

Report for: ACTION



Contains Confidential or Exempt Information	NO - Part I
Title	Payment of a Cohabiting Partner's Pension
Responsible Officer(s)	Philip Boyton Pension Administration Manager
Contact officer, job title and phone number	Nick Greenwood Pension Fund Manager 01628 796701
Member reporting	n/a
For Consideration By	Berkshire Pension Fund and Pension Fund Advisory Panels
Date to be Considered	11 April 2016
Implementation Date if Not Called In	Not applicable
Affected Wards	None

REPORT SUMMARY

1. This report asks Members to consider a formal request received by Officers for payment of a cohabiting partner's pension of £16,924.90 per annum in respect of a scheme member who died unexpectedly during November 2015.
2. This report is provided to Members in accordance with Section 36 of the Administering Authority's Discretionary Policy Statement where a decision is required regarding a matter deemed to be contentious.

If recommendations are adopted, how will residents, fund members and other stakeholders benefit?

Benefits to residents and reasons why they will benefit	Dates by which residents can expect to notice a difference
1. n/a	

1. DETAILS OF RECOMMENDATIONS

RECOMMENDATION: That Panel:

- i. approve the payment of a survivor's pension on sight of a sworn Affidavit made by the deceased's partner.

2. REASON FOR RECOMMENDATION(S) AND OPTIONS CONSIDERED

- 2.1 The Local Government Pension Scheme Regulations 2013 (as amended) includes provisions for surviving husbands and wives, civil partners and dependant children to be paid a pension in the event of a scheme member's death. In April 2008 the provisions were extended to also include nominated cohabiting partners.
- 2.2 For an eligible cohabiting partner's pension to be payable, all of the following conditions must apply for a continuous period of at least two years on the date of the scheme member's death:
- 2.2.1 the scheme member and their cohabiting partner must be free to marry each other or enter into a civil partnership with each other;
 - 2.2.2 the scheme member and their cohabiting partner must be living together, as if husband and wife, or civil partners;
 - 2.2.3 neither the scheme member or their cohabiting partner have been living with someone else as if husband and wife or civil partners; and
 - 2.2.4 either the scheme member's cohabiting partner is, and has been, financially dependent on them or financially interdependent on each other.
- 2.3 Before the 1 April 2014 it was a legal requirement for a scheme member to nominate their cohabiting partner. Since this date it has no longer been a requirement, but all of the conditions outlined above must be satisfied and evidenced to Officers in both instances.
- 2.4 The deceased did not nominate his cohabiting partner of 10 years with whom he began living with at her address following his divorce in 2005. Whilst the partner has been able to provide documents evidencing both lived at the same address the documents do not provide sufficient evidence to satisfy 2.2.4 above. This has proven more difficult because we understand they kept separate bank and building society accounts.

Although, living together the deceased purchased a house that was lived in permanently by one of his children and used by his other two children when visiting. The address of this property was registered as the deceased's place of death because he regularly used it when not working at his office location.

We understand it was their intention to marry during August 2016 and make a joint house purchase. These events would have taken place much earlier but for both of their parents' poor health from 2006 to 2013 and time needed to care for them. This was followed by the deceased's partner suffering a stroke and lengthy recovery during which time she was dependent on the deceased financially.

- 2.5 A child's pension of £8,462.45 per annum is in payment to the deceased's daughter aged 16 until she reaches age 23 at the latest. The amount will increase to £11,283.27 per annum if Members conclude a cohabiting partner's pension is not payable.
- 2.6 A Lump Sum Death Grant of £139,986.00 has been paid equally to the deceased's four children, as his nominated beneficiaries.
- 2.7 Officers having reviewed the evidence provided by the partner and are of the view that Members should exercise its discretion to award a cohabiting partner's pension to her.

Option	Comments
Members approve payment of a cohabiting partner's pension.	Recommendation by Officers subject to a signed Affidavit made by the cohabiting partner.
Members do not approve payment of a cohabiting partner's pension.	

3. KEY IMPLICATIONS

Not applicable.

4. FINANCIAL DETAILS

Not applicable.

5. LEGAL IMPLICATIONS

Not applicable.

6. VALUE FOR MONEY

Not applicable.

7. SUSTAINABILITY IMPACT APPRAISAL

Not applicable.

8. RISK MANAGEMENT

Not applicable.

9. LINKS TO STRATEGIC OBJECTIVES

Not applicable.

10. EQUALITIES, HUMAN RIGHTS AND COMMUNITY COHESION

Not applicable.

11. STAFFING/WORKFORCE AND ACCOMMODATION IMPLICATIONS

Not applicable.

12. PROPERTY AND ASSETS

Not applicable.

13. ANY OTHER IMPLICATIONS

Not applicable.

14. CONSULTATION

Not applicable.

15. TIMETABLE FOR IMPLEMENTATION

Not applicable.

16. APPENDICES

Not applicable.

17. BACKGROUND INFORMATION

Not applicable.