

Ombudsman's Determination

Applicant	Mrs N
Scheme	Teachers' Pension Scheme (TPS)
Respondent	Teachers' Pensions (TP)

Outcome

I do not uphold Mrs N's complaint and no further action is required by TP.

Complaint summary

Mrs N has complained that TP is not paying her the correct widow's pension.

Background information, including submissions from the parties

1. The sequence of events is not in dispute, so I have only set out the key points. I acknowledge there were other exchanges of information between all the parties.
2. In 1957, Mr N entered pensionable employment in the TPS.
3. On 1 May 1992, Mr N retired and began receiving his TPS pension.
4. On 23 October 2021, Mr N died.
5. On 25 March 2022, TP wrote to Mrs N about the widow's pension she had been receiving since Mr N's death. It said, as relevant:

"A widow's pension under the Teacher's Pensions Regulations [**the Regulations**] is calculated at 1/160th of the average salary for each year of service counting for family benefits.

The calculation of the widow's pension is therefore:

$$\frac{20 \text{ years } 35 \text{ days} \times \pounds 26,761.95}{160} = \pounds 3,361.28 \text{ per annum}$$

A pension increase based on Mr N's retirement date has been applied to this figure, leaving the quoted Long Term Pension of £6,829.49 per annum.

The service counting for family benefits amounts to 20 years 35 days. All reckonable service from 1 April 1972, under [the Regulations] counts for both personal and family benefits, but service prior to that date counts only for personal benefits unless the member elected to pay additional contributions to cover it for family benefits. All members were given the opportunity to make such an election but unfortunately Mr N did not exercise this option. As a result, only their service from 1 April 1972 to the date of their retirement counts for that purpose.”

6. On 24 August 2022, Mrs N made a complaint to TP. She said:
 - she had expected to receive 50% of Mr N’s pension when he retired, which would have been £10,322 per annum (**pa**), but she was in receipt of £6,829.49 pa;
 - she had been married to Mr N since 1966, and he had always assured her that she would receive half of his pension upon his death;
 - she understood the discrepancy was because Mr N had not paid optional contributions to ensure service prior to 1972 counted towards the widow’s pension; and
 - TP should provide evidence that Mr N had not paid the additional contributions, and evidence that they (Mr N and Mrs N) were notified that the widow’s pension would not be half of Mr N’s pension.
7. On 15 September 2022, TP issued its final response to Mrs N. It enclosed a copy of the calculation which showed the estimated value of Mrs N’s widow’s pension at Mr N’s retirement in 1992 was £3,361.28 pa, based on his pensionable service from 1 April 1972. TP said, as relevant:-
 - The widow’s pension was not half of the member’s pension as commonly misunderstood. The widow’s pension accrued at 1/160th of the member’s average salary per year of service, rather than 1/80th.
 - When Mr N commenced teaching; he would have been provided with a ‘Guide to the TPS’ by his employer covering all aspects of the scheme including the provision of ‘Family Benefits’.
 - When he retired in 1992, Mr N would have been provided with a statement of entitlement from the TPS, setting out his annual pension, lump sum and the potential spouse’s pension (**the 1992 Statement**)¹. Letters to Mr N in 1992 would have been sent from the Paymaster General’s Office (**PGO**), so TP did not hold a copy of the correspondence.
 - The Regulations at that time, and still in force, only allowed service from 1 April 1972 onwards to be included in the calculation of Family Benefits. This was unless the member opted to elect for pre-April 1972 service to be included under the

¹ See Appendix 3.

former Teachers Widows' and Children's Pension Scheme. Mr N did not make that election.

8. On 18 February 2023, Mrs N made a complaint to the Department for Education (**the DfE**). She believed Mr N had paid the optional contributions when required and was not informed that the widow's pension would be less than 50% of his full pension because he was always adamant that she would receive half of his pension. She said TP had not investigated Mr N's contribution history and had no copies of correspondence, only the internal calculation document. This did not refute her contention that Mr N was paying the optional contributions and that she should therefore receive 50% of Mr N's annual pension.
9. On 10 May 2023, the DfE responded to Mrs N's complaint under its Internal Dispute Resolution Procedure (**IDRP**). It said, as relevant:-
 - TP had no record of Mr N opting to make the additional contributions necessary for his pre-April 1972 service to be included in his Family Benefits. It invited Mrs N to provide tangible evidence that he did so.
 - Mr N was provided with benefit statements.
 - The 1992 statement (also referred to as form 473 PEN) showed Mr N's annual pension payable from 1 May 1992 was £11,189.61 and the widow's pension was £3,361.28. If Mr N had paid additional contributions to ensure a 50% widow's pension would be payable, it was reasonable to have expected that he would have contacted TP to query the 1992 statement. There was no evidence that he did so.

Summary of Mrs N's position as provided by Mr R

10. Mrs N is represented by Mr R. Mr R submits:-
 - Mr N assured Mrs N throughout his retired life that she would receive 50% of his annual pension upon his death (equal to £10,322 pa). She was distressed to find she would only receive £6,829.49 pa.
 - TP had not provided actual evidence that Mr N did not pay the additional contributions necessary to increase the widow's pension to 50%, nor any correspondence to show Mr N was informed that her widow's pension would be less than 50% of his pension.
 - Mrs N's widow's pension should be restored to 50% of Mr N's pension, including a backdated payment for the shortfall.
 - At the time of Mr N's retirement in 1992, Mr N and Mrs N were undertaking considerable caring responsibilities for their parents, as well as moving house. For these reasons, Mr N may not have received the 1992 Statement, or been in a position to scrutinise it. This would explain why he did not query it at that time.

Summary of TP's position

11. TP submits:-

- Mr N did not join the voluntary Widows' and Children's Pension Scheme (**WCPS**) in 1966 or elect to cover previous service in 1974 when that scheme was wound up. He could have subsequently paid these contributions, including from his tax-free lump sum at retirement, but chose not to.
- Mrs N's widow's pension was calculated based on Mr N's pensionable service from 1 April 1972 to 30 April 1992, amounting to 20 years 35 days (including an additional eight-day credit for excess contributions paid during 1973/74), in accordance with the statutory regulations.
- Mr N would have been sent details of his retirement benefits in the 1992 Statement when he retired. The 1992 Statement showed Mr N's annual pension payable at retirement was £11,189.61 and showed the widow's pension was £3,361.28 at this time.
- Mr N did not ask TP for details of the potential widow's pension entitlement at any time before or after his retirement.
- It has provided an electronic copy of Mr N's pension contributions from 1957 to 1989.

Adjudicator's Opinion

12. Mrs N's complaint was considered by one of our Adjudicators who concluded that no further action was required by TP. The Adjudicator's findings are summarised below:-

- Mrs N's complaint was that her widow's pension was lower than Mr N had led her to believe she would be entitled to.
- The Adjudicator accepted that Mr N may have been under the impression that Mrs N would receive a widow's pension of 50% of his pension upon his death and did not doubt Mrs N's recollection of the conversations she had with him in which she said he told her this. Nevertheless, the Regulations provided that Mr N's Family Benefits, in this case the widow's pension, would only include service before 1 April 1972 if he paid optional additional contributions.
- It was contended that TP had not provided evidence that Mr N was informed that Mrs N would not be entitled to 50% of his annual pension upon death. However, the onus was on Mrs N to provide evidence that Mr N was informed by TP that she would be entitled to such a pension. Mrs N had not said that TP ever informed Mr N or herself, verbally or in writing, that she would be entitled to a widow's pension of half of his full pension.

- Neither had Mrs N said that TP led Mr N to believe he had paid optional additional contributions necessary to ensure his pre-April 1972 pensionable service was considered when calculating her widow's pension. Nor had any evidence been provided to show these contributions were paid.
 - Mr N would have been sent details of his pension benefits when he retired. The 1992 Statement showed Mr N's annual pension payable at retirement was £11,189.61 and the widow's pension was £3,361.28 at this time (approximately 30% of Mr N's full pension).
 - The Adjudicator noted the suggestion that Mr N may not have queried the 1992 Statement because of other events in their lives at that time. However, there was no record that Mr N contacted TP to query the widow's pension shown on the 1992 Statement or any previous or subsequent pension statements. If Mr N believed Mrs N would receive an annual pension equal to half of his pension upon death, given the contrary information which was provided to him, including in the 1992 Statement at retirement, it was reasonable to expect Mr N to have queried the matter. There was no claim or evidence that he did so.
 - TP said Mr N did not opt to pay the additional pension contributions to increase his Family Benefits. Without documentary evidence to the contrary, in the Adjudicator's opinion, Mrs N's complaint would not be upheld by the Pensions Ombudsman.
 - TP had adhered to the Regulations and not made any errors in the calculation of the widow's pension it was paying Mrs N.
13. Mr R, on behalf of Mrs N, did not accept the Adjudicator's Opinion and the complaint was passed to me to consider. TP and Mr R provided further submissions since the Adjudicator's Opinion was issued. These are summarised below:-

TP's further submissions:

14. TP submits:-

- It no longer holds a copy of the actual letter issued to Mr N at the time of his retirement in May 1992 but has located an internal "action sheet" showing that an SL16 letter and the 1992 Statement were issued to Mr N on 2 April 1992 (see Appendix 1).
- It had also located a copy of a blank SL16 letter that would have been issued to Mr N (see Appendix 2).
- Correspondence was not entirely handled by PGO in 1992. PGO undertook the administration of the pension payments after TP had calculated and put the award of retirement benefits into payment.

- In the Family details section of Mr N's retirement application (see Appendix 4), Mr N ticked to indicate he was Married, he did not complete Mrs N's details in this section. TP telephoned Mr N on 1 April 1992 to confirm these details.
- TP stopped recording individual pension contributions on members' records for those employed in maintained establishments (i.e. Local Authority schools) in 1989. Mr N left pensionable service in the TPS on 30 April 1992.

Mr R's further submissions on behalf of Mrs N:

15. Mr R submits:-

- Despite Mrs N originally requesting in August 2022 that TP check its original paper records, including those related to the correspondence issued by PGO at the time of Mr N's retirement in 1992, TP has not done so.
- While TP has located electronic records which indicate Mr N did not make the relevant additional contributions, the original paperwork should be sourced to check the actual contributions against the electronic records, and to ensure that correspondence was issued at the time of Mr N's retirement outlining the widow's pension entitlement. Electronic records are inadequate and the original paper records should be examined.

Ombudsman's decision

16. I have considered the further submissions from both parties, and they do not change the outcome. I agree with the Adjudicator's Opinion.
17. Mr R says neither Mrs N nor he have located any correspondence from the time of Mr N's retirement that sets out the potential widow's pension, so Mrs N is not satisfied that such correspondence was received by Mr N.
18. TP has provided evidence that a letter enclosing the 1992 Statement was sent to Mr N in the weeks prior to his retirement. The 1992 Statement included both Mr N's pension at retirement, and the projected widow's pension payable at that time. The widow's pension shown on the 1992 Statement was not 50%, but 30% of Mr N's pension benefits. The difference between the potential widow's pension and his own pension should have been apparent to Mr N upon receipt of the statement.
19. It has been suggested that Mr N did not query the widow's pension because at the time of his retirement Mr N and Mrs N were occupied with other personal issues. Nonetheless, the onus was on Mr N to query the matter if he considered it was wrong. No evidence has been submitted that Mr N did that in the years following his retirement.
20. I am satisfied from the evidence provided by TP that a letter was sent to Mr N in April 1992 informing him of his pension alongside the potential widow's pension.

21. TP has provided an electronic copy of Mr N's contributions history. Given that Mr N joined the TPS in 1957 and retired in 1992 it does not amount to maladministration by TP that a paper record has not been retained². I do not agree with Mr R's contention that this form of record is inadequate. No evidence has been submitted that merits questioning its accuracy.
22. Similarly, no evidence has been submitted that Mr N (or Mrs N) was ever misled by TP to believe that the widow's pension payable would be 50% of his pension, or that Mr N opted and then paid additional contributions necessary for his pre-April 1972 service to be included in his Family Benefits.
23. While I sympathise with Mrs N, I do not uphold her complaint.

Dominic Harris

Pensions Ombudsman
15 October 2025

² Paper records of pension contributions must generally be kept for at least six years after the end of the tax year to which they relate.

Appendix 1

TEACHERS' SUPERANNUATION
AWARD OF AGE/PREATURE RETIREMENT ALLOWANCES

PS25

TEACHER'S NAME (Surname first) Chapman, P.S. Initials and Date
RP 56/2578 Date of Birth 6/9/36

1	SDP/DP	(a) Bank Details from Form 14 on VDU screen. (b) Attach PS25.	CH 27.3.92
2	AA	(a) Enter identification details above. (b) Progress card set up. (c) "A" label gummed to file. (d) Attach check list (Form 197) to back of file. (e) Pass to AO.	
3	AO	(a) Check all entries on Form 14 Pen. (b) Check date of birth verified. If not instruct AA to request birth certificate at Head 4 below. (c) If full-time or part-time service entered on Form 14 Pen is now shown on VDU screen input service and salary details to on-line system. (d) Enter service details on PS67. (e) Carry out all necessary checks and enter details on check list as appropriate.	
4	AA	Form 80 Pen sent for birth certificate.	
5	AO	(a) Bank details on VDU screen verified. (b) AWARD CALCULATED <u>56.00</u> DATE <u>14/92</u> (c) Form 446 prepared to input war service contributions. (d) Voucher label and Reg 42 attached; 151P prepared if appropriate. (e) Head 8 completed if transfer of charge appropriate. (f) Indicate category on check list, attach to front of file and enter instructions for AA at head 7. (g) Pass to EO/AO.	
6	EO/AO	(a) Bank details on VDU screen verified. (b) Checked/unchecked. (c) AWARD AUTHORISED <u>56.00</u> DATE <u>14/92</u>	
7	AA	(a) Send PS24/draft to typists and on return pass to EO for signature and issue letter with Form 473 Pen, Award Leaflet, 1155ADP and PI guide.	

OR

Artificial award - 10% dash
3.4.92

		Initials and Date	
	(b) Send SL /6, Form 473 Pen, Award Leaflet, Leaflet 192 Pen, and PI guide to teacher. (c) Send Form 36a to employer, LEA or PCPC (if enhancement not shown on 14 Pen send Form 36C as well). (d) Detach Form 446 and place in Gen tray. (e) If voucher payment indicated by attached label and Reg 42, pass to BOS. (f) If transfer of charge indicated at 8 below, pass to General Section. (g) If error print is on file send file to Pen 4.	CH 24.4.92	
8	GEN		Complete 150 for transfer of charge for f from account 8002H to account 8100S 300.
9	AO		If red label on front of file refer to CED.
10	AA		(a) Refer file to i. ii. iii.
11	AA	EXTRACT FROM BIRTH CERTIFICATES NAME DOB Entered FATHERS NAME Checked MOTHERS NAME Returned	
12	AA	DN File	

Blank SL16 letter:

9

Appendix 3

STATEMENT OF TEACHERS' SUPERANNUATION AWARD		FORM 473 PEN
1. Award Number: [REDACTED]		date 01.04.92
		time 10.48 hrs
2. Reference Number RP [REDACTED]		E
3. Annual Pension (Basic)		11189.61
4. Deduction for Allocation to Dependant		- . -
5. Reduction under Flat Rate		36.33
National Insurance Modification	Graduated	- . -
PENSION PAYABLE from 01.05.92		11189.61
PENSION PAYABLE from 06.09.01		11153.28
6. Payment of Pension will be MONTHLY		
7. The first Pension Quarter ends 05.06.92		
8. Lump Sum		33564.55
9. Lump Sum Pensions Increase - . -		
10. Less: Previous Award - . -		
11. Outstanding Contributions - . -		
LUMP SUM PAYABLE	Credit Balance	33564.55
12. Service 33 YRS 164 DYS		
13. Average Salary [REDACTED]		
MR [REDACTED]		
[REDACTED]		
[REDACTED]		
[REDACTED]		
	14. Bank Sort Code :	[REDACTED]
	Bank Account No :	[REDACTED]
15. FAMILY PENSIONS		
Potential Spouse's Pension		3361.28
Children's Pension (Entitlement to any claim will be fully investigated according to the children's ages and circumstances at that time)		
16. ALLOCATION to		
Teacher's Annuity (Payable only during joint lives of teacher and beneficiary)		- . -
Beneficiary's pension (Payable only if beneficiary survives teacher)		- . -

Appendix 4

Section 3 Family details (see note 8)

- These details are needed to decide whether any benefits might become payable to your family after your death.

17 Please give your present marital status.

Tick box

Married ☒ Single ☐
 Divorced ☐ Spouse Deceased ☐

If single go to question 18.

If married, divorced or spouse deceased give details:

Your spouse's first name(s)

Your spouse's date of birth

D	D	M	M	Y	Y
---	---	---	---	---	---

The date of your marriage

D	D	M	M	Y	Y
---	---	---	---	---	---

The date of divorce or death of spouse (if applicable)

D	D	M	M	Y	Y
---	---	---	---	---	---

18 Have you any children under age 17 as in full time