



Scottish Public
Pensions Agency
Buidheann Peinnseanan
Poblach na h-Alba

Scottish Teachers' Pension Scheme: Proposed Changes to Membership Eligibility Criteria

Scottish Government Consultation Response

March 2025

1. Introduction

1.1. The Scottish Teachers' Pension Scheme (STPS) continues to be an integral part of the remuneration package for teachers in Scotland. Membership of the STPS is provided for individuals who are employed by a participating employer, predominantly in a teaching role. The STPS is the default pension scheme for all teachers working in local authorities and independent schools in Scotland. The STPS also extends to lecturers working in further education colleges and post-1992 universities.

1.2. Although eligibility is clear for most scheme members, there are some areas where clarity is required, and others which could usefully be updated to provide clear advice and guidance on scheme eligibility.

1.3. On behalf of the Scottish Ministers, the Scottish Public Pensions Agency undertook a consultation between 23 August 2024 and 15 November 2024 on proposed changes to the eligibility criteria.

2. Background

2.1. Historically, The Teachers' Superannuation (Scotland) Regulations 2005 ("2005 regulations") considered the definition of a teacher under the Scottish Teachers' Superannuation Scheme (STSS) to include persons who had "ceased to be a teacher, and an adviser". The inclusion of the term "adviser" provided that an individual could be considered eligible for scheme membership where they were employed in a role which included, to a substantial extent, the control or supervision of teachers, or where the post was connected to education or in services ancillary to education.

2.2. Eligibility for membership of the STPS is determined by the Teachers' Pension Scheme (Scotland) (No 2) Regulations 2014 ("the 2014 Regulations") which provide that scheme membership is extended to a "teacher" (in the ordinary meaning of the term) who is employed in eligible employment in a local authority school, independent school, special school, college, or university.

2.3. The 2014 Regulations do not expressly define the terms "teacher" or "adviser", however, power for making the 2014 Regulations is derived from the Public Service Pensions Act 2013 ("the 2013 Act") as overarching primary legislation, which allowed for the establishment of a pension scheme for "teachers" in Scotland.

2.4. Similarly to the provisions of the 2005 Regulations, the 2013 Act provides that alongside persons who are employed as teachers (in the ordinary meaning of that term), scheme regulations may extend to cover persons employed otherwise than as teachers:

- a) in a capacity connected with education which to a substantial extent involves the control or supervision of teachers, or

b) in employment which involves the performance of duties in connection with the provision of education or services ancillary to education, and **who are specified in scheme regulations.**

2.5. Schedule 1 of the 2014 Regulations considers the matter of pensionable employment and sets out which employments are eligible for membership of the STPS; however, the regulations haven't been effective in providing clear criteria demonstrating who can be a member of the scheme.

2.6. As a result of the difficulties experienced in determining who is eligible to join the STPS, SPPA committed to review the eligibility criteria for scheme membership and made a formal request to the Scottish Teachers' Pension Scheme Scheme Advisory Board ('the SAB') for advice. The SAB initiated a sub-group to review the membership eligibility criteria and to consider a range of issues with eligibility across all relevant education settings.

2.7. The Consultation proposes to specify in regulations which roles are eligible for scheme membership where the role would not be regarded as teaching role, in the ordinary meaning of the term. The proposals also seek to provide additional clarity as to what teaching and lecturing roles are eligible in local authorities, and in further and higher education.

3. Summary of proposals

3.1. The following is a summary of the key proposals in the consultation document.

3.2. Based on the recommendations from the SAB and subsequent discussions with HMT officials, SPPA propose to amend STPS rules to provide clarity on who is eligible to be a member of the STPS.

3.3. The proposals aim to clarify and extend eligibility in the following five key areas:

i. Posts detailed in the Scottish Negotiating Committee for Teachers (SNCT) Handbook

3.4. To provide clarity to employers on who is eligible to join the STPS, it is proposed to include all roles covered by the SNCT Handbook. The applicable roles are:

- Teacher;
- Chartered/Lead/Principal/Depute/Head Teacher;
- Music Instructor;
- Educational Psychologist
- Senior / Depute Principal / Principal Educational Psychologist;
- Education Support Officer;

- Quality Improvement Officer; and
- Quality Improvement Manager.

ii. Individuals who move from lecturing to research roles in Higher Education Institutions (HEI)

3.5. The consultation proposed to extend eligibility to researchers within Higher Education Institutions (HEI), where the researcher was previously a member of STPS in a lecturing role, providing continuity of pension provision.

iii. Lecturers in Further Education

3.6. To provide clarity to employers, it was proposed to amend the word 'teacher' to 'lecturer' within the scheme regulations relating to further education. This will ensure that only lecturers, and not other support staff within further education, are eligible for STPS membership.

iv. Secondments

3.7. Where an existing member of the STPS is seconded to an educational role, it was proposed that they may retain eligibility to continue STPS membership during that secondment, up to a maximum period of four years, ensuring continuity of pension provision.

v. Senior Manager Posts in Local Authorities, Further Education Colleges and Universities

3.8. Where an existing member of the STPS is promoted to a management post connected to the control and supervision of teachers, it was proposed that they may retain eligibility to continue scheme membership in that management post. This would provide continuity of pension provision and reduce barriers to recruitment and retention of senior staff.

4. Consultation Process

4.1. The proposals were subject to public consultation which began on 23 August 2024 and closed on 15 November 2024. The consultation sought views on the proposed changes to membership eligibility criteria and the rationale for those changes.

4.2. A consultation document, [Scottish Teachers' Pension Scheme - Consultation on Proposed Changes to Membership Eligibility Criteria](#) and response form were published on www.pensions.gov.scot with responses invited by way of a response form returned via email or post to the SPPA.

5. Summary of Respondents

5.1. A total of 13 consultation responses were submitted to SPPA, with two responses from scheme members, five responses from employers, four from trade unions and employer associations and one from a local authority Human Resources Manager.

6. Summary of Responses

6.1. SPPA are grateful to the individuals and groups who had taken the time to respond to the consultation, and welcome the views, additional insight and evidence provided to illustrate the impact that the proposals would have, not only on individuals and institutions, but to the wider profession.

6.2. The questions included in the consultation and a summary of responses received are set out in the following section:

Q1. Do you agree or disagree with the proposal for all posts detailed in the SNCT Handbook to be eligible for membership of the STPS?

Responses	Percentage
Agree	69%
Disagree	0%
Do not Know / No Response	31%

6.3. Based on the feedback received from participants in the consultation, all who shared their opinions supported the proposal to broaden the range of positions eligible for STPS membership to include all posts detailed in the SNCT Handbook. Among those who responded with "do not know/no response," half indicated that the question was not relevant to the further/higher education sector.

6.4. The National Association of Schoolmasters Union of Women Teachers (NASUWT) expressed its stance, which other respondents have agreed to in principle and which has the backing of the University and College Union (UCU), an organisation without members in the school sector. They stated that "all positions outlined in the SNCT Handbook should be eligible for membership in the STPS."

6.5. The Educational Institute of Scotland (EIS) felt that consideration should be given to "*previous historic arrangements and actions of employers to ensure that no current or existing members are moved to the STPS where those individuals will suffer a financial detriment*", adding that "*should be the case for all current posts as well as any posts covered by the SNCT in the future*".

Scottish Government Response

6.6. The Scottish Government welcomes the broad support for the proposal to define eligibility for STPS membership around posts detailed by the SNCT

Handbook; accordingly, the proposals will be taken forward as set out in the consultation document.

6.7. The Scottish Government note that while scheme membership can be extended to music instructors who are covered by the SNCT terms and conditions, this does not extend to self-employed music instructors. Further detailed guidance will therefore be issued following the conclusion of the consultation for members and employing authorities to provide clarity surrounding the updated rules on scheme membership eligibility.

6.8. As outlined in the consultation, we will allow existing members of the STPS whose current post may not meet the updated eligibility criteria to remain in the scheme until they leave their current post. Similarly, transitional arrangements will be put in place to protect those members currently contributing to the Local Government Pension Scheme (LGPS) who subsequently become eligible to STPS membership allowing them to continue membership of that scheme, if they wish, until they leave that post.

6.8. The Scottish Government highlights the rationale for specifying the individual roles within the regulations, rather than referring to all posts detailed in the SNCT handbook, due to the SNCT handbook being a non-statutory document that is subject to change and revision. It is acknowledged that the regulations may need to be amended in the future should any job titles be amended or new roles created.

Q2. Do you agree or disagree with the proposal to extend eligibility for those who move from a lecturing role (where they are a member of the scheme) to a research role in Higher Education Institutions (HEI)?

Responses	Percentage
Agree	46%
Disagree	0%
Do not Know / No Response	54%

6.9. 31% of respondents (4 out of 13) stated that as they did not operate or employ staff in this area the question was not applicable to their circumstances, a further 3 respondents (23%) did not provide comment.

6.10. The remaining respondents, including NASUWT, UCU and EIS expressed unanimous support for the proposal. UCU commented that *“while there are unlikely to be large numbers of staff in this position, it is worth having clarity for those who do move from a lecturing or teaching role to a research focussed role, that this remains an academic position, and such employees should remain eligible for the STPS”*.

6.11. UCU felt that as research staff in HEIs tended to be under the age of 40 and were younger than those working in academia there was merit to ensuring that this

group had access to a “*decent defined benefit pension*”. This was echoed by EIS who noted their agreement of this principle.

6.12. In their response, the Universities and Colleges Employers Association (UCEA) commented that the proposal should apply whether staff change roles within a single institution or between institutions, and highlighted the importance of allowing membership retention for staff transferring from institutions outside Scotland, with membership of the Teachers’ Pension Scheme (TPS) in England and Wales, to help avoid potential recruitment issues.

Scottish Government Response

6.13. The Scottish Government note the general support from staff associations to allow members moving from lecturer to research roles in a college of further education or institution providing higher education to remain in the STPS and the concerns surrounding the ability to retain scheme membership when transferring between institutions, or across UK nations.

6.14. The Scottish Government acknowledge the point raised surrounding the ability of employees to retain scheme membership following cross-border moves and can confirm that staff moving from lecturing posts in TPS institutions in England, Wales and Northern Ireland will be able to continue scheme membership in the STPS should they take up a researcher role in an STPS institution. To retain membership of the scheme, those members must have previously been a member of the STPS or corresponding scheme in England, Wales or Northern Ireland immediately before taking up that role, or within twelve months of leaving such employment.

6.15. Therefore, we intend to proceed with the proposal of extending eligibility to cover staff who move from a lecturing role to a researcher role within a college of further education, or institution providing higher education.

Q3. Do you agree or disagree with the proposal to clarify that only lecturers in Further Education Institutions should be included for STPS eligibility?

Responses	Percentage
Agree	46%
Disagree	0%
Do not Know / No Response	54%

6.16. Like Question 2, a portion of the respondents deemed the question irrelevant to their circumstances. Specifically, 31% of them do not have staff in that area, and an additional 23% chose not to respond.

6.17. Of the responses received, broad agreement to the proposals was conveyed although 2 respondents (15%) did not elaborate further; West Lothian College

echoed NASUWT in agreeing with the proposal but felt that a caveat should apply whereby lecturers moving to management roles retain scheme eligibility along with *"employees who are currently in management roles in colleges in the STPS scheme"*.

6.18. EIS and UCU held broad agreement with the proposals and felt, as suggested by EIS that *"consideration must be given to those being promoted to lecturing or from lecturer posts to take account of previous or future pension arrangements."*

Scottish Government Response

6.19. The Scottish Government welcome the positive feedback received to the proposal to clarify that lecturers employed in the further education sector are eligible for membership of the STPS ensuring that other support staff are not enrolled into the scheme. We intend to proceed with the proposal as set out in the consultation document.

6.20. The Scottish Government note the comments from both employers and staff associations regarding the desire for continuity of pension provision where a lecturer is promoted to a management role within the further education sector. In line with the proposal to allow teachers who are promoted to a senior management post involved in the control or supervision of teachers, we confirm that a lecturer who is promoted to a management position connected to the control or supervision of lecturers may also retain membership of the STPS.

Q4. Do you agree or disagree with the proposal for secondments of up to four years to be included for STPS eligibility?

Responses	Percentage
Agree	77%
Disagree	8%
Do not Know / No Response	15%

6.21. A 92% response (12 of 13) was received to this question, with 10 respondents (77% of the overall number of respondents) agreeing with the proposals. Responses from employers were positive, with West Lothian College commenting that this could *"provide consistency and clarity to employees and ... avoid deterring STPS members from undertaking secondment opportunities."* West Dunbartonshire Council agreed with the proposals but felt that STPS eligibility should be retained subject to a link to education.

6.22. The sole dissenting view was provided by Falkirk Council who felt that a duration of four years risked *"establishing permanency"* and impacted *"stability for backfill arrangements,"* adding that *"arrangements should be restricted to secondments to only 23 months"*.

6.23. EIS commented that while it agreed, “members *should be made aware of the alternative pension arrangements that are available and the impact on their circumstances (final salary service).*”

Scottish Government Response

6.24. The Scottish Government welcome the broad support for this proposal and acknowledge concerns raised that allowing secondments of up to four years to be included for STPS eligibility risks “*establishing permanency*” and would impact “*stability for backfill arrangements.*”

6.25. However, secondment length is determined by an employing authority in relation to business needs, and in accordance with the terms and conditions of employment. While it is acknowledged that most secondments may be for a maximum length of 23 months, it is understood that scheme employers may have a need to engage an employee on secondment for a period lasting longer than this.

6.26. By allowing scheme membership where an employee undertakes an extended secondment of up to four years, we are ensuring that pension scheme membership does not become a barrier to individuals taking on secondment roles and provides greater certainty surrounding pension accrual during that period.

6.27. The comments provided by the EIS have been noted. It should be highlighted that the aim is to maintain continuity of pension provision for teachers whilst on secondment until they return to their substantive role, ensuring no interruption to pension contributions and accrual.

6.28. Accordingly, the proposals will be taken forward as set out in the consultation document.

Q5. Do you agree or disagree with the proposal for senior manager posts connected to the control or supervision of teachers to be included for STPS eligibility?

Responses	Percentage
Agree	92%
Disagree	0%
Do not Know / No Response	8%

6.29. 92% of respondents expressed broad agreement with the proposals, with a number of responses indicating that such a move would assist with recruitment and retention of staff and succession planning, for example West Lothian College indicated the move could allow a “*uniform approach across the college sector*” and help avoid deterring “... *current STPS members from applying to management posts*”. While a significant majority of responses agreed with the proposals, 15% of respondents who agreed in principle also felt that additional clarity surrounding the proposals and the roles covered would be beneficial to avoid “*inconsistencies*”.

6.30. Despite broad agreement, 8% (1 employer) felt that eligibility should be restricted to seconded posts meaning the member was in "the scheme they were on in their previous role, not for permanent jobs on other conditions (SJNC)". This respondent felt that restricting employees to the pension scheme corresponding to their substantive post would allow "continuity in one scheme and save additional work transferring between schemes."

6.31. From a Union perspective, UCU highlighted the possible career progression of higher education lecturers and stressed the importance of allowing retention of STPS membership throughout an individual's career progression to allow members to continue in the scheme and avoid their STPS service ending.

6.32. EIS noted their agreement subject to the same consideration being given to ensuring members were made aware of alternative pension arrangements and the impact on the circumstances.

Scottish Government Response

6.33. The Scottish Government welcome the broad agreement amongst respondents to this proposal and share the view that extending STPS membership to senior manager posts as outlined can assist with the retention and recruitment of staff. It is acknowledged that a uniform approach is required to avoid future inconsistencies, and this will be dealt with by the provision of guidance notes.

6.34. The Scottish Government share the views put forward by UCU that allowing members to remain in the STPS following progression to a senior management role can encourage staff to develop their careers without the need to end membership of the scheme. Further, it is considered that this will benefit members by allowing for certainty surrounding future pension accrual for those moving into senior management posts, and the scheme by encouraging staff to remain in the scheme.

6.35. It should be highlighted that in order to retain membership of the scheme, those members promoted to a senior manager position must have previously been a member of the STPS or corresponding scheme in England, Wales or Northern Ireland immediately before taking up that role, or within twelve months of commencing that role.

6.36. The Scottish Government note the employer and EIS views regarding alternative pension arrangements and would comment that the intention is to provide continuation of current pension arrangements where an existing member of the STPS is promoted to a management role to avoid those members accruing multiple pensions with different pension arrangements due to changing roles.

6.37. We therefore intend to proceed with the proposal as set out in the consultation document.

Q6. Do you agree or disagree that the proposed draft amending regulations deliver the policy objectives?

Responses	Percentage
Agree	69%
Disagree	0%
Do not Know / No Response	31%

6.38. Overall, while 69% of respondents felt that the draft amending regulations delivered the policy objectives, 15% felt that clarity and further guidance was required in respect of members retaining membership of STPS until leaving their current role. More specifically, questions were raised surrounding agreements in place for LGPS administrators, also surrounding the possibility of Music Instructors and Quality Improvement Managers (QIMs) to remain in the LGPS or if they would be required to move schemes.

6.39. While UCU agreed with the majority of the proposed amending regulations, they recommended further amendments relating to Regulation 15B on research staff to *"clarify that researchers moving from a role within their existing employer to a research role in the same employer could remain in the scheme if they were in STPS"*. The suggestion to further amend the regulations was echoed by West Lothian College who felt that Regulations 15C and 15D should be expanded to include reference to Lecturers.

Scottish Government Response

6.40. The Scottish Government is grateful for the responses received on the proposed amending regulations.

6.41. The Scottish Government note that clarity is required for those members currently contributing to the STPS who do not meet the updated eligibility criteria. We can confirm that those members may retain membership of the STPS, if they wish, until they leave their current role, and further guidance will be provided by the SPPA confirming the arrangements for members in this scenario.

6.42. Likewise, transitional arrangements are planned for LGPS regulations to cover those members currently contributing to the LGPS scheme who become eligible for STPS membership because of the changes to eligibility criteria, allowing those members to continue membership of their existing scheme, if they wish, until they leave that post.

6.43. Additionally, the amending regulations will be updated taking account of the comments from UCU to clarify that a lecturer moving to a research role within further or higher education may retain membership of STPS, providing they were a member of the STPS or another comparable scheme in England, Wales or Northern

Ireland immediately prior to taking up that role, or within twelve months of commencing that role.

6.44 The regulations will be amended to include the definition of “immediately before” in relation to teachers/lecturers who move to a research or senior manager role, meaning a break of not more than twelve months before the commencement of the relevant employment. This will provide a clear timescale and allow a small degree of flexibility where a teacher/lecturer has a short break in employment between leaving one post and taking up another post.

6.45. SPPA will work with stakeholders to develop supporting guidance for employers and scheme members to ensure that they are aware of the changes.

Q7. Are there any other considerations or evidence that you think should be considered when assessing any equality issues arising because of the proposed changes?

6.46. NASUWT welcomed the expected increase in the number of STPS roles available and the clarification surrounding the extended accrual periods when members are on secondment.

6.47. Of the responses received to the Consultation, 38% did not identify any other considerations or evidence which should be considered affecting equality issues.

6.48. There was some concern surrounding member eligibility to remain in the scheme following implementation of the new regulations, with 31% noting some concern when viewed against current LGPS scheme rules.

6.49. EIS commented that the proposals should be considered alongside other scheme rules, specifically those in the LGPS and quoted direction from Strathclyde Pension Fund (SPF) that employees who were eligible to join, e.g. the STSS were not allowed to join the LGPS. Dundee City Council further commented that some members in LGPS would move to STPS under the proposals and called for clarity to be given within the regulations *“if the transfer will be automatic for them or will Page 9 of 12 transitional arrangements be made”*, adding that previously accrued final salary benefits could be impacted by the move.

6.50. West Dunbartonshire Council continued this theme calling for clarity regarding *“any action to ‘move’ instructors into the ‘correct scheme’”* given that most employees were in the LGPS. WDC raised a concern that confusion surrounding the enrolment of roles could result in a situation where a music instructor who was not GTC registered could *“face ejection from the scheme, whether they move roles or not”* and felt that further consideration could be given to extending eligibility *“to include all music instructors as connected to teaching, whether GTC registered or not”*. WDC added that possible situations could exist whereby a self-employed music instructor was eligible for permanency and sought

clarification surrounding the course of action if that employee were employed and eligible for scheme membership.

6.51. UCEA asked SPPA to, *“demonstrate that they have considered the possibility of an equal pay claim being raised if different individual employees cannot be offered the same remuneration package due to the eligibility requirements being considered for STPS membership.”*

6.52. We will look to cover this point in the final EQIA, however, our initial assessment is that the overall effect of these changes is neutral, or positive, and consider that the proposals are likely to reduce unequal treatment between persons in comparable roles.

6.53. One respondent raised concerns that current scheme members working in national level roles could be impacted and commented that greater certainty could be afforded to current members by recognising that current STPS members would not be disadvantaged.

6.54. In their answer, UCU expanded on their answers regarding research staff, providing a range of statistics relating to age and ethnicity and noting that these were important equality considerations when ensuring research staff have access to *“a decent defined benefit pension scheme.”*

Scottish Government Response

6.55. The Scottish Government is grateful for the feedback received in relation to the Equality Impact Assessment. An initial equality impact assessment was set out in the consultation document and respondents were asked to identify any further considerations and evidence which should be considered in the assessment of equality issues.

6.56. The comments from West Dunbartonshire Council relating to music instructors have been noted. The Scottish Government can clarify that all music instructors who are covered by the SNCT terms and conditions and are employed by a public school or education authority are eligible for membership of the STPS under the amending regulations. However, this provision does not extend to self-employed music instructors. SPPA will provide further detailed information and guidance to stakeholders.

6.57. The Scottish Government note the comments of the EIS and have considered the interaction between the STPS and LGPS. As such, there will be transitional provision to allow members to remain in their current scheme until they leave that post to avoid members being automatically moved in or out of the STPS on the date the new regulations come into force.

6.58. Those members who become eligible for or cease to be eligible for membership of the STPS because of the amendments may opt out of their current

pension scheme and to join the scheme that they are entitled to prior to leaving that post if they choose to do so.

6.59. The useful statistics provided by the UCU in their consultation response in relation to research staff will be considered and considered when publishing the final Equality Impact Assessment.

7. Other Considerations

7.1. As part of the consultation process, consideration was given to existing members of the scheme who are employed by the General Teaching Council for Scotland (GTCS). It is understood that all new employees of the GTCS are entered into the Local Government Pension Scheme under the terms and conditions of their employment. However, there are currently a small number of existing GTCS employees who are members of the STPS. We can confirm that those members may continue their membership of the scheme for the duration of that post, linked to the transitional protection noted above.

7.2. Consideration was also given to staff employed by Higher Education Institutions in Scotland but based outwith Scotland. The Scottish Government can confirm that under the existing regulations, eligibility for STPS membership is determined based on the employment held by the individual, rather than the physical location of that employment and no changes are required in this scenario.

7.3. The impact the proposed changes have on auto enrolment and automatic re-enrolment been considered. Where a member is eligible to join the scheme by virtue of their job role as specified in 3.4 and 3.6, employers must ensure that those members are enrolled into the Scottish Teachers' Pension Scheme on commencing employment and periodically thereafter as part of the automatic re-enrolment duties.

7.4. For researchers, secondments and senior management posts which are dependent on previous membership of the STPS and on those members not incurring a break in membership of greater than twelve months prior to commencing the relevant employment. The entitlement is established at the date the member commences that role. If they meet the entitlement criteria but then opt out, those members also require to be re-enrolled into STPS at every required enrolment date.

8. Conclusion

8.1. The Scottish Government is grateful for the responses received to the consultation and the constructive discussions with the Scheme Advisory Board in reaching this point.

8.2. Therefore, the Scottish Government intends to proceed with the proposals to amend scheme regulations clarify entitlement to membership of STPS to include the following:

- All roles covered by the SNCT Handbook including: Teacher; Chartered/Lead/Principal/Depute/Head Teacher; Music Instructor; Educational Psychologist/Senior/Depute/Principal; Education Support Officer; Quality Improvement Officer, and Quality Improvement Manager.
- Individuals who move from lecturing to research roles in Higher Education Institutions (HEI)
- Lecturers in Further Education
- Secondments
- Senior Manager Posts in Local Authorities, Further Education Colleges, and Universities

8.3. The Scottish Government will now proceed to lay before the Scottish Parliament a statutory instrument to give effect to the changes as confirmed in this document that will amend scheme regulations from 1 August 2025 taking account of the parliamentary timetable and to be in place for the start of the 2025-26 academic year.

8.4. The SPPA as scheme administrator will publish detailed guidance to assist in the implementation of the changes.