

**Teachers' Pension Scheme - Pensionable employment historic information**

<b>Statutory Instrument (SI)</b>	<b>Came into force</b>	<b>Pensionable employment</b>
<a href="#">Teachers Superannuation Regulations 1967</a> SI 489	1 April 1967	<p>Full-time employment in the following establishments is pensionable:</p> <ul style="list-style-type: none"> <li>• Teachers in a school maintained by a local education authority</li> <li>• Teachers in a special school which is not maintained by a local education authority in certain circumstances</li> <li>• Teacher in a school (other than a special school) that is maintained by government grants</li> <li>• Teachers in a further education establishment maintained by a local education authority</li> <li>• Teachers in an establishment of further education that is maintained by government grants</li> <li>• Teachers in a university or in a part of a university which, before becoming a university or a part of a university, was formerly a college of advanced technology.</li> <li>• Teacher in a college of education maintained by a local education authority.</li> <li>• Teacher in an establishment for providing social or physical training that is maintained by a local education authority</li> <li>• Teacher in a remand home</li> <li>• Teacher in a mental nursing home or residential home for mentally disordered persons</li> <li>• Teacher in a special hospital</li> <li>• Teacher in an institution for the further education and training of disabled persons that is maintained by government grants.</li> </ul> <p>See Schedule 1 of the Regulations for other reckonable service not listed above.</p>

		<p>Educational organisers employed in full-time employment by a local education authority (must have been in at least 3 years' reckonable service, ie a teacher, prior to appointment) can elect to join the TPS.</p> <p>"Service" in relation to reckonable service, means salaried employment under a contract of service with an employer of a person who at the date of the employment is over 18 and under 70 years.</p> <p>"Service as a teacher" means service wholly in the capacity of a teacher or service mainly and primarily in the capacity of a teacher in which any other duties are educational and connected with the duties of that capacity.</p>
Teachers (Part Time) Superannuation Regulations 1967	1 December 1967	<ul style="list-style-type: none"> <li>• Introduction of part-time arrangements.</li> <li>• Part-time employment pensionable by election (teachers in primary and secondary schools)</li> <li>• These arrangements applied only to employment in schools and employment directly with the LEA to teach school age children. Teachers are required to have completed a minimum of one year's full-time pensionable employment before part-time employment can be pensionable.</li> </ul>
<a href="#">The Teachers' Superannuation (Amendment) Regulations 1970 SI 10</a>	1 May 1970	Part-time election extended to part-time teachers in colleges of education.
<a href="#">The Teachers' Superannuation Regulations 1976 SI 1987</a>	1 January 1977	Part-time election extended to certain teachers in FE establishments Part-time service definition: service under a contract providing for regular service which is less than full-time Maternity leave is pensionable provided that the member is receiving at least half pay.
<a href="#">The Teachers' Superannuation</a>	1 December 1978	Full-time service in independent schools and nursery schools is reckonable service if the schools are accepted schools.

<a href="#">(Amendment) (No 3) Regulations 1978 SI 1512</a>		
<a href="#">The Teachers' Superannuation (Miscellaneous Provisions) Regulations 1988 SI 387</a>	6 April 1988	Teacher, organiser or supervisor employed— (a) in an independent school which is for the time being recognised by the Secretary of State as a city technology college, or (b) in connection with a proposed independent school the proposals for which are for the time being recognised by the Secretary of State as proposals for a city technology college.” is in reckonable service.
<a href="#">The Teachers' Superannuation (Miscellaneous Provisions) (no 2) Regulations 1988 SI 816</a>	1 June 1988  Into force from 1 June 1988 but had effect from 6 April 1988	<ul style="list-style-type: none"> <li>• Membership of the scheme becomes voluntary – regulations 10 and 11. A member can elect to opt out (including a person who expects to enter employment) (from 6 April 1988). A person who has made such an election can opt in from 6 April 1988.</li> <li>• A member qualifies for benefits if they have 2 years pensionable service after 5 April 1988 or 5 years at any time.</li> </ul>
<a href="#">The Teachers' Superannuation (Amendment) Regulations 1988 SI 1374</a>	1 September 1988	Regulation 11 adds to the categories of full-time employment that are pensionable: Teachers in grant-maintained schools can continue to participate in scheme if the institution becomes part of a university.
<a href="#">The Teachers' Superannuation (Consolidation) Regulations 1988 SI 1652</a>	1 November 1988	<ul style="list-style-type: none"> <li>• Hourly paid teachers' (part-time and relief) service can be pensionable if employed in specific capacity and have made part-time election if the contract: <ul style="list-style-type: none"> <li>○ requires them to work for less than the whole of a working week and entitles them to remuneration at a rate expressed as a proportion of the annual rate for comparable full-time employment.</li> <li>○ provides employment in place of a person regularly employed and is a short term one which entitles him/her to remuneration expressed as a proportion of the annual rate for a comparable full-time employment.</li> </ul> </li> </ul>
<a href="#">The Teachers Superannuation</a>	1 October 1994	<ul style="list-style-type: none"> <li>• Regulation 4 provide that a person who is on maternity leave and entitled to be paid any contractual pay or statutory maternity pay can be in pensionable</li> </ul>

<a href="#">(Amendment) Regulations 1994</a> SI 1058		<p>employment. There is no qualification as to the amount of that remuneration or maternity pay.</p> <ul style="list-style-type: none"> <li>Regulation 21 makes changes to the list of employments pensionable without election - Teacher in a grant-maintained special school.</li> </ul>
Teachers' Pensions letter no 102	April 1994	Extraneous duties allowance – in residential establishments are pensionable – contributions must be deducted from 1 April 1994
<a href="#">The Teachers' Superannuation (Amendment) Regulations 1995</a> SI 2004	1 September 1995 (effect from 1 May 1995)	<p>New regulation B1: part-time employment in all pensionable employment (if the employee so elects) is on the same terms as full-time employment.</p> <p>Regulation 8 amends the definition of “part-time” to remove the requirement that remuneration must be expressed as a proportion of an annual, termly or monthly rate for full-time employment.</p> <p>Employment is “part-time” if the contract requires the employee to work for less than the whole of the working week ie hourly paid staff now pensionable – staff must elect to join</p> <p>New definition for relief teacher: a person in pensionable employment who is employed in place of a person regularly employed and whose contract is a short-term one.</p>
<a href="#">The Teachers' Pensions (Amendment) Regulations 1998</a> SI 2255	1 November 1998	<p>With effect from 1 September 1998, a local education authority is deemed to be the employer of every person employed in, or in connection with, a school maintained by it.</p> <p>Teacher employed by an Education Action Forum is in pensionable employment (Regulations 3, 9 and 13)</p>
<a href="#">The Teachers' Pensions (Amendment) Regulations 1999</a> SI 607	1 April 1999	Regulations 3, 6 and 7 make changes consequential on the new framework for maintained schools for which provision is made in Part II of the School Standards Framework Act 1998: to make it clear that from 1 April 1999 the local education authority will for pension purposes be regarded as the employer of teachers in grant-maintained schools.
<a href="#">The Teachers' Pensions (Amendment) Regulations 2000</a> SI 655	1 April 2000	<ul style="list-style-type: none"> <li>Regulations 3-5: Allows a teacher who is employed by a person performing functions on behalf of a local education authority to be a member of the TPS provided that the employer has been accepted by the Secretary of State for that purpose. (accepted function provider)</li> </ul>

		<ul style="list-style-type: none"> <li>• Regulation 7: new regulation under which full-time and part-time further employment after retirement may be pensionable upon making an election. (elected further employment). Effective from 1 April 2000.</li> </ul>
<a href="#">The Teachers' Pensions (Amendment) Regulations 2004 SI 587</a>	31 March 2004	<ul style="list-style-type: none"> <li>• Regulation 4: new regulation to regularise retrospectively the pension position of certain non-teaching staff who have, since 1 January 1977, although ineligible for membership, been contributing to the Scheme: organisers employed by a local education authority or an accepted function provider. (Those in service on 10 December 2003 were required to formally elect by 31 July 2004 if they wished to remain in the TPS. The elections only applied to the current employment; subsequent employment in a non-teaching/organiser post is not covered by the election and is pensionable in the LGPS).</li> <li>• Regulations 7, 8(4) and (5), 9, 12(3), 16(3), 17, 20(2) and 28(3) enable periods of paternity and adoption leave to be treated in the same way as periods of maternity leave.</li> </ul>
<a href="#">The Teachers' Pensions etc. (Reform Amendments) Regulations 2006 SI 3122</a>	1 January 2007	<ul style="list-style-type: none"> <li>• Part-time employment is pensionable without the person having to make an election.</li> <li>• Where the person was in part-time employment on 31 December 2006, the employment is not pensionable unless an election is made to this effect.</li> <li>• Where a person is in full-time employment and at the same time in part-time employment, the part-time employment is not pensionable.</li> <li>• Where a person is entitled to be paid a teacher's pension and takes up further employment, such employment will automatically be pensionable unless the teacher elects otherwise. Where a person was in such employment on 31 December 2006, the employment is not pensionable unless an election is made.</li> <li>• Special provisions relating to persons who go back to employment after retiring on ill health grounds (paragraph 2(d), 3(b) and 6 of Schedule 3). Active part-time teachers under normal pension age who retired on ill-health grounds before 1 April 1997. Such teachers are able to undertake limited teaching work without losing the entitlement to their ill-health retirement benefits but are excluded from re-joining until they reach their normal pension age.</li> <li>• The maximum age at which a person can be in pensionable employment is increased from 70 to 75.</li> </ul>

		<ul style="list-style-type: none"> <li>• Where a person enters pensionable employment for the first time on or after 1 January 2007, their normal pension age will be 65.</li> <li>• A person who was in employment on 1 January 2007 retains a normal pension age of 60. If such a person has a break of service of five years or less this will not affect his pension age. However, there are special provisions for a person who has a break of service of five years or more (defined as a person with mixed service).</li> </ul>
<a href="#">990</a> <a href="#">The Teachers' Pensions Regulations 2010</a>	1 September 2010	<ul style="list-style-type: none"> <li>• Regulation 7 provides that a person who is on adoption, maternity, paternity or parental leave is only in pensionable employment if the person is in receipt of at least half salary or statutory pay. (Pensionable employment for maternity leave was introduced in 1977 where the member was in receipt of at least half salary. From 1994 this was amended to at least half salary or statutory pay).</li> <li>• Regulation 12 - Specific provision for part-time employment between 8 April 1976 and 1 May 1995 to be pensionable. An election for this purpose must be made before 1 September 2012. Currently, if a person wishes such employment to be pensionable that person has to make a claim under the Equal Pay Act 1970 which is either litigated or settled. (Preston cases)</li> <li>• Regulation 13 provides for additional grounds for accepted schools - which are, broadly speaking, independent schools - to lose their accepted status.</li> <li>• Regulation 15 – paid parental leave is pensionable.</li> <li>• The amendments to the Teachers (Compensation for Redundancy and Premature Retirement) Regulations 1997 include an amendment raising the minimum age which has to be reached to be entitled to compensation under those Regulations from 50 to 55 (Schedule 11, paragraph 13(a)).</li> </ul>
<a href="#">The Teachers' Pensions (Amendment) (No. 2) Regulations 2012</a> <a href="#">SI 2270</a>	1 October 2012	<ul style="list-style-type: none"> <li>• The amendments make changes to the arrangements for members to opt into and out of the TPS to comply with Occupational and Personal Pension Schemes (Automatic Enrolment) Regulations 2010. Those Regulations prescribe arrangements, provided for by Chapter 1 of Part 1 of the Pensions Act 2008 for employers to enrol jobholders who are not active members of a pension scheme into a compliant scheme with effect from the auto enrolment date to process opt-out notices where these are received, and to re-enrol those who opt out at three-yearly intervals.</li> </ul>

		<ul style="list-style-type: none"> <li>• Regulation 4: the reduction of the minimum age for membership of the TPS from 18 to 16.</li> <li>• Regulations 6, 7 and 8: the power for a member to opt into and out of the TPS in respect of individual employment contracts.*</li> </ul>
Not applicable	1 December 2015	<p>*Contractual enrolment and pre-existing opt-outs</p> <p>It came to light that some employers were not contractually enrolling members for individual employment contracts from 1 October 2012. As a result, the Department for Education (DfE) issued the following statement:</p> <p>“The DfE clarified that there is no provision that links an opt-out made before 2012 to future contracts, although the opt-out remains valid for all contracts that began pre-2012. The DfE confirmed that, with effect from 1 December 2015, any person entering a new contract of employment must be contractually enrolled if they are eligible to be a member of the TPS, regardless of any previous opt-out”.</p> <p>Given the complexity of the regulations and the likely intentions of members, the DfE has also confirmed that they do not intend to revisit past cases where members may have remained opted-out since 1 October 2012, despite having a new contract of employment. There is provision in the regulations for a member to opt-in at any time, in respect of each contract of employment and had a teacher wanted to change their pensionable status it was open to them to do so. The requirement to contractually enrol teachers in accordance with TPS provisions does not negate the employer’s duty with regard to auto enrolment.</p>
<a href="#">The Teachers' Pensions (Amendment) Regulations 2014 SI 424</a>	1 April 2014	<ul style="list-style-type: none"> <li>• Introduction of new Fair Deal, a non-statutory policy issued by HM Treasury in October 2013.</li> <li>• The regulations extend access to the TPS for teachers, on the same terms as other members, who have moved from the public sector to an independent contractor by way of a compulsory transfer.</li> <li>• Regulations 3 and 4 provide that staff eligible to be in pensionable employment, but who are not in pensionable employment, will be treated as being in pensionable employment on the fair deal transfer date.</li> </ul>

		<ul style="list-style-type: none"> <li>Regulations 5 and 6 define the concepts of “accepted member”, “existing Fair Deal arrangement” (<a href="https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/81339/staff_transfers_145.pdf">https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/81339/staff_transfers_145.pdf</a>) “contracting scheme employer”, “fair deal transfer date”, “transferred services”, “accepted employer” and “Participation Agreement”. The obligations of an accepted employer and the circumstances that may result in a change in accepted employer status are also provided for.</li> <li>Regulation 7 extends pensionable employment to those teachers who have been transferred to the private sector.</li> </ul>
<a href="#">SI 512 The Teachers’ Pension Scheme Regulations 2014</a>	1 April 2015	<p>The Regulations establish a career average re-valued earnings scheme for the payment of pensions and other benefits to and in respect of teachers in England and Wales.</p> <p>Schedule 2 introduces buy out and faster accrual.</p> <p>Regulation 20: a person may be an active member in relation to more than one employment ie where a member of the career average scheme has a full time post and a separate part time post.</p> <p>Whilst overtime is pensionable under the career average scheme, this does not apply to teachers employed under the School Teachers’ Pay and Conditions Document (STPCD) because there is no provision for overtime in the STPCD.</p>
<a href="#">The Teachers’ Pensions (Miscellaneous Provisions) (Amendment) Regulations 2021 SI 805</a>	1 August 2021	<p>Phased withdrawal of independent schools</p> <p>A new provision for independent schools that no longer wish to participate in the TPS to freeze the TPS membership in the school at a particular point in time. Phased withdrawal allows existing staff to remain in the TPS, while new staff are not allowed to join the TPS.</p>
<a href="#">The Teachers’ Pension Scheme (Amendment) Regulations 2022</a>	1 April 2022	<ul style="list-style-type: none"> <li>The final salary sections of the TPS are closed on 31 March 2022</li> <li>All TPS active members are in the career average scheme on 1 April 2022</li> </ul>



<a href="#">TP factsheet – Who is eligible to join the Scheme?</a>	January 2022	The factsheet provides guidance on who is a teacher, organiser and executive head
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