



Government
Actuary's
Department

The Local Government Pension Scheme (England and Wales)

Application of a pension credit to the former partner
of a pre-2014 leaver

Factors and guidance

Date: 5 May 2021





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1 Introduction

- 1.1 The Secretary of State for Housing, Communities and Local Government is required under the Local Government Pension Scheme Regulations to issue actuarial guidance on the calculation of the pension credit for the former partner (the “pension credit member”) following divorce proceedings.
- 1.2 The purpose of this note is to provide the Secretary of State with factors to be used to convert the pension credit arising from a pension sharing order to a pension awarded to the former partner (or pension credit member) and accompanying guidance to demonstrate how these factors should be applied.
- 1.3 This guidance only applies to:
- pension credits for which the transfer day is before 1 April 2014, and
 - pension credits where the transfer day is after 1 April 2014 and either:
 - the member has not been an active member of the 2014 Scheme and has benefits under the Earlier Schemes, or
 - any of the member’s benefits under the Earlier Schemes which have not been aggregated with the benefits in the 2014 Scheme where the member has been an active member of the 2014 Scheme.
- 1.4 The remainder of this introduction contains:
- details of the implementation and future review of this guidance,
 - the relevant legislative references, and
 - statements about third-party reliance and liability
- 1.5 In the remainder of this note:
- the second section describes the benefits provided to a pension credit member
 - the third section describes the calculation of the pension credit
 - the fourth section provides some worked examples
 - Appendix A sets out the principal assumptions underlying the factors contained in this guidance note
 - Appendices B and C set out the factors applicable where the former partner is respectively below or above Normal Pension Age
 - Appendix D sets out some important limitations



Implementation and Review

- 1.6 The Secretary of State is required to consult GAD before issuing actuarial guidance under Regulation 2(3) of The Local Government Pension Scheme Regulations 2013 [‘the 2013 Regulations’].
- 1.7 As part of this consultation the Ministry for Housing, Communities and Local Government (MHCLG) has asked GAD to recommend actuarial guidance in respect of the regulations detailed above. This document forms GAD’s recommendation for the actuarial guidance required by these regulations.
- 1.8 The guidance and factors provided in this note have been prepared in light of our advice to MHCLG dated 30 October 2018 and its instructions following that advice.
- 1.9 This note has effect only when this guidance is issued by the Secretary of State in accordance with Regulation 2(3) of the 2013 Regulations and is subject to the implementation instructions provided at that time.
- 1.10 This guidance is intended to supersede any factors or advice previously issued for the purposes of pension credit calculations, which rely on input from the scheme actuary. In particular, this guidance supersedes:
- “The Local Government Pension Scheme (England and Wales): application of a pension credit to the former spouse or civil partner pre-2014 leaver” dated 12 April 2016.
- 1.11 Factors contained in this note have been updated but the calculation methodology remains unchanged.
- 1.12 The factors contained in this note are reproduced from the latest consolidated factors workbook as at the date of this note. As determined by MHCLG, the factors apply from 8 January 2019. These factors are consistent with the non-club cash equivalent transfer value factors and pensioner cash equivalent factors implemented from 19 November 2018.
- 1.13 This guidance has been written for pension administrators and assumes some knowledge of general pension terminology, and some familiarity with retirement calculations for the Local Government Pension Scheme (England and Wales). Any questions concerning the application of the guidance should, in the first instance, be referred to MHCLG.
- 1.14 The factors contained in this guidance will be subject to review periodically. This will depend on external circumstances, for example whenever there is a change in the SCAPE basis; when changes in the actuarial assumptions adopted for other scheme factors take place; or following each future actuarial valuation where mortality and other relevant experience is reviewed or if other credible and material information comes to light.



Regulatory references

- 1.15 Regulations 147(4)(b) and 149(2) of the Local Government Pension Scheme Regulations 1997 (SI 1997/1612) (the '1997 Regulations') require the pension credit to the former partner (the 'pension credit member') following a divorce proceeding to be calculated in accordance with guidance issued by the Government Actuary.
- 1.16 Chapters I and II of Part VI of the 1997 Regulations together with Regulation 14 of the Local Government (Transitional Provisions) Regulations 2008 (SI 2008/238) set out the benefits the pension credit member will be entitled to in the scheme.
- 1.17 Regulation 3(12) of the Local Government Pension Scheme (Transitional Provisions, Savings and Amendment) Regulations 2014 requires that any reference to guidance issued by the Government Actuary in the Earlier Regulations is to be construed as a reference to actuarial guidance issued by the Secretary of State as defined by the 2013 Regulations.
- 1.18 Regulation 156(3) requires the commutation of small pensions for pension credit members to be calculated in accordance with guidance issued by the Government Actuary. This is contained within the GAD guidance note on trivial commutation.
- 1.19 The guidance is designed to be consistent with the Welfare Reform and Pensions Act 1999 ('the Act') and associated regulations (principally the Pension Sharing (Implementation and Discharge of Liability) Regulations 2000).

Third party reliance

- 1.20 This guidance has been prepared for the use of MHCLG and the scheme administrators for the purposes of demonstrating the application of the factors covered by this guidance only. This guidance may be published on MHCLG and the scheme administrator's website but must not otherwise be reproduced, distributed or communicated in whole or in part to any other person without GAD's prior written permission.
- 1.21 Other than MHCLG and the scheme administrators, no person or third party is entitled to place any reliance on the contents of this guidance, except to any extent explicitly stated herein. GAD has no liability to any person or third party for any action taken or for any failure to act, either in whole or in part, on the basis of this guidance, whether or not GAD has agreed to the disclosure of its advice to the third party.



2 Pension credit benefits

2.1 Where a pension sharing order is issued by the Court, the former partner is allocated a percentage (up to 100%) of the member's benefits. These rights can be discharged by the administering authority, either by making a transfer payment to another appropriate scheme (as prescribed in the relevant legislation), or by establishing a pension credit within the administering authority's fund.

2.2 The main benefits are as follows:

2.2.1 A pension payable for life from age 65.

2.2.2 A retirement lump sum of three times the annual rate of the pension is payable in respect of the member's service before 1 April 2008 (but no lump sum is payable if the member has already claimed this by the Transfer day).

2.2.3 Following discussions with GAD, MHCLG have set the benefit design of pension credits for the former partner, which depend on the member's period of service, as follows:

	Pension Credit Design
Member left before 1 April 2008	Pension and lump sum (but pension only if member has taken their lump sum)
Member joined on or after 1 April 2008	Pension only
Member with service before and after 1 April 2008	Pension and lump sum in respect of the member's CETV for service before 1 April 2008 (but pension only if the member has taken their lump sum); and Pension in respect of the member's CETV for service from 1 April 2008

2.3 This guidance is written on the basis that pension credit benefits are in line with MHCLG's intentions, as described above.

2.4 Pension credit benefits can be taken on an actuarially reduced basis at or after age 55; further guidance is contained in the latest version of GAD's Early Retirement Guidance.

2.5 Pension and lump sum benefits are increased in accordance with the Pensions Increase Act with effect from the Transfer day.

2.6 If the pension credit member dies before the pension credit is brought into payment, that liability may be discharged by the authority through the payment of a lump sum that is equal to 3 times the annual rate of the pension which would have been paid to the pension credit member.



3 Calculation of the pension credit

- 3.1 This section sets out the methodology for calculating the pension credit following the issue of a pension sharing order by the Court.
- 3.2 It is assumed that the cash equivalent of a member's benefit for divorce purposes has already been determined in accordance with the latest "Individual Incoming & Outgoing Transfers" or "Pensioner Cash Equivalent Factors on Divorce" guidance as appropriate.
- 3.3 The general principle is that the pension credited in the fund is actuarially equivalent to the proportion of the cash equivalent awarded to the former partner and the benefits the former partner would be entitled to under the LGPS Regulations.
- 3.4 The factors in the consolidated factor workbook (and in this note) should only be used to calculate the benefits for the former partner if they are the latest factors issued by MHCLG on the valuation date and the former partner's cash equivalent ('ESCE') has been calculated using consistent factors (as described in 1.12 above). If there is any doubt over which factors should be used, please contact GAD.
- 3.5 The value of the pension credit is calculated in a manner which is consistent with the methodology and assumptions for incoming transfers from non-Club schemes under Regulation 84 of the Local Government Pension Scheme (Administration) Regulations 2008 (SI 2008/239); the benefit design, though, should reflect paragraph 2.2.3 of this guidance (rather than 1/60ths in every case).
- 3.6 The methodology and instructions described in this note can be adopted and applied in respect of the benefits for the former partner of a Councillor member.

Appropriate percentage

- 3.7 For divorces in England and Wales, the pension sharing order will specify the percentage of the member's benefits that the former partner will be entitled to (the 'appropriate percentage').
- 3.8 For divorces in Scotland, the pension sharing order will usually specify a monetary amount, which can be translated into a percentage of the member's benefits that the former partner will be entitled to (the "appropriate percentage"). This guidance note will refer to the appropriate percentage rather than a monetary amount.
- 3.9 The ESCE is determined by applying the appropriate percentage to the cash equivalent of a member's benefit for divorce purposes (see paragraphs 3.2 and 3.4). The member's cash equivalent can be expressed as an amount for pre 1 April 2008 service; an amount of service between 1 April 2008 and 31 March 2014; and an amount for post 1 April 2014 service. The appropriate percentage can be applied to each of these elements separately, in order to express the ESCE as an amount in respect of pre 1 April 2008 service ("ESCE₁"), and an amount for service between 1 April 2008 and 31 March 2014 ("ESCE₂").



Calculation

- 3.10 There are two dates which are of relevance when determining the pension credits; the 'Transfer day' and the 'Valuation day':
- Section 29(8) of the Act defines the Transfer day as the day on which the pension sharing order takes effect. (The Transfer day is sometimes also referred to as the Effective date.)
 - Section 34(1) of the Act defines the implementation period as the four month period that starts on the Transfer day, or if later, on the date the pension scheme has the prescribed information needed to implement the pension sharing order.
 - Section 29(7) of the Act defines the valuation day as a day within the implementation period specified by the administering authority by notice in writing to the pension debit member and pension credit member (The Valuation date or sometimes referred to as the Implementation date or the Calculation date).
- 3.11 The calculation of the pension credit will depend on:
- the age of the former partner (which should be as at the Transfer day)
Do not use the age and gender of the member.
 - whether the former partner is above or below age 65 at the Transfer day
 - whether the member has any service before 1 April 2008 and is therefore entitled to an automatic lump sum, and
 - whether the member had received their automatic lump sum prior to the Transfer day.



Pension credit calculation for former partner below age 65

- 3.12 If the member has not received their lump sum prior to the Transfer day, but is entitled to an automatic lump sum in respect of service before 1 April 2008, the pension credit as at the Transfer day will be:

Pension credit in respect of pre 1 April 2008 service:

$$PC_1 = ESCE_1 \div (F_P + 3 \times F_L)$$

Pension credit in respect of post 1 April 2008 service:

$$PC_2 = ESCE_2 \div F_P$$

$$\text{Total pension credit} = PC_1 + PC_2$$

Where:

$ESCE_1$ the former partner's cash equivalent in respect of service pre 1 April 2008

$ESCE_2$ the former partner's cash equivalent in respect of service post 1 April 2008

F_P factor for pension for former partner from Table 6.1 (**Table 0-305 in the consolidated factors workbook**) or 6.2 (**Table 0-306 in the consolidated factors workbook**).

F_L factor for lump sum for former partner from Table 6.1 (**Table 0-305 in the consolidated factors workbook**) or 6.2 (**Table 0-306 in the consolidated factors workbook**).

A lump sum of three times the annual pension credit in respect of pre-1 April 2008 service (i.e. $3 \times PC_1$) will also be due to the former partner at age 65 (or earlier if benefits are taken on an actuarially reduced basis).

If a member has pre-1 April 2008 service only, then PC_2 should be set to zero.

- 3.13 If the member **has** received their lump sum prior to the Transfer day or has no service before 1 April 2008, the former partner is not entitled to a lump sum, and the pension credit as at the Transfer day will be:

$$\text{Pension credit} = ESCE \div F_P$$

Where:

$ESCE$ the former partner's cash equivalent (see paragraph 3.9 of this note)

F_P factor for pension for former partner from Table 6.1 (**Table 0-305 in the consolidated factors workbook**) or 6.2 (**Table 0-306 in the consolidated factors workbook**).



Pension credit calculation for former partner age 65 or above

- 3.14 If the member **has not** received their automatic lump sum prior to the Transfer day, but is entitled to an automatic lump sum in respect of service before 1 April 2008, the pension credit as at the Transfer day will be:

Pension credit in respect of pre-1 April 2008 service:

$$PC_1 = ESCE_1 \div (F_P + 3)$$

Pension credit in respect of post 1 April 2008 service:

$$PC_2 = ESCE_2 \div F_P$$

$$\text{Total credit} = PC_1 + PC_2$$

Where:

$ESCE_1$ the former partner's cash equivalent in respect of service pre-1 April 2008

$ESCE_2$ the former partner's cash equivalent in respect of service post 1 April 2008

F_P factor for pension for former partner from Table 7.1 (**Table 0-307 in the consolidated factors workbook**) or 7.2 (**Table 0-308 in the consolidated factors workbook**).

A lump sum of three times the annual pension credit in respect of pre-1 April 2008 service (i.e. $3 \times PC_1$) will be also due to the former partner in addition to the credit so determined.

If a member has pre-1 April 2008 service only, PC_2 should be set to zero.

- 3.15 If the member **has** received their automatic lump sum prior to the Transfer day or has no service before 1 April 2008, the former partner is not entitled to a lump sum, and the pension credit as at the Transfer day will be:

$$\text{Pension credit} = ESCE \div F_P$$

Where:

$ESCE$ the former partner's cash equivalent (see paragraph 3.9 of this note)

F_P factor for pension for former partner from Table 7.1 (**Table 0-307 in the consolidated factors workbook**) or 7.2 (**Table 0-308 in the consolidated factors workbook**).



4 Examples

4.1 EXAMPLE 1: Pension credit calculation for a former partner aged under 65 where the member has service before and after 1 April 2008 but has not received their lump sum

Former partner data:

Date of birth:	1 March 1979
Sex:	Female
Transfer day:	1 December 2019
Age at Transfer day:	40

Factors (Female former partner aged 40 last birthday at Transfer day)

Gross pension factor (NRA 65) – Table 6.2	F_P	10.26
Lump sum factor (NRA 65) – Table 6.2	F_L	0.56

Calculations

CETV in respect of service before 1 April 2008 = **£60,643.90**

CETV in respect of service from 1 April 2008 = **£15,160.98**

Total CETV **£75,804.88**

Appropriate percentage = 50%

$ESCE_1 = 50\% \times £60,643.90 =$ **£30,321.95**

$ESCE_2 = 50\% \times £15,160.98 =$ **£7,580.49**

Pension credit from age 65 in respect of service pre-1 April 2008:

$PC_1 = ESCE_1 \div (F_P + 3 \times F_L) =$ **£2,539.53 pa**

Pension credit from age 65 in respect of service post 1 April 2008:

$PC_2 = ESCE_2 \div F_P =$ **£738.84 pa**

Total pension credit = $PC_1 + PC_2 =$ **£3,278.37 pa**

Lump sum at age 65 in respect of pre-1 April 2008 service = $3 \times PC_1 =$ **£7,618.59**



4.2 **EXAMPLE 2: Pension credit calculation for a former partner aged under 65 where the member has no service after 1 April 2008 and has not received their lump sum**

Former partner data:

Date of birth: 1 March 1975
 Sex: Male
 Transfer day: 1 December 2020
 Age at Transfer day: 45

Factors (Male former partner aged 45 last birthday at Transfer day)

Gross pension factor (NRA 65) – Table 6.1	F_P	11.43
Lump sum factor (NRA 65) – Table 6.1	F_L	0.63

Calculations

CETV (all pre 1 April 2008) £50,000.00

Appropriate percentage = 40%

ESCE₁ = 40% x £50,000.00 = £20,000.00

Pension credit from age 65 in respect of service pre 1 April 2008:
 $PC_1 = ESCE_1 \div (F_P + 3 \times F_L) =$ **£1,501.50 pa**

Lump sum at age 65 in respect of pre-1 April 2008 service = $3 \times PC_1 =$ **£4,504.50**



4.3 **EXAMPLE 3: Pension credit calculation for a former partner aged under 65 where the member has no service before 1 April 2008**

Former partner data:

Date of birth: 1 April 1974
Sex: Female
Transfer day: 1 December 2019
Age at Transfer day: 45

Factors (Female former partner aged 45 last birthday at Transfer day)

Gross pension factor (NRA 65) – Table 6.2	F_P	11.43
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Calculations

CETV (all post 1 April 2008) = **£13,895.43**
Appropriate percentage = 50%
ESCE = 50% x £13,895.43 = £6,947.72
Pension credit from age 65= ESCE ÷ F_P = **£607.85 pa**

In this example the member is not entitled to an automatic lump sum and therefore the former partner is not entitled to a lump sum either.



4.4 **EXAMPLE 4: Pension credit calculation for a former partner aged over 65 and here the member has received their lump sum (or had no automatic entitlement to a lump sum in respect of service before 1 April 2008)**

Former partner data:

Date of birth: 1 January 1945
Sex: Female
Transfer day: 1 December 2020
Age at Transfer day: 75

Factors (Female former partner aged 75 last birthday at Transfer day)

Gross pension factor (NRA 65) – Table 7.2	F_P	11.68
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Calculations

CETV = **£105,602.35**
Appropriate percentage = 50%
ESCE = 50% x £105,602.35 = £52,801.18
Pension credit payable immediately = $ESCE \div F_P =$ **£4,520.65 pa**

In this example, the member had already received their lump sum by the Transfer day (or was not entitled to one because of no service before 1 April 2008) so therefore the former partner is not entitled to a lump sum.



Appendix A: Assumptions underlying factors

Financial assumptions

Nominal discount rate	4.448%
CPI	2.00%
Real discount rate (in excess of CPI)	2.40%

Mortality assumptions

Base mortality tables and adjustments – normal health	101% of S2NMA (Males) and 92% of S2NFA (Females) (as per 2016 valuation)
Base mortality tables and adjustments – ill health	107% of S2IMA (Males) and 106% of S2IFA (Females) (as per 2016 valuation)
Base mortality tables and adjustments – dependants	132% of S2NMA (Males) and 106% of S2NFA (Females) (as per 2016 valuation)
Future mortality improvement	Based on ONS principal UK population projections 2016
Year of Use	2020

Other assumptions

Proportion of male members for unisex factors	35%
Allowance for commutation	Nil



Appendix B: Factors applicable to former partner below age 65

Table 6.1 (Table 0-305 in the consolidated factor workbook) – Males

Age last birthday at relevant date	Gross Pension of £1 per annum	Lump Sum of £1
16	6.19	0.32
17	6.32	0.32
18	6.45	0.33
19	6.59	0.34
20	6.73	0.35
21	6.87	0.36
22	7.02	0.36
23	7.17	0.37
24	7.32	0.38
25	7.47	0.39
26	7.63	0.40
27	7.79	0.41
28	7.96	0.42
29	8.13	0.43
30	8.30	0.44
31	8.48	0.45
32	8.66	0.46
33	8.84	0.47
34	9.03	0.49
35	9.22	0.50
36	9.42	0.51
37	9.62	0.52
38	9.83	0.53
39	10.04	0.55
40	10.26	0.56
41	10.48	0.57
42	10.71	0.59
43	10.94	0.60
44	11.18	0.62
45	11.43	0.63
46	11.68	0.64
47	11.93	0.66
48	12.20	0.68
49	12.47	0.69
50	12.75	0.71
51	13.03	0.73
52	13.32	0.74
53	13.63	0.76
54	13.94	0.78

Note: The factor should reflect the age and gender of the former partner at the transfer date (not the age and gender of the member).



Table 6.1 (Table 0-305 in the consolidated factor workbook) – Males (continued)

Age last birthday at relevant date	Gross Pension of £1 per annum	Lump Sum of £1
55	14.26	0.80
56	14.59	0.82
57	14.93	0.84
58	15.29	0.86
59	15.65	0.88
60	16.04	0.90
61	16.43	0.92
62	16.85	0.94
63	17.28	0.97
64	17.73	0.99

Note

The factor should reflect the age and gender of the former partner at the transfer date (not the age and gender of the member).



Table 6.2 (Table 0-306 in the consolidated factor workbook) – Females

Age last birthday at relevant date	Gross Pension of £1 per annum	Lump Sum of £1
16	6.19	0.32
17	6.32	0.32
18	6.45	0.33
19	6.59	0.34
20	6.73	0.35
21	6.87	0.36
22	7.02	0.36
23	7.17	0.37
24	7.32	0.38
25	7.47	0.39
26	7.63	0.40
27	7.79	0.41
28	7.96	0.42
29	8.13	0.43
30	8.30	0.44
31	8.48	0.45
32	8.66	0.46
33	8.84	0.47
34	9.03	0.49
35	9.22	0.50
36	9.42	0.51
37	9.62	0.52
38	9.83	0.53
39	10.04	0.55
40	10.26	0.56
41	10.48	0.57
42	10.71	0.59
43	10.94	0.60
44	11.18	0.62
45	11.43	0.63
46	11.68	0.64
47	11.93	0.66
48	12.20	0.68
49	12.47	0.69
50	12.75	0.71
51	13.03	0.73
52	13.32	0.74
53	13.63	0.76
54	13.94	0.78

Note

The factor should reflect the age and gender of the former partner at the transfer date (not the age and gender of the member).



Table 6.2 (Table 0-306 in the consolidated factor workbook) – Females (continued)

Age last birthday at relevant date	Gross Pension of £1 per annum	Lump Sum of £1
55	14.26	0.80
56	14.59	0.82
57	14.93	0.84
58	15.29	0.86
59	15.65	0.88
60	16.04	0.90
61	16.43	0.92
62	16.85	0.94
63	17.28	0.97
64	17.73	0.99

Note

The factor should reflect the age and gender of the former partner at the transfer date (not the age and gender of the member).



Appendix C: Factors applicable to former partner age 65 or above

Table 7.1 (Table 0-307 in the consolidated factor workbook) – Males

Age last birthday at relevant date	Member's Pension of £1 per annum
65	17.67
66	17.08
67	16.49
68	15.89
69	15.29
70	14.68
71	14.07
72	13.46
73	12.86
74	12.26
75	11.68
76	11.11
77	10.54
78	9.98
79	9.42
80	8.88
81	8.34
82	7.81
83	7.29
84	6.79
85	6.30
86	5.84
87	5.41
88	5.00
89	4.62
90	4.27
91	3.94
92	3.64
93	3.35
94	3.10
95	2.87

Note

The factor should reflect the age and gender of the former partner at the transfer date (not the age and gender of the member).



Table 7.2 (Table 0-308 in the consolidated factor workbook) – Females

Age last birthday at relevant date	Member's Pension of £1 per annum
65	17.67
66	17.08
67	16.49
68	15.89
69	15.29
70	14.68
71	14.07
72	13.46
73	12.86
74	12.26
75	11.68
76	11.11
77	10.54
78	9.98
79	9.42
80	8.88
81	8.34
82	7.81
83	7.29
84	6.79
85	6.30
86	5.84
87	5.41
88	5.00
89	4.62
90	4.27
91	3.94
92	3.64
93	3.35
94	3.10
95	2.87

Note

The factor should reflect the age and gender of the former partner at the transfer date (not the age and gender of the member).



Appendix D: Limitations

- D.1 This guidance should not be used for any purpose other than those set out in this guidance.
- D.2 The factors contained in this guidance are subject to regular review. Scheme managers and administrators need to ensure that they are using the latest factors, as relevant, when processing cases.
- D.3 Advice provided by GAD must be taken in context and is intended to be considered in its entirety. Individual sections, if considered in isolation, may be misleading, and conclusions reached by a review of some sections on their own may be incorrect. GAD does not accept responsibility for advice that is altered or used selectively. Clarification should be sought if there is any doubt about the intention or scope of advice provided by GAD.
- D.4 This guidance only covers the actuarial principles around the calculation of the pension credit to be awarded to a former partner after a member's pension is subjected to a pension sharing order. Any legal advice in this area should be sought from an appropriately qualified person or source.
- D.5 Scheme managers and administrators should satisfy themselves that divorce pension credit calculations and benefit awards comply with all legislative requirements including, but not limited to, tax and contracting-out requirements.
- D.6 This guidance is based on the Regulations in force at the time of writing. It is possible that future changes to the Regulations might create inconsistencies between this guidance and the Regulations. If users of this guidance believe there to be any such inconsistencies, they should bring this to the attention of MHCLG and GAD. Under no circumstances should this guidance take precedence over the Regulations. Administrators should ensure that they comply with all relevant Regulations.