North East Scotland Pension Fund
nespf



GUIDE TO

Survivor & Dependant Pensions

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The Local Government Pension Scheme (LGPS) provides valuable life cover and financial protection for your family. In the event of your death, certain benefits are payable to your loved ones.

Different benefits are payable depending on what type of member you are (active, deferred or a pensioner) and when you were a member. This guide will explain what you are entitled to based on your circumstances.

Death in Service

If you die while you are still paying into the pension scheme, there a number of benefits payable to your loved ones.

Death Grant

This is a tax free lump sum of 3 times your assumed pensionable pay. You can nominate any individual(s) and/or charities to receive this grant by updating your death grant nominations online via My Pension+ or by completing the "Death Grant – Expression of Wish" form. The Fund does not have to follow your wishes but we will do so wherever we can.

Note: If you also have a deferred/pensioner record elsewhere in the LGPS Scotland, only one death grant will be paid in the event of your death. Either the deferred/pensioner death grant or the death in service grant would be paid, whichever is higher.

Death grants are only payable provided you are under 75 at the date of death.

Survivor's Pension

A survivor's pension is payable to your

- Spouse, or
- Civil Partner, or
- **Eligible** Co-habiting Partner (see page 10 for eligibility details)

The survivor's pension is paid to them every year for the rest of their life and will increase in line with the cost of living.

The amount of the survivor's pension depends on when you were a member of the scheme and for how long. To see how much could be paid to your partner, you can check your most recent benefit statement. You can also see details on how a survivor's pension is calculated in Appendix I.

Children's Pension

A pension is also payable to any **eligible** children as long as they meet certain conditions at the time of your death.

Eligible children include:

- natural children (born within 12 months of your death),
- adopted children,
- stepchildren, and
- children accepted as being a member of your family and dependent on you.

A pension is then payable if the eligible child/children meet the following at the time of your death:

- They are under age 18, or
- They are between 18 – 23 and in full time education or vocational training, or
- They are unable to find gainful employment because of a physical or mental impairment.

The children's pension is only payable as long as they meet the above criteria. For example if they leave full time education at age 21, their pension payments would stop.

The amount of children's pension depends on when you were a member of the scheme, for how long you were a member, how many eligible children you have and whether or not a survivor's pension is being paid. For information on how a child's pension is calculated see Appendix I.

Paying Extra

If you die in service and:

- You are paying **Additional Voluntary Contributions (AVCs)**, your AVC fund will be payable along with any extra life cover for your spouse, civil partner or eligible cohabiting partner and eligible children.
- You are paying, or have paid, **Additional Pension Contributions (APCs)** to buy extra LGPS pension, these will not count towards the value of any survivor's or children's pension (except where the APCs were to buy lost pension as a result of unpaid leave e.g. additional maternity leave, trade dispute or unauthorised leave.
- You are paying, or have paid, **Additional Regular Contributions** (ARCs) **and** you opted to pay for dependant's benefits when you started your ARC contract, these extra benefits will be payable to your spouse, civil partner or eligible cohabiting partner and to any eligible

children. If you are still paying ARCs at the date of death, you will be deemed to have completed all payments.

- You bought LGPS **added years** of membership; you will be credited on your death with the whole extra period of membership you set out to buy, even if you have not completed full payment for it. This will increase the value of any survivor's and children's pension.
- You elected to buy **extra cohabiting partner survivor benefits** before 1 April 2015; you will be credited with the whole pre 6 April 1988 membership that you were paying additional contributions for even if you have not completed full payment for it.

In 50/50

If you are in the 50/50 section of the scheme when you die, this does not impact the value of any death grant or survivor's pension or children's pension. The death grant and survivor's and children's pensions are calculated the same as if you were in the main section.

Death with Deferred Pension

If you die before your pension benefits have been paid there are a number of benefits payable to your loved ones.

Death Grant

This is a tax free lump sum paid upon your death. The value of your lump sum depends on when you left the pension scheme:

- **Before 1 April 2009:** the death grant is the value of your deferred lump sum
- **On or after 1 April 2009**: death grant is 5 times the value of your deferred pension

You can nominate any individual(s) and/or charities to receive this grant by updating your death grant nominations online via My Pension+ or by completing the "Death Grant – Expression of Wish" form. The Fund does not have to follow your wishes but we will do so wherever we can.

Note: If you also have an active record elsewhere in the LGPS Scotland, only one death grant will be paid in the event of your death. Either the deferred/pensioner death grant or the death in service grant would be paid, whichever is higher. More information on what death grant is paid under these circumstances is available in Appendix IV.

Survivor's Pension

A survivor's pension is payable to your:

- Spouse, or
- Civil Partner, or
- **Eligible** Co-habiting Partner (only for members who left after 01/04/2009 – see page 10 for eligibility details)

The survivor's pension is paid to them every year for the rest of their life and will be adjusted in line with the cost of living.

The amount of survivor's pension depends on when you were a member of the scheme and for how long. To see how much could be paid to your partner, you can check your most recent benefit statement. See Appendix II for details on how a survivor's pension is calculated.

Children's Pension

A pension is also payable to any **eligible** children as long as they meet certain conditions at the time of your death.

Eligible children include:

- natural children (born within 12 months of your death),
- adopted children,
- stepchildren, and
- children accepted as being a member of your family and dependent on you.

A pension is then payable if the eligible child/children meet the following at the time of your death:

- They are under age 18, or
- They are between 18 – 23 and in full time education or vocational training, or
- They are unable to find gainful employment because of a physical or mental impairment.

The children's pension is only payable as long as they meet the above criteria e.g. if the leave full time education at age 21, their pension payments would stop.

The amount of any children's pension depends on when you were a member of the scheme, for how long you were a member, how many eligible children you have and whether or not a survivor's pension is being paid. See Appendix II for information on how a children's pension is calculated.

Paying Extra

If you paid **Additional Voluntary Contributions (AVCs),** the value of your AVC fund is also payable upon your death.

If you were a member of the LGPS before 1 April 2015 and you paid **Additional Regular Contributions** to buy extra LGPS Pension and you opted to pay for dependant's benefits when you took out your original contract; then extra benefits will be payable to your spouse, civil partner or eligible cohabiting partner and to any eligible children.

If you paid **Additional Pension Contributions (APCs)** to buy extra LGPS pension, these will not count towards the value of any survivor's or children's pension.

If you elected to purchase **Added Years** prior to 1 April 2009 then these will count towards the value of any survivor's or children's pension.

Death in Retirement

If you die after retiring, payment of your pension will cease. Your next-of-kin or the person dealing with your Estate must immediately inform the Pension Fund of your date of death otherwise an overpayment of your pension could occur.

However there are a number of benefits that may be payable to your loved ones in the event of your death.

Death Grant

A tax free cash lump sum will be paid after you die, if you meet the following criteria:

- Your pension has been in payment for less than 10 years, **and**
- You are under age 75 at the date of death

If you do not meet the above conditions then a death grant will not be payable.

If a death grant is payable, the value of your death grant would be:

- 10 times the level of your annual pension in respect of membership after 31 March 2015 (prior to giving up any pension for a tax free cash lump sum), minus any pension already paid to you in respect of this membership and the amount of any tax free cash lump sum you chose to take by exchanging pension (built up after 31 March 2015) for lump sum at retirement.
- 10 times the level of your annual pension in respect of membership before 1 April 2015 (after giving up any pension for a tax free cash lump sum), minus any pension already paid to you in respect of this membership.

You can nominate any individuals and/or charities to receive this grant online via My Pension+. Alternatively, you can complete the "Death Grant – Expression of Wish" form to notify the Fund of nominated individuals and/or charities. The Fund does not have to follow your wishes but we will do so wherever we can.

Note: If you have an active record elsewhere in the LGPS Scotland, only one death grant will be paid in the event of your death. Either the deferred/pensioner death grant or the death in service grant would be paid, whichever is higher.

Survivor's Pension

A survivor's pension is payable to your:

- Spouse, or
- Civil Partner
- **Eligible** Co-habiting Partner (only for members who left after 01/04/2009 – see page 10 for eligibility details)

The survivor's pension is paid to them every year for the rest of their life and will be adjusted in line with the cost of living.

The amount of survivor's pension depends on when you were a member of the scheme and for how long. You can also see how a survivor's pension is calculated in Appendix III.

Children's Pension

A pension is also payable to any **eligible** children as long as they meet certain conditions at the time of your death.

Eligible children include:

- natural children (born within 12 months of your death),
- adopted children,
- stepchildren, and
- children accepted as being a member of your family and dependent on you.

A pension is then payable if the eligible child/children meet the following at the time of your death:

- They are under age 18, or
- They are between 18 – 23 and in full time education or vocational training, or
- They are unable to find gainful employment because of a physical or mental impairment.

The children's pension is only payable as long as they meet the above criteria. For example if the leave full time education at age 21, their pension payments would stop.

The amount of any children's pension depends on when you were a member of the scheme, for how long you were a member, how many eligible children you have and whether or not a survivor's pension is being paid. See Appendix III for details on how a children's pension is calculated.

Conditions for Eligible Cohabiting Partner

For a cohabiting partner, of either the opposite or same sex, to be entitled to survivor's pension they must meet the following conditions:

- You and your cohabiting partner have been, free to marry or form a civil partnership,

And for a continuous period of at least 2 years on the date you die:

- You and your cohabiting partner have been living together as if you were a married couple or as if you were civil partners and
- Neither of you have been living with a third person as if you/they were a married couple or civil partners
- Either your cohabiting partner is, and has been financially dependent on you or you are, and have been, financially interdependent on each other.

The Pension Fund will require evidence upon your death to check that the above conditions have been met. You can notify the Fund of your cohabiting partner by completing a "Notification of Cohabiting Partner" form. This will help the Fund identify and contact your cohabiting partner in the event of your death. For more information view the Cohabiting Partner Policy.

Divorce

If your pension benefits are subject to a Pension Sharing Order issued by the Court following a divorce or dissolution of a civil partnership, or is subject to a qualifying agreement in Scotland, your benefits will be reduced in accordance with the Court Order or agreement.

In consequence if you remarry, enter into a new civil partnership or have an eligible cohabiting partner, any survivor's pension payable following your death will also be reduced.

Your ex-spouse or ex-civil partner will cease to be entitled to a spouse's or civil partner's pension should you die before them. Any benefits payable to eligible children on your death will not be reduced or affected by your divorce or dissolution.

If you have said that you would like your ex-spouse or ex-civil partner to receive any lump sum death grant payable on your death this will remain in place unless you change it. You can change your death grant nominations online via your My Pension+ account or by completing and returning an expression of wish form available on our website. The Court, may, however, issue an Earmarking Order stating that all or part of your lump sum death grant is payable to your ex-spouse or ex-civil partner.

Guaranteed Minimum Pension

If your membership in the LGPS includes a Guaranteed Minimum Pension (GMP) your wife's pension for that part of your membership prior to 6 April 1997, must not be less than half of your GMP. Your husband or civil partner's pension for that part of your membership prior to 6 April 1997 must not be less than half of your GMP built up after 5 April 1988.

More Information

For more information please contact us at the details below:

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Aberdeen
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DISCLAIMER

The information in this guide is based on the Local Government Pension Scheme (Scotland) Regulations 2018 and other relevant legislation. It applies to people who were contributing members of the Local Government Pension Scheme on 1 April 2015 or who have since joined the Scheme. This guide was up-to-date at the time of publication in March 2026. It 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 guide does not confer any contractual or statutory rights and is provided for information purposes only.

APPENDIX I

Calculating a Survivor's & Children's Pension for Active Members

Calculating Survivor's Pension – Spouses & Civil Partners

Membership built up from 1 April 2015	1/160th of the pensionable pay or assumed pensionable pay to which is added 1/160th of the pensionable pay you would have earned but for a period of absence due to unpaid additional maternity or adoption leave, unpaid shared parental leave, a trade dispute or authorised unpaid leave but only if you paid additional pension contributions to purchase the pension lost during the unpaid period *plus,* a proportion of any transferred pension *plus* a pension equal to 1/160th of your assumed pensionable pay for each year of membership you would have built up from your date of death to your Normal Pension Age
Membership built up before 1 April 2015	1/160th of your final pay X your membership in the scheme up to 31 March 2015

Calculating Survivor's Pension - Eligible cohabiting partners

Membership built up from 1 April 2015	1/160th of the pensionable pay or assumed pensionable pay to which is added 1/160th of the pensionable pay you would have earned but for a period of absence due to unpaid additional maternity or adoption leave, unpaid shared parental leave, a trade dispute or authorised unpaid leave but only if you paid additional pension contributions to purchase the pension lost during the unpaid period *plus,* a proportion of any transferred pension *plus* a pension equal to 1/160th of your assumed pensionable pay for each year of membership you would have built up from your date of death to your Normal Pension Age
Membership built up before 1 April 2015	1/160th of your final pay X your membership in the scheme after 5 April 1988 up to 31 March 2015 + any of your membership before 6 April 1988 for which, under an election made prior to 1 April 2015, you have paid additional contributions so that it counts towards an eligible cohabiting partner's pension

Children's Pensions

If a survivor's pension is being paid to your spouse, civil partner or eligible cohabiting partner the following would be paid to any children:

	One child	Two or more children – pension shared equally
Membership built up from 1 April 2015	1/320th of your pensionable pay or assumed pensionable pay to which is added 1/320th of the pensionable pay you would have earned but for a period of absence due to unpaid additional maternity or adoption leave, unpaid shared parental leave, a trade dispute or authorised unpaid leave but only if you paid additional pension contributions to purchase the pension lost during the unpaid period *plus,* a proportion of any transfer of pension rights *plus,* a pension equal to 1/320th of your assumed pensionable pay for each year of membership you would have built up from your date of death to your Normal Pension Age	1/160th of your pensionable pay or assumed pensionable pay to which is added 1/160th of the pensionable pay you would have earned but for a period of absence due to unpaid additional maternity or adoption leave, unpaid shared parental leave, a trade dispute or authorised unpaid leave but only if you paid additional pension contributions to purchase the pension lost during the unpaid period *plus*, a proportion of any transfer of pension rights *plus*, a pension equal to 1/160th of your assumed pensionable pay for each year of membership you would have built up from your date of death to your Normal Pension Age
Membership built up before 1 April 2015	1/320th of your final pay X your membership in the scheme up to 31 March 2015	1/160th of your final pay X the period of your membership in the scheme up to 31 March 2015.

If there is no spouse's, civil partners or eligible cohabiting partners pension being paid, the following would be paid:

	One child	Two or more children – pension shared equally
Membership built up from 1 April 2015	1/240th of your pensionable pay or assumed pensionable pay to which is added 1/240th of the pensionable pay you would have earned but for a period of absence due to unpaid additional maternity or adoption leave, unpaid shared parental leave, a trade dispute or authorised unpaid leave but only if you paid additional pension contributions to purchase the pension lost during the unpaid period *plus,* a proportion of any transfer of pension rights *plus,* a pension equal to 1/240th of your assumed pensionable pay for each year of membership you would have built up from your date of death to your Normal Pension Age	1/120th of your pensionable pay or assumed pensionable pay to which is added 1/120th of the pensionable pay you would have earned but for a period of absence due to unpaid additional maternity or adoption leave, unpaid shared parental leave, a trade dispute or authorised unpaid leave but only if you paid additional pension contributions to purchase the pension lost during the unpaid period *plus,* a proportion of any transfer of pension rights *plus,* a pension equal to 1/120th of your assumed pensionable pay for each year of membership you would have built up from your date of death to your Normal Pension Age
Membership built up before 1 April 2015	1/240th of your final pay X your membership in the scheme up to 31 March 2015	1/120th of your final pay X your membership in the scheme up to 31 March 2015.

APPENDIX II

Calculating a Survivor's & Children's Pension for Deferred Members

For your spouse or civil partner:

Membership built up from 1 April 2015	**1/160th of the pensionable pay or assumed pensionable pay to which is added 1/160th of the pensionable pay you would have earned but for a period of absence due to unpaid additional maternity or adoption leave, unpaid shared parental leave, a trade dispute or authorised unpaid leave but only if you paid additional pension contributions to purchase the pension lost during the unpaid period** ***plus,* a proportion of any transferred pension**
Final salary membership built up before 1 April 2015	1/160th of your final pay X the period of your membership in the scheme up to 31 March 2015 upon which your deferred pension is based

If you marry or enter a civil partnership while your pension is deferred, your spouse or civil partner's pension is based on your membership after 5 April 1978.

For your eligible co-habiting partner

Membership built up from 1 April 2015	**1/160th of the pensionable pay or assumed pensionable pay to which is added 1/160th of the pensionable pay you would have earned but for a period of absence due to unpaid additional maternity or adoption leave, unpaid shared parental leave, a trade dispute or authorised unpaid leave but only if you paid additional pension contributions to purchase the pension lost during the unpaid period** ***plus,* a proportion of any transferred pension**
Final salary membership built up before 1 April 2015	1/160th of your final pay X the period of your membership in the scheme after 5 April 1988 and up to 31 March 2015 + any of your membership before 6 April 1988 if you elected to make additional contributions towards an eligible cohabiting partner's pension

Children's Pensions

If a survivor's pension is being paid to your spouse (from an opposite sex or same sex marriage), civil partner or eligible cohabiting partner:

	One child	Two or more children – pension shared equally
Membership built up from 1 April 2015	1/320th of your pensionable pay or assumed pensionable pay to which is added 1/320th of the pensionable pay you would have earned but for a period of absence due to unpaid additional maternity or adoption leave, unpaid shared parental leave, a trade dispute or authorised unpaid leave but only if you paid additional pension contributions to purchase the pension lost during the unpaid period *plus,* a proportion of any transfer of pension rights	1/160th of your pensionable pay or assumed pensionable pay to which is added 1/160th of the pensionable pay you would have earned but for a period of absence due to unpaid additional maternity or adoption leave, unpaid shared parental leave, a trade dispute or authorised unpaid leave but only if you paid additional pension contributions to purchase the pension lost during the unpaid period *plus,* a proportion of any transfer of pension rights
Membership built up before 1 April 2015	1/320th of your final pay X the period of your membership in the scheme up to 31 March 2015 upon which your deferred pension is based	1/160th of your final pay X the period of your membership in the scheme up to 31 March 2015 upon which your deferred pension is based

If there is no spouse, civil partner or eligible cohabiting partner pension being paid:

	One child	Two or more children – pension shared equally
Membership built up from 1 April 2015	1/240th of your pensionable pay or assumed pensionable pay to which is added 1/240th of the pensionable pay you would have earned but for a period of absence due to unpaid additional maternity or adoption leave, unpaid shared parental leave, a trade dispute or authorised unpaid leave but only if you paid additional pension contributions to purchase the pension lost during the unpaid period *plus,* a proportion of any transfer of pension rights	1/120th of your pensionable pay or assumed pensionable pay to which is added 1/120th of the pensionable pay you would have earned but for a period of absence due to unpaid additional maternity or adoption leave, unpaid shared parental leave, a trade dispute or authorised unpaid leave but only if you paid additional pension contributions to purchase the pension lost during the unpaid period *plus,* a proportion of any transfer of pension rights
Membership built up before 1 April 2015	1/240th of your final pay X the period of your membership in the scheme up to 31 March 2015 upon which your deferred pension is based	1/120th of your final pay X the period of your membership in the scheme up to 31 March 2015 upon which your deferred pension is based

APPENDIX III

Calculating a Survivor's & Children's Pension for Pensioners

Survivor's pension

For your spouse

The amount of survivor's pension depends on when you were a member of the scheme:

Membership built up from 1 April 2015 to your date of death	**1/160th of the pensionable pay or assumed pensionable pay to which is added 1/160th of the pensionable pay you would have earned but for a period of absence due to unpaid additional maternity or adoption leave, unpaid shared parental leave, a trade dispute or authorised unpaid leave but only if you paid additional pension contributions to purchase the pension lost during the unpaid period** ***plus,* a proportion of any transferred pension**
Final salary membership built up before 1 April 2015	1/160th of your final pay X the period of your membership in the scheme up to 31 March 2015

If you marry or enter a civil partnership after retiring, your spouse or civil partner's pension is based on your membership after 5 April 1978.

Eligible Co-habiting Partner

Membership built up from 1 April 2015 to your date of death	**1/160th of the pensionable pay or assumed pensionable pay to which is added 1/160th of the pensionable pay you would have earned but for a period of absence due to unpaid additional maternity or adoption leave, unpaid shared parental leave, a trade dispute or authorised unpaid leave but only if you paid additional pension contributions to purchase the pension lost during the unpaid period** ***plus,* a proportion of any transferred pension**
Final Salary membership built up before 1 April 2015	1/160th of your final pay X the priod of your membership in the scheme after 5 April 1988 and up to 31 March 2015 + any of your membership before 6 April 1988 for which, under an election made prior to 1 April 2015, you have paid additional contributions so that it counts towards an eligible cohabiting partners pension

Children's Pensions

Children's pensions are payable to eligible children and will be adjusted each year in line with the cost of living. The amount of pension payable depends on the number of eligible children you have and if a partner's pension is being paid.

If a survivor's pension is being paid to your spouse, civil partner or eligible cohabiting partner:

	One child	Two or more children – pension is shared equally
For membership built up from 1 April 2015 to your date of death	1/320th of your pensionable pay or assumed pensionable pay to which is added 1/320th of the pensionable pay you would have earned but for a period of absence due to unpaid additional maternity or adoption leave, unpaid shared parental leave, a trade dispute or authorised unpaid leave but only if you paid additional pension contributions to purchase the pension lost during the unpaid period *plus,* a proportion of any transfer of pension rights	1/160th of your pensionable pay or assumed pensionable pay to which is added 1/160th of the pensionable pay you would have earned but for a period of absence due to unpaid additional maternity or adoption leave, unpaid shared parental leave, a trade dispute or authorised unpaid leave but only if you paid additional pension contributions to purchase the pension lost during the unpaid period *plus,* a proportion of any transfer of pension rights
For membership built up before 1 April 2015	1/320th of your final pay X the period of your membership in the scheme up to 31 March 2015	1/160th of your final pay X the period of your membership in the scheme up to 31 March 2015

If no survivor's pension is being paid, the following would be paid to eligible children:

	One child	Two or more children – pension is shared equally
For membership built up from 1 April 2015 to your date of death	1/240th of your pensionable pay or assumed pensionable to which is added 1/240th of the pensionable pay you would have earned but for a period of absence due to unpaid additional maternity or adoption leave, unpaid shared parental leave, a trade dispute or authorised unpaid leave but only if you paid additional pension contributions to purchase the pension lost during the unpaid period *plus,* a proportion of any transfer of pension rights	1/120th of your pensionable pay or assumed pensionable to which is added 1/120th of the pensionable pay you would have earned but for a period of absence due to unpaid additional maternity or adoption leave, unpaid shared parental leave, a trade dispute or authorised unpaid leave but only if you paid additional pension contributions to purchase the pension lost during the unpaid period *plus,* a proportion of any transfer of pension rights
For membership built up before 1 April 2015	1/240th of your final pay times the period of your membership in the scheme up to 31 March 2015	1/120th of your final pay times the period of your membership in the scheme up to 31 March 2015

APPENDIX IV

Death Grant for members with a deferred pension

If you left with deferred benefits **before 1 April 2015** and die before receiving them and you are also an active member when you die, the greater of the following benefits are paid:

- A lump sum death grant of 5 times (or if you left before 1 April 2009, 3 times) your deferred annual pension, or
- A death in service lump sum of 3 times your assumed pensionable pay

If you left with deferred benefits **after 31 March 2015** and die before receiving them and you are also an active member when you die, the greater of the following benefits are paid:

- A lump sum death grant of 5 times your deferred annual pension, or
- A death in service lump sum of 3 times your assumed pensionable pay

If you leave with deferred benefits **after 31 March 2015** and also have deferred benefits from an earlier period of membership which ended **before 1 April 2015** and die before receiving them, the following benefits are payable

- A lump sum death grant of 5 times your deferred annual pension for the deferred benefits after 31 March 2015, plus 5 times the deferred annual pension for deferred benefits awarded between 1 April 2009 and 31 March 2015, plus 3 times the deferred annual pension for benefits awarded before 1 April 2009