



South Tyneside Council

Providing pension services for
Tyne and Wear Pension Fund

Death Grant Policy

In accordance with the LGPS Regulations 2013 (as amended) (the “Scheme Regulations”), the Tyne and Wear Pension Fund may, at its absolute discretion, pay the death grant to or for the benefit of the member's nominee, the member's personal representative(s) or any person appearing to the Fund to have been a relative or dependant of the member.

When exercising its discretion, the Fund shall, so far as reasonably practicable, determine the following:

1. Who are the legitimate potential beneficiaries for the death grant; and
2. How the benefit should be distributed amongst the potential beneficiaries.

The approach to be taken in respect of each of these is set out below:

Who are the legitimate potential beneficiaries for the death grant?

The Fund shall investigate, so far as is reasonable, who may fall within the class of potential beneficiaries including reasonable consideration of who, if anyone, was financially dependent upon the deceased at the time of death.

In trying to identify the potential beneficiaries for the death grant, the Fund shall try to gain a reasonable understanding of the personal and financial circumstances of the deceased. To assist with this, the Fund may seek answers to questions including:

- Does the deceased leave a partner, be that a surviving spouse, civil partner, or cohabiting partner?
- Has the deceased ever been married or in a civil partnership?
- If they were married, or in a civil partnership, the Fund will request to see a copy of the marriage certificate / partnership certificate.
- If the deceased was divorced or if their civil partnership had been dissolved, the Fund may require a copy of the Decree Absolute or Final Order.

- Who did the deceased live with?
- Did the deceased leave any relatives - such as a spouse, children, parents, siblings?
- Did the deceased complete a nomination form?
- Did the deceased leave a Will?
- Is a Grant of Representation being applied for?
- Who is the Personal Representative?

Investigations should be carried out to determine the facts upon which to base a decision. Where there is uncertainty in respect of any factual circumstances, clarification should be sought from the relevant parties.

How should the death grant be distributed?

Having identified the potential beneficiaries an assessment is to take place as to how the death grant should be distributed to one or more of those beneficiaries.

The decision maker may consider:

- the personal circumstances of the deceased;
- any declarations of intent by the deceased in respect of the death grant – for instance completion of a nomination form or any express request in a Will;
- how recent the declaration of intent was made. Greater weight ought to be attached to a more recent declaration of intent;
- whether there has been any known material change in circumstance since a declaration of intent was made (for example, the break-up of a relationship);
- financial dependence or interdependence – were any of the potential beneficiaries financially dependent, or interdependent, on the deceased?
- any other matter the decision maker considers to be of relevance.

It is a matter for the decision maker as to how much weight to attach to any specific consideration.

In making the decision, the decision maker should try to understand, as far as reasonably possible, the wishes of the deceased.

Other Considerations

Children

It is the Fund's preference not to pay death grants directly to children under the age of 18. A death grant payment for the benefit of a child should be paid into a trust or other account for the benefit of the child until they reach age 18. However, the Fund will be willing to consider the appropriateness of other accounts or trust arrangements for the child, which allow the child access before the age of 18.

Overpayments of Pension

Where a death grant is payable and there has been an overpayment of pension, the Fund may look to recover that overpayment from any benefits payable to or in respect of the member.