

FIREFIGHTERS' PENSION COMMITTEE

NEW FIREFIGHTERS' PENSION SCHEME

DRAFT BLUE PRINT – A3 REGISTRATION OF COHABITING PARTNERSHIPS

Note by ODPM

1. This paper discusses how registration for unmarried partnerships might be handled.
2. The draft Blueprint sets out that the scheme member and partner must have cohabited in an exclusive, committed long term relationship; and been free to marry or enter into a civil partnership; and the partner was financially dependent on the scheme member or the scheme member and the partner were financially interdependent.
3. Pension administrators are particularly concerned about:
 - the burden of proof for establishing dependence or interdependence;
 - the validity of nominations, particularly after a lapse of time;
 - the handling of disputes; and
 - the extent of FRA discretions.
4. The burden of proof will rest with the partners to establish that the partnership satisfies the requirements of the scheme. Guidance will indicate what documentary or other evidence is required. If the partnership breaks down, the onus will be on the scheme member to inform the FRA and for the nomination to be rescinded.
5. As we envisage that the annual benefit statement will include reference to any nomination, this will provide the member with the opportunity to ensure that the record is accurate.
6. Any dispute would be a matter to be resolved by IDR. P.
7. As the requirements for payment of an award will be set out in the NFPS, we are proposing only a discretion if the scheme member dies unexpectedly before the two year qualifying period and before making a nomination, e.g. as a result of a qualifying injury.
8. The following sets out how people might register and how the payment of a survivor's pension in these circumstances might be considered. The Civil Service arrangements have been used as a model
9. Annex A is a draft Registration form. A standard format for this form might be easier for fire and rescue authorities (FRA) so that if scheme members move between FRAs, the registration can be transferred to the

new employer without affecting the date of registration. Attached to Annex A is a table showing those relationships that cannot marry.

10. Annex B is a draft Guidance Note for FRAs.
11. The FPC is invited to discuss.

ODPM
November 2005

DRAFT REGISTRATION FORM

Please fill in this form in black ink and in **BLOCK CAPITALS**, and send it to your Fire and Rescue Authority (FRA). Your FRA will acknowledge that they have received the form by returning a copy of it to you.

Your name

Pay No.

National Insurance No.

Date of Birth

Address (including post code)

.....

Telephone number

Date entered Fire and Rescue Service

I nominate my partner named below to receive a nominated partner's pension under the Firefighters' Pension Scheme

Partner's full name including title

Date of partner's birth

Address of partner (including post code)

.....

Both the scheme member and the partner should sign the form.

Declaration by scheme member and partner

- We confirm that:
 - we have lived together for years, during which time our financial affairs have been interdependent (or the partner has been financially dependent on the scheme member);
 - we have a committed relationship with each other, and we intend to continue this indefinitely;
 - we are mutually responsible for each other's welfare;
 - we are not related in a way that will prevent marriage or civil partnership (please see the list attached);
 - neither of us is married to anyone else;
 - neither of us is in a civil partnership; and
 - neither of us is currently nominated as the partner of anyone else.

- We will tell the scheme administrator if our relationship comes to an end.
- We understand that benefits will not be paid unless the partner provides satisfactory evidence that the declaration above is valid when the scheme member dies.

Scheme member's signature

Date

Partner's signature

Date

Witness

This must be someone other than the scheme member or partner.

Name of witness

Address (including post code) of witness

.....

Signature of witness

Date

You should not rely on this nomination alone giving the partner entitlement to a pension. When the scheme member dies, the employing Fire Rescue Authority will need to be satisfied that your relationship continued to meet the qualifying conditions for the payment of a pension.

For Fire and Rescue Authority use only

The nomination has been registered on *(date)*.....

Signature

Name in block capitals

Date

Telephone number

Official address

.....

Evidence provided to support the nomination:

Guide to relationships that are not allowed to marry or enter into a civil partnership in the UK

Note: This list is based on the statutory list in the Marriage Act 1949, (section 1, schedule 1) and applies to England and Wales. Slightly different restrictions apply in Scotland. The statutory list may change so the following list is only a guide.

<p>Part 1 A man may not marry his:</p> <ul style="list-style-type: none"> • mother, adoptive mother, former adoptive mother; • daughter, adoptive daughter, former adoptive daughter; • grandmother; • granddaughter; • sister; • aunt; or • niece. 	<p>Part 1 A woman may not marry her:</p> <ul style="list-style-type: none"> • father, adoptive father, former adoptive father; • son, adoptive son, former adoptive son; • grandfather; • grandson; • brother; • uncle; or • nephew.
<p>Part 2 A man may not marry any of the following female relations unless:</p> <ul style="list-style-type: none"> • both he and the woman have reached 21; and • the younger person has never been treated as a child of the family of the older person before age 18. • The daughter of an ex-wife • The ex-wife of their father • The ex-wife of a grandfather • The granddaughter of an ex-wife 	<p>Part 2 A woman may not marry any of the following male relations unless:</p> <ul style="list-style-type: none"> • both she and the man have reached 21; and • the younger person has never been treated as a child of the family of the older person before age 18. • The son of an ex-husband • The ex-husband of their mother • The ex-husband of a grandmother • The grandson of an ex-husband
<p>Part 3 A man cannot marry:</p> <ul style="list-style-type: none"> • the mother of his ex-wife unless both the ex-wife and the ex-wife's father are dead; or • the ex-wife of his son unless both the son and the son's mother are dead. <p>In either case, both people must be 21 or over.</p>	<p>Part 3 A woman cannot marry:</p> <ul style="list-style-type: none"> • the father of her ex-husband unless both the ex-husband and the ex-husband's mother are dead; or • the ex-husband of her daughter unless both the daughter and the daughter's father are dead. <p>In either case, both people must be 21 or over.</p>

Guide to prohibited relationships for entering into a civil partnership

Note: This list is based on Schedule 1 of the Civil Partnership Act 2004

<p>Absolute prohibitions Two people are within prohibited degrees of relationship if one falls within the list below in relation to the other. Adoptive child Adoptive parent Child Former adoptive child Former adoptive parent Grandparent Grandchild Parent Parent's sibling) Sibling) Sibling means a brother, sister, half-brother or half-sister Sibling's child)</p>	
<p>Qualified prohibitions Two people are within prohibited degrees of relationship if one of them falls within the list below in relation to the other, unless – (a) both of them have reached 21 at the time when they register as civil partners of each other, and (b) the younger has not at any time before reaching 18 been a child of the family* in relation to the other. Child of former civil partner Child of former spouse Former civil partner of grandparent Former civil partner of parent Former spouse of grandparent Former spouse of parent Grandchild of former civil partner Grandchild of former spouse **"Child of the family", in relation to another person means a person who – (a) has lived in the same household as that other person and (b) has been treated by that other person as a child of his family.</p>	
<p>Two people are within prohibited degrees of relationship if one falls within column 1 of the table below in relation to the other, unless – (a) both of them have reached 21 at the time when they register as civil partners of each other, and (b) the persons who fall within column 2 are dead</p>	
<i>Relationship</i>	<i>Relevant deaths</i>
Former civil partner of child	The child The child's other parent
Former spouse of child	The child The child's other parent
Parent of former civil partner	The former civil partner The former civil partner's other parent
Parent of former spouse	The former spouse The former spouse's other parent

DRAFT GUIDANCE NOTES

PAYMENT OF THE PARTNER'S PENSION

1. For a pension to be paid to a nominated partner the nominee and the scheme member must:
 - have completed a `Registration` form to register their relationship with the Fire and Rescue Authority (FRA) and had this acknowledged by the FRA;
 - have cohabited in an exclusive, committed long term relationship (normally, this would be for at least 2 years); and
 - been free to marry or enter into a civil partnership; and
 - the nominee was financially dependent on the scheme member or the scheme member and the nominee were financially interdependent.
2. In the event of the scheme member's death, the FRA would need to decide if the qualifying conditions (as in paragraph 1) are satisfied for the payment of the survivor pension to the partner.
3. The partner, or a person acting on their behalf, will need to provide evidence of continuing dependence or interdependence for the preceding two years when making a claim to the pension. A pension should not be paid if the partnership has not been registered; or the dependence/ interdependence for the preceding two years cannot be established.
4. The nominee must provide a document confirming his/her identity and date of birth. If the nominee is 12 or more years younger than the scheme member then there would be an actuarial reduction in any pension, in the same way as a spouse or civil partner pension will be reduced under C2.

Financial Dependence or Interdependence

5. Financially dependent means that the scheme member was the sole or principal wage earner for the household. Interdependent means that the nominee and the scheme member relied on each other's income to support their standard of living: this does not mean that the nominee has to show that he/she will be adversely affected financially by their partner's death only that they and the scheme member mutually supported their standard of living.
6. The nominee may earn a reasonable salary or receive a pension. It may be that the nominee's income was greater than the scheme member's. This would not exclude them from receiving a pension. If the scheme member made a regular financial contribution to the

household this would demonstrate interdependence. Such a contribution could be buying the weekly shopping, and/or paying utility bills.

7. The nominee may also offer information about how his/her lifestyle would change as a result of the death of the scheme member. For example the nominee may say that he/she would now suffer additional childcare expenses or have difficulty remaining in the same accommodation. This sort of information demonstrates interdependence.
8. It is possible that parent, siblings and friends are financially reliant on the scheme member. The proposed scheme would allow pensions to be paid only where the relationship was in the nature of co-habitation where the parties choose not to marry or form a civil partnership. Therefore, a claim cannot be decided solely on the financial situation.
9. Unless financial dependence or interdependence is demonstrated no pension is payable.

Exclusive Long Term Relationship

Residence

10. Information about the main residence of the nominee is important in establishing that they lived with the scheme member.
11. The Nominee should provide a document confirming that his/her address is the same as the scheme member's and has been for at least two years. A bill or credit card statement held in the nominee's sole name or a driving licence could establish this. It is important that the document is in the sole name of the nominee to demonstrate that it is his/her main residence. Where the Nominee has lived at their current address for less than two years they should provide details of the previous address. It may be necessary for the FRA to make other enquiries in the case of a deferred or pensioner member, as they may not have details of the scheme member's address after leaving employment.
12. If the nominee used a different address to the scheme member then enquiries would need to be made to find out if the couple maintained separate households. The FRA would not necessarily refuse to pay a pension if there were separate households. But it may be doubtful that the qualifying conditions of financial interdependence and cohabitation can be demonstrated.
13. In certain circumstances a break in living together may be overlooked. Where, for example, the nominee's employment took them abroad for a period of time or where one of the partners entered residential care due to illness. Where the scheme member or nominee entered long term residential care further enquiries will be necessary to establish that the

relationship and financial interdependence continued. These enquiries would need to establish the funding of the care and the continued contribution the couple made to each others support.

Discretion in exceptional circumstances

14. If the scheme member and nominee lived together for less than two years then this would cause doubts about whether this was a long-term committed relationship. However, there will be circumstances where the two-year qualifying period may be overlooked. An example would be where the scheme member and their partner have established a household and have joint finances but the scheme member dies unexpectedly at an early age. Where long term arrangements for the household and finances are demonstrated then a pension may be payable if the other qualifying conditions are satisfied.

Marriage and Civil Partnership

15. Neither the scheme member nor the nominee may be married to or in a civil partnership with any one else. If the scheme member was married or in a civil partnership at the time of their death the pension would be paid to the spouse or civil partner. If the nominee says that they or the scheme member were at some time married or in a civil partnership, the administrator must see the appropriate documentation dissolving the partnership or death certificate. Unless these documents are seen then no pension would be payable.
16. The scheme member and the nominee must not be related so as to prevent marriage or civil partnership – see list of relationships forbidden to marry or enter into a civil partnership. Where the scheme member and nominee are related to the degree in the list no pension would be payable.

Long Term Commitment and Mutual Support

17. The following examples of elements in a relationship that would demonstrate that they are in a long term committed relationship. Again it is not necessary that the nominee can satisfy all of these examples.
19. Power of attorney gives someone authority to decide the affairs of another individual should they become incapable of doing so. Normally the next of kin (i.e. nearest family member) would decide for example the medical care of an unmarried person. Where the nominee and the scheme member had given each other power of attorney this would be an indication of a committed relationship.
20. A committed relationship would also be shown if the nominee and the scheme member nominated each other as beneficiaries of a death benefit nomination, will or life assurance. A claim would not necessarily fail, however, if another person were named as the scheme member's beneficiary. It may be that the scheme member had children of a previous relationship for whom they wished to make financial

provision on their death. Death benefit can form part of a divorce settlement and a former spouse may be the beneficiary.

21. An application for a child's pension might provide evidence about the nature of the relationship between the Scheme Member and Nominee. For example, whether they had children or if the children of one of the partners from another relationship formed part of their family. Absence of eligible children alone would not cause a claim to fail.
22. Income Support the social security benefit for people on low incomes allows partners to be jointly assessed.
23. Some employers give benefits and concession to their employees that extend to partners. Any employee benefits that the nominee's employer extended to the scheme member would be another piece of information building up a picture of the relationship.
24. To establish the exclusivity of the relationship the nominee could be asked to confirm that they have not been nominated by any other person to receive an adult dependant's pension from another pension scheme. A long-term relationship in which there are signs of mutual support can normally be regarded as exclusive.