

**Bath & North East  
Somerset Council**



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# Employers Guide to the LGPS

## Death of an Employee

## **8 - DEATH OF AN EMPLOYEE**

### **8.1 Death of an Employee**

**Form LGPS 15 must** be completed and sent to the Pensions Section, **as soon as possible**, together with a letter giving the name of any surviving spouse/partner or civil partner and/or next of kin. If there are any difficulties in supplying this information please contact the Pensions Section immediately.

The Pensions Section will communicate with the next of kin and request to see the Death Certificate and, if applicable, copies of the spouse's / civil partners Birth and Marriage Certificates, and any children's Birth Certificates that may be required before payment of any pension can be made.

### **8.2 Death Grant – Benefits Regulation 23**

A lump sum death grant of three times final pay is payable no matter how long the employee has been a member of the LGPS. For part-time employees, the final pay on which the Death Grant is calculated is not increased to its whole-time equivalent rate.

The Avon Pension Fund has the absolute discretion to pay the lump sum death grant to the person named on the member's Expression of Wish form or any person who appears, at any time, to have been the deceased's relative or dependant. If any part of the death grant has not been paid by the second anniversary of the member's death, it must be paid to the member's personal representatives.

Expression of Wish forms are contained in the Information Packs given to **all** new employees. Forms are also available to download from the Avon Pension Fund website at [www.avonpensionfund.org.uk](http://www.avonpensionfund.org.uk) and from the Pensions Section. Completed forms should be returned directly to the Pensions Section.

### **8.3 Survivor's Pension – Benefits Regulation 24**

If a member dies leaving a surviving spouse, nominated cohabiting partner or civil partner, that person is entitled to a pension.

For a legally married spouse, the pension is calculated by multiplying  $1/160^{\text{th}}$  of the deceased member's final pay for each year of total membership to date of death plus potential membership from date of death to the age of 65.

For a civil partner and a nominated cohabiting partner, the pension is calculated using the deceased scheme member's total membership from 6th April 1988 plus potential membership from date of death to the age of 65.

## 8.4 Children's Pension – Benefits Regulations 26 - 28

### Eligible children

The Regulations state that Eligible Children are the Member's children; advice received from CLG is that Eligible Children can also include children dependent on the Member such as a child of a cohabiting partner from a previous relationship. The Regulations state that they must, at the date of the Member's death:

- be under 18 and be wholly or mainly dependant on you, or
- be aged 18 or over and under 23, be dependent on you, and be in full-time education or undertaking vocational training (although a dependant child who commences full-time education or vocational training after the date of your death may be treated as an eligible child up to age 23), or
- in some cases, a dependent child of any age who is disabled may be classed as an eligible child.

In all cases, the children must have been born before or within a year of your death.

Pensions will also be payable in respect of all eligible children under the age of 18 years in all cases. They can be paid beyond the age of 18 and over, if the eligible child has been:

- a) engaged continuously in full-time education, or
- b) in training for a trade, profession or vocation, or
- c) is physically or mentally incapacitated and became so within (a) or (b) above.

The Local Government Pension Regulations define an "eligible child" to be:-

- (a) the deceased's legitimate or adopted child, or
- (b) a child who was wholly or mainly dependent on the deceased at the time of his death or, where the child is born after the member's death, who would have been so dependent if he had been born before or on the date of the deceased member's death,

but does not include a child who was born on or after the first anniversary of the date of the deceased's death."

Children's pensions, except in case (c) above, will cease at age 23.

The pension will be calculated as follows:

**One child:**  $1/320^{\text{th}}$  of the deceased member's final pay for each year of total membership to date of death plus potential membership from date of death to the age of 65.

**2 or more:**  $1/160^{\text{th}}$  of the deceased member's final pay for each year of total membership to date of death plus potential membership from date of death to the age of 65 **shared equally between the children.**

If no widow's, widower's, civil partner's or nominated cohabiting partner's pension is payable, the child's pension is payable at an enhanced rate of  $1/240^{\text{th}}$  where there is only one child's pension payable or  $1/120^{\text{th}}$  where there are two or more, again shared equally between the children.