POLICY NOTE

THE TEACHERS' PENSION SCHEME (SCOTLAND) (AMENDMENT) REGULATIONS 2025

SSI 2025/152

The above instrument was made in exercise of the powers conferred by sections 1(1) and (2)(d) and 3 of, and paragraph 4(b) of schedule 2 of, the Public Service Pensions Act 2013. The instrument is subject to negative procedure.

Summary Box

The purpose of this instrument is to make changes to the Teachers' Pension Scheme (Scotland) Regulation (no. 2) 2014 to amend the eligibility criteria for membership of the Scottish Teachers' Pension Scheme from 1 August 2025.

Policy Objectives

The purpose of this instrument is to update and amend The Teachers' Pension Scheme (Scotland) Regulation (no.2) 2014.

The aim of this instrument is to provide clarity on who can be a member of the Scottish Teachers' Pension Scheme (STPS). The STPS is the default pension scheme for all teachers working in local authority and independent schools in Scotland. It also extends to lecturers working in further education colleges and post-1992 universities. Non-academic staff are not eligible.

The amendments in this instrument provide clarity on the eligibility criteria in five key areas:

Local Authority Schools

The instrument clarifies and extends eligibility to membership of the STPS to all posts covered by the Scottish Negotiating Committee for Teachers (SNCT) terms and conditions. The applicable roles covered by the SNCT Handbook are Teacher; Chartered/Lead/Principal/Depute/Head Teacher; Music Instructor; Educational Psychologist/Senior/Depute/Principal; Education Support Officer; Quality Improvement Officer, and Quality Improvement Manager.

Researchers in Higher Education

The amendments extend eligibility to researchers in post-1992 institutions who have previously worked as lecturers and include staff at UK satellite campuses.

Further Education

The scheme is designed for lecturers who are delivering frontline teaching and where timetabled classes or lectures to take up most of their role. There are some support staff employed within further education institutions, whose roles include an element of teaching, however, lecturing or teaching is not the primary purpose of their role and, therefore, they should not be eligible for membership of the scheme. The instrument amends the term

‘teacher’ to ‘lecturer’ in scheme regulations to clarify that, within further education institutions, only lecturers are eligible for membership of the STPS.

Secondments
A consistent and uniform approach was required to accommodate secondments within the STPS. The instrument extends eligibility for STPS membership to cover secondments where a teacher is seconded to another educational role, up to a maximum period of four years.

Senior Managers
Over a considerable period of time, the education sector has seen the introduction of many management posts which are relevant to education, but do not themselves involve direct face-to-face teaching. The instrument clarifies that where a current member of STPS is promoted to a post connected to the control or supervision of teachers, they are eligible to retain membership of the STPS.

UN Convention on the Rights of the Child (Incorporation) (Scotland) Act 2024 Compatibility
The Scottish Ministers have made the following statement regarding children’s rights.

In accordance with section 23(2) of the United Nations Convention on the Rights of the Child (Incorporation) (Scotland) Act 2024, the Scottish Ministers certify that, in their view, the Teachers’ Pension Scheme (Scotland) (Amendment) Regulations 2025 is compatible with the UNCRC requirements as defined by section 1(2) of the Act.

EU Alignment Consideration
This instrument is not relevant to the Scottish Government’s policy to maintain alignment with the EU.

Consultation
To comply with the requirements of section 21(1) of the Public Service Pensions Act 2013 a formal policy consultation took place from 23 August 2024 to 15 November 2024. In particular, representatives of Teachers’ employers and employees in Scotland, other Scottish Government interests and UK Government departments were consulted. A total of 13 consultation responses were received: six from employers, four from trade unions and employer associations, and two responses from scheme members. All the proposals received widespread support from stakeholders who responded to the consultation. Four out of five of the proposals received 100% support from respondents who expressed a view and one of the proposals was supported by 11 out of 13 respondents. Not all respondents gave a view on each question.

While respondents were supportive, they did raise concerns about some aspects of the proposals. In particular they sought clear timescales about how long before entering a senior manager role, members were required to have been in the STPS and if previous membership of the Teachers’ Pension Scheme (TPS) in England and Wales would allow eligibility in the same way. Respondents also asked for clarity on the position with individuals who become eligible/ineligible for the STPS in their current role because of these changes.

Amendments have been made to reflect the related issues raised by respondents to the consultation. The instrument includes a time limit on members moving to research or senior manager roles, ensuring that those commencing the role within 12 months of being a member of the STPS or TPS can retain eligibility. Transitional protections will also be included for members who are newly eligible/ineligible for the STPS because of the changes, and they will be allowed to remain in the STPS or the Local Government Scheme, if they choose, until they leave their current role. Therefore, the proposals were taken forward as set out in the consultation.

Impact Assessments

An equality impact statement in respect of The Teachers' Pension Scheme (Scotland) (Amendment) Regulations 2025 was prepared and was included with the consultation response document, available on the [1]SPPA website.

Financial Effects

The Minister for Public Finance confirms that no BRIA is necessary as the instrument has no financial effects on the Scottish Government, local government or on business.

Scottish Public Pensions Agency
An Agency of the Scottish Government

9 May 2025

[1] https://pensions.gov.scot/teachers/scheme-governance-and-legislation/consultations