



Ministry of Housing,
Communities &
Local Government

**Local Government Pension Scheme:
Guidance on Survivor Benefits: Survivor
pensions and death grants**

Contents

Section 1 – Introduction

Section 2 – Survivor pension equalisation

Section 3 – Cohabitee nomination form

Section 4 – Death grant age 75 cap removal

Section 5 – Death grants (personal representatives)

Section 1 – Introduction

1. Context

- 1.1 This statutory guidance relates to the Local Government Pension Scheme in England and Wales, as governed by the Ministry of Housing, Communities and Local Government and administered locally by administering authorities.
- 1.2 This guidance is published alongside [The Local Government Pension Scheme \(Miscellaneous Amendments\) \(Member Benefits\) Regulations 2026](#), following a public consultation exercise and the publication of a government response on the underpinning policies ([Local Government Pension Scheme in England and Wales: Access and fairness - government response - GOV.UK](#)).
- 1.3 This guidance is primarily for administering authorities, to assist them in the implementation of the updated survivor benefits rules in the LGPS regulations, both with regard to backdated payments and uplifted future entitlements.

Section 2 – Survivor pension equalisation

1. Introduction to section

- 1.1 This guidance relates to the introduction of a new system of survivor benefit calculations to be applied to member deaths from 1 April 2026, and the requirement on administering authorities to make backdated payments to certain survivors of eligible members.

2. Principles of survivor benefit equalisation

- 2.1 The government has legislated to ensure that the survivor pension payable to the survivor of a marriage or civil partnership with a member is calculated in the same way, regardless of the sex or sexual orientation of the member or survivor.
- 2.2 For deaths **on or after 1 April 2026**, survivor benefits **will** be calculated on that basis. The accompanying Statutory Instrument outlines how that entitlement is to be calculated, and the Local Government Association has issued technical guidance to assist administering authorities accordingly.
- 2.3 For deaths **before 1 April 2026**, there **may** be an uplift in the survivor benefits due to eligible survivors. Survivors of members in the below categories may be eligible for an uplift:

- For widows of opposite-sex marriages, widowers of opposite-sex marriages and survivors of same-sex civil partnerships, deaths that occurred from 5 December 2005.
 - For widows of same-sex marriages and widowers of same-sex marriages, deaths that occurred from 13 March 2014.
 - For survivors of opposite-sex civil partnerships, deaths that occurred from 31 December 2019.
- 2.4 In most cases there will be no uplift in survivor benefits due to survivors of same-sex marriages (SSM) or same-sex civil partnerships (SSCPs), as pre-equalisation, the entitlements due to survivors of SSMs and SSCPS were the most generous.
- 2.5 For eligible deaths before 1 April 2026, administering authorities are required to make backdated payment of uplifted benefits to eligible survivors. The changes in entitlement that need to be used to make backdated payment are laid out in the accompanying SI and LGA-issued technical guidance.
- 2.6 It is important to note that the changes made to survivor benefit entitlement **may result in payment of survivor benefits being made to a survivor for the first time i.e., where there was no entitlement before, there now is.** Administering authorities must make every reasonable effort to identify, calculate the entitlement of, and make payment to those survivors.
- 2.7 There should be no prioritisation or non-action with regards to individual cases by administering authorities, on the basis of any protected characteristic or the amount to be paid. However, it is up to administering authorities to justify their approach to their overall caseload and any decisions they take to prioritise individual cases.

3. Expected timelines of implementation of backdated payment

- 3.1 The expectation of government is that administering authorities will make every reasonable effort to implement the backdated payment changes, as soon as is practically possible, and in any event by **1 January 2028**. The government also understands that there are a number of steps that need to be taken before payment can be made, including but not limited to the following:
- Identification of deaths in scope
 - Identification of survivors of deaths in scope
 - Establishment of contact with survivors
 - Recalculation/calculation of survivor benefits
- 3.2 The expectation of government is that administering authorities will make every reasonable effort to meet the following process and timelines, notwithstanding exceptional circumstances:

Step	Minimum reasonable process to be followed by administering authorities	Reasonable timeframe
1. Identification of deaths in scope	<p>To examine historic records of membership to identify all deaths in scope.</p> <p>Where membership data may be missing or incomplete, to take further reasonable steps to source evidence of deaths of members in scope.</p>	To be completed by 1 July 2026 , 3 months from SI coming into force date.
2. Identification of survivors of deaths in scope	<p>To examine membership data to identify possible survivors.</p> <p>Where a new survivor entitlement is identified and membership data is insufficient, to engage tracing companies to attempt to identify survivors.</p> <p>To use standard member communications (e.g., newsletters (digital and print), notices on fund websites) to raise awareness of potentially improved/new survivor benefits.</p>	To be completed by the earliest of 1 October 2026 , or 3 months from previous step concluding.
3. Establishment of contact with survivors	<p>Where a new survivor entitlement is payable and a potential survivor has been identified, to make multiple attempts to contact them, using both digital and physical methods.</p> <p>To make a minimum of 3 such attempts over a 12-month period.</p> <p>This step is not necessary where an existing survivor benefit is being increased as the administering authority will already be in contact with the survivor.</p>	To be completed by the earliest of 1 October 2027 , or 12 months from previous step concluding.
4. Recalculation of survivor benefits	<p>To recalculate benefits of eligible survivors, including recalculation of children's pensions.</p> <p>To follow LGA technical guidance for assistance with recalculations.</p>	To be completed by the earliest of 1 January 2028 , or 3 months from: <ul style="list-style-type: none"> - step 3 concluding for new survivor entitlements - step 2 concluding when an existing survivor benefit is being increased.

3.3 Once entitlement has been recalculated, administering authorities are expected to make payment of survivor benefits in line with their standard timescales for payments.

4. Children's survivor pensions

4.1 With increased, and in some cases first-time, payments of survivor pensions to adult survivors, administering authorities should consider the knock-on effect of survivor pension equalisation on any children's survivor pensions. Administering authorities should recalculate and adjust children's survivor pensions once the adult survivor pension has been equalised.

- 4.2 There is no requirement from government for any recovery of children's pensions which were paid at a higher rate before any equalisation.

5. Other considerations

- 5.1 At any stage in an administering authority's attempts to make backdated payment or commence a new payment, it may find that a potential eligible survivor does not respond or is not willing to further cooperate (e.g., where a survivor has not responded to the minimum 3 attempts made by an administering authority to establish contact with them). Where that is the case, and providing no other circumstances change (e.g., the potential eligible survivor becomes respondent or willing to cooperate), the expectation is that the administering authority will not take any further action.
- 5.2 After, and during, the initial completion of work by 1 January 2028, new information may arise that confirms the eligibility of a survivor for backdated payments. Where this is the case, administering authorities should similarly follow the indicative timelines to make payment as soon as is practically possible.
- 5.3 All backdated payments will be subject to Regulation 81 (interest for late payment) of the [LGPS Regulations 2013](#) and Regulation 29(3) of the [LGPS \(Miscellaneous Amendment\) \(Member Benefits\) Regulations 2026](#).

Section 3 – Cohabitee nomination form

1. Introduction to section

- 1.1 This guidance relates to the formal removal of the need for a signed nomination form for the eligibility of cohabitees for survivor benefits.

2. Context and expectations of government

- 2.1 The position of the government following the ruling of the Supreme Court in *Brewster* (2017) UKSC 8 was communicated by a letter from the then-Department for Communities and Local Government to funds in August 2017 ([New Byelaw](#)). The Local Government Pensions Committee (LGPC) issued communications to funds following that letter (the latest being in May 2018 ([Bulletin 172](#))) supporting that position.
- 2.2 Taking account of the position communicated by the government and the LGPC, the government expects that all administering authorities will in practice have already disapplied the nomination requirement that the SI has now formally removed.
- 2.3 If that is not the case for any administering authority, the government expects this to be rectified retrospectively, as a matter of urgency.

Section 4 – Death grant age 75 cap removal

1. Introduction to section

- 1.1 This guidance relates to the removal of the age 75 member death cap on eligibility for a death grant, with backdated payment to be made for beneficiaries of eligible members with deaths from 1 April 2014 onwards.

2. Principles of age 75 cap removal

- 2.1 The government has legislated to remove the age 75 cap (or age 70 for pension credit members of the LGPS Regulations 1997) that excluded beneficiaries of members who died from the age of 75 from being eligible to receive a death grant.
- 2.2 For deaths on or after 1 April 2026, beneficiaries of members will be eligible for a death grant regardless of the age of death of the member. Administering authorities are expected to calculate and make payment of these grants in the same manner as they would all other death grants.
- 2.3 For deaths from 1 April 2014 to 31 March 2026, where a death grant would have been payable were it not for the member being aged 75 or over, the beneficiaries of those members are now eligible for a death grant and administering authorities must calculate and make backdated payment of that death grant.
- 2.4 The LGA has issued guidance on the calculation of backdated death grants.
- 2.5 Where there is a backdated death grant due to beneficiaries, administering authorities must make every reasonable effort to identify, calculate the entitlement of, and make payment to those beneficiaries.

3. Expected timelines of implementation of backdated payment

- 3.1 The expectation of government is that administering authorities will make every reasonable effort to make payment of backdated death grants, as soon as is practically possible, and in any event by **1 January 2028**. The government also understands that there are a number of steps that need to be taken before payment can be made, including but not limited to the following:
- Identification of deaths in scope
 - Calculation of death grant payable
 - Identification of beneficiaries/personal representatives of deaths in scope
 - Establishment of contact with beneficiaries/personal representatives
 - Exercise of discretion about who the death grant is paid to
 - Payment of death grant, including interest
- 3.2 For each of the above steps, and in line with the overarching principles of the age 75 cap removal, it is for each administering authority to justify its process and timelines.
- 3.3 The expectation of government is that administering authorities will make every reasonable effort to meet the following process and timelines, notwithstanding exceptional circumstances:

Step	Minimum reasonable process to be followed by administering authorities	Reasonable timeframe
1. Identification of deaths in scope	<p>To examine historic records of membership to identify all deaths in scope.</p> <p>Where membership data may be missing or incomplete, to take further reasonable steps to source evidence of deaths of members in scope.</p>	To be completed by 1 July 2026 , 3 months from SI coming into force date.
2. Calculation of death grants	<p>To calculate the death grants owed to eligible beneficiaries.</p> <p>To follow SAB/LGA technical guidance for assistance with calculations.</p>	To be completed by the earliest of 1 October 2026 , or 3 months from previous step concluding.
3. Identification of beneficiaries of deaths in scope	<p>To examine membership data to identify possible beneficiaries.</p> <p>Where membership data is insufficient, to engage tracing companies to attempt to identify beneficiaries/personal representatives.</p> <p>To use standard member communications (e.g., newsletters (digital and print), notices on fund websites) to raise awareness of potential death grants.</p>	To be completed by the earliest of 1 January 2027 , or 3 months from previous step concluding.
4. Establishment of contact with beneficiaries/personal representatives	<p>Once beneficiaries/personal representatives have been identified, to make multiple attempts to contact them, using both digital and physical methods.</p> <p>To make a minimum of 3 attempts over a 12 month period.</p>	To be completed by the earliest of 1 January 2028 , or 12 months from previous step concluding.

- 3.4 Once entitlement has been established and beneficiaries/personal representatives confirmed and contacted, administering authorities are expected to use their discretion to decide who the death grant should be paid to and then make payment of death grants in line with their standard timescales for payments.

4. Other considerations

- 4.1 All backdated payments will be subject to Regulation 81 (interest for late payment) of the LGPS Regulations 2013 ([The Local Government Pension Scheme Regulations 2013](#)) and Regulation 29(2) of the [LGPS \(Miscellaneous Amendments\)\(Member Benefits\) Regulations 2026](#).

Section 5 – Death grants (personal representatives)

1. Introduction to section

- 1.1 This guidance is published alongside the aforementioned Statutory Instrument [“The Local Government Pension Scheme \(Miscellaneous Amendments\) \(Member Benefits\) Regulations 2026”](#), with the overall effect of removing the requirement that a death grant paid after the two-year period must be paid to that member’s personal representatives, and therefore be subject to the Special Lump Sum Death Benefits Charge. The ‘two-year period’ is the two years after the member’s death, or the two years after the date on which the administering authority could reasonably be expected to have become aware of the death.

2. Principles of death grants (personal representatives) changes

- 2.1 The removal of the requirement that an unpaid death grant has to be paid to a member’s personal representatives applies to all death grants unpaid as of 1 April 2026, as outlined in the Statutory Instrument.
- 2.2 Regarding Additional Voluntary Contribution (AVC) death grants, and as outlined in the Statutory Instrument, this change also applies to AVC death grants from the 2013 Regulations. The position regarding AVC death grants from the earlier versions of the Scheme remain unchanged.
- 2.3 Death grants paid up to 1 April 2026, including to personal representatives, are not in scope of this change.