

# Local Government Pension Scheme

## Pre 31 March 2014 Leaver Guidance Notes

### What are deferred benefits?

Because you left the Local Government Pension Scheme before becoming entitled to receive immediate payment of your pension benefits, they are deferred within the scheme. Your deferred benefits are based on:

- The length of time you paid into the scheme.
- Your pensionable salary, usually the last 365 days pay before leaving.
- The effect of any pensions increases in the period your benefits are deferred

When your deferred benefits become payable, the pension is normally paid monthly and if you have membership prior to 1 April 2008 a tax-free lump sum will also be automatically paid. Immediately prior to retirement, there will be an opportunity to increase the lump sum in respect of membership built up prior to 1 April 2008 and / or to receive a lump sum in respect of membership built up from that date by giving up annual pension (for each £1 annual pension given up £12 of lump sum will be received). There are limits on the maximum lump sum that may be received which is generally 25% of the value of the benefits being drawn.

### When are deferred benefits payable?

Your statement shows the first date at which your benefits would be payable unreduced. If this is later than age 60, you will be able to access your benefits from age 60, however they will be actuarially reduced to allow for early payment. The amount of the reduction will depend on how far away you are from your normal retirement date as indicated on your statement.

To work out the reduction for early payment, we will use the government issued guidance that applies at the point you draw the benefits.

If you have opted out of the scheme, but are still employed in the same post, your deferred benefits cannot be paid until you have ceased that employment. If you opted out of the scheme before 1 April 1998 you must have ceased all Local Government employment before your benefits can be paid.

### In what other circumstances can benefits be payable earlier?

There are 3 circumstances where you may be able to draw deferred benefits before the date shown on your statement.

**Ill health-** if you become too ill to work you may be able to access your pension early after assessment by an independent medical practitioner specified by your former employer (please see ill health factsheet on our website)

**Compassionate grounds-** if you left pre-1 April 1998 your former employer may grant early payment if you have attained age 50

**Employer Consent-** you may be able to access your pension from age 55 without reductions with your former employers consent

### **Can I defer receiving payment of my benefits until after my 65<sup>th</sup> birthday?**

If you left after 31 March 1998, you may decide to defer receiving payment until a date after your 65<sup>th</sup> birthday. When you start drawing your LGPS benefits 'late', we will increase the amounts payable because the benefits are being paid later and over a shorter period than expected.

Your deferred benefits must be in payment by no later than your 75<sup>th</sup> birthday.

To work out the increase for late payment, we will use the government issued guidance that applies at the point you draw the benefits.

### **Is there a death grant payable if I die before receiving my benefits?**

There is a death grant payable and this is different depending on when you left the scheme. If you left:

**Pre 1 April 2008-** the death grant payable is equal to the deferred lump sum

**Post 31 March 2008-** the death grant payable is equal to 5 times the current deferred annual pension.

Please note that if you return to active membership in the LGPS (England or Wales), keep your deferred benefits separate from your new active record, and later die in service, the death grant payable would be the greater of the death grant relating to your deferred benefit and an amount equal to 3 times your pay in the new job i.e. two death grants would not be payable.

If you have not yet indicated who you wish to receive any death grants from the scheme, or you wish to change a previously made nomination, please print off and return an "expression of wish" form (available from our website).

### **Can my spouse/civil partner receive pension benefits should I pre-decease them?**

Your surviving spouse or civil partner may receive a pension in respect of your membership which will be a proportion of your deferred pension. The proportion is generally –

- a) 50% in respect of benefits built up prior to 1 April 2008; and
- b) 37.5% in respect of benefits built up between 1 April 2008 and 1 April 2014

If the marriage/civil partnership took place after you left the scheme, the rate of the survivor pension may be less than it would have been had the marriage/ civil partnership took place before leaving the Scheme. Please note that "marriage" includes both opposite- sex and same-sex marriages.

### Can my cohabiting partner receive pension benefits?

If you left the Scheme on or after 1 April 2008, your cohabiting partner may receive a survivor's pension should you predecease them, normally equal to that payable to a spouse or civil partner, and providing your relationship met certain conditions at that time. For full information please see the Employee full guide to the LGPS on our website.

### If I have children, would they be eligible to receive a pension if I die?

Your children may receive benefits if they satisfy one of the following:

- Aged under 18
- Aged between 18 and 23 and still in continuous full-time education or vocational training or has a physical or mental impairment which impacts on their ability to engage in paid employment
- Aged 23 and over, has a physical or mental impairment which impacts on their ability to engage in paid employment, the impairment is likely to be permanent and the person was dependent on you because of that impairment at death.

The specific proportion of your deferred pension payable to each child who is eligible will depend upon whether a pension is also payable in respect of your membership to a surviving spouse, civil partner or cohabiting partner and the number of eligible children. The pension payable to an eligible child will continue for as long as the child remains eligible.

### What if I re-join the Scheme at a later date?

If you re-join the scheme you will, in addition to your deferred benefits, begin to build up new pension benefits. You will have the option of keeping these two set of benefits separate or joining them together to form just one set of benefits.

You will normally only have 12 months from the date you re-join to make this decision. Please note, the option you have regarding the benefits the deferred pension will buy if joined with your new benefits depends upon whether you had a continuous break of active membership of any public service pension scheme exceeding 5 years between leaving and re-joining the Scheme.

We will send you further details on re-joining.

If you re-join or have already re-joined the LGPS in another Fund in England or Wales, you must (if not already done so):

- a) Notify the administering authority of the Fund in which you are an active member again that you are an active member again that you have deferred benefits in our Fund.
- b) Notify us that you are an active member in another LGPS Fund in England or Wales and
- c) Notify the administering authority of any intervening service in any other public service pension scheme (even if a refund of contributions has been received or a transfer made in respect of that service).

Items a) and b) are required to ensure you receive appropriate options regarding aggregation of benefits. Failure to comply with item c) could lead to certain statutory rights that may apply to you not being applied.

### Can I transfer my pension rights?

Yes, you may elect to transfer your deferred pension benefits to another pension scheme subject to certain conditions (for example, you cannot transfer if you are within 1 year of your NPA). The receiving scheme will need to be suitably approved and willing and able to accept the transfer. Upon joining your new pension scheme, you should let them know that you have deferred benefits within the Local Government Pension Scheme, and they will write to us requesting details of the transfer value available. The option to transfer should normally be exercised within 12 months of joining the new pension arrangement as most schemes set this as a time limit.

If you decide to transfer, the cash equivalent value of your deferred benefits will normally be transferred across to the new scheme.

Please be advised that should you, in return for a transfer from the LGPS to another scheme, be looking to acquire “flexible benefits”, appropriate independent advice (payable at your own cost) must normally be obtained before such a transfer can be made. Generally, a “flexible benefit” is a pension benefit which is calculated by reference to an amount of money such as money purchase or cash balance benefits. More information will be provided upon request for a transfer.

Irrespective of whether you are required to obtain financial advice, it is still a good idea to do so in order to understand fully the pros and cons.

### Warning- Pension Scams

If you are considering transferring your benefits to another pension provider, beware of pension scams which are on the increase in the UK. Pension scams can take many forms. Many offer 'One-off pension investments', 'pension loans' or 'upfront cash' to entice savers to transfer their hard-earned pension benefits.

Once you've transferred your pension, it's too late. Please visit [www.pensionadvisoryservice.org.uk](http://www.pensionadvisoryservice.org.uk) or [www.thepensionregulator.gov.uk](http://www.thepensionregulator.gov.uk) for more information on how to spot a pension scam.

### How will my benefits keep their value?

Your benefits are adjusted in line with inflation from the time you leave the scheme and continue to be adjusted once pensions are in payment. The increases are linked to the Consumer Price Index, and these are applied to your deferred benefits each April.

The Consumer Price Index (CPI) figure for 201 is 2.4%. Therefore, we have applied a 2.4% increase to deferred benefits in April 2019.

### What is modification?

This only affects people who have service in the scheme before 1 April 1980. Public service pensions have compulsorily modified since the National Insurance Act 1946 introduced State Retirement Pensions. The Act provided that reduced contributions should be paid by pensionable employees who would subsequently be subject to a modification of their benefits at State Pension age, when they become entitled to State Retirement Pensions. If modification applies to you, your modified pension figure will be shown on your benefit statement.

### Do I need to contact you at retirement?

It is your responsibility to get in touch with us and let us know from what date you would like your pension benefits brought into payment. Please give notice around three months before your intended retirement date to allow your benefits to be processed. We will then issue your retirement figures allowing you to make choices on your lump sum and where you would like your pension paying.

### Keeping us up to date

Finally, please remember to let us know if your address changes so that we can keep you up to date with information about your pension benefits. You can do this by logging into 'My Pension Online' via our website [www.yourpensionservice.org.uk](http://www.yourpensionservice.org.uk)

**All data held is for the purpose of administering the pension scheme and paying pension benefits. The administrators have a legal obligation and a legitimate interest under the General Data Protection Regulation (GDPR) or any superseding legislation in processing data as a result of your membership of the scheme. This may include passing such data to the actuary, administrators, auditors, insurers, lawyers and such other third parties as may be necessary for the operation of the scheme. The administering authority for the pension fund that you are a member of, and LPP who administer 'The Fund', are joint data controllers under the GDPR for their respective fund. The administering authority and LPP remain legally responsible for collecting**



**and processing personal data under the GDPR for the fund.**

*This document is for general use and cannot cover every personal circumstance as its contents are based on our understanding of the legislation and events at the time. In the event of any dispute over your pension benefits, the appropriate legislation will prevail as this document does not confer any contractual or statutory rights and is provided for information purposes only.*

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