

Written questions, answers and statements

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Public service pensions, survivor benefits for opposite-sex widowers and surviving male civil partners.

Statement made on 20 July 2020

Statement UIN HCWS397

Statement made by

	<p>Steve Barclay The Chief Secretary to the Treasury Conservative</p> <hr/> <p>North East Cambridgeshire</p>	>
		Commons

Statement

The government is committed to providing public service pensions that are fair for public sector workers and for taxpayers. The government's position remains that benefit entitlements should normally be determined based on the rules applicable at the time the member served, to maintain fairness for active scheme members and the taxpayer.

Following the *Walker v Innospec* Supreme Court ruling, the government decided that in public service schemes, surviving male same-sex and female same-sex spouses and civil partners of public service pension scheme members will, in certain cases, receive benefits equivalent to those received by widows of opposite sex marriages. The exception to this is in specific schemes where, in the past, improvements in female members' survivor benefits have involved female members making employee contributions or increasing them.

A case brought in the Employment Tribunal against the Secretary of State for Education earlier this year highlighted that these changes may lead to direct sexual orientation discrimination within the Teachers' Pension Scheme, where male survivors of female scheme members remain entitled to a lower survivor benefit than a comparable same-sex survivor.

The government has concluded that changes are required to the Teachers' Pension Scheme to address the discrimination. The government believes that this difference in treatment will also need to be remedied in those other public service pension schemes, where the husband or male civil partner of a female scheme member is in similar circumstances.

Departments responsible for the administration of affected schemes will consult on and take forward changes as soon as possible. Schemes will notify their members of changes and any actions they need to take.

Statement from

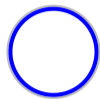
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[Lord Agnew of Oulton](#)
Lords Spokesperson
Conservative, Life peer

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