

NHS Pensions - Survivors guide



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Introduction

This guide provides you with information and answers questions you or your family may have about claiming and receiving life assurance and family benefits. In the event of your death we may pay a lump sum and pension benefits to your dependants. The benefits payable will depend on your circumstances at the time of your death. It is important that you show this guide and any other important documents you may already have to your spouse, registered civil partner, nominated/non-nominated partner or executor, so that they know how to apply for any benefits they may be entitled to from the Scheme. Informing them now will save your family time and worry if they should ever need to make a claim. Recording your personal details and keeping them in a safe place will help if you or your dependants need to contact us.

The small print

This guide is intended to provide a general overview of the life assurance and family benefits provided by the NHS Pension Schemes. We have taken great care to get the details right at the time of publication but it does not give a complete or legally binding statement of the law and Regulations which govern the Schemes. Nothing in this guide can override the Regulations that set out the conditions of entitlement and determine the rate at which benefits are payable. In the event of any conflicting information, the Regulations will prevail.

You can find the most up to date version of all our guides on our website at:

www.nhsbsa.nhs.uk/nhs-pensions. If you are in any doubt about how benefits are calculated or what your entitlement may be, please contact your local pension administrator or NHS Pensions.

Life assurance and family benefits

The NHS Pension Schemes provide lump sum and pension benefits to eligible dependants in the event of the member's death. The benefits payable will depend on which section/scheme the member was in and their circumstances at the time of death. These are listed on pages 7-12.

Lump sum on death benefit

A lump sum on death benefit may be paid if a member dies before retiring or within five years of their retirement. The amount payable where the member dies after retirement will depend on the total amount of retirement benefits they have received from the Scheme up to the date of death. Sometimes the Scheme's liability may have already been discharged meaning no lump sum is payable, for example if the member exchanged some of their pension to receive a lump sum or bigger lump sum when they retired.

The NHS Pension Scheme is not a discretionary scheme. The lump sum on death benefit will be paid to the legal spouse, registered civil partner or qualifying scheme partner unless the member has nominated someone else on the lump sum on death benefit nomination form (DB2).

If there is no legal spouse, registered civil partner, qualifying scheme partner or nomination, the lump sum on death benefit will be paid to the member's Estate. If the lump sum amount is £5,000 or more, sight of a Grant of Probate or Letters of Administration will be requested before the lump sum is paid.

A lump sum on death benefit is not included in an Inheritance Tax assessment if paid to the member's spouse or registered civil partner. A lump sum on death benefit paid to a qualifying scheme partner or nominated individual(s) may be subject to Inheritance Tax.

Important

HM Revenue & Customs (HMRC) has strict rules about the payment of the lump sum on death benefit. The lump sum on death benefit must be paid within two years of the member's death first being notified to us.

After two years the lump sum will be subject to a HMRC tax charge of up to 45%.

NHS Pensions has no discretion and must deduct this tax charge from the lump sum payment.

Dependants' pensions

These are payable to a spouse, registered civil partner, qualifying scheme partner or dependent child or children from the date of the member's death. The amount of dependant's pension payable depends on the deceased member's length of pensionable membership.

Adult dependant's pension

An adult dependant's pension is payable to an eligible spouse, registered civil partner or a qualifying scheme partner who meets all eligibility conditions as noted on the partner nomination form (PN1). If membership is extended to or beyond 1 April 2008, an adult dependant's pension is payable for life regardless of whether the recipient remarries, forms a civil partnership or lives with someone else as a spouse or partner. Where membership ended before 1 April 2008, an adult dependant's pension will normally end if the recipient remarries, forms a civil partnership or lives with someone else as a spouse or partner. However, the pension may be reinstated if the withdrawal of it causes severe financial hardship.

An adult dependant's pension does not form part of the member's Estate, and cannot be transferred to anyone else.

Married couples, civil partners and qualifying scheme partner

The adult dependant's pension for a surviving spouse, civil partner or qualifying scheme partner will depend on which section/scheme the member was in. Details can be found on pages 7-12.

Qualifying scheme partner pensions

To qualify for a scheme partner pension all the following conditions must be satisfied at the date of the member's death and have existed for a continuous period of at least two years:

- neither person has a legal partner i.e. a spouse or registered civil partner
- they are not related to each other in a way which would prevent marriage or registered civil partnership
- they are living together in an exclusive relationship as if they were husband and wife or civil partners
- the member and partner are financially interdependent or the partner is financially dependent on the member.

Dependency checks are made after the member dies; this typically means things like sharing bank accounts and a mortgage, naming each other in a Will, or running a joint household.

If all the above conditions are satisfied, the nominated/non-nominated partner will need to provide at least two forms of supporting documentation as proof of financial interdependency / dependency, for example shared mortgage, bank accounts or household expenditure documents.

Once the above conditions are satisfied, that person has the same status as a spouse or civil partner and any lump sum on death benefit would automatically be payable to them unless the member had made a valid nomination in favour of another person.

Children's pension

If there are any dependent children a children's pension may be payable. A children's pension can also include a number of other possible child dependents, not just the member's own children.

'Children' can include:

- biological children
- children of a civil partner or qualifying scheme partner
- step children and adopted children
- a brother or sister of the member or of their spouse, civil partner or qualifying scheme partner
- a nephew or niece of the member or of their spouse, civil partner or qualifying scheme partner
- a grandchild
- a half brother, half sister, step brother, or step sister of the member or of their spouse, civil partner or qualifying scheme partner
- children born before the member leaves pensionable employment
- children born within 12 months of the date the member leaves pensionable employment.
- Where Scheme membership extended to or beyond 1 April 2008 a children's pension may be paid if the child is dependent on the member both at retirement and at the date of death, and they are:
 - under age 23, or
 - aged 23 or over and incapable of earning a living due to permanent physical or mental infirmity from which he/she was suffering at the time the member died.
- Where Scheme membership ended before 1 April 2008, a children's pension may be paid if the child is dependent, both at retirement and at the date of death, and they are:
 - under age 17, or
 - aged 17 or over but has not reached the age of 23 and is continuing in full time education or training, or
 - aged 17 or over and incapable of earning a living due to permanent physical or mental infirmity from which he/she was suffering at the time the member died.

A children's pension does not form part of the member's estate. It is paid to the person who has care of the child(ren) or the child's own bank account, even if they are a minor.

The appropriate claim form for payment of children's pension is available from our website at:

www.nhsbsa.nhs.uk/nhs-pensions

Summary of benefits

Each Section/Scheme provides slightly different benefits. The following tables show the benefits that are payable from each.

1995 Section

The table below does not include re-employed and partial retirement pensioner members

Benefit	Death in membership (on or after 2008)	Death of a pensioner member	Death with deferred pension	Death of a recent leaver with less than two years' qualifying membership ¹
Lump sum on death	2 x annual pensionable pay or average uprated earnings for practitioners ⁶	The lesser of: 5 x pension less pension already paid or 2 x pay less any retirement lump sum	3 x pension payable if member had retired on date of death	3 x annual pension the member would have received had they retired on the date of death
Adult dependant's pension (at least two years membership)	<p>A continuing adult dependant's pension of either:</p> <p>50% of the notional⁷ tier 2 ill health pension if under age 60 at the date of death: or</p> <p>50% of the notional age pension if over age 60 at the date of death</p> <p>Either pension will be based on all membership, but if you are the qualifying Scheme partner of a member either pension will not include any membership prior to 6 April 1988</p> <p>Plus a short term pension equal to the rate of pensionable pay² for the first 6 months</p>	<p>A continuing adult dependant's pension of 50% of the member's pension in payment³ based on all membership</p> <p>If you are the qualifying Scheme partner of a member the pension will not include any membership prior to 6 April 1988</p> <p>Plus a short term pension equal to the rate of the member's pension in payment for the first 3 months or 6 months if there is at least one eligible dependent child</p>	<p>A continuing adult dependant's pension of either:</p> <p>50% of the notional⁷ tier 2 ill health pension if date of death within 12 months of leaving; or</p> <p>50% of the notional age pension if date of death is more than 12 months after leaving.</p> <p>Either pension will be based on all membership, but if you are the qualifying Scheme partner of a member either pension will not include any membership prior to 6 April 1988.</p> <p>No short term pension is payable</p>	Not applicable
Adult dependant's pension (less than two years membership before age 60)	A short term pension equal to the rate of pensionable pay ² for 6 months only	Not applicable	Not applicable	No pension is payable

Adult dependant's pension (less than two years membership after age 60)	<p>A continuing adult dependant's pension of 50% of the notional⁷ age pension</p> <p>Plus a short term pension equal to the rate of pensionable pay² for the first 6 months</p>	<p>Not applicable</p>	<p>Not applicable</p>	<p>Not applicable</p>
Children's pension	<p>A children's pension of 25% of the notional⁷ tier 2 ill health pension⁸ for 1 child (50% shared equally for two or more children)⁴</p> <p>A short term pension equal to the rate of pensionable pay² may be payable for 3 or 6 months⁵</p>	<p>A children's pension of 25% of the pension⁸ for 1 child (50% shared equally for two or more children)⁴</p> <p>A short term pension equal to the rate of pension paid may be payable for the first 3 or 6 months⁵</p>	<p>A children's pension of either 25% of the notional⁷ tier 2 ill health #pension if date of death within 12 months of leaving for 1 child (50% shared equally for 2 or more children); or</p> <p>A children's pension of 25% of the notional age pension⁸ where date of death is more than 12 months after leaving for 1 child (50% shared equally for 2 or more children)⁴</p> <p>No short term pension is payable</p>	<p>A children's pension of 25% of the notional⁷ tier 2 ill health pension⁸ (50% shared equally for 2 or more children)⁴</p> <p>No short term pension is payable</p>

¹ a member who dies within 12 months of leaving the Scheme who did not build up enough pensionable membership to qualify for pension benefits and has not been paid a refund or transfer value

² if the member was in a practitioner or non-GP provider employment, it is the rate of pensionable earnings during the last complete quarter before the member's death

³ will not include any additional pension being paid unless dependent's cover has been purchased with it

⁴ higher rates may be payable if there is no adult dependant's pension payable

⁵ 3 months where the child is not dependent on the adult receiving the adult dependant's pension or 6 months where there is no adult dependant's pension payable; otherwise no short term pension is payable

⁶ A lump sum on death benefit is payable for members with less than two years' membership

⁷ a 'notional' pension is the amount that would have been payable as at the member's date of death

⁸ the pension will be based on a minimum of 10 years pensionable membership

Where your marriage or civil partnership took place after you left pensionable employment the adult dependant's pension payable will be based on membership from 6 April 1978 only.

Where you started a partnership after you left pensionable employment/retired, in qualifying cases, the adult dependant's pension will be based on membership from 6 April 1988 only.

If you bought additional pension with dependents cover there will be extra benefits payable. More information is available on our website at: www.nhsbsa.nhs.uk/pensions

The lump sum on death benefit must be paid within two years of the date upon which the Scheme Administrator was first notified of the member's death otherwise it will be subject to a HMRC tax charge of up to 45%. NHS Pensions has no discretion and must deduct this tax charge from the lump sum payment.

2008 Section

Benefit	Death in membership (on or after 2008)	Death of a pensioner member	Death with deferred pension	Death of a recent leaver with less than two years' qualifying membership ¹
Lump sum on death	2 x reckonable pay or average uprated earnings for Practitioners ⁶	The lesser of: 5 x pension less pension already paid or 2 x reckonable pay less any retirement lump sum taken	2.25 x annual pension the member would have received had they retired on the date of death assuming they did not take a lump sum	2.25 x annual pension the member would have received had they retired on the date of death assuming they did not take a lump sum
Adult dependant's pension (at least two years membership)	<p>A continuing adult dependant's pension of either:</p> <p>37.5% of the notional⁷ tier 2 ill health pension if under age 65 at date of death; or</p> <p>37.5% of the notional age pension if over age 65 at date of death</p> <p>Plus a short term pension equal to the rate of pensionable pay³ for the first 6 months</p>	<p>A continuing adult dependant's pension of 37.5% of the member's pension in payment²</p> <p>Plus a short term pension equal to the rate of the member's pension in payment for the first 3 months or 6 months if there is at least one eligible dependent child</p>	<p>A continuing adult dependant's pension of either:</p> <p>37.5% of the notional⁷ tier 2 ill health pension if date of death within 12 months of leaving; or</p> <p>37.5% of the notional⁷ age pension if date of death more than 12 months after leaving</p> <p>No short term pension</p>	Not applicable
Adult dependant's pension (less than two years membership before age 65)	A short term pension equal to the rate of pensionable pay ³ for 6 months only	Not applicable	Not applicable	No pension payable
Adult dependant's pension (less than two years membership after age 65)	<p>A continuing adult dependant's pension of 37.5% of the notional⁷ age pension</p> <p>Plus a short term pension equal to the rate of pensionable pay³ for the first 6 months</p>	Not applicable	Not applicable	Not applicable

Children's pension	A children's pension of 18.75% of the notional ⁷ tier 2 ill health pension ⁸ for 1 child (37.5% shared equally for two or more children) ⁴	A children's pension of 18.75% of the pension ⁸ in payment for 1 child (37.5% shared equally for two or more children) ⁴	A children's pension of either 18.75% of the notional ⁷ tier 2 ill health pension ⁸ if date of death within 12 months of leaving for 1 child (37.5% shared equally for two or more children); or	A children's pension of 18.75% of the notional ⁷ tier 2 ill health pension ⁸ (37.5% shared equally for two or more children) ⁴
	A short term pension equal to the rate of pensionable pay ³ may be payable for the first 3 or 6 months ⁵	A short term pension equal to the rate of pension paid may be payable for the first 3 or 6 months ⁵	A children's pension of 18.75% of the notional age pension ⁸ where date of death is more than 12 months after leaving for 1 child (37.5% shared equally for two or more children)	No short term pension is payable

The table above does not include re-employed and partial retirement pensioner members.

¹ a member who dies within 12 months of leaving the Scheme who did not build up enough pensionable membership to qualify for pension benefits and has not been paid a refund or transfer value

² Will not include any additional pension being paid unless dependants cover has been purchased with it

³ if the member was in a practitioner or non-GP provider employment, it is the rate of pensionable earnings during the last complete quarter before the member's death

⁴ higher rates may be payable if there is no adult dependant's pension payable

⁶ 3 months where the child is not dependent on the adult receiving the adult dependant's pension or 6 months where there is no adult dependant's pension payable; otherwise no short term pension is payable

⁶ A lump sum on death benefit is payable for members with less than two years' membership

⁷ a 'notional' pension is the amount that would have been payable as at the member's date of death

⁸ the pension will be based on a minimum of 10 years pensionable membership

If you have less than two years' membership and die before you leave or retire, your spouse, civil partner, or qualifying scheme partner would receive a lump sum on death benefit and a short term pension payable for six months.

The lump sum on death benefit must be paid within two years of the date upon which the Scheme Administrator was first notified of the member's death otherwise it will be subject to a HMRC tax charge of up to 45%. NHS Pensions has no discretion and must deduct this tax charge from the lump sum payment.

If you bought additional pension with dependants' cover there will be extra benefits payable. You can find more information about additional pension on our website at: www.nhsbsa.nhs.uk/nhs-pensions

2015 Scheme

Benefit	Death in pensionable membership	Death of a pensioner member ¹	Death with deferred pension	Death of a recent leaver with less than two years' qualifying membership ¹
Lump sum on death	The higher of: 2 x the relevant earnings in the last 12 months of pensionable service or 2 x the revalued pensionable earnings for the Scheme year, up to 10 years earlier, with the highest revalued pensionable earnings	The lesser of: 5 x annual pension amount less pension already paid; or 2 x the lump sum payable had they been an active member on the date of death less any retirement lump sum (commutation) already taken	2.025 x the annual pension the member would have received had they retired on the date of death	2.025 x the annual pension the member would have received had they retired on the date of death
Adult dependant's pension (at least two years membership)	Either: 33.75% of the notional ⁶ tier 2 ill health pension if under normal pension age at date of death or 33.75% of the notional age pension if over Normal Pension Age at date of death Short term pension equal to the rate of pensionable earnings ³ for 6 months	A continuing adult dependant's pension of 33.75% of the member's pension in payment ² Plus a short term pension equal to the rate of the member's pension in payment for the first 3 months or 6 months if there is at least one eligible dependent child	A continuing adult dependant's pension of either: 33.75% of the notional ⁶ tier 2 ill health pension if date of death within 12 months of leaving; or 33.75% of the notional ⁶ age pension if date of death more than 12 months after leaving No short term pension is payable	No pension is payable
Adult dependant's pension (less than two years membership and under normal pension age)	A short term pension equal to the rate of pensionable earnings ³ for 6 months only	Not applicable	Not applicable	No pension is payable

Benefit	Death in pensionable membership	Death of a pensioner member ¹	Death with deferred pension	Death of a recent leaver with less than two years' qualifying membership ¹
Adult dependant's pension (less than two years membership and over normal pension age)	A continuing adult dependant's pension of 33.75% of the notional ⁶ age pension Plus a short term pension equal to the rate of pensionable earnings ³ for the first 6 months	Not applicable	Not applicable	Not applicable
Children's pension	A children's pension of 16.875% of the notional ⁶ tier 2 ill health pension ⁷ for 1 child (33.75% shared equally for two or more children) ⁴ A short term pension equal to the rate of pensionable earnings ³ may be payable for the first 3 or 6 months ⁵	A children's pension of 16.875% of the pension ⁷ in payment for 1 child (33.75% shared equally for two or more children) ⁴ A short term pension equal to the rate of pension paid may be payable for the first 3 or 6 months ⁵	A children's pension of either 16.875% of the notional ⁶ tier 2 ill health pension ⁷ if date of death within 12 months of leaving for 1 child (33.75% shared equally for two or more children); or A children's pension of 16.875% of the notional age pension ⁷ where date of death is more than 12 months after leaving for 1 child (33.75% shared equally for two or more children) No short term pension is payable	A children's pension of 16.875% of the notional ⁶ tier 2 ill health pension ⁷ (33.75% shared equally for two or more children) ⁴ No short term pension is payable

The table above does not include re-employed pensioner and partial retirement pensioner members

¹ a member who dies within 12 months of leaving the Scheme who did not build up enough pensionable membership to qualify for pension benefits

² will not include any additional pension being paid unless dependants cover has been purchased with it

³ if the member was in a practitioner or non-GP provider employment, it is the rate of pensionable earnings during the last complete quarter before the member's death

⁴ higher rates may be payable if there is no adult dependant's pension payable

⁵ 3 months where the child is not dependent on the adult receiving the adult dependant's pension or 6 months where there is no adult dependant's pension payable; otherwise no short term pension is payable

⁶ a 'notional' pension is the amount that would have been payable as at the member's date of death

⁷ the pension will be based on a minimum of 10 years pensionable membership

The lump sum on death benefit must be paid within two years of the date upon which the Scheme Administrator was first notified of the member's death otherwise it will be subject to a HMRC tax charge of up to 45%. NHS Pensions has no discretion and must deduct this tax charge from the lump sum payment.

If you bought additional pension with dependants cover there will be extra benefits payable. More information is available on our website: www.nhsbsa.nhs.uk/nhs-pensions

Adult dependant's pension

When the continuing adult dependant's pension is first put into payment, and it is less than £260 a year, it will automatically be converted to a one off payment (known as trivial commutation).

The adult dependant's pension can still be commuted, even if there is at least one dependent child eligible for a children's pension at the time of death.

Note: It doesn't matter how small a children's pension is, it cannot be commuted.

Where the continuing adult dependant's pension is £260 a year or more, the pension will be paid as a monthly pension. Although spouses/civil partners/scheme partners are currently not given the option to commute such small pensions into a lump sum when they first claim, NHS Pensions will consider a written request at the point of claim or post payment, provided all conditions are met.

Important note: It is possible to convert a small adult dependant's pension to a one off payment. However, Her Majesty's Revenue & Customs (HMRC) only allow this if the gross trivial commutation amount does not exceed the current commutation limit of £30,000* (£18,000 for a lump sum paid before 6 April 2015).

*This is the maximum amount in each NHS Pension Scheme, not the maximum across all pension schemes. The £30,000 is gross before taxation.

The recipient must agree to offset any pension already paid against any trivial commutation lump sum.

HMRC can change this limit at any time.

Bank staff and freelance GP locum

Bank staff or a freelance GP locum is regarded as being in pensionable employment if they are at work and paying into an NHS Pension Scheme. A bank worker or freelance GP locum who is available for work but who is not actually at work when they die is not covered for 'death in service' benefits.

For example, if they are contracted to work 9am to 5pm, Monday, Tuesday, and Wednesday they are covered for 'death in service' benefits upon joining the Scheme from 9am Monday until midnight on Wednesday. But, if they were to die on the Thursday, regardless of whether they were due to return to work the following Monday, they would not be regarded as being in pensionable employment and not eligible for 'death in service' benefits.

Instead, the Scheme would pay death benefits as if they had died within 12 months of leaving pensionable employment.

For example, if they are contracted to work 9am to 5pm on a Monday only they are covered for 'death

in service' benefits upon joining the Scheme from 9am Monday until midnight. But If they died on the Tuesday, regardless of whether they were due to return to work at some time in the future, they would not be regarded as being in pensionable employment and not eligible for 'death in service' benefits.

Instead, the Scheme would pay death benefits as if they had died within 12 months of leaving pensionable employment.

Further information

Further information is available on our website at: [***www.nhsbsa.nhs.uk/nhs-pensions***](http://www.nhsbsa.nhs.uk/nhs-pensions)

How to notify the NHS Pension Scheme of a death

It is essential that the Scheme is notified of a member's death as quickly as possible. This is to ensure the process of establishing whether benefits are due can be started without delay. Who to notify will depend on whether death occurs:

- whilst an active member of the Scheme (Active member)
- with entitlement to 'deferred' benefits (Deferred member)
- whilst receiving an NHS pension (Pensioner member).

Important

The lump sum on death benefit must be paid within two years of the date upon which the Scheme Administrator was first notified of the member's death otherwise it will be subject to a HMRC tax charge of up to 45%. NHS Pensions has no discretion and must deduct this tax charge from the lump sum payment.

If the member dies after reaching age 75 and they were 75 on or before 5 April 2011, the lump sum will be converted to an annual pension paid to the dependant.

If the member dies after reaching age 75 and they were 75 on or after 6 April 2011, the lump sum is subject to a lump sum death benefit charge of 45% if paid to an organisation or the marginal tax rate of the recipient. This tax charge is deducted from the lump sum before payment.

Active member

Where a member was working in pensionable NHS employment at the time of their death, their last employer will arrange completion of the appropriate application forms.

Deferred member

A deferred member is a member with two or more years' membership who no longer pays into the Scheme and chose to leave their benefits in the Scheme. The form to claim death benefits for a deferred member can be downloaded from our website at: www.nhsbsa.nhs.uk/nhs-pensions

If you contact us please quote the member's membership (SD) number and National Insurance number.

Pensioner member

If the member was in receipt of their NHS pension you should contact us. It is important to stop pension payments as soon as possible to prevent an overpayment. You can find contact details on page 20.

The pension is paid up to and including the date of death. No one is entitled to receive the pension payments made after their death, and any overpayment must be repaid. We can provide pension payment and tax deduction details if required to help you administer the member's Estate.

If the pension is overpaid directly to a bank or building society account we will ask the bank or building society to refund the appropriate amount. We will also advise the next of kin or personal representative of our action, or notify them if there is any residue of pension or other payment due.

If the pension is paid into a joint account it is important that the other account holder is aware of this condition.

Claiming the adult dependant's pension

A surviving spouse, civil partner or qualifying scheme partner of a pensioner member who is eligible for an adult dependant's pension must apply for it. We will send an application form to complete so that the pension can start as soon as possible. Applications and documentary evidence in respect of nominated/non-nominated partners must be sent to NHS Pensions for their consideration.

It would be helpful for us to know if a spouse, civil partner or nominated/non-nominated partner dies before the member so that we can avoid causing any distress through the issue of an incorrect application form.

You will find contact details on page 20. When contacting us please make sure you quote the member's NHS Pensions membership number and National Insurance number.

Documentation needed

Grant of Probate/Letters of Administration

A Grant may be required in order to pay a lump sum on death benefit where the member has not completed a death benefit nomination form and does not leave a spouse, civil partner or nominated/non-nominated partner who meets the criteria for payment of an adult dependant's pension. It is not normally required if the lump sum on death benefit is less than £5,000.

A Grant is a legal document issued by the Probate Registry authorising someone to deal with the Estate of the deceased person. That person collects all monies, settles any debts, releases capital from property and possessions and distributes the proceeds to those entitled to a share of the Estate.

Where the Legal Personal Representative is living abroad and the lump sum on death benefit is £5,000 or more, an English Grant of Probate or Letters of Administration is still needed. If these are obtained abroad, it may be acceptable but only after it has been re-sealed by an English court.

The type of Grant applied for depends on whether there is a Will.

About a Will

A Will is a legal document stating how the deceased person wishes their Estate to be shared. The people who receive a share of the Estate are the Beneficiaries and the people chosen to administer the Will are the Executors. The Executors are usually the people who apply for a Grant of Probate. This certifies that the Will is authentic.

If there is no Will

If a Will has not been written then it may be necessary to apply to the Probate Registry for Letters of Administration. Like a Grant of Probate, Letters of Administration legally authorise someone to deal with the Estate of the deceased person.

If the Scheme has not received a member's death benefit nomination, and there is no spouse, civil partner or qualifying scheme partner who meets the criteria for payment of an adult dependant's pension, you may decide to employ a solicitor to deal with the estate on your behalf. The Scheme requests a copy of either a Grant of Probate or Letters of Administration before any lump sum on death benefit of £5,000 or more can be made.

For lump sum on death benefits of less than £5,000 where Letters of Administration are not always necessary, the Scheme issues an indemnity form for completion. This absolves the Scheme of any further liability to make payments should anyone else make a claim to the Estate.

Do not send the Will, Grant of Probate, or Letters of Administration with the application form. We will write to you if we need them.

Inheritance Tax

Inheritance Tax is the responsibility of the Capital Taxes Office of HMRC. As a general guide any amount paid as a lump sum on death benefit is included in an Inheritance Tax assessment if it is paid to the Estate, nominee or qualifying scheme partner. It is not included if the benefit is paid to a spouse or registered civil partner. A nominated beneficiary should check their own tax position.

Adult dependant's pension and children's pensions do not form part of the Estate.

If further information is required the personal representative should go to HMRC's website at:
www.hmrc.gov.uk

Certificates

For your protection, it is essential that certain documents are provided as soon as possible in order to ensure that benefits are paid to the right people, and also to establish their identity.

- Member's death certificate*
- Marriage certificate*
- Surviving spouse\civil partner's birth certificate*
- Children's birth certificate*
- Grant of Probate or Letters of Administration
- Decree Absolute\Dissolution of civil partnership certificate
- Civil partnership certificate*
- Spouse\civil partner\death benefit nominee\scheme partner's death certificate*
- death benefit nominee's birth certificate*
- Nominated/non-nominated partner's birth certificate*
- Change of name deed*
- Power of Attorney*
- Court Protection Order (if appropriate)*

*Replacement(s) can be ordered from **www.gro.gov.uk**

Only an original or certified copy of certificates can be accepted. These will be copied and returned to you immediately. Photocopies will not be accepted.

Lost or mislaid certificates

A birth, death, marriage, divorce or dissolution of civil partnership is registered in the district where it took place. A replacement certificate can be obtained on application to the district's Register Office.

How payments are made

Lump sum on death benefit

The lump sum on death benefit is paid to the beneficiary by payable order or paid into a nominated bank or building society account.

Adult dependant's and children's pensions

We will usually pay the pension into a bank or building society account:

- in the United Kingdom
- in the Channel Isles, Isle of Man or Irish republic
- overseas.

The pension is normally paid monthly (one twelfth of the yearly rate, to the nearest penny) on the same date each month. We will tell you what the payment date is. This may not be the last day of the month.

When the payment date falls on a weekend or an English or Welsh public holiday, the payment will go into the account on the last working day before the weekend or the holiday.

We will not send details of the pension amount each time a payment is made, but we will make contact when the pension begins and each time there is a change in tax code or in the yearly rate, for example because of a cost of living increase.

The pension can only be paid into either the payee's own account or a joint account with someone else.

Please contact us with any queries regarding payments. You will find our contact details on page 20 of this guide.

Tax information

The NHS Pension Scheme is a Statutory Pension Scheme as defined in Section 612(1) of the Income & Corporation Taxes Act 1988. On 6 April 2006 it became a Registered Pension Scheme for the purposes of the Finance Act 2004. The 1995/2008 NHS Pension Scheme Tax Reference (PSTR) Number is 00328820RJ. The 2015 NHS Pension Scheme Tax Reference (PSTR) Number is 00820574RJ.

Lifetime allowance

The lifetime allowance is the limit set by the government on the capital value of benefits an individual can take without incurring a tax charge. The lifetime allowance is normally tested at the point benefits are paid.

If the payment of the lump sum on death benefit partly or wholly causes the lifetime allowance to be exceeded, then the excess payment above the lifetime allowance will be subject to a lifetime allowance charge. The lifetime allowance and lifetime allowance charges are administered by HMRC.

Whenever a lump sum on death benefit is payable we will inform the legal personal representative of the amount and percentage of the standard lifetime allowance represented by the lump sum. The legal personal representative is responsible for notifying this figure to HMRC if there is a lifetime allowance charge. The beneficiary of the lump sum on death benefit is legally responsible for paying any lifetime allowance charge that may become due.

More information about lifetime allowance is available on our website at: www.nhsbsa.nhs.uk/nhs-pensions

Income tax

For tax purposes pension payments are treated as earned income. At first we will deduct tax under a temporary code until we get the right code from HMRC who will decide what the tax code should be.

If you want to query the tax code, please write to the address below. Tell them the member's National Insurance number and NHS Pensions membership number.

The address is:
HM Revenue and Customs
Pay As You Earn
BX9 1AS

If tax has been deducted from the pension, we will send a P60 after the end of each tax year, to show the total pension paid and the amount of tax deducted in that year.

Useful contacts

NHS Pensions contact details

NHS Pensions
PO Box 2269
Bolton
BL6 9JS

Telephone: 0300 330 1346

Website: ***www.nhsbsa.nhs.uk/nhs-pensions***

The helpline is open from 8.00 am to 6.00 pm Monday to Friday. We are closed on public holidays. You can also fax us on 01253 774412.

The NHSBSA enquiry system 'Ask Us' enables you to get answers to questions you may have about the Pension Scheme by going to the NHS Pensions website homepage and clicking on the 'Ask Us' button. The facility can be used to get an answer to queries 24 hours a day, seven days a week without the need to call the helpline.

Below are the contact details for organisations you may wish to get in touch with:

HM Revenue & Customs

Website: www.hmrc.gov.uk

The Pensions Advisory Service (TPAS) - If you wish to contact TPAS the address is:

11 Belgrave Road, London, SW1V 1RB

Telephone: 0345 601 2923

Website: www.pensionsadvisoryservice.org.uk

Scottish Public Pensions Agency (SPPA) - The SPPA are responsible for administering the NHS Pension Scheme for Scotland.

If you wish to contact them the address is:

Scottish Public Pension Agency

7 Tweedside Park

Tweedbank

Galashiels

TD1 3TE

Telephone: 01896 893000

State Pensions

For information about state pensions please contact the Pensions Service at:

www.gov.uk/state-pension/overview

Notice about data given to NHS Pensions

We have a duty to protect the public funds we administer. To this end we may use the information provided to us for the prevention and detection of fraud and share it with other bodies administering public funds solely for these purposes.

NHS Pensions is currently participating in an anti fraud initiative organised by the Audit Commission and being carried out under Section 6 of the Audit Commission Act 1998. Under this initiative we are providing details of occupational pensioners to the Commission so that they can compare them with information provided by other public bodies to ensure that:

- no pensions are being paid to persons who are deceased
- occupational pension income is being declared by housing benefit claimants
- re-entry to NHS employment is disclosed.

While the main purpose of the exercise is the detection of fraud, these exercises help ensure the best use of public funds.

How we use your information

The NHS Business Services Authority – NHS Pensions will use the information provided for administering your NHS Pension Scheme membership and processing payment of your NHS pension benefits. We may share your information to administer and pay your NHS pension, enable us to prevent and detect fraud and mistakes, for debt collection purposes, or as required by law. For more information about who we share your information with and how long we keep your personal data and your rights, please visit our website at **www.nhsbsa.nhs.uk/yourinformation**