



Irish National Teachers' Organisation
Cumann Múinteoirí Éireann

Vere Foster House
23-24 College Gardens,
Belfast BT9 6BS

Phone: 028 90 381455

Email: infoni@into.ie

Web: www.into.ie

Twitter: INTO_NI

Facebook: [@intonorthernoffice](https://www.facebook.com/intonorthernoffice)

Department of Education
Pensions Policy
Teachers' Pay & Pensions Team
By email: pensionspolicy@education-ni.gov.uk
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Northern Secretary:
Mark McTaggart

The Irish National Teachers' Organisation's (INTO) Response to the DE Consultation 'Northern Ireland Teachers' Pension Scheme: Transitional Protection Regulations Consultation'

Introduction

The Irish National Teachers' Organisation (INTO), is the largest teaching union in Ireland, with over 50,000 members and presently represents over 7200 teachers across all educational sectors in Northern Ireland. INTO has over the past number of years made various interventions and representations on the issue of public sector and teacher pension reform. As such we welcome the opportunity to respond to this consultation exercise given that teacher pensions are pivotal to ensuring a viable and committed teaching profession who feel valued and supported.

The INTO welcomes the recognition of the discriminations contained in the 2014 Act and the reforms to address those and welcomes the opportunity to respond to the NITPS, Transitional Protection Regulations Consultation.

The INTO Response is detailed below:

Q1. Do you agree with the policy approach that is proposed in the consultation document for the NITPS to address the identified discrimination with the transitional protection arrangements?

The INTO mostly agrees with the policy approach to address the identified discrimination with the transitional protections. However INTO reiterates the profound disagreement with the policy approach by the Treasury to redirect the benefits of the Cost Cap arrangements from the 2016 valuations to pay for the outcome of the redress, following the McCloud judgement.

Q2. Do the draft regulations achieve the policy aims as described in the consultation document?

The INTO believes the draft regulations do achieve the policy aims as described in the consultation document. The regulation to provide all eligible members of the scheme with an RSS, which will incorporate their ABS, within 18 months of 1 October 2023 and annually thereafter to active members is welcomed. This will provide scheme members with the information they require to make informed decisions about

their pensions going forward. Scheme members will need to be clearly informed of the timescales involved here to address expectations accordingly.

Q3. Are any other scheme regulations required to achieve the stated policy aims?

There is a lack of information in the consultation document in relation to Phased Retirement and any implications arising from when a scheme members may have taken, their first, second or subsequent phased retirement. Clarification is required on this and whether any other scheme regulations are required in this context.

Q4. Are there any other comments regarding the draft regulations?

The INTO agrees with 'Rollback', where eligible members are 'rolled back' from CARE to their legacy scheme for the period of 1 April 2015 to 31 March 2022 or part thereof.

The INTO is of the view that members who opted out of the scheme due to the discrimination should not have to provide evidence and questions what evidence they could be asked to provide as they were not required to provide this information at the time of opting out. All such members should be given the opportunity to opt-in again as the payments that will be required to make up the missed payments should be evidence enough of their intent.

The INTO does not agree that teachers should be required to pay interest on amounts owed to the scheme as a result of the retrospective remedy. These amounts occur as a result of the Governments' unlawful discrimination from 2015, which teachers, along with other public sector workers opposed at the time. The INTO does agree that members should receive the interest they would have received had their been no unlawful discrimination enforced by the Government.

The INTO supports the option for DE to waive a debt or reduce payments in limited scenarios, but highlights that the grounds for this discretion need to be made clear to members to ensure there is equality in the implementation of it.

The INTO is very aware of the complexity involved in the implementation of these regulations and that members' understanding will differ greatly in many ways. It is therefore critical that a clear information campaign is rolled out, preferably in conjunction with the teacher unions to ensure delivery of the same messages.

The INTO is also concerned that the level of financial support and advice that will be required by members to understand the rolling out of these regulations is beyond that currently available to public sector workers in Northern Ireland (as all public sectors are similarly affected by the McCloud judgement). The INTO would therefore request that DE, possibly in conjunction with other public sector departments submit a bid to Treasury for funding to facilitate this provision.

Q5. Overall, do you agree with the draft regulations included in the consultation document?

Taking into account the comments made above, the INTO is in overall agreement with the draft regulations included in the consultation document.