



# Local Government Pension Scheme Fact Sheet – Partner’s Pension for Death after Retirement

## How is a partner's pension worked out?

### Death after retirement

An ongoing pension is provided for your spouse, registered civil partner or, subject to certain qualifying conditions, your eligible cohabiting partner (if you were a member of the LGPS on or after 1 April 2008). This pension is payable immediately after your death for the rest of their life and will increase every year in line with the cost of living.

### Short term pension

If you left the LGPS before 1 April 2008 a short term pension payable at a higher rate may be payable to your surviving spouse or civil partner for a period of three months (or six months if there is an [eligible child](#) in the care of the surviving spouse or civil partner).

This pension is usually equal to the level of your pension, however, if you are a woman the short term pension payable to a widower may be based on your membership of the LGPS after 5 April 1988 only. In addition, if you entered your civil partnership or married after leaving the LGPS the amount of short term pension payable may be less than the value of your pension - for further information about this contact pension team on the details provided at the bottom of this factsheet.

The benefits thereafter, and where no short term pension is payable, are generally calculated as below:

### For your spouse (from an opposite sex or same sex marriage)

Your membership from 1 April 2014	1/160th of the <a href="#">pensionable pay</a> or <a href="#">assumed pensionable pay</a> you received in each year plus a proportion of any transfer of pension rights credited to your pension account
Your membership up to 31 March 2014	1/160th of your <a href="#">final pay</a> X the period of your membership up to 31 March 2014

However, if you marry after leaving the LGPS:

- the survivor's pension paid to a widow of an opposite sex marriage is based on your membership after 5 April 1978
- the survivor's pension paid to a widower of an opposite sex marriage is based on your



- membership after 5 April 1988
- the survivor's pension of a same sex marriage is based on your membership after 5 April 1978

## For your civil partner

Your membership from 1 April 2014	1/160th of the <u>pensionable pay</u> or <u>assumed pensionable pay</u> you received in each year plus a proportion of any transfer of pension rights credited to your pension account
Your membership up to 31 March 2014	1/160th of your <u>final pay</u> X the period of your membership up to 31 March 2014

However, if you enter into a civil partnership after leaving the LGPS your civil partner's pension would be based on your membership after 5 April 1978 (or on all of your membership if you left the LGPS between 1 April 2008 and 31 March 2014 and you, or your civil partner, made an election before 1 April 2015 for pre 6 April 1988 membership to also count).

## For your eligible cohabiting partner

Your membership from 1 April 2014	1/160th of the <u>pensionable pay</u> or <u>assumed pensionable pay</u> you received in each year plus a proportion of any transfer of pension rights credited to your pension account
Your membership up to 31 March 2014	1/160th of your <u>final pay</u> X the period of your membership from 6 April 1988 up to 31 March 2014, plus any membership before 6 April 1988 if you elected to pay additional contributions to make it count*

\*An election to pay additional contributions to make membership before 6 April 1988 count towards the calculation of cohabiting partner's pension must have been made before 1 April 2014.

For a cohabiting partner to be entitled to receive a survivor's pension you must have paid into the LGPS on or after 1 April 2008 and your relationship has to meet certain conditions laid down by the LGPS.

## If you paid extra

- If you paid additional contributions to buy extra LGPS pension by paying Additional Pension Contributions (APCs) (or Shared Cost Additional Pension Contributions (SCAPCs)) these will not count towards the value of any partner's pension as they only count towards your pension.
- If you elected before 1 April 2014 to pay Additional Regular Contributions (ARCs) then, provided you opted to pay for dependant's benefits when you took out your original contract, extra benefits will be payable to your spouse, civil partner or eligible cohabiting partner. If you did not opt to pay for dependant's benefits when you took out your original ARC contract, then no extra benefits will be payable.

- If you elected before 1 April 2008 to buy LGPS added years of membership any period of membership you have paid for will count towards the benefits payable to your partner provided you married, entered into a civil partnership or were cohabiting with your partner whilst an active member of the LGPS. This will increase the value of the benefits payable for your spouse, civil partner or eligible cohabiting partner.
- If you elected before 1 April 2014 to buy extra cohabiting partner survivor benefits, then any pre 6 April 1988 membership you have bought will be included in calculating any survivor pension payable to an eligible cohabiting partner.
- If you were paying Additional Voluntary Contributions (AVCs) arranged through the LGPS (in-house AVCs) and elected to defer taking payment of your AVC fund when you retired from the LGPS the value of your AVC fund is payable. If you bought a top up pension in the LGPS with your AVC fund when you retired the extra pension purchased will also count towards the benefits payable to your partner (unless you retired between 1 April 2008 and 31 March 2014 and chose not to provide for dependant's benefits).

If your pension is subject to a Pension Sharing Order issued by the Court following an earlier divorce or dissolution of a civil partnership, or is subject to a qualifying agreement in Scotland, your spouse's, civil partner's or eligible cohabiting partner's pension will be reduced because of that Court Order or agreement.

### More information

For more information, or if you have a problem or question about your LGPS membership or benefits, please contact:

<p>Bromley Pensions Team          Liberata UK Ltd          P O Box 1598          Croydon          CR0 0ZW</p>	<p>Telephone: 020 8603 3429          Email: pensions@bromley.gov.uk</p>	
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The national website for members of the LGPS can be found at [www.lgpsmember.org](http://www.lgpsmember.org)

### Disclaimer

**This leaflet is for general use and cannot cover every personal circumstance, nor does it cover specific protected rights that apply to a very limited number of employees. In the event of any dispute over your pension benefits, the appropriate legislation will prevail as this leaflet does not confer any contractual or statutory rights, and is provided for information purposes only.**

**Employees in England and Wales – January 2020**



## Glossary of terms

Assumed Pensionable Pay	<p>This provides a notional pensionable pay figure to ensure your pension is not affected by any reduction in pensionable pay due to a period of sickness or injury on reduced contractual pay or no pay, or relevant child related leave or reserve forces service leave. To see how this works refer to the section <a href="#">away from work</a></p> <p>Assumed pensionable pay is also used to work out any enhancement to your pension awarded as a result of ill health retirement, any lump sum death grant following death in service, and any enhancement which is included in survivor benefits following death in service. To see how this works refer to the <a href="#">Assumed Pensionable Pay</a> section.</p>
Civil Partnership	<p>A Civil Partnership is a relationship between two people (who are not related to each other) which is formed when they register as civil partners of each other.</p>
Eligible Children	<p style="text-align: center;">The meaning of an eligible child is:</p> <ul style="list-style-type: none"> <li>• A natural or adopted child who was born before, on, or in the case of a natural child, within 12 months' of the member's death, or</li> <li>• A step child or a child accepted by the deceased member as a member of the family (excluding a child sponsored by the member through a registered charity) who was dependent on the member at the date of death.</li> </ul> <p style="text-align: center;">In addition to the above eligible children must also meet the following conditions:</p> <ul style="list-style-type: none"> <li>• be under age 18, or</li> <li>• be aged 18 or over and under 23 and in full-time education or vocational training (although your pension fund can continue to treat the child as an eligible child even if there has been a break in full-time education or vocational training), or</li> <li>• be unable to engage in gainful employment because of physical or mental impairment and either: <ul style="list-style-type: none"> <li>▪ has not reached the age of 23, or</li> <li>▪ the impairment is, in the opinion of an independent registered medical practitioner, likely to be permanent and the child was dependent on you at the date of your death because of that mental or physical impairment.</li> </ul> </li> <li>• In this context gainful employment means paid employment for not less than 30 hours in each week for a period of not less than 12 months.</li> </ul>
Eligible Cohabiting Partner	<p>An eligible cohabiting partner is a partner you are living with who, at the date of your death, has met all of the following conditions for a continuous period of at least 2 years:</p> <ul style="list-style-type: none"> <li>• You and your cohabiting partner are, and have been, free to marry each other or enter into a civil partnership with each other, and</li> <li>• you and your cohabiting partner have been living together as if you were a married couple, or civil partners, and</li> <li>• neither you or your cohabiting partner have been living with someone else as if you/they were a married couple or civil partners, and</li> <li>• either your cohabiting partner is, and has been, financially dependent on you or you are, and have been, financially interdependent on each other.</li> </ul> <p>Your partner is financially dependent on you if you have the highest income. Financially interdependent means that you rely on your joint finances to support your standard of living. It doesn't mean that you need to be contributing equally. For example, if your partner's income is a lot more than yours, he or she may pay the mortgage and most of the bills, and you may pay for the weekly shopping.</p> <p style="text-align: center;">On your death, a survivor's pension would be paid to your cohabiting partner if:</p> <ul style="list-style-type: none"> <li>• all of the above criteria apply at the date of your death, and</li> <li>• your cohabiting partner satisfies your pension fund that the above conditions had been met for a continuous period of at least 2 years immediately prior to your death.</li> </ul> <p>You are not required to complete a form to nominate a cohabiting partner for entitlement to a cohabiting partner's pension. However, you can provide your pension fund administrator with your cohabiting partner's details and your pension fund may have a form that you can complete to do this. You have to paid into the LGPS on or after 1 April 2008 for a pension to be payable to your eligible cohabiting partner.</p>
Final Pay	<p>This is usually the pay in respect of (i.e. due for) your final year of scheme membership on which you paid contributions, or one of the previous 2 years if this is higher, and includes your normal pay, contractual shift allowance, bonus, contractual overtime (but not non-contractual overtime), Maternity Pay, Paternity Pay, Adoption Pay, Shared Parental Pay and any other taxable benefit specified in your contract as being pensionable. If you were part-time for all or part of the final year the whole-time pay that you would have received if you had worked whole-time is used and if your pay in your final year was reduced because of sickness or relevant child related leave, final pay is the pay you would have received had you not been on sick leave or relevant child related leave.</p>
Pensionable Pay	<p>This is the pay on which you normally pay pension contributions. Typically pensionable pay includes: Your normal salary or wages, bonuses, overtime (both contractual and non-contractual), maternity, paternity, adoption and shared parental pay, shift allowance, additional hours payments if you work part-time and any other taxable benefit specified in your contract as being pensionable</p> <p style="text-align: center;">You do not pay contributions on:</p> <p>Any travelling or subsistence allowances, pay in lieu of notice, pay in lieu of loss of holidays, payment as an inducement not to leave before the payment is made, any award of compensation (other than payment representing arrears of pay) made for the purpose of achieving equal pay, pay relating to loss of future pensionable payments or benefits, pay paid by your employer if you go on reserve forces service leave the monetary value of a car or pay received in lieu of a car, any sum which has not had tax liability determined on it.</p>