full pay for 100 working days followed by a further 100 working days on half pay. Days when a school is closed are excluded from this calculation, which effectively entitles you to approximately one year of paid sick leave.

The Burgundy Book states that a sick leave year starts on 1 April. If, prior to your current period of sick leave, you have taken sick leave after 1 April, then this will count as part of your entitlement. Any sick leave prior to 1 April is part of the previous year’s entitlement and is not taken into account. If you were sick prior to 1 April and did not return until after that date, the period from 1 April until your return counts as part of the previous year’s entitlement.

If you are employed in an FE college or independent school you should check your contract for details of your sick leave entitlement.

Exhausting sick pay entitlement
You are advised to time your application for ill-health benefits carefully if you want to guarantee the maximum amount of sick leave. It is also advisable not to let your employer know that you eventually intend to apply for ill-health benefits. If you do, you may find that your employer tries to terminate your employment on the grounds of ill-health, even though you have not been awarded ill-health benefits.

The application should not normally be submitted until your full pay ceases; in many cases, it is necessary for the application to be submitted even later if you want to exhaust your entitlement to sick pay.

Employers are becoming increasingly aware of the costs of sick pay and many will
not allow you to exhaust your entitlement to it. You **do not** have an automatic right to exhaust your entitlement to sick pay. Many employers have adopted a policy for managing sick leave and teachers and lecturers on sick leave may be required to have an occupational health medical. If this shows that you are unfit to return to teaching, your employer may suggest that you apply for ill-health retirement.

Some employers may seek to terminate the employment on the grounds of ill-health after a recommendation by occupational health, despite the fact that their employee has not been awarded ill-health retirement or does not wish to apply for ill health retirement. Any teacher or lecturer in this position should contact ATL’s London office for advice.

**Sick leave and pension benefits**

A prolonged period of paid sick leave does **not** affect your entitlement to pension benefits under the Teachers’ Pension Scheme. Any periods during which you are receiving at least half salary count as normal reckonable service.

Your sick leave record will be taken into account when eligibility for ill-health benefits is considered. It is difficult for Teachers’ Pensions to decide that you are unfit to teach if you are currently working. The only exception may be if you are suffering from a deteriorating physical condition and it is clear that you are either only working with great difficulty or will be unable to work in the very near future.

It is advisable for you to exhaust your entitlement to sick pay before retiring: this ensures that reckonable service is increased, as is the average salary on which the pension is calculated. Understandably, some teachers and lecturers do not want to take sick leave because of the effect on their pupils or students. However, ATL urges members in this position to put their own interests first, particularly as teachers and lecturers who ‘struggle on’ frequently find that this results in their application being rejected.

**Applying for ill-health benefits**

If you intend to exhaust your entitlement to sick pay before retiring, ATL would advise you **not** to inform your school, college or employer that you intend to apply for ill-health benefits until you decide to obtain the application form. When asked about future plans, it is best to say that you have not yet made a decision but, if ill-health forces you to opt for retirement, you will naturally notify your employer. You should not be pressurised into making a decision.

If you are one of the rare teachers or lecturers who are awarded ill-health benefits while still working, you will have to stop active teaching or lecturing immediately. Therefore in order to avoid having to retire earlier than you had intended, it is important not to submit your application too early.

There are two forms that you need to complete to apply for ill-health retirement.

**Form Ill Health App** has two sections. You complete Part A then hand the form to your employer to complete.

**Form Ill Health Med** contains the medical information. You may either have this form completed by your own GP or consultant or by your employer’s occupational
health adviser. There are guidance notes available with the Form Ill Health Med to inform your doctor what medical information is required by Teachers’ Pensions.

You should forward both forms to your employer. Your employer will pass the Form Ill Health Med to its occupational health adviser. If your doctor or consultant has completed the Ill Health Med your employer should have procedures in place to ensure that it is not seen by anyone other than the occupational health adviser.

It will be the responsibility of any employer’s occupational health adviser to ensure that all the appropriate medical evidence and any other supporting information (such as clinical findings, correspondence or reports) has been obtained before your application is sent to Teachers’ Pensions. If there is insufficient medical evidence for an application to be granted, Teachers’ Pensions will not seek further medical evidence. Therefore, any application that does not contain sufficient evidence that you are permanently incapacitated from both full and part-time teaching or lecturing will be rejected. The time taken to collate the necessary medical evidence by occupational health advisers varies considerably from area to area.

If your employer’s occupational health adviser does not believe that you meet the criteria for ill-health retirement you can still proceed with an application. It is for you to decide to apply for ill-health retirement not your employer’s occupational health adviser. However, in these circumstances you should be prepared for your application to be unsuccessful.

When your application is submitted, your employer will be asked to confirm that redeployment and any other measures that would enable you to remain in teaching or lecturing, such as reasonable adjustments under the Disability Discrimination Act 1995, have been considered.

Provided you are in employment when you submit your application, your employer will be responsible for the cost of doctors’ reports, even if your entitlement to sick pay has expired. If you are not in employment when you submit your application you will have to pay the fees yourself.

**Medical or consultant’s reports**

The decision to award ill-health benefits is made not by your employer but by the DfES appointed Medical Adviser on the basis of medical evidence. A medical report can be submitted by a GP, local authority (LA) medical officer, or a consultant. You should ask the most appropriate doctor to submit the report or you may be liable to pay additional medical fees. If you are being seen by a consultant, s/he is likely to be the most appropriate doctor. However, if you suffer from several conditions for which you are seeing one or more consultants your GP may be the best person to submit the report, as s/he will be able to give more complete details of your ill-health. S/he should enclose copies of all relevant consultant’s reports when returning the medical report. If you are in the maintained sector and your employer’s doctor has already recommended retirement, it may be preferable for the report to come from her/him.
A LA occupational health physician, who has been in contact with Teachers’ Pension doctors, has advised ATL that the medical report will need to demonstrate that:

- the teacher or lecturer is incapacitated, due to some medical condition, from serving efficiently as a full- and part-time teacher or lecturer;
- the incapacity is permanent;
- appropriate treatment was tried and has failed, or is judged unlikely, to overcome the incapacity.

Teachers’ Pensions no longer asks your GP for her/his opinion as to whether you are permanently incapable of teaching or lecturing. However, ATL advises that your GP should still give her/his opinion.

The occupational health physician also advised ATL that, where a consultant’s report (see below) stating the diagnosis and prognosis has already been obtained by a GP, a copy should be sent to Teachers’ Pensions. This should facilitate the decision-making process.

Please note: it is important that your doctor mentions all of your health problems, not just the one which is causing you to apply for ill-health benefits. Many applications are turned down initially because of inadequate information on the medical report. For example, details of previous relevant illness should be given even if they were a few years ago. The medical advisers have been informed that they should only request further medical evidence in rare cases. If your application is turned down because of insufficient medical evidence you may appeal or submit a fresh application with fuller proof of your permanent incapacity. However, if you appeal you will be responsible for any fees charged by your doctor or consultant(s).

According to the DfES’ circular *Fitness to Teach: Occupational health guidance for the training and employment of teachers*, teachers or lecturers who are suffering from depression who have not been assessed by a psychiatrist are unlikely to qualify for ill-health benefits. In general, applications for ill-health retirement on mental health grounds are more likely to succeed if supported by a report by the treating specialist confirming that adequate doses of anti-depressants and treatments such as cognitive behaviour therapies have been attempted. The circular goes on to say that teachers or lecturers suffering from stress are unlikely to qualify for ill-health benefits in the absence of a formal diagnosis of physiological or physical problems that are likely to be permanent.

Teachers or lecturers with Chronic Fatigue Syndrome will normally have to have suffered from the condition for four years in order for an application for ill-health benefits to be successful.

You may wish to show your doctor this section of the guidance.

Teachers’ Pensions will meet the cost of the medical report and any other reports that it requests.

You should ask your GP or consultant to let you have a copy of your medical
report(s), as this will save time if your application is unsuccessful and you decide to submit an appeal.

**Termination of employment**

If your application for ill-health retirement is successful you are deemed to have resigned from employment and there is no need for the employer to serve notice of dismissal. In the absence of any earlier date being agreed with the employer, the date of resignation will in all likelihood be taken to be the day immediately before the ill-health retirement benefits become payable.

When you are awarded ill-health retirement your employer is notified that your application has been successful and is asked to complete Form 18(a) giving, among other information, details of your bank account and your last day of service. (If you are not employed when you are awarded ill-health retirement, Teachers’ Pensions will write to you requesting details of your bank). The Form 18(a) is then returned to Teachers’ Pensions. Once Teachers’ Pensions have received the Form 18(a) it requires 10 working days in which to calculate your pension benefits and put them into payment. Therefore, when you are notified that your application is successful you should immediately contact your employer and ask for your last day of service to be at least 20 days later in order to avoid being without salary or pension.

If your employer will not agree and asserts that your employment has in fact terminated immediately, Teachers’ Pensions will backdate your pension to the day following your last day of employment\(^2\). However if your sick pay ran out some time ago Teachers’ Pensions Regulations do not permit your pension to be backdated more than six months prior to the date of your last medical report on which the decision to award your ill-health retirement was based.

If you have completed the minimum qualifying period for Teachers’ Pension Scheme benefits (two years for the vast majority of teachers and lecturers) and if you are under normal pensionable age when ill-health forces you to leave the profession, you are eligible to apply for ill-health benefits. Ill-health benefits consist of a pension (which is taxable) and a tax-free lump sum.

Teachers and lecturers who have been **barred** from teaching or lecturing because of misconduct, or who are under investigation for misconduct, **are not eligible** to receive ill-health benefits. If you have been accused of misconduct, your application cannot be granted until your case has been investigated. If you are not subsequently barred from teaching or lecturing, then the award of your ill-health pension will be backdated to the date that you left teaching or lecturing. Interest will be paid on both the arrears of pension and lump sum.

You should not submit your resignation until your application has been considered by Teachers’ Pensions.

**Ill-health retirement categories**

- For applications for ill-health retirement received at Teachers’ Pensions after 5 January 2007\(^3\) there are two tiers of ill-health retirement:
• Total incapacity benefit (TIB);
• Partial incapacity benefit (PIB).

For both categories you must satisfy Teachers’ Pensions medical advisers that you are permanently incapacitated from teaching or lecturing on a full or part-time basis.

**Total incapacity benefit**

You will be assessed as TIB if you are determined to be unable to undertake any gainful employment or only capable of doing a job that would be greatly below the overall weight of the job of a teacher or lecturer.

**Partial incapacity benefit**

You will be assessed as PIB if you are determined to be permanently incapable of teaching but capable of undertaking a range of other types of work.

The decision as to whether you are awarded TIB or PIB will be determined by the DfES medical adviser, based upon the medical evidence submitted with your application. It is therefore important that your application and supporting medical evidence is as comprehensive as possible. You will be able to appeal against the decision if you feel that you have been awarded the wrong level of benefits.

If your application is unsuccessful you may appeal or submit a further application.

**Calculation of ill-health retirement benefits**

Ill-health retirement benefits are calculated in the same way as other pensions. However, if you are awarded TIB then you will be awarded an enhanced pension and lump sum in addition to your accrued pension benefits.

**Enhancement of reckonable service**

If you are awarded PIB then you are not entitled to receive an enhancement to your ill-health retirement pension or lump sum.

If you are awarded TIB then you will be entitled to enhancement of half your prospective service to your normal retirement age.

**Terminally ill teachers or lecturers**

If you are terminally ill you may, subject to the production of medical evidence, commute your pension to a lump sum payment. Your doctor will need to state that your life expectancy is likely to be less than one year.

If you commute your pension you will receive a lump sum equal to five times your annual pension. The commuted pension is payable in addition to your retirement lump sum. You will not receive a pension if you decide to commute your pension benefits. Commutation does not affect the amount of survivor’s benefits paid.

If you wish to commute your pension you need to tick the appropriate box on Form Ill Health Med when making your application. Before making a decision to commute your pension benefits you may wish to obtain advice from the pensions team at ATL’s London office, who will be able to compare the benefits that would be paid if you died in service with commutation or with the five-year pension guarantee.4

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4 If you die within five years of retirement Teachers’ Pensions will calculate the value of five years’ pension. This will then be paid to your next of kin less any pension already paid.
**Premature retirement**

If your employment is terminated on the grounds of redundancy or in the efficient discharge of the employer's function it is possible for your employer to grant you premature retirement. You do not have a right to premature retirement and the decision is made by your employer.

To be eligible for premature retirement you will need to satisfy the following criteria:

- be aged-50 or over (from 2010 the lowest age premature retirement can be granted will be raised to 55);
- you must be on a permanent contract (if you are on a fixed-term contract you will not be eligible for premature retirement);
- you must have at least two years’ reckonable service.

Your employer will have to pay part of the cost of your lump sum and pension for the rest of your life. The balance is paid by Teachers’ Pensions.

**Efficient discharge of the employers’ function**

If your employment is terminated on the grounds of the efficient discharge of the employer’s function it is not intended as a reflection on the quality of your work. This action is taken by employers in a wide variety of circumstances e.g. when early retirement would help the school to cope with changing curriculum needs.

**Redundancy**

If you are made redundant over the age of 50 you are not automatically entitled to immediate payment of your pension benefits in addition to your redundancy payment. If you are considering volunteering for redundancy you may wish to check that the package will include premature retirement.

For further information on redundancy please refer to the appropriate ATL publication: *Redundancy in Maintained Schools or Redundancy in Further Education*.

**Enhancement**

Although you can be awarded premature retirement after completing two years of reckonable service, you can only be granted enhancement if you have completed five years of reckonable service.

If you are awarded enhancement along with your premature retirement your employer will be responsible for paying the full cost of your additional pension and lump sum.

The maximum enhancement an employer can award is the shortest of:

- 10 years;
- a period equal to your total reckonable service;
- a period which, when added to your reckonable service, gives you 40 years of service;
- a period equal to the service you could have completed had you remained in teaching until age 65.
Employers are under no obligation to award enhancement. Your branch secretary will normally have details of your authority’s current enhancement policy.

**Severance payments**

Your employer could pay you a severance payment as an alternative to premature retirement. These payments are not available to teachers who have reached their normal pension age or to those who have been re-employed after taking premature retirement. They also cannot be paid to any teacher who is retiring on the grounds of ill-health or taking actuarially reduced benefits at the same time.

Severance payments can be paid to teachers leaving service either on grounds of redundancy or on grounds of the ‘efficient discharge of their employer’s functions’. They may be paid in addition to a redundancy payment or they may replace a redundancy payment (e.g. where the employer offers the teacher the choice of taking either redundancy or voluntary severance). However, if the employer pays both, the amount of the redundancy payment reduces the maximum sum payable as a severance payment. There is, therefore, no necessity for a redundancy situation to exist for a severance payment to be made; a severance payment can be a ‘golden handshake’. However, it should be noted that severance payments and immediate payment of pensions’ benefits are mutually exclusive. In any event, the award of a severance payment is discretionary; it is not a matter of entitlement. The maximum severance payment is 104 weeks pay.

**Actuarially reduced benefits**

Members of the Teachers’ Pension Scheme are able to retire with their employer’s consent and receive an actuarially reduced pension and lump sum. The reduced pension is payable for the remainder of the teacher’s life.

The amount of actuarial reduction depends on the teacher or lecturer’s age in years and months at the time of their retirement and their normal pension age. Teachers’ Pensions will calculate the amount of your pension benefits due at the time of retirement and then pay the appropriate percentage.

Please remember that the actuarial reduction will be applied to all of your pension including any additional pension you have purchased.

Teachers who are in excluded employment, i.e. employment which would have been pensionable but for the fact that you have opted out of the Teachers’ Pension Scheme, or part-time employment that you have not elected to make pensionable, are not eligible to apply for actuarially reduced benefits. If you are in this position then you will need to cease this employment before your benefits can be paid.

ATL recommends that you seek financial advice if you are considering applying for actuarially reduced pension benefits.

There are different rates of actuarial reduction for pension and lump sum payments. There are different tables if you have a normal pension age of 60 or if you have a normal pension age of 65. Actuarial tables can be found on ATL’s and the Teachers’ Pensions’ websites.

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5 To be eligible for actuarially reduced benefits a teacher must have reckonable service on or after 30 March 2000. Those teachers who left teaching prior to 30 March 2000 will have to wait until the age 60 to receive their pension benefits.

6 It is a popular misconception that actuarially reduced pensions revert to their full value when you reach normal pension age. The actuarial reduction applied at the time of retirement is permanent.
Preserved benefits
If you leave teaching before your normal pension age your pension benefits will be preserved in the Teachers’ Pension Scheme.

You will be able to claim your pension benefits:

• from age 55 by applying for actuarially reduced benefits (see page 17 for qualifying conditions);
• from age 60 (if this is your normal pension age);
• from age 65 (if this is your normal pension age).

Reaching normal pension age
If you are out of reckonable service when you reach normal pension age then your pension benefits become payable immediately. There is no mechanism for your pension benefits to be put into payment automatically. You must claim your pension benefits from Teachers’ Pensions.

If you are out of reckonable service and do not draw your pension benefits at your normal pension age then Teachers’ Pensions will calculate your benefits as if you had drawn them when they became due. Teachers’ Pensions will pay you your arrears of pension and lump sum (if applicable) including interest.

Transferring to another pension scheme
It is possible for you to transfer your benefits to another scheme. However, this is not always advantageous unless the new scheme is also within the public sector. An application to transfer pension benefits must be made within 12 months of joining a new pension scheme. Before considering transferring your pension benefits you should seek financial advice.
Phased retirement benefits

Phased retirement will allow you to draw up to 75% of your pension benefits before your normal pension age and continue to work and contribute to a further pension. The work must either be as a teacher or lecturer with a reduction in salary of at least 25% or within a school, college or university but not as a teacher or lecturer. This employment must be taken up within six months of ceasing your prior employment. Any pension benefits drawn under the phased retirement scheme will be subject to actuarial reduction based on tables provided by the Government Actuary. These tables can be found on ATL's and the Teachers’ Pensions’ websites.

You will be eligible for phased retirement if:

• you are aged 55 or over;
• your employer certifies that you will continue in pensionable employment with a reduction of salary of at least 25% for a minimum of 12 months.

You are able to make two elections for phased retirement prior to your normal pension age. You must decide what proportion of your pension benefits you wish to access. The maximum you can access is 75%. The percentage you elect to draw will be applied to your total of reckonable service only.

Your phased retirement benefits will be calculated with reference to:

• your pensionable salary up to the date of the reduction in salary (the normal methods of calculating your pensionable salary will apply);
• the percentage of your total of reckonable service you have elected to take.

If you take phased retirement you will not be subject to an earnings limit on your future employment.

Phased retirement over normal pension age

If you take phased retirement after you have reached normal pension age you will not suffer any actuarial reduction in your pension benefits. You will also not be subject to any earnings limit.
**Death benefits**

**Death in service**
If you die in service the Teachers’ Pensions’ Scheme will pay a tax-free lump sum equivalent to three times your pensionable salary at the time of death. For part-time and supply teachers the full-time equivalent salary is used rather than the salary actually paid. See section five for details of how the pensionable salary is calculated. There is no minimum qualifying period for the death in service grant.

You may make an election to nominate a recipient of the death grant. If no nomination has been made then the death grant will be paid to your spouse or civil partner or to your estate if you are single. Proof of probate will be required if the payment is made to the estate. The death grant does not count for the purposes of inheritance tax as it is a discretionary payment.

**Death after retirement**
If you retired after 1 April 2000 and you die within five years of retirement a supplementary death grant may be paid. The supplementary death grant is equivalent to five year’s pension less any pension already paid. If a pension has been reduced on account of re-employment, then it is deemed to have been paid for the purpose of the supplementary death grant.

If you retired before 1 April 2000, a death grant may only be paid if:

- you had more than ten years of reckonable service and your average salary over the final year exceeded the lump sum paid on retirement, plus the pension received. In these cases, the grant is the average salary less the pension and lump sum paid; or
- you had less than ten years of reckonable service but the pension paid was less than five times the annual rate of the pension at the time of death. The grant is then five times the annual rate of the pension, less the pension received.

**Teachers with preserved benefits**
A death grant may be payable if you have left the Teachers’ Pensions Scheme and die before drawing your benefits. The death grant for teachers with preserved benefits is the better of:

- the lump sum if you had retired at the date of death, plus the appropriate pensions’ increases; or
- a refund of pension contributions plus compound interest at three percent per annum.

**Claiming the death grant**
The death grant must be claimed from Teachers’ Pensions. You should leave instructions for your next of kin or your executor to request a bereavement pack from Teachers’ Pensions. Teachers’ Pensions will need your teacher’s reference number. The bereavement pack contains all the necessary details. A copy of the death certificate will be required. Probate will only be required when the death grant is paid to your estate.
Survivor’s benefits

The Teachers’ Pensions Scheme provides pensions for your surviving dependents. The following dependents are entitled to receive a survivor’s pension:

- wife;
- husband;
- civil partner;
- opposite and same sex partners when a declaration has been made.

The amount of service used in calculating survivor’s benefits differs slightly between the categories.

Wife

Your wife will receive a pension based on your service since 1 April 1972. Service prior to that date is only covered if you were a former member of the family benefits scheme or paid additional contributions to cover pre-1972 service when the automatic entitlement was introduced. If you married after your retirement your widow’s pension would be based on your service since 6 April 1978 not on the total service covered for family benefits.

Husband

Your husband will receive a pension based on your service since 6 April 1988. You may elect to cover your pre-6 April 1988 service if:

- you have married since 6 April 1988 and have elected within six months of marrying or returning to reckonable service;
- you have been out of reckonable service since 6 April 1988 and have elected with six months of returning to reckonable service.

Teachers’ Pensions will be able to advise you of the cost of purchasing your additional service.

If you married after your retirement your widower’s pension would be based on your service since 6 April 1988, not on the total service covered for family benefits.

Civil partner

If you have entered into a civil partnership your partner’s benefits will be based on your service from 6 April 1988. You may elect to cover your pre-6 April 1988 service if:

- you make the election within six months of forming a civil partnership;
- you have been out of reckonable service and you make the election within six months of returning to reckonable service.

Teachers’ Pensions will be able to advise you of the cost of purchasing your additional service.

Unmarried partner

Survivor’s benefits are payable to your partner if you have made a nomination to
Teachers’ Pensions. Benefits will be based on your service from 1 January 2007. You must make a joint declaration that:

- you and your partner are living together in an exclusive committed long-term relationship (i.e. a permanent relationship with just one person) that has existed for at least two years;
- you and your partner are free to marry (or would have been able to if you had not been of the same sex) [i.e. neither you nor your partner can be married to or be in a registered civil partnership with anyone else];
- your partner is financially dependent on you or you are financially interdependent.

Your partner will be asked to provide evidence that the above criteria continued to be the case at the time of your death.

You may elect to cover your pre-1 January 2007 service if:

- you make the election within six months of making the declaration.

Teachers’ Pensions will be able to advise you of the cost of purchasing your additional service.

Survivor’s pension benefits

There are two levels of survivor’s pension: short- and long-term.

Short-term pensions

Short term pensions are payable for three months from the date of death. They are paid at the same rate as your salary or pension. If you are a part-time teacher this will be based on your actual salary whereas the long-term pension is based on your full-time equivalent salary. If you die in service the short-term pension will be paid by your employer who will then reclaim the cost from Teachers’ Pensions.

Long-term pensions

If you have more than two years reckonable service a long-term pension will be payable. Long-term pensions are calculated with reference to your length of service covered for family benefits and your pensionable salary. If you have been awarded enhancement, either as a result of premature retirement or ill-health retirement, this will be counted as service for survivor’s benefits. If you have taken actuarially reduced pension benefits this will not adversely affect your survivor’s benefits.

For each year of service covered a long-term pension will be paid equivalent to 1/160th of your pensionable salary. For those long-term pensioners who received their benefits prior to 1 January 2007 any subsequent remarriage, civil partnership or co-habitation will cause your pension to cease. For those long-term pensioners who first receive their benefits on or after 1 January 2007 the pension will be paid for life even if the pensioner remarries or co-habits.

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7 In the case of premature retirement the enhancement will count in full. In the case of ill-health retirement the enhancement will be pro-rata to the amount of service covered for family benefits.
**Children's pensions**

Children's pensions are payable to children in full-time education up to their 23rd birthday. If a child has a break in education between school and further or higher education Teachers' Pensions will be able to advise whether the pension can continue to be paid.

Children’s pensions are only payable to your children. If your partner has children from a previous relationship these children will not be eligible for a children’s pension unless you have formally adopted them.

**Children’s pension when a survivor’s pension is in payment**

If you have only one child then your child will be entitled to a pension, which is equivalent to half the survivor’s pension payable. If you have two or more children then the total children’s pension payable is equal to the survivor’s pension payable.

**Children’s pension when a survivor’s pension is not in payment**

If no survivor’s pension is payable any children’s pension is based on all of your service including any enhancement. If you have only one child the pension will be 1/240th of your pensionable salary for each year of reckonable service.

If you have two or more children then the child’s pension will be 1/120th of your pensionable salary for each year of reckonable service.
Improving your pension benefits

Additional pension benefits
It is possible for you to improve your pension position by purchasing additional pension benefits (APB).

Additional pension
You will be able to purchase additional annual pension in units of £250 per annum, up to a maximum of £5,000. The cost of purchasing this additional pension will be determined by your age at the date you elect to purchase the additional pension. It will be more expensive to purchase additional pension the older you are.

You will be able to purchase the additional pension either with a single one-off payment or by monthly instalments. If you choose to pay by monthly instalments you may spread the cost over a maximum of 20 years. It may be possible for you to complete your election by using part of your retirement lump sum at the date of retirement, however please see the rules on recycling of pension benefits.

Additional dependents’ pension
If you wish to purchase APB for your dependents then you must make this decision at the time you make your election. It will increase the cost of your additional pension to provide additional dependents’ pension.

How much will it cost?
Details of the costs can be obtained from Teachers’ Pensions website. The cost will vary dependent on:

• your age;
• your sex;
• your normal pension age;
• whether you wish to provide additional pension for your dependents;
• whether or not you pay in instalments.

Additional lump sum
You will not automatically be entitled to a lump sum attached to your APB; however, you will be able to convert some of your additional pension to a lump sum. For each £1 of additional pension converted you would receive £12 as a lump sum.

Past added years
The provision to purchase past added years has been removed from the Teachers’ Pensions Scheme. This facility allowed those teachers or lecturers who had not covered for pensionable purposes all of the period available from their 20th birthday.

Teachers who elected prior to 1 January 2007 to purchase past added years may continue with their current contract. The nine percent tax-relief limit remains on past added years elections.
Current added years
The provision to purchase current added years has been removed from the Teachers’ Pensions Scheme. This facility allowed those teachers or lecturers who were out of reckonable service to continue contributing to the Teachers’ Pensions Scheme. Teachers and lecturers were required to pay both the employee’s and the employer’s contributions. Teachers could pay for current added years for up to three years (six if employed overseas as a teacher).

Teachers who elected prior to 1 January 2007 to purchase current added years may continue with their current contract.

Additional voluntary contributions
The in-house additional voluntary contributions (AVC) scheme for the Teachers’ Pensions Scheme is run by the Prudential. You may choose to use another provider for your AVC fund (this is known as a free-standing AVC).

Lifetime allowance
You now have a lifetime allowance of £1.5 million (this will increase each year until at least 2010). This means that if the total value of your pension fund(s) exceeds £1.5 million there will be a special tax charge. If the total value of your pension fund(s) are likely to exceed this you should seek financial advice.

Teachers’ Pensions will provide you with the percentage that your teachers’ pension will use of your lifetime allowance. It is your responsibility to notify the HM Revenue and Customs if you exceed your lifetime allowance.

Recycling
Legislation introduced in April 2006 has limited the amount of your retirement lump sum which you can use to purchase additional pension without penalty. This is referred to as recycling. Please refer to the Teachers’ Pensions website for further details.

A Day
Important changes were made to pensions on 6 April 2006 (referred to as A Day). Not all of the provisions of A Day are compulsory to all pension schemes. This booklet has reflected where A Day has affected the Teachers’ Pensions Scheme.

Repaying previously withdrawn service
You are entitled to repay pension contributions you withdrew prior to 1 June 1973. You will have to pay:

- the amount you received;
- the income tax that was deducted;
- compound interest at 3.5%.

You may make the repayment either by paying a lump sum or, if the total repayment amounts to £500 or more, by instalments over a period of one to five
years. Teachers’ Pensions will provide you with full details of the cost and repayment options. Repayment is strongly recommended, as the increase in your pension benefits is likely to outweigh the cost of repayment.

**Stakeholder pension**

A stakeholder pension is a form of private pension. It must meet minimum standards laid down by the Government about charges, flexibility and the regular information you must be given. The standards are designed to help ensure that all stakeholder pensions give good basic value.

With a stakeholder pension you can pay regular contributions, and you can also make lump-sum contributions whenever you like. Your employer can also make contributions. You will benefit from tax relief on your own contributions. Your contributions are invested to build up your own pension fund. The amount of your fund when you come to retire is not guaranteed and depends on how much has been paid in, the type of investment fund you choose, how those investments perform and the level of charges.

You do not need to retire to draw your stakeholder pension benefits. You can take benefits at any time from age 50.

When you take your benefits from your stakeholder pension, you can choose to take up to 25% of your pension fund as a tax-free lump sum. The remainder must be used to buy an annuity. The annuity will pay you a regular income during your retirement. The income will depend on the size of your pension fund and annuity rates at the time you take your pension. You may have to pay tax on your annuity income.
Pensions increases

One of the major benefits of the Teachers’ Pensions Scheme is that your pension is guaranteed to rise annually in line with inflation. Each year on the first Monday after 6 April, pensions are increased to take into account the rise in the RPI for the 12 months ending the previous September.

First year of retirement

If you have not been retired for a full year you will receive a pro rata increase based on the number of months since your retirement. Each complete month will entitle you to 1/12th of the full increase. (A period of 16 days or more counts as a complete month in this instance).

Premature retirement

If you have been awarded premature retirement pensions increases will not be applied to your pension until you reach age 55. Once you reach age 55 your pension will be increased to take account of the rise in RPI from the date you left teaching.

Ill-health retirement

If you have been awarded ill-health retirement your pension will be increased annually even if you are under 55 years of age.

Survivor’s pensions

Survivor’s pensions are increased annually regardless of the age of the recipient. If you die after retirement, pensions increases (calculated from the date of retirement) will be applied to any survivor’s pension.

Preserved benefits

If you have preserved benefits in the Teachers’ Pensions Scheme your pension benefits will be increased to take account of the rise in the RPI since the day you left teaching.

Living abroad

Pensions increases on your teachers’ pension are payable if you live abroad. For details as to how your state pension will be affected you should check with the Pension and Overseas Benefits Directorate (Department for Work and Pensions, Tyneview Park, Whitley Road, Benton NE12 9SR)
**Approaching retirement**

Pension benefits are not paid automatically. You will need to claim your pension benefits when you retire. When you have decided on your retirement date you should obtain from your employer the appropriate application form for your type of retirement e.g. age, ARB, premature or out of service. To ensure that your benefits are paid as soon as you retire, you should submit the form three to four months before your planned retirement date.

**Termination of employment**

If you work in the maintained sector you will need to give notice to your employer of your intention to retire.

<table>
<thead>
<tr>
<th>End of term</th>
<th>Retirement date</th>
<th>Latest notice date</th>
</tr>
</thead>
<tbody>
<tr>
<td>Spring⁹</td>
<td>30 April</td>
<td>28 February</td>
</tr>
<tr>
<td>Summer</td>
<td>31 August</td>
<td>31 May</td>
</tr>
<tr>
<td>Autumn</td>
<td>31 December</td>
<td>31 October</td>
</tr>
</tbody>
</table>

**Additional voluntary contributions**

If you have been paying into an AVC scheme then you will also need to consider whether you wish to access the AVC at the same time as your pension. You may defer taking your AVC benefits until age 75. It is usually advisable to obtain from your AVC provider an illustration of the benefits you are likely to receive. Remember that you can take a maximum of 25% of your AVC fund as a tax-free lump sum. The remainder must be used to purchase an annuity, which will provide a pension for you. You may wish to purchase an annuity, which also contains survivor’s benefits, although the pension paid to you will be reduced.
Re-employment after retirement

Abatement
If you take up certain employment after retirement it may affect your pension benefits. Employment which could be pensionable under the Teachers’ Pensions Scheme is usually the only employment which may affect your pension. Abatement does not apply if you have taken actuarially reduced pension benefits or have retired under the phased retirement rules.

Salary of reference
When you retire Teachers’ Pensions will inform you of your salary of reference. Your salary of reference is the salary used in the calculation of pension benefits. Your salary of reference is increased each year in line with the RPI. Teachers’ Pensions will be able to inform you of your current salary of reference.

Earnings limit
The earnings limit is the amount you can earn without affecting your pension. Your earnings limit is calculated by deducting your annual pension from your salary of reference. If your re-employment salary is greater than your salary of reference and you are going to be employed for the full tax year, your pension will be suspended immediately. If your re-employment salary is lower than your salary of reference or you will only be employed for part of the tax year your pension will continue to be paid until you reach your earnings limit.

Notifying Teachers’ Pensions
When you retire you will be issued with a Certificate of Re-employment by Teachers’ Pensions. Within 14 days of becoming re-employed you should complete and forward the Certificate to Teachers’ Pensions. Teachers’ Pensions will return the Certificate to you.

You will need to inform Teachers’ Pensions if your re-employment is shortened or lengthened or if your salary rate changes.

Enhanced pensions
If your pension was enhanced by your former employer then you should also notify your former employer that you have been re-employed. If your total of re-employment service and your enhancement exceeds the period you could have completed by the age of 65 your enhancement may be permanently reduced. If you feel that re-employment may put you in this position please contact ATL’s pensions team for advice before commencing your re-employment.
**Actuarially reduced pension benefits**
If you have retired with actuarially reduced pension benefits your pension will not be affected if you are subsequently re-employed. If you are receiving an actuarially reduced pension and a non-actuarially reduced pension both your pensions will be taken into account when an assessment is made about whether your pension should be abated. In any event, only the non-actuarially reduced pension will be abated.

**Ill-health retirement pensioners**
The affect on your pension will depend on the date you retired on the grounds of ill-health.

**Retirement date**
**Prior to 31 March 1997**
If you retired on the grounds of ill-health prior to 31 March 1997 you may be able to undertake a limited amount of work on a part-time basis within teaching. However, your entitlement to your ill-health pension may be reviewed with the possibility that your pension will be stopped. You may also be reviewed if you undertake work outside of teaching or lecturing that leads the DfES to believe that your health may have improved sufficiently for you to return to teaching.

**Between 31 March 1997 – 31 December 2006**
Your pension will be stopped immediately if you return to any teaching or lecturing in any establishment that participates in the Teachers’ Pension Scheme, including work via a supply agency. Undertaking private tuition may result in the DfES reviewing your position to ascertain whether your health has recovered sufficiently for you to return to teaching. Undertaking work outside of teaching or lecturing may also result in the DfES reviewing your continued receipt of an ill-health pension.

**From 1 January 2007**
From 1 January 2007 those teachers awarded TIB will be prevented from returning to any form of teaching unless they inform Teachers’ Pensions that they are fit to return to teaching. The pension will then be suspended until they retire. Pension benefits would then be calculated without the inclusion of any enhancement. The original lump sum payment (if applicable) would be deducted from the revised lump sum.

If you are awarded PIB you will also be prevented from returning to any form of teaching unless you inform Teachers’ Pensions that you are fit to return, in which case your pension will cease until you retire again. However, you will be able to undertake work other than teaching without having your continued right to receive your pension reviewed.
Re-employment after redundancy

Your right to a redundancy payment may be affected if you take up employment with a school, college or university without a break of at least 29 days. Further information is given in ATL’s redundancy publication.

Elected further employment

Prior to 1 January 2007 if you returned to teaching after retirement you were required to make an election to rejoin the Teachers’ Pensions Scheme and accrue further pension benefits. To be eligible to receive APB you needed to work for at least one calendar year. Since 1 January 2007 you will not be required to elect to rejoin the Teachers’ Pensions Scheme as you will be automatically entered. If you do not wish to accrue APB you will need to opt out of the Scheme.

If you return to work on a regular full- or part-time contract you must return to work for at least one calendar year to be eligible to receive APB. If you are employed on an irregular basis you will need to accrue 365 days of reckonable service to qualify for an additional pension.
Useful contacts

ATL pensions team
7 Northumberland Street
London WC2N 5RD
Telephone 020 7782 1640
Web www.atl.org.uk

Teachers’ Pensions
Mowden Hall
Darlington DL3 9EE
Telephone 0845 066166
Web www.teacherspensions.co.uk

Frizzell
County Gates
Bournemouth BH1 2NF
ATL. The education union – led by education professionals from across the sector and throughout the UK.

ATL recognises the link between education policy and our members’ conditions of employment. Our evidence-based policy-making enables us to campaign and negotiate from a position of strength. We champion good practice and achieve better working lives for our members.

We help our members, as their careers develop, through first-rate research, advice, information and legal support.

Our 160,000 members – teachers, lecturers, headteachers and support staff – are empowered to get active locally and nationally. We are affiliated to the TUC, and work with government and employers by lobbying and through social partnership.

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