

FAMILY PENSION BENEFITS



FINDING YOUR WAY ABOUT THIS BOOKLET

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INTRODUCTION

If you die before your dependants, they will need to know what benefits they are entitled to and where to go for help. This booklet explains their entitlement to benefits (payments) from the Armed Forces Pension Scheme (AFPS) and how to secure them. It describes the benefits that may, in addition, be available under a second scheme, the War Pensions Scheme (WPS) and how to claim these. It also covers those family benefits that are due to dependants of Reservists under a third scheme, the Reserve Forces (Attributable Benefits etc) Regulations (RFAB).

We have written this booklet as clearly and as simply as possible. But, because the subject of benefits is a complicated one, the booklet also tells you how to contact a variety of organisations which can give your family practical support and advice in the event of your death, whether in Service or in retirement.

IMPORTANT:

This booklet provides only a summary of the rules of the relevant schemes. It is not a full explanation of all of the rules and is not the legal basis for any entitlement under the scheme. If there are any differences between the scheme rules and an explanation in this booklet, the scheme rules take precedence and will be followed.

In addition, this booklet does not give you financial or legal advice. If you want financial or legal advice you or your dependants should go to an independent adviser.

TERMS YOU NEED TO UNDERSTAND

Attributable Benefits

Benefits that are paid when a Service person dies and the medical condition or injury that resulted in death was caused by, or significantly hastened by, service in the Armed Forces. Attributable benefits are paid under three schemes: pension benefits under the Armed Forces Pension Scheme; or the Reserve Forces (Attributable Benefits etc) Regulations; and compensation benefits under the War Pensions Scheme. The three schemes have separate legislation and conditions for paying benefits.

Benefits

Pensions, compensation payments or allowances that you may be entitled to under one or more of the schemes referred to above.

Burden and Standard of Proof

Burden of proof

The requirement to prove any given set of facts to the standard set for each scheme. The person to whom this burden falls varies depending on the scheme rules.

Standard of proof

Standard of proof indicates the level of certainty required by the decision-maker in order to be satisfied that a particular set of facts is proven.

Cohabitation

Living with another person, who is not a legal spouse (husband or wife), in a partnership usually where there is an established relationship, public acknowledgement of that relationship and where the partners have joint finances. Cohabitation can involve two people of the opposite or same sex.

Decree Absolute

A final decree granted by a court of law which ends a marriage and so ends a widow's or widower's pension entitlement.

Decree Nisi

The initial decree granted when a couple is divorcing. This must not be made absolute before (currently) six weeks after the decree nisi is granted. If there is a reconciliation between the couple during that period, they can agree to cancel the decree nisi. A decree nisi does not end a marriage so it does not end a widow's or widower's pension entitlement.

Dependants

An AFPS member's husband or wife or children. For attributable benefits only, this may include substantial unmarried partners.

Discretionary Awards Panel (DAP)

The Discretionary Awards Panel is the body that takes decisions on whether AFPS benefits should be paid where a claim does not clearly fit into the rules.

Discretionary Awards Appeals Panel (DAAP)

The Discretionary Awards Appeals Panel considers appeals against decisions of the DAP and is senior to the DAP.

Eligible Child

A child whose parents were married when he or she was born and born no later than 12 months after the member's death. In certain circumstances the definition can include: a child whose parents are not married when he or she is born, a stepchild, an adopted child (further details of eligible children, including children of unmarried partners, can be obtained from the Pensions Division). In all cases the child must be dependent on the

AFPS member and 16 or under or receiving full-time education or training or not able to support him or herself due to disability.

Children born of a relationship entered into after the AFPS member leaves the Armed Forces are not eligible under the AFPS Scheme.

Full Career Rate of Pension

The pension payable after 34 years reckonable service for officers and 37 years reckonable service for other ranks. Further years of service will not earn additional benefits.

Gratuity

A lump sum payment.

Immediate Pension

An AFPS pension paid to officers on leaving the Armed Forces after 16 years' reckonable service as an officer (from age 21 or over) and for other ranks after 22 years' reckonable service (from age 18 or over).

Index Linking

Yearly increases of your pension once in payment, in line with movements in the All Items Retail Prices Index to make sure that your pension keeps its purchasing power. Increases are made in April each year.

Invaliding Pension

A pension awarded to an individual who is medically discharged from the Armed Forces.

Non-Attributable Benefits

Benefits payable on medical discharge from the Armed Forces other than those awarded for a medical condition or death caused or hastened by service in the Armed Forces.

Pension Scheme Rules

There is one set of pension scheme rules for each Service and a separate set for the War Pension Scheme:

The Royal Navy – Naval and Marine Pay and Pensions (non-effective benefits and

Family Pensions Order)

The Army – Army Pensions Warrant 1977

The RAF – Queen’s Regulations for the Royal Air Force

WPS – The Naval, Military and Air Forces etc.

(Disablement and Death)

Service Pensions Order 1983.

These are the authoritative rules of the schemes and can be read at your local administration office.

Post-retirement Widow’s or Widower’s Pension

A pension paid to a widow or widower who married the AFPS member after the member left the Armed Forces.

Preserved Pension Benefits

Pension benefits due to a member leaving the AFPS after at least two years reckonable service and before the Immediate Pension Point. Preserved benefits are currently payable at the age of 60.

Rank

Throughout this booklet rank generally means the normal or permanent rank of the person and not the acting or local rank.

Reckonable Service

The service which counts towards a member’s pension. For officers, this starts at age 21 or over for up to 34 years, and for other ranks at age 18 or over for up to 37 years.

Representative Rates of Pay

Unlike most final salary-related pensions, the AFPS for members below the one star level (Commodore, Brigadier and Air Commodore) are based not on individual earnings but on a representative rate of pay for each rank. This means that everyone of the same rank with the same length of service who retires in the same year receives the same rate of pension, no matter what their actual earnings.

Reserve Forces

Reserve Forces are covered by the Reserve Forces (Attributable Benefits etc) Regulations (RFAB).

The Reserve Forces include:

Royal Fleet Reserve
Royal Naval Reserve
Royal Marines Reserve
Army Reserve
Territorial Army
Royal Air Force Reserve
Royal Auxiliary Air Force

The Territorial Army (Non Regular Permanent Staff) TA (NRPS) are covered by different arrangements. The Pensions Division can advise on these (see page 40).

Reservists who are recalled into the Regular Force (for example members of the Recall Reserve (Naval and Marine), Long-Term Reserves, Army Pensioners, RAF Retired Officers and Air Force Pensioners) are covered by different arrangements. You should contact the Pensions Division for details (see page 40).

Spouse

A legally married (including separated, but not divorced) husband or wife. This does not include an unmarried partner.

Terminal Grant

A lump sum equal to 3 times the yearly pension awarded, paid as well as the immediate, full career, invaliding or preserved pension.

Unmarried Partner

The partner of a member of the Armed Forces who is not married to them but is in a substantial relationship (see page 11 for further details).

Widow or Widower

The person who an AFPS member is legally married to when he or she dies. An ex-wife or ex-husband is not eligible to receive a widow’s or widower’s pension.

ABBREVIATIONS

This is a list of the most commonly used abbreviations in this booklet.

AFPA	Armed Forces Personnel Administration Agency
AFPS	Armed Forces Pension Scheme
DAAP	Discretionary Awards Appeals Panel
DAP	Discretionary Awards Panel
MOD	Ministry of Defence
RAF	Royal Air Force
RFAB	Reserve Forces (Attributable Benefits)
RM	Royal Marines
RN	Royal Navy
VA	Veterans Agency
WPS	War Pensions Scheme
WPWS	War Pensioners' Welfare Service
WWP	War Widow's or Widower's Pension

AFPS BENEFITS WHICH ARE PAYABLE

WHEN YOU DIE

Your membership of the Armed Forces Pension Scheme (AFPS) entitles your family to benefits when you die, as follows:

Widow's or Widower's Eligibility

For your widow or widower to be entitled to receive pension benefits, the following conditions apply:

- you must be married at the time of your death;
- only a legal spouse can receive a widow's or widower's pension;
- only a decree absolute ends a marriage and a widow's or widower's pension entitlement. (Neither separation nor a decree nisi is considered as ending a marriage).

Unmarried Partner's Eligibility

Your unmarried partner will not be eligible for non-

attributable benefits but they may be eligible for attributable benefits if they can prove that:

- your death was attributable to or hastened by your service;
- your relationship was substantial and exclusive at the time of your death; and
- you and your partner were both free to marry.

Substantial Relationship –

Whether or not a relationship is or was substantial will be assessed on a case-by-case basis against a range of criteria that would include such factors as shared dependent children and financial dependence.

Decision on eligibility will be based on a broad assessment of the substance of your relationship, based on clear documentary evidence.

Nominating your partner –

To nominate your partner you will need to complete a valid declaration form, signed by you and your partner, and witnessed by someone unrelated to either you or your partner. You and your partner will also have to include evidence to substantiate your partnership. It may be beneficial (but it is not compulsory) to nominate your partner. This will help your partner to receive their benefits as quickly as possible after your death.

Nomination forms, and further details about eligibility and relationships which are too close to allow a marriage, are available from the Pensions Division.

Child's or Children's Eligibility

Your child or children would be eligible for pension benefits in the following circumstances:

- they are mainly dependent on you when you die;

- they are either 16 or under or still receiving full-time education (including university or another form of higher education) or training;
- they are unable to support themselves due to a disability, providing the disability existed before age 17;
- they are born of a relationship entered into before you leave the Armed Forces. Children born of a relationship established at a later date are **not** eligible.

NOTE: In some circumstances, stepchildren, adopted children etc. can be eligible (see Terms Your Need to Understand – Eligible Child on page 6). The Pensions Division can provide further information (see page 40).

No Eligible Dependants

The scheme will pay a lump sum to your estate as part of the assets you leave if you are: single, have no eligible

dependants and are still serving when you die; or you die in retirement and have not been awarded a preserved pension.

Pensions Increase

All dependants' benefits are index-linked to the All Items Retail Prices Index from date of issue. This makes sure that the benefits keep their value over time. Increases are made each April.

NON-ATTRIBUTABLE BENEFITS FROM THE AFPS

The scheme includes benefits for "non-attributable" deaths. Non-attributable deaths include those due for example, to old age, an off-duty road traffic accident, or an illness unrelated to employment. However, if your death results from your service, your dependants may receive a higher level of benefit (see pages 19 to 24). The level of non-attributable benefits will depend on:

- your rank;
- the length of your service;
- whether you die in retirement or in Service;
- whether you are married or have children or both.

After your death, the scheme will award a **short-term family pension** if you leave a widow, widower or eligible child; this will happen whether you are still in Service or have started to receive a pension.

This pension is based on your daily rate of pensionable pay, if you are still in Service when you die, or the daily pension rate if you die in retirement. This maintains your dependants' income for a period of time after your death as follows:

- for a widow or widower with no eligible children – 91 days; or
- one eligible child in the care of another person – 91 days;
- for a widow or widower with one or more eligible children – 182 days; or
- two or more children in the care of another person – 182 days

NOTE: For the families of members of the Armed Forces serving on terms that do not carry entitlement to a pension or who had less than two years' service at the time of

death, we can extend the short-term family pension to 273 days.

Widow's Pension

Once the short-term family pension stops, the scheme will pay a **widow's long-term pension**. We work out the value of the pension as follows;

- if you die after leaving the Armed Forces but before your preserved pension becomes payable, your widow will be entitled to the benefits explained on page 17;
- if you die in retirement, we will pay your widow one half of the pension the scheme paid you before your death. This applies to that part of a pension earned through service given after 31 March 1973 (see note below);
- if you die in Service, the scheme will pay your widow one half of the non-

attributable pension for your rank that you would have received if you had been discharged because of ill-health (see note below).

- if you left Service before 31 March 1973, with an entitlement to a pension, the scheme will pay your widow one third of your pension (see note below).
- if you married after leaving the Armed Forces, only service given on or after 6 April 1978 will count towards your widow's pension (this is known as a post-retirement widow's pension).

NOTE: For service before 31 March 1973, widows are entitled to only one third of the AFPS member's earned pension benefits up to that date, unless the member opted to make additional contributions to increase their widow's pension for earlier service. This means that some widows' pensions may be

made up of an element reflecting one third of the member's pension earned for service up to 31 March 1973, and reflecting one half of the member's pension for service from 1 April 1973 to the date of discharge.

Widower's Pension

If you leave behind a widower, all your service counts towards your widower's pension provided you were serving on or after 1 October 1987. The value of your widower's pension is worked out in the same way as for a widow.

Suspending and Restoring Widow's or Widower's Pension

If your widow or widower cohabits (see Terms You Need to Understand – Cohabitation on page 5) with a new partner or remarries, the scheme will suspend their non-attributable pension. If after suspension of the pension the cohabitation stops or the new marriage ends as a result of divorce or

death, the scheme can restore the pension if the widow or widower can show that they are financially worse off at the end of the cohabitation or second marriage than they would have been had they not re-married or cohabited.

If your widow or widower is in doubt as to the nature of any relationship and whether it counts as cohabitation, she or he should contact the Pensions Division (details are on page 40). Continuing to claim a widow's or widower's pension which she or he is not entitled to may be considered fraudulent and could lead to a criminal prosecution. If the Ministry of Defence discovers at a later date that a widow's or widower's pension was paid without entitlement, it will normally seek to recover any amount that was wrongly paid.

Children's Entitlements

When the scheme is paying a widow's or widower's pension and there are eligible children, up to one half of your (the member) pension will be divided equally among your eligible children, with no one child receiving more than a quarter of your pension.

If the scheme is not paying a widow's or widower's pension, and there are eligible children who are not in the care of a parent or stepparent, the whole of your (the member) pension may be divided equally among your eligible children. The maximum rate of children's pension is increased to no one child receiving more than a third of your pension.

If one of your children becomes ineligible for a pension, the scheme will automatically increase the pension awarded to your other child or children to the maximum level allowed.

Paying of Preserved Benefits to Dependants

If you die after leaving Service but before **preserved benefits** become payable, your dependants will have the entitlements detailed below:

- the scheme will pay a widow's or widower's pension at one half of the preserved pension rate (for Service given before 31 March 1973, see the note on page 15).
- if you married your spouse after leaving the Armed Forces, only service after 6 April 1978 will count towards the post-retirement widow's or widower's pension. Your widower will only be entitled if you were serving on or after 1 October 1987 and again only for service after 6 April 1978.
- the scheme will pay children's pensions on the basis set out on this page.

ATTRIBUTABLE BENEFITS

- if there is no widow or widower, or eligible child, the scheme will pay your estate a lump sum equal to the preserved terminal grant.

Where your death is due to service, benefits are paid under two schemes; pension benefits under the Armed Forces Pension Scheme (AFPS), and compensation benefits under the War Pensions Scheme (WPS). The two schemes have separate legislation and conditions for paying benefits, and are administered by two different MOD agencies. The AFPS is administered by the Armed Forces Personnel Administration Agency (AFPAA), and the WPS is administered by the Veterans Agency (VA). The following section explains how the two agencies decide whether attributable benefits will be paid under their schemes.

STANDARD AND BURDEN OF PROOF

The two pension schemes and the compensation scheme have different burdens and standards of proof for determining whether

a death is due to service. They are explained below:

• **WPS**

If your death occurs in Service or within seven years of discharge from the Forces, your widow or widower does not have to show that your death was due to service. In these cases, it is for the Secretary of State for Defence to prove beyond reasonable doubt that your death was not due to your service.

After seven years, your widow or widower has to provide reliable evidence to raise a reasonable doubt that there might be a Service link to your death.

• **AFPS**

Where your death occurred on or after 1 April 2004, the balance of probabilities (that is, more likely than not) standard of proof is used to determine whether the death was attributable to

service under the AFPS. Where the MOD does not accept that your death was due to service, it will be up to your widow, widower or partner to prove this. However, the MOD will be required to release to your widow or widower, on request, medical and other records relevant to the circumstances of your death.

• **RFAB**

Decisions have been made under the RFAB using the balance of probabilities standard of proof since the Regulation came into force on 30 April 2001.

NOTE: As the AFPS (since 1 April 2004) and RFAB have different standards of proof from the WPS, in some instances this can lead to the WPS paying a War Widow's Pension where the AFPS or RFAB do not pay attributable benefits.

Where the death of a regular

member of the Armed Forces occurred before 1 April 2004, or before 30 April 2001 for a member of the Reserve Forces, it was for the Veterans Agency to decide on attributability using the WPS standard of proof.

THE ACTION TAKEN IN THE EVENT OF YOUR DEATH

If you die in Service, AFPAA will put into payment a non-attributable AFPS pension (except in the cases of unmarried partners) and they will automatically tell the VA of your death, and give them copies of your medical file.

If you die in retirement, your widow, widower or partner will need to tell AFPAA of your death so they can stop any pension you receive under the AFPS. If you receive a War Pension, your widow or widower should also advise

the VA of your death so that they can stop any War Disablement Pension you receive under the WPS. If you were not invalidated from the Armed Forces, or in receipt of a War Disablement Pension, AFPAA will give the VA a copy of your medical file. When they are notified of your death, both agencies will then consider what dependants' benefits might be payable.

LOOKING AT THE CAUSE OF YOUR DEATH

The VA will look at the information on your medical file and any other medical evidence (for example, from your General Practitioner or a medical consultant) to help them to decide whether your death was due to, or hastened by, service. They will use the **WPS standard of proof** (see page 19). The VA will tell AFPAA if your spouse is to receive a War Widow's or

Widower's Pension (WWP). If your widow or widower is not awarded a WWP, then the AFPS will not consider your widow or widower for an attributable pension and a non-attributable widow's or widower's pension will continue to be paid. If a WWP is paid, then your death will be considered under the **AFPS standard of proof**. As unmarried partners generally do not qualify for a WWP, the AFPS will still consider your death for attributable benefits if you have nominated your partner (see page 22), or if they receive a claim for unmarried partner benefits after your death.

The AFPS decision as to whether your death was due to, or to a significant extent hastened by, service, is made by the scheme's Discretionary Awards Panel (DAP). If the DAP do not find your death attributable, then your widow or widower will continue to receive non-attributable

benefits. (Note – Unmarried partners are not eligible for non-attributable benefits.) If your widow, widower or partner does **not** agree with the DAP's decision, they can appeal to the Discretionary Awards Appeal Panel. Details of how to appeal would be provided with the letter that gives the reason for not finding your death due to service.

ATTRIBUTABLE BENEFITS OF THE AFPS

The attributable benefits set out below apply to those members of the Regular Services whose service was after 31 March 1973. The benefits depend on whether the death was in Service or in retirement.

DEATH IN SERVICE

Widow's, Widower's or Partner's Benefit

If you die in Service and the AFPS administrators accept that your death was caused or significantly hastened by your service, your widow or widower may receive benefits greater than those payable for non-attributable deaths. If you have a partner (see Terms You Need to Understand – Unmarried Partner on page 9) they may receive attributable benefits. The benefits payable for attributable deaths are:

- a short-term family pension, equal to your daily rate of pensionable pay, which the scheme will pay for 182 days;
- a lump sum. This would be the greater of either the terminal grant that the scheme would have paid if, at the time of your death, you had been non-attributably discharged from service, or twice the full

career rate of pension (about one year's salary based on the representative rate of pay – see Terms You Need to Understand – Representative Rates of Pay on page 8) whichever is greater;

- An additional gratuity (lump sum), based on your rank (about half of one year's salary based on the representative rate of pay).
- An enhanced long-term attributable widow's, widower's or partner's pension based on your rank at the time of your death. We will pay this when the short-term family pension stops, at the rate of 90% of your full career pension, less the amount by which the WPS War Widow's or Widower's Pension is above the basic State Widow's or Widower's Pension. The long-term widow's, widower's or partner's pension may be reduced

when compensation is received for your death. If you have opted out of the AFPS, and your widow, widower or partner receives a pension from an appropriate personal pension plan this may also reduce the long-term pension.

Children's Entitlement

If your death is considered by the DAP to be due to, or hastened by service, your children's pensions are also enhanced and are based on your rank at the time of your death. (See Terms You Need to Understand on page 6 for Eligible Children and page 24 for where to find details of rate).

DEATH IN RETIREMENT

If you die during retirement and the scheme administrators accept that your death is due to service, your dependants will be paid

HOW TO CLAIM AFPS BENEFITS

the following benefits:

- A short-term family pension equal to your daily pension rate payable for up to 182 days.
- A long-term attributable widow's, widower's or partner's pension as set out on page 23.
- Children's entitlements as set out on page 23.

SUSPENDING AND RESTORING ATTRIBUTABLE WIDOWS' AND WIDOWERS' PENSIONS OR UNMARRIED PARTNERS' PENSIONS

Since 31 October 2000 an attributable widow's or widower's pension or, from 15 September 2003 a partner's pension, is paid for life – that is the pension does not end when the widow, widower or partner lives with or marries

their new partner.

WHERE TO FIND THE RATES OF AFPS PENSION AND LUMP SUMS

Your family can find details of the current rates of all the AFPS benefits for which they may be eligible on the MOD intranet (see page 51) and on the internet at the RAF Community Support site (see page 43). They can also contact the Pensions Division for advice (see page 40).

When you die, your widow, widower, partner, dependants or personal representative (for example a solicitor or relative acting on their behalf) should tell the Pensions Division that you have died (see page 40 for contact details). They will be sent a letter of condolence, together with application forms inviting them to claim any pension benefits or lump-sum benefit due to them or your estate.

The person claiming will need to make sure that the application forms are signed, witnessed and fully filled in before they are returned to the Pensions Division. The reason for this is that the administrators cannot take further action until these forms are properly filled in and they have received the relevant death, birth and marriage certificates, or unmarried partner documentation. We will photocopy the certificates and return the originals to the person claiming. Eligibility will

then be considered. If benefits are awarded they will be backdated to the day after your death.

WHERE TO GET HELP AND ADVICE

If you die in Service, an officer will be appointed to break the news of your death to your next-of-kin within three days of your death. Longer-term support will be provided by one (or more) Visiting or Assisting Officers whose role is to help your family with the range of issues that arise following your death. They will follow your family's wishes and can help with funeral arrangements, getting a death certificate, returning personal belongings, accommodation needs and claiming any pensions, gratuities or grants that your dependants may be entitled to. If they cannot sort out the problem themselves, they can get help from a range

OPTING OUT OF THE AFPS

of Service staff or specialists.

If you die in retirement

and the cause is **not** due to your service, your family will be able to get help from the Pensions Division (see page 40). They may also want to contact some of the Service organisations that provide free advice and financial help to bereaved dependants of service personnel (see pages 37 to 49).

If you die in retirement, and the cause **is** due to your service, your family should contact the War Pensioners' Welfare Service (WPWS) (see page 39).

If you opt out of the AFPS in favour of a personal pension plan, you, or your widow or widower, or your dependants will not be entitled to non-attributable benefits. It may be the case that your personal pension plan provides death and injury pension benefits. Opting out of the AFPS does not affect your entitlement to attributable benefits.

ATTRIBUTABLE BENEFITS FROM THE WPS

The War Pension Scheme (WPS) also provides compensation for death, injury or illness due to service but is a separate scheme from the AFPS. It is managed by the Veterans Agency (VA). While the WPS normally only pays benefits to your family if your death is accepted as due to service, there is one exception to this detailed on page 29.

WHERE TO GET HELP AND ADVICE

Your family can get help and support from the War Pensioners' Welfare Service (WPWS). The WPWS helps war widows and widowers with any problem and gives free and confidential advice about war pensions. It will also help your family to fill in forms to apply for pension benefits.

If your family wants to see a WPWS welfare manager, arrangements will be made

for them to visit your home or somewhere else more convenient. The WPWS welfare managers work closely with all areas of the Department for Work and Pensions (previously called the Department of Social Security), with Service Visiting or Assisting Officers, with local authorities and with voluntary organisations to provide the best possible support.

You can contact the nearest local WPWS office through the Veterans Agency Freeline (see page 39).

DEATH IN SERVICE

If you die in Service and the WPS accepts that your death was caused or significantly hastened by service, your widow or widower will receive a War Widow's or Widower's Pension (WWP). War Pensions are non-contributory and generally provide higher levels of benefits than any paid by the Department

for Work and Pensions. The pension is not intended as compensation for the loss of a spouse but is for the widow's or widower's maintenance.

DEATH IN RETIREMENT

If you die after leaving Service, the Veterans Agency (VA) will not normally consider paying a War Widow's or Widower's Pension (WWP) unless your spouse makes a claim. Claims should be made as soon as possible because delays may mean loss of money. Details of who may be eligible are set out in **VA-Leaflet-1**, which is available from the VA (see page 39) or from the War Pensioners' Welfare Service.

There is one exception to the rule that your death must have been due to or hastened by your service for your widow or widower to qualify for a WWP. This applies if you are at least

80% disabled because of your service and you are entitled to Constant Attendance Allowance (CAA) at the time of your death or you receive Unemployability Supplement. (See the booklet "Invaliding" in this series for further information).

Once a war widow or widower remarries or starts to cohabit, the VA will withdraw the War Widow's or Widower's Pension (WWP). They may restore it if the marriage or relationship comes to an end for any reason, as long as a claim is made. Its reinstatement is not means tested (that is, it does not depend on the value of any other income or savings you may have).

UNMARRIED PARTNERS

Although in most cases the VA will only pay WWP to your legal spouse, they may pay WWP to an unmarried partner you were

living with for at least six months before joining the Service and who is looking after your child or children at the time of your death. A War Widow's or Widower's Pension is paid to an unmarried dependant while an allowance is payable for your child.

A WWP is index-linked.

SUPPLEMENTARY WPS ALLOWANCES FOR WAR WIDOWS AND WIDOWERS

Your dependants may be entitled to supplementary allowances under the WPS, as detailed below. Your family will need to make a claim if they are to be considered for these allowances, with the exception of the age allowance, which is paid automatically.

• **Age Allowances**

Age allowance may be awarded when the war widow or widower reaches

the age of 65. After that, allowances are increased from age 70 and 80.

• **Rent Allowance**

This may be awarded when a war widow or widower has a child living with them under the age of 16, or a child over the age of 16 who is dependent, for example, a student who is in full time education.

• **Child Allowances**

Allowances are awarded for children under the age of 16, and also in certain circumstances to children over that age. The scheme can award pensions to orphans. We may continue to pay children's allowances after a widow's or widower's pension has been stopped due to cohabitation or remarriage.

• **Supplementary Pension**

A supplementary pension may be awarded to a pre-1973 war widow or widower

(that is, a widow or widower whose late spouse's service was before 31 March 1973).

WHERE TO FIND THE RATES OF WPS PENSION AND ALLOWANCES

If your family wants to know more about the current rates of war pensions, allowances and lump sums, they should contact the Veterans Agency (see page 39 for details) and ask for **WPA-Leaflet-9 Rates of War Pensions and Allowances**.

RESERVE FORCES BENEFITS

THE RESERVE FORCES (ATTRIBUTABLE BENEFITS ETC) REGULATIONS (RFAB)

The RFAB scheme only provides benefits when a reservist's death is considered to be caused or hastened by service. However, as a member of a Reserve Force, if you are in Full-Time Reserve Service (FTRS), on an additional duties commitment or have been recalled for permanent service, you may have opted to be a member of the AFPS under the Reservist or Regular Regulations. These schemes provide death and injury benefits in cases where injury, illness or death are not caused or hastened by service. Alternatively, you may have your own arrangements to cover your death if it is caused by your service, such as a personal or occupational pension, or life insurance, or both.

Eligibility and Entitlement

If your death is attributable to or significantly hastened by your service in a **Reserve Force**, the RFAB, rather than the AFPS, will provide your family with attributable pension benefits. The RFAB acts as a minimum income guarantee scheme; it ensures that your dependants will receive at least broadly the level of benefits paid to a member of the Regular Armed Forces of equivalent rank; in assessing this, the scheme will take into account any benefits your widow, widower or partner may receive from your civilian occupational or personal pension scheme. The following benefits are paid:

- A long-term attributable widow's, widower's or partner's pension is paid from the day after your death. The pension is paid for life and does not cease on cohabitation or remarriage. The rate of pension is based on your

rank but may be reduced by payments from a civilian pension, or an award of compensation regarding your death. To receive benefits, you must be married at the time of death or have an unmarried partner (see page 22).

- A children's attributable pension is paid from the day after your death. Your child or children would be eligible for a pension if they are mainly dependent on you at the time of your death and they are 16 or under, or still receiving full-time education or training (see Terms You Need to Understand – Eligible Child on page 6). Children's pensions may be reduced by payments from a civilian pension or by compensation paid as a result of your death.
- An attributable gratuity (lump sum) based on your rank (about one half of one

year's Armed Forces salary based on the representative rate of pay for the rank).

The RFAB does not provide a short-term family pension or a death-in-service lump sum; however, these non-attributable benefits may be provided by your civilian occupational or personal pension scheme.

If you are single, with no eligible dependants, a lump sum will be paid to your estate.

Where to Find the Rate of RFAB Pension and Lump Sum

Your family can find details of the current rate of all the RFAB benefits for which they may be eligible on the MOD website (see page 50). They can also contact the Pensions Division for advice (see page 40).

You should also read the following sections on the AFPS benefits as the

TAXATION OF AFPS, RFAB AND WPS BENEFITS

arrangements are similar.

How to Claim AFPS Benefits and where to get help and advice – see pages 25-26 for details.

The Action Taken in the Event of Your Death – see page 20

Looking at the Cause of Your Death – see page 21

WAR PENSIONS SCHEME (WPS)

The WPS also provides compensation for a reservist's family if your death is as a result of your service (see pages 28 to 31 for details).

AFPS

Non-attributable and attributable widows', widowers', unmarried partners' and children's pensions are taxable. The death-in-service lump sum, additional attributable lump sum and the lump sum paid to the estate where there are no eligible dependants are paid tax-free.

RFAB

Attributable widows', widowers', unmarried partners' and children's pensions are taxable. The attributable lump sum and the lump sum paid to the estate where there are no eligible dependants are paid tax-free.

WPS

The pensions and allowances are all tax-free.

Inheritance Tax

If you die as a result of an injury, accident or illness occurring during a period of active service against an

enemy or on other service of a warlike nature or on service involving the same risks as service of a warlike nature, an application can be made for your estate to be exempt from inheritance tax under section 154 of the Inheritance Tax Act 1984. In order to make a claim for exemption your executors need to apply to the MOD at the following address:

C&L(F&S)Legal 1

Room 606
St Giles Court
1 – 13 St Giles High Street
London
WC2H 8LD

Tel: 020 7218 0563

Please note that estates left to a surviving spouse are exempt from inheritance tax in any case.

INSURANCE AND AVCS

If you wish to increase benefits for you or your dependants further, you should consider taking out personal insurance or increasing the benefits available under your Armed Forces Pension or (for a reservist) main occupational scheme. The decision to do so, and which option to adopt is a matter for you. MOD does not endorse or sponsor any commercial insurance scheme. MOD facilitates access to a commercial stakeholder pension and both a commercial and non-commercial AVC, which can be taken out to benefit you and your dependants.

Additional Voluntary Contributions (AVCs)

If you make Additional Voluntary Contributions (AVCs) to enhance your own or your widow's or widower's pension entitlements in the AFPS, these will be taken into account when your AFPS death and injury benefits are calculated. If your AVC agreement was

with a private pension provider (a free-standing AVC), that provider will need to be contacted directly about claiming any entitlements that are payable. MOD is planning to introduce a commercial AVC option in conjunction with Scottish Widows. You can get more information about both the AVCs and stakeholder pension by contacting the Scottish Widows Armed Forces Helpline.

Scottish Widows

Direct Sales
69 Morrison Street
Edinburgh
EH3 0BR

Tel: 0845 608 0376 or
+44 131 655 6600
(overseas)

Email:
armedforces@scottishwidows.co.uk

Insurance

The Service Insurance and Investment Advisory Panel (SIIAP), is a panel of regulated insurance and independent financial investment advisers. They specialise in providing insurance and investment services to members of the Armed Forces, and may be able to assist with finding cover. Details are on the SIIAP website:
www.siiap.org/index.jsp

The PAX, RPAX and XPAX schemes, which are specifically targeted at Service personnel, offer personal accident and life cover to members of the Armed Forces and Reservists. PAX is the product name for Service Insurance (PAX – Service Personnel, RPAX – Reservists, XPAX – Ex-Service Personnel). MOD does not sponsor these schemes. If you want to find out more about these schemes you should contact PAX insurance on:

Tel: 0800 212 480 or
+44 20 8662 8126
(overseas)

Email:
paxinsurance@ars.aon.co.uk

OTHER SOURCES OF HELP

SOCIAL SECURITY BENEFITS

Your family can contact the Department for Work and Pensions (DWP), to find out if, in addition to any AFPS or WPS entitlements, they are eligible for any social security benefits. Your family can do this by getting in touch with:

- the local social security office; or
- an advice centre like the Citizens Advice Bureau.

The addresses and phone numbers are listed at the post office or in the phone book under:

- Benefits Agency (England and Wales);
- Benefits Agency (Scotland);
- Government of Northern Ireland Health and Social Services (Northern Ireland).

If your family is still not sure who to contact, they can contact the DWP Public Enquiry Office:

Tel: **020 7712 2171**
(9 am to 5 pm Monday to Friday)

Fax: **020 7712 2388**

If your family lives in the Republic of Ireland, they should contact the British Department for Work and Pensions at:
3rd Floor
Hume House
Pembroke Road
Ballsbridge
Dublin 4

VETERANS AGENCY (VA) AND WAR PENSIONERS' WELFARE SERVICE (WPWS)

Your family can contact the Veterans Agency and the War Pensioners' Welfare Service by phoning the VA Freeline number on:

0800 169 22 77
(8.15 a.m. to 5.15 p.m. Monday to Thursday; and 8.15 a.m. to 4.30 p.m. Friday.)

The helpline operators are there to provide advice and information on a wide range of veterans' issues. If they cannot answer your question, they will refer you to someone who can.

If any of your family has problems with their hearing and has a textphone they can phone the Freeline on:

0800 169 34 58

Your family can also contact the Agency at:

Veterans Agency

Norcross
Blackpool
FY5 3WP

Email:
help@veteransagency.mod.uk

Website:
www.veteransagency.mod.uk

PENSION AND PAY ORGANISATIONS

Pensions Division

The contact details for the Pensions Division which deals with the award of pensions for the three Services is:

AFPAA (G)

Pensions Division
Mail Point 480
Kentigern House
65 Brown Street
Glasgow
G2 8EX.

Tel: 0141 224 3600
(Enquiry Service)

Email: afpaa-pensions-div@dial.pipex.com

Paymaster Ltd

Paymaster Limited is responsible for making your pension payments. Their contact details are as follows:

Paymaster Ltd

Sutherland House
Russell Way
Crawley
West Sussex
RH10 1UH

Tel: 01293 560999

Email: pensions@paymaster.co.uk

SERVICE WELFARE ORGANISATIONS

Naval Personal Family Service (NPFS)/Royal Marines (RM) Welfare

NPFS/RM Welfare offers help to Royal Navy (RN) and RM personnel and their families in personal difficulty, especially those which arise as part of Service life. The services it provides include advice, counselling, support (practical or emotional) and representation. A quick call to one of the offices below will confirm if NPFS or RM Welfare can help.

For more details, see the RN/RM website: www.royal-navy-mod.uk/rn/families

Enquiries should be directed to the NPFS Area Officer that covers the address of your next of kin.

Area Officer NPFS Eastern

Swiftsure Block
HMS Nelson
HM Naval Base
Portsmouth
Hampshire
PO1 3HH

Tel: 023 9272 2712
(working hours)

Out-of-hours emergencies:
023 9272 6159
(contact the Officer of the Watch, HMS Nelson)

Areas: Bedfordshire, Berkshire, Buckinghamshire, Cambridgeshire, Derbyshire, East Sussex, Essex, Greater London, Hampshire, Hertfordshire, Isle of Wight, Kent, Leicestershire, Lincolnshire, Norfolk, Northamptonshire, Nottinghamshire, Oxfordshire, Suffolk, Surrey, West Sussex and countries abroad (not including Eire).

Area Officer NPFS Northern

Churchill Square
Churchill Estate
Helensburgh
Argyll & Bute
G84 9HL

Tel: 01436 672798
(working hours)

Our-of-hours emergencies:
01436 674321 Ext 4005
(contact the Duty naval
base Officer)

Areas: Cheshire, Cleveland,
Cumbria, Durham, Greater
Manchester, Isle of Man,
Lancashire, Merseyside,
Northern Ireland, North and
North East Lincolnshire,
Northumberland, Scotland,
Tyne & Wear, Yorkshire.

Area Officer NPFS Western

Fenner Block
HMS Drake
HM Naval Base
Devonport
Plymouth
PL2 2BG

Tel: 01752 555041
(working hours)

Out-of-hours emergencies:
01752 555220
(contact the Officer of
the Watch)

Areas: Bristol, Channel
Islands, Cornwall, Devonshire,
Dorset, Eire, Gloucestershire,
Herefordshire, Scilly Isles,
Shropshire, Somerset,
Staffordshire, Wales,
Warwickshire, West Midlands,
Wiltshire, Worcestershire.

RM Welfare

RM Welfare is a unit-based
organisation with Welfare
Officers at all main RM units.
(For contact details see the
appropriate Area Officer
NPFS on pages 41 and 42).

Army Families Advice Bureau (AFAB)

AFAB exists to give
information and advice to
Army Families and single
Service men and women. The
Bureau is staffed by trained
personnel who are
experienced in most of the
problems encountered by
Army Families. AFAB staff are
in touch with the military and
civilian agencies who can
provide assistance and advice
on almost any subject.

AFAB can be contacted
through your Army Welfare
Service (AWS) staff or your
Unit Welfare Officer,
or you can contact the
Bureau direct.

Army Families Advice Bureau

HQ LAND
Erskine Barracks
Salisbury
SP2 0AG

Tel: 01720 436569
or 436461

Email:
afab@hqland.army.mod.uk

RAF Families Advice Network

The RAF Community Support
website is available to provide
information on a wide variety
of community and welfare
issues pertinent to RAF
families, and includes easy-to-
use links to other relevant
Service, Civilian and
Government web pages. It
can be found at:
www.rafcom.co.uk.

If your family requires specific
welfare advice or assistance,
contact your Station Personnel

staffs (Officer Commanding Personnel Management Squadron) or local SSAFA Forces Help Personal and Family Worker.

If an emergency arises out of hours, contact the Station Guardroom who will put you in touch with the Duty Officer.

HIVE Information Centres

The HIVE organisation is a tri-Service information network available to all members of the Service community – serving personnel, their families and civilians employed by the Services. Your local HIVE also provides a wide range of information for families, through leaflets and booklets, or through use of their internet facilities. They can also provide contact details and advice on many other specialist welfare organisations. You should contact your local HIVE centre.

Details of these can be obtained from the following:

Tel: **01722 436499**
(HIVE Support Team)

Websites:
RN/RM:
www.royalnavy.mod.uk/rn/families.html (click on community)

Army:
www.army.mod.uk/soldierwelfare/supportagencies/aws/hive

RAF:
www.rafcom.co.uk/hive/index_hive.cfm

EX-SERVICE ORGANISATIONS AND CHARITIES

There are many ex-Service organisations who can give your family help and advice on pensions, allowances and other difficulties your family may experience in the event of your death. This may include representing you at an appeal against a pension decision.

You do not need to be a member of the various organisations to get free advice.

Association of Royal Navy Officers (ARNO)

The Secretary
ARNO
70 Porchester Terrace
London
W2 3TP

Tel: **0207 402 5231**

Email: arno@eurosurf.com

Website: www.eurosurf.com.ARNO

The Association is a charity and membership organisation that provides relief of hardship to commissioned officers of the Royal Navy, Royal Marines, former QARNNS, WRNS, Reserves and to dependants who are in financial distress.

The Royal Naval Benevolent Trust (RNBT)

Castaway House
311 Twyford Avenue
Portsmouth
PO2 8RN

Tel: **023 9269 0112**
(Administration)
023 9266 0296
(Grants)

Email: rnbt@rnbt.org.uk

Website: www.rnbt.org.uk

All other ranks of the Royal Navy or Royal Marines are part of the RNBT family, as

are their dependants. The Trust provides financial grants meeting a wide range of individual needs. They also provide regular payments to supplement the income of older people and advice on welfare matters.

White Ensign Association

HMS Belfast
Tooley Street
London SE1 2JH

Tel: 0207 407 8658

Email: office@whiteensign.co.uk

Website: www.whiteensign.co.uk

The association is a charitable organisation that is a source of free help to current and former RN and RM personnel on all matters of personal finance including pensions.

The Army Benevolent Fund (ABF)

Army Benevolent Fund
41 Queen's Gate

London
SW7 5HR

Tel: 020 7591 2000
Fax: 020 7584 0889

Email: mmickleburgh@armybenevolentfund.com

Website: www.armybenfund.org

The Army Benevolent Fund (ABF) is the Army's national charity and is committed to the welfare of Army and ex-Army personnel and their dependants. It primarily gives financial support to those in "real need".

The Royal Air Force Association (RAFA)

117½ Loughborough Road
Leicester
LE4 5ND

Tel: 0116 266 5224

Email: welfare@rafa.org.uk

Website: www.rafa.org.uk

The RAFA promotes the welfare of all serving and former members of the RAF and their dependants. RAFA provides free help and advice on Service pensions and allowances and free representation at pension appeals tribunals. RAFA liaison officers are located on all major RAF units.

RAF Benevolent Fund (RAFBF)

67 Portland Place
London
W1N 4AR

Tel: 0207 580 8343 Ext 204
(office hours)

Out-of-hours:
0207 580 4306
(ask for duty officer)

Email: info@rbf.org.uk

Website: www.raf.benfund.org.uk

The RAFBF exists to help past and present members of the

RAF, their widows and widowers, children and other dependants.

RAF Widows Association

The Chairman
C/o the Controller
RAF Benevolent Fund
67 Portland Place
London W1N 4AR

Tel: 0870 514 3901
(24 hour answerphone)

Website: www.rafcom.co.uk/bereavement

The RAF Widows Association offers practical support, advice and friendship to RAF widows, and will put the individual in contact with other Service widows in the area.

Forces Pension Society

68 South Lambeth Road
Vauxhall
London
SW8 1RL

Tel: 020 7820 9988

Website: www.forpen.co.uk

The Society protects the pension interests of ex-Service personnel of all ranks and their dependants.

The Joint Committee of the Order of St John and The British Red Cross Society

5 Grosvenor Crescent
London
SW1X 7EJ

Tel: 020 7201 5131

The Joint Committee provides financial assistance to needy ex-Service personnel disabled in the Wars of 1914 to 1918 and 1939 to 1945.

The Royal British Legion

48 Pall Mall
London
SW1Y 5JY

Tel: 08457 725 725

Email:
pensions@britishlegion.org.uk

Website:
www.britishlegion.org.uk

The Royal British Legion provides free help and advice for all ex-Service personnel and their dependants who are applying for pensions, War Widow's or Widower's Pensions and allowances. They will also represent your family free of charge at war pensions tribunals.

The Royal British Legion Scotland

The Earl Haig Fund Scotland and the Officers' Association Scotland
New Haig House
Logie Green Road
Edinburgh
EH7 4HR

Tel: 0131 557 2782

Email:
info@rblscotland.org.uk

Website:
www.rblscotland.org.uk

They help all ex-Service personnel and their dependants living in Scotland. They provide help with pensions, welfare advice and friendship.

The Royal Patriotic Fund Corporation

40 Queen Anne's Gate
London
SW1H 9AP

Tel: 020 7233 1894

Fax: 020 7233 1799

Email: rpat@fish.co.uk

The Corporation gives financial help to dependants of Service men and women.

The Soldiers, Sailors, Airmen and Families Association – Forces Help (SSAFA)

Queen Elizabeth the Queen Mother House
19 Queen Elizabeth Street
London
SE1 2LP

Tel: 020 7403 8783

Fax: 020 7403 8815

Email: info@ssafa.org.uk

Website: www.ssafa.org.uk

The Association helps all Service and ex-Service personnel and their families. It acts as a friendly adviser, giving practical and financial help. There are local representatives throughout the UK.

War Widows' Association of Great Britain

c/o 48 Pall Mall
London
SW1Y 5JY

Tel: 0870 2411305

The Association works for all war widows. It keeps in touch with its members with newsletters.

FURTHER INFORMATION

Other Booklets in this Series

There is general information about your AFPS benefits in the booklet **“Your Pension Scheme Explained”**, which your unit administrator can get from DSDC(Llangennech) by quoting MMP/106.

The following pension booklets are also available from DSDC(Llangennech):

- **Commutation**
MMP/107
- **Increasing Your Benefits**
MMP/109
- **Internal Dispute Resolution Procedures**
MMP/108
- **Pensions on Divorce**
MMP/110
- **Preserved Pensions / Transferring Benefits**
MMP/112

The following two booklets will be available soon:

- **Invaliding**
- **Re-employment**

Other Sources of Information

• **Help and Guidance after the Death of a Loved One.** This booklet is produced by the Veterans Agency (see page 39). The booklet, which complements this booklet, has been produced as a result of the on-going review of Bereavement procedures and is intended to replace the single-Service guides for the bereaved.

• Up-to-date information on the Armed Forces Pension Scheme and New Armed Forces Pension Scheme can be found on the MOD websites at:

Internet:
www.mod.uk/issue/index

Intranet:
www.defence.mod.uk/cr/content/pension.htm

If you have any more questions please contact the Pensions Division (see page 40).

