

## **The Local Government Pension Scheme Regulations (LGPS)**

### **Cohabiting Partners Factsheet**

#### **Will my partner receive an LGPS pension in the event of my death?**

The regulations state that In the event of a scheme members death who was married or in a registered civil partnership there is an automatic right for the partner to receive a Survivors Pension.

However, provided you paid into the LGPS on or after 1 April 2008 if the deceased member had a cohabiting partner, of either opposite or same sex, they **may** be entitled to receive a survivors pension if they meet the criteria to be considered to be an "eligible partner".

#### **What does my partner have to prove in order to be considered to be an "eligible partner"?**

Your partner must confirm that for a period of at least 2 years prior to the date of death the following applied;

- you free to marry each other or enter into a civil partnership with each other
- you lived together as if you were husband and wife or registered civil partners
- neither of you had been living with someone else as if you were husband and wife or civil partners
- your financial affairs had been interdependent (financial interdependency means that you relied on your joint finances to support your standard of living)

#### **How does my partner prove financial interdependency?**

For a period of at least 2 years prior to the date of death your partner will be asked to provide confirmation that you lived in a shared household with shared household spending, that you had bank accounts, mortgage and other financial commitments in joint names.

Examples of the documents that will be accepted are as follows;

- Joint Bank Account Statements (last three months)
- Joint Mortgage Statement or Rent Agreement
- Utility Bills
- Council Tax Statement
- Electoral Registration
- Loans/Credit Card Statements
- Current Will and Testament/Probate

Your partner will not have to provide all of the different types of documentation suggested however the more information that can be provided will prove financial interdependency and the likely hood that the application is successful.

**Apart from the evidence of financial interdependency will my partner need to prove anything else?**

Yes, proof of you and your partners marital status

If either you or your partner has previously been married and divorced or widowed we shall require sight of the decree absolute and/or death certificate.

**What if my partner meets all the criteria to be considered as an "eligible partner" to receive a survivors pension but cannot provide any of the example documentation listed as proof of financial interdependency?**

Your partner will need to provide a written account of how you shared your household and spending. For example; if you have separate bank accounts was there an arrangement for one to pay the bills and the other for food etc. In this instance, your partner will need to provide as much information as possible to support their application for a survivors pension.

**Who decides if my partner qualifies for a Survivors Pension?**

In the event of your death your partner will be provided with a survivors pension application form. The application form is made up of 5 parts. Part 1, the Cohabiting Partner Declaration is where your partner must meet all four criteria to be considered to be an "eligible partner" as mentioned above. If your partner is unable to do this then there will be no survivors pension payable.

If your partner does meet the criteria in part 1 then they must go on to complete parts 2,3,4 and 5 which refer to your partners personal information, financial interdependence and bank account details.

On receipt of your fully completed application form together with the documentary evidence requested your partners application will be passed to the Pensions Panel for review in accordance with the LGPS regulations.

**What can I do now to increase the likely hood of my partner receiving a Survivors Pension?**

1. Complete a Nomination of Cohabiting Partner for Survivors Pension form. From 1 April 2014 it is no longer necessary to complete the form however you may wish to complete one anyway to ensure the RCTCBC Pension Fund are aware of your personal circumstances.
2. Speak to your partner and inform them of what is required to qualify for a survivors pension.
3. Look at your joint finances, could you prove financial interdependency now? if not are there certain aspects that could be changed to avoid any doubt in the future?

If you would like to discuss this matter with a member of the RCTCBC Pension Fund team please contact us via the telephone on 01443 680611 or alternatively by email at [pensions@rctcbc.gov.uk](mailto:pensions@rctcbc.gov.uk)

This document is also available in Welsh.