**Scottish Teachers Pension Scheme – EIS Consultation Response**

**Consultation on Implementing the 2015 Remedy**

1. Immediate choice and Deferred choice – Do the proposals in this consultation achieve the policy intention of giving all eligible members a choice of retirement benefits for the remedy period?

The EIS agrees that the draft legislation achieves the policy intention to provide all obviously eligible members a choice of retirement benefits for the remedy period. We would want to ensure that there is a robust process for members to challenge any eligibility decision or exclusion.

 2. Remediable Service Statements – Do the policy proposals in relation to scheme members’ receiving an RSS achieve what is required in the PSPJOA 2022 and PSP Directions 2022?

The issue of RSS to members achieves what is required in the directions but would wish to ensure that the content of the statements can be reviewed or modified to ensure clear understanding of the detail.

 3. Deferred Choice - Does the proposed deferred choice (DC) election period of 12 months from when the RSS is issued seem reasonable, in that it gives eligible members a suitable window to make a decision with consideration for the proximity to retirement and administrative considerations?

This proposal does seem reasonable but would also expect there to be a mechanism for the election period to be extended to take account of financial circumstances, health issues or other life events during the period.

 4. Deferred Choice - Does the proposed deferred choice (DC) election period of 12 months from when the RSS is issued seem reasonable, in that it gives eligible decision-makers enough time to make a DC decision taking into account the administrative requirements and the emotional impact of bereavement?

This proposal does seem reasonable but would expect there to be a mechanism for the election period to be extended to take account of financial circumstances, health issues or other life events during the period.

 5. Deemed Election – Do you agree with the proposal for when and how a deemed election may be made? If not, please say why.

This seems a reasonable default position but there should be a mechanism for members to defer the decision further in circumstances where there are health issues that would prevent the member or their representative being able to make this decision.

 6. Added pension – Do the policy proposals for members with added pension ensure that all eligible members are given the same opportunity?

This proposal would give members ample opportunity. Communication on the one year period from the issue of RSS should be made clear at the time of issue.

7. Ill-health retirement – Does the proposal for ill health retired members meet the requirements in the PSPJOA 2022?

The proposal for ill health retirement members would meet the requirements subject to careful consideration of individual circumstances particularly where there are contingent decisions that could further impact pension calculation.

 8. Contingent decisions – Do the proposals for contingent decisions adequately provide members with an opportunity to revisit the listed pension-related decisions taken during the remedy period?

The EIS agrees with the proposals in principle but would welcome further detail on the process and timescales and guarantees that the existing timescales for the IDRP process are adhered to.

 9. Divorce and dissolution – Do the proposals for the treatment of pension sharing align with the requirements of the PSPJOA 2022?

The proposals set out align with the requirements.

 10. Survivor benefits and child pensions – Does the proposed “child pensions guarantee” ensure that children are fairly treated in line with the requirements of the PSPJOA 2022?

The EIS recognises that the draft regulations attempt to provide sufficient protection to ensure that children are treated fairly and their pension is guaranteed and cannot be impacted by the decision of others.

 11. Do you agree with the overall policy approach set out in the consultation to address the discrimination with the transitional protection arrangements?

Yes, subject to the remedy roll out and conclusion within the 18 months provision.

 12. Do you agree that overall, the draft regulations deliver the policy objectives and requirements set by the PSPJOA 2022?

Yes, subject to implementation and provisions raised in previous answers.

 13. Do the equalities considerations set out in the equalities analysis address the impact of the remedy on members with protected characteristics

Yes, and special consideration should be given to members with health related issues and the timescales for decisions.

14. Do you have any other comments about this consultation?

No further comment.