

New Police Pension Scheme 2006

Pensions for partners – a guide

This guidance and declaration form are for use by members of the New Police Pension Scheme, but can also be used by members of the current Police Pension Scheme on a provisional basis as explained below.

If you joined the police service on or after 6 April 2006, you are a member of the New Police Pension Scheme (unless you opted out) and you can ignore the rest of this page.

Important points for members of the current scheme

- In the New Police Pension Scheme (NPPS) a pension can be paid for life to a police officer's partner, even if they are not married to each other or in a civil partnership with each other, in the event of the officer's death. This benefit is not payable in the current Police Pension Scheme (PPS).
- Members of the current scheme will have an opportunity to transfer to the new scheme in a three-month 'options exercise' in October – December 2006.
- If you are a member of PPS, and you are living with a partner who is not married to you or in a civil partnership with you, then you are strongly advised to consider completing a declaration form (at the end of this leaflet) without waiting to decide whether or not to join NPPS, as this will help to protect your partner's position in the interim. If you were to die between 6 April 2006 and the end of the options exercise, then – unless you had opted in writing to remain the current scheme – your partner would be able to submit a claim for a pension. But you must jointly have completed a declaration form.
- Completing a declaration form does not commit you to joining NPPS. If you do not opt to transfer to NPPS, your declaration will simply lapse at the end of the options exercise or on the date you opt to remain in the current scheme, if that is earlier.
- Any pension and lump sum death grant payable to a surviving unmarried partner of a member of PPS, under this transitional arrangement, could be affected by benefits payable under PPS to any surviving children.

Introduction

The New Police Pension Scheme (NPPS) provides pensions for four types of survivors of scheme members:

- Widows and widowers
- Surviving civil partners
- Surviving partners in the case of couples who are in long-term relationships but who are neither married nor civil partners
- Children (generally payable to age 19, unless the child is in full-time education in which case payable to age 23)

NPPS has not been designed to pay pensions to adults such as:

- Dependent family members (for example, parents, grandparents, brothers or sisters)
- Friends
- People in a purely financial relationship (such as a flatshare or a joint purchase of property)
- People in casual relationships.

This leaflet deals only with pensions for unmarried partners – that is, people of the same or opposite sex who are living together in a long-term relationship but neither married nor registered as civil partners. If you need information on pensions for other survivors, or on NPPS generally, you should refer to the NPPS Members' Guide or contact your pensions administrator.

In this leaflet, the term “unmarried partner” is used as shorthand for a partner who is neither married to nor in a civil partnership with a member of NPPS. The term “nominated partner” is used to refer to such a partner who has been nominated in a declaration form to receive a pension on an NPPS member's death.

If you have an unmarried partner, you will want to know whether the NPPS will pay a pension to your partner after you die. This leaflet provides guidance on the qualifying conditions for an unmarried partner's pension and how the pension is worked out.

The qualifying conditions

The NPPS rules provide for an unmarried partner's pension if:

- you and your partner have together completed and sent to the appropriate police authority a joint declaration of partnership; and
- at the time of your death, you and your partner were living together as partners in an exclusive, committed and long-term relationship; and
- either your partner was financially dependent on you or the two of you were financially interdependent; and
- you and your partner were either free to marry each other (if you are of the opposite sex) or free to form a civil partnership with each other (if you are of the same sex).

You can make the declaration while you are serving or after you have left the service, providing you retired with a pension provided under NPPS or left with entitlement to a deferred pension payable under NPPS.

Is there any minimum service period?

You must have at least two years' qualifying service in the NPPS in order for a surviving partner to receive a pension. 'Qualifying service' is not the same as pensionable service. Qualifying service is normally the calendar length of police service, plus any previous service or employment which you transferred into NPPS. Half time service for a year in a police force, for example, would count as one year towards qualifying service (but could only count as a maximum of half a year's pensionable service).

What is meant by an 'exclusive, committed long-term' relationship?

The NPPS can provide a pension for your unmarried partner only if you are living together in a long-term relationship with just one person, which you both intend to continue indefinitely. If you have a similar relationship with more than one person, none of them would be entitled to a pension under NPPS.

As a general rule, you should interpret "long-term" to mean "at least two years". However, the police authority may exercise discretion to pay a pension to a nominated partner in a shorter relationship. Following your death, the police authority will consider your case individually and take account of anything that supports the claim that you and your partner had a permanent relationship which would otherwise have continued. As long as you consider that your relationship is permanent, you should not let the fact that you and your partner have been together for less than two years stop you from filling in a declaration form.

After your death, the police authority will not want to pry unnecessarily into your or your partner's personal life or to try to 'disprove' your partner's eligibility for a pension, but they will need to be satisfied that your relationship satisfies the legal requirements.

What is meant by financial dependence and interdependence?

Under HM Revenue and Custom's rules governing occupational pension schemes, your partner must be financially dependent on you or you must be financially interdependent. Your partner is 'financially dependent' on you if you provide all or most of the income on which you both live. 'Financially interdependent' means that you rely on your joint finances to support your standard of living. It doesn't necessarily mean that you need to be contributing equally. For example, if your partner's income is a lot more than yours, he or she might pay the mortgage and most of the bills, and you might pay for the weekly shopping.

What is meant by 'free to marry' and 'free to form a civil partnership'?

There must be nothing which would prevent you from marrying your partner (if you are of the opposite sex) or forming a civil partnership with your partner (if you are of the

same sex). Neither of you can be married to or have a civil partnership with anyone else. You must not bear a relationship to each other which would prevent marriage or civil partnership. Annex A to this leaflet includes a list of relationships which are too close to allow a marriage and Annex B includes a similar list for civil partnership.

I'm waiting for my divorce (or dissolution of a civil partnership) to come through – will my partner get a pension if I die in the meantime?

No. If you are married or have a civil partner, NPPS will pay a pension to your surviving wife, husband or civil partner, even if you no longer live with them. If you want your partner to receive a pension, you must both be legally free to marry or form a civil partnership with each other when you make your declaration.

How do I nominate my partner?

You and your partner must fill in and sign a declaration form and send it to your force's pensions administrator, who acts on behalf of the police authority. You will find a declaration form, including the address where to send it, at the end of this leaflet. The police authority cannot pay a pension to your partner unless they have received a valid declaration form which you and your partner have completed.

You are encouraged to complete a declaration form to nominate your partner as soon as you consider that your cohabiting relationship is exclusive, committed and long-term – you do not have to wait for two years before doing this. It is your responsibility to ensure that the information in the form is kept up to date.

What does my partner need to do after my death?

Your partner will need to be aware that, after your death, he or she will need to provide information to the police authority in writing to support his or her claim to a partner's pension. Your partner must satisfy the police authority that, at the time of your death, you and your partner were living together in an exclusive, committed and long-term relationship and that the other conditions described in this leaflet are met. There is more information in the section 'How your partner submits a claim after your death' further on in this leaflet.

I don't really want my force to know about my relationship

You send your declaration to your force's pensions administrator, who acts on behalf of the police authority. All pensions documentation and casework is handled in the strictest confidence and in line with data protection legislation. Your declaration will be handled with appropriate confidentiality.

What if we split up?

If your relationship comes to an end, it is essential that you tell your pensions administrator in writing as soon as possible so that they can cancel your declaration. Once the declaration is cancelled, your partner would not be able to submit a claim for a survivor's pension in the event of your death. If you enter into a new permanent relationship, you may want to make a new declaration at some time in the future.

Should I make a will?

If you want to leave anything to your partner, quite apart from your pension, you should consider making a will. If you die without a will (“intestate”), your property will not automatically go to your partner.

You can draw up a will without using a solicitor but you should consider getting legal advice, particularly if your financial affairs are complicated.

It is important to bear in mind that mentioning your partner in your will does not amount to making a declaration of partnership for the purposes of NPPS. The only valid declaration is one in the appropriate form. Where a form has been completed, however, naming your partner as a beneficiary in a will is one of the factors that may be taken into account by the police authority in considering whether the relevant conditions are met.

How your partner makes a claim after your death

How does the process work?

Your partner will only be able to make a claim after you die if you had both jointly completed a declaration form before your death.

When the police authority becomes aware of your death, they will contact your partner as recorded on your declaration. They will invite your partner to fill in a claim form and to provide information to support his or her claim to a partner’s pension. Most people die several years into their retirement and your partner will be asked to supply information that is appropriate at the time of your death rather than at the date of your declaration. While it is possible to outline the sort of supporting information that the police authority might be looking for now, this is likely to change over the years to reflect changes in society. It is not possible to be definite about the sort of information your partner might be asked to provide at some time in the future after your death.

This leaflet will be updated from time to time, in consultation with the staff associations, to reflect changes in guidance on supporting information. If you have made a declaration, you should keep yourself up to date.

What sort of information might support my partner’s claim?

The police authority will need to be satisfied that you, your partner and your relationship meet the conditions that are set out in the NPPS regulations and described in this leaflet. The police authority will ask your partner to confirm his or her identity. They will also ask your partner to confirm that neither of you were married or in a civil partnership and that there was nothing to prevent you from marrying each other or forming a civil partnership.

The police authority will ask your partner to provide information about your relationship and to confirm that you were financially dependent or interdependent. Where appropriate, your partner will have to provide documents to confirm the information

given in his or her claim. The information will enable the police authority to decide whether your relationship meets the conditions.

There are various possible forms of supporting information and, because everyone is different, it is not possible to provide a definitive list. However, examples of supporting information include:

- confirmation that you lived in a shared household;
- confirmation of shared household spending;
- information about children you brought up together;
- a mutual power of attorney;
- a joint mortgage or tenancy;
- a joint bank account;
- joint savings accounts or investments;
- a joint credit arrangement;
- wills naming each other as the main beneficiary;
- your partner being nominated as the main beneficiary of life assurance;
- your death leading to extra living expenses for your partner.

These are just examples and each case will be considered individually. The police authority may be able to help your partner if he or she is stuck for information or evidence to put forward. You and your partner may wish to consider now what sort of information he or she would be able to provide in support of a claim.

Do I have to own a house or flat with my partner?

Not necessarily, but you must have been living together. Most people in a permanent relationship will have either owned or rented property together. If you both maintain separate households and do not share each other's living expenses your partner would not qualify.

If your circumstances force you to spend your final years away from home, in residential nursing care, for example, the police authority will take account of your situation when you were living at home as well as at the time of your death.

Why don't married couples or civil partners have to go through the same process?

Marriage and civil partnership give people rights and responsibilities, including certain rights over each other's property. If people decide not to marry or form a civil partnership, the police authority needs to be satisfied that the relationship meets the conditions laid down in the legislation in order for a pension to be paid to an unmarried partner.

Can my partner appeal if they are turned down for a pension?

If your partner thinks they have been turned down without a good reason, he or she may try to resolve the issue using the police authority's internal resolution procedures. Alternatively, he or she may pursue the matter through the Sheriff Court. More information about appeals in general is given in the NPPS Members' Guide.

Benefits payable on death

How much is my partner's pension?

If you die in service, your partner is entitled to a pension of 50% of the ill-health pension that you would have received if you had been permanently disabled for regular employment at the time of your death. You should refer to the NPPS Members' Guide for more information on how ill-health pensions are calculated.

Example 1

Alec is a full-time officer earning £42,000 per year and he and his partner, Bianca, have completed a declaration form.

If Alec dies in service (and has not opted out of NPPS) at age 35 having 5 years' pensionable service, Bianca will be entitled to receive a pension of half of 15/70 of his pay, or £4,500 per year, if she submits a valid claim.

If you die while you are receiving a NPPS pension, or if you die after you have left the police service with an entitlement to receive a deferred NPPS pension at 65, or if you have opted out of NPPS and are entitled to a deferred pension but die in service, your partner is entitled to a pension of 50% of your pension entitlement at the date of your death.

Example 2

Chris transferred his service from the current Police Pension Scheme to NPPS and retires at the end of 2007 with a NPPS pension of £20,000 per year. Chris and his partner, David, completed a declaration form.

If Chris dies before David, David will be entitled to receive a pension of half of Chris's pension at the date he died, i.e. half of £20,000 per year uprated for inflation to the date of Chris's death, if he submits a valid claim.

Will my partner's pension stop if he or she forms a new relationship?

No. Your partner will receive their pension for the rest of their life, even if they marry, form a civil partnership or otherwise enter into a new relationship after you die.

Will you increase my partner's pension every year?

Yes. Their pension will be paid every month and it will be increased every April to reflect increases in the cost of living.

My partner is a lot younger than me. Will this affect their pension?

If your partner is more than 12 years younger than you, your partner's pension will be reduced to reflect the age difference. This reduction will be 2.5% for every year or part

of a year over 12 years, up to a maximum reduction of 50%. This rule also applies to spouses and civil partners.

Example 3

Emma is a full-time officer aged 42 earning £70,000 per year. She and her partner, Frank, aged 28, have completed a declaration form.

Emma dies in service (and has not opted out of NPPS) at age 43 having 20 years' pensionable service. If Emma and Frank had been aged within 12 years or less of each other, Frank (on submission of a valid claim) would have been entitled to receive a pension of half of 26/70 of Emma's pay, or £13,000 per year. Since Frank is 14 years younger than Emma, however, this is reduced by 5%, or £650, to give £12,350.

Will my partner receive any other benefits when I die?

NPPS has provision to pay a lump sum if you die while in service. The amount of the lump sum death grant is three times your annual pensionable pay at the time of death. This will be paid to your nominated unmarried partner at the discretion of the police authority, providing he or she has submitted a valid claim. If you wish to nominate someone else to receive your lump sum death grant, you should complete a lump sum death grant nomination form (which you can obtain from your force's pensions administrator). A lump sum death grant nomination does not override the provision that the grant will go to a surviving partner, at the police authority's discretion, but it would take effect if both you and your partner were to die at the same time.

Annex A: Guide to relationships that are not allowed to marry in Scotland
Note: This list is based on the statutory list in the Marriage (Scotland) Act 1977 (schedule 1) and applies to Scotland. Slightly different restrictions apply in England and Wales and Northern Ireland. The statutory list may change, so the following list is only a guide.

PART 1

A man may not marry his:

- mother, adoptive mother or former adoptive mother;
- daughter, adopted daughter or former adopted daughter;
- grandmother or great grandmother;
- granddaughter or great granddaughter;
- sister;
- aunt; or
- niece.

Part 2

A man may not marry any of the following female relations unless:

- **both he and the woman have reached 21; and**
- **the younger person has never lived in the same household as and been treated as a child of the family of the older person before age 18.**
 - the daughter of an ex-wife or former civil partner
 - the ex-wife of his father
 - the ex-wife of a grandfather
 - the granddaughter of an ex-wife or former civil partner
 - the former civil partner of his mother or grandmother

Part 3

A man cannot marry:

- the mother of his ex-wife **unless** both the ex-wife and the ex-wife's father are dead; or
- the ex-wife of his son **unless** both the son and the son's mother are dead.

In either case, both people must be 21 or over.

PART 1

A woman may not marry her:

- father, adoptive father or former adoptive father;
- son, adopted son or former adopted son;
- grandfather or great grandfather;
- grandson or great grandson;
- brother;
- uncle; or
- nephew.

Part 2

A woman may not marry any of the following male relations unless:

- **both she and the man have reached 21; and**
- **the younger person has never lived in the same household as and been treated as a child of the family of the older person before age 18.**
 - the son of an ex-husband or former civil partner
 - the ex-husband of her mother
 - the ex-husband of a grandmother
 - the grandson of an ex-husband or former civil partner
 - the former civil partner of her father or grandfather

Part 3

A woman cannot marry:

- the father of her ex-husband **unless** both the ex-husband and the ex-husband's mother are dead; or
- the ex-husband of her daughter **unless** both the daughter and the daughter's father are dead.

In either case, both people must be 21 or over.

Annex B: Guide to relationships that are not allowed to form civil partnerships in Scotland.

Note: This list is based on the statutory list in Schedule 10 to the Civil Partnership Act 2004 and applies to Scotland. Slightly different restrictions apply in England and Wales and Northern Ireland. The statutory list may change, so the following list is only a guide.

PART 1

A man may not form a civil partnership with:

- father, adoptive father or former adoptive father;
- son, adopted son or former adopted son;
- grandfather;
- grandson;
- brother or half-brother;
- parent's brother or half-brother;
- son of a brother, half-brother, sister or half-sister;
- great grandfather; or
- great grandson

Part 2

A man may not form a civil partnership with any of the following relations unless:

- **both have reached 21; and**
- **the younger has never lived in the same household as and been treated as a child of the family of the older person before age 18.**
 - the son or grandson of a former wife or civil partner
 - the former husband or civil partner of a parent or grandparent

Part 3

A man cannot form a civil partnership with:

- the former spouse or civil partner of his child **unless** both the child and the child's other parent are dead; or
- the father of his ex-wife or a former civil partner **unless** both the ex-wife or former civil partner and the ex-wife's or former civil partner's mother are dead.

In either case, both people must be 21 or over.

PART 1

A woman may not form a civil partnership with:

- mother, adoptive mother or former adoptive mother;
- daughter, adopted daughter or former adopted daughter;
- grandmother;
- granddaughter;
- sister or half-sister;
- parent's sister or half-sister;
- daughter of a brother, half-brother, sister or half-sister;
- great grandmother; or
- great granddaughter

Part 2

A woman may not form a civil partnership with any of the following relations unless:

- **both have reached 21; and**
- **the younger has never lived in the same household as and been treated as a child of the family of the older person before age 18.**
 - the daughter or granddaughter of a former husband or civil partner
 - the former wife or civil partner of a parent or grandparent

Part 3

A woman cannot form a civil partnership with:

- the former spouse or civil partner of her child **unless** both the child and the child's other parent are dead; or
- the mother of an ex-husband or a former civil partner **unless** both the ex-husband or former civil partner and the ex-husband's or former civil partner's father are dead.

In either case, both people must be 21 or over.

Declaration form

- **By completing this declaration form you nominate your partner to receive an adult partner's pension payable under the Police Pensions Regulations, subject to the submission of a valid claim in the event of your death.**
- **This declaration alone does not give your partner entitlement to a pension. If you were to die, the police authority would need to be satisfied that your relationship with your partner met the qualifying conditions for the payment of a pension at the time of your death. Please read this leaflet for more information.**
- **If you are a member of the current Police Pension Scheme, then if you do not opt to join the New Police Pension Scheme this declaration will lapse on 31 December 2006 or on the date you opt to remain in the current scheme, if that is earlier.**
- **Please fill in this form in black ink and in BLOCK CAPITALS, and send it to your force's pensions administrator, acting on behalf of the police authority, at the address shown below. They will acknowledge that they have received the form by returning a copy of it to you.**
- **Please return the completed form to: ACC Pension Fund, AECC, 2nd Floor, Balgownie One, Conference Way, Bridge of Don, Aberdeen. AB23 8AW**

PART 1. ABOUT YOU (THE SCHEME MEMBER)

Your name

Pay reference

Address *(it is your responsibility to tell your pensions administrator if you subsequently change address)*

Postcode

Daytime telephone number

PART 2. ABOUT YOUR PARTNER

Partner's full name including title

Partner's date of birth

Partner's address *(this should normally be the same as the address of the NPPS member)*

Postcode

Now turn over

PART 3. DECLARATION

- We confirm the following.
 - We have lived together for years, during which time our financial affairs have been interdependent (or the partner has been financially dependent on the NPPS member).
 - We have an exclusive, committed and long-term relationship with each other and we intend to continue this indefinitely.
 - We are not married to each other and we have not formed a civil partnership with each other
 - We are not related in a way that will prevent marriage or civil partnership
 - Neither of us is married to anyone else.
 - Neither of us has formed a civil partnership with anyone else
 - Neither of us is currently nominated as the unmarried partner of anyone else.
- We will tell the scheme administrator in writing if our relationship comes to an end.
- We understand that benefits will not be paid unless the partner provides satisfactory evidence that the declaration above is valid when the NPPS member dies.

Scheme member's signature (***signed in the presence of the witness named below***)

Date

Partner's signature (***signed in the presence of the witness named below***)

Date

PART 4. WITNESS (NOTE: THE WITNESS IS SIMPLY REQUIRED TO WITNESS THE SIGNING OF THE FORM BY THE SCHEME MEMBER AND PARTNER IN PART 3 ABOVE)

Name of witness

Address of witness

Postcode

Signature of witness

Date

FOR POLICE AUTHORITY USE

The declaration has been recorded.

Your name

Signature

Date