

Our Ref: Fol 1663

Date: 20 April 2018

Dear Pauline Hinder,

Thank you for your Freedom of Information request of 30th March 2018. You asked:

Please provide me with the number of women aged 60+ in receipt of a state pension based on their ex-husband's NI record. This is a pension based using the Reduced Rate Election rules.

Please provide me with the number of women aged 60+ who were divorced before retirement and receive their state pension based on their own NI record.

DWP Response

I cannot deal with your request without clarification of the information you seek. To help me do so, I would like to know:

1. **Does your question relate only to people reaching State Pension age under the new State Pension (nSP)?** This is because of your reference to 'this is a pension based using the Reduced Rate Election rules' which only relates to nSP recipients.
2. **Does your question relate to all recipients of State Pension based on an ex-partner's NI record, or specifically those whose ex-partner is still living, or additionally those that are deceased?** This is because the rules are different under each of these scenarios under the pre-2016 and nSP systems.

It may help to understand that under nSP, which applies to people who reach State Pension age from 6th April 2016, their State Pension is normally based on their own National Insurance (NI) contribution record only.

However, if at some point before May 1977, they either chose to pay the married woman's reduced-rate NI contributions or chose not to pay Class 2 contributions as a self-employed married woman, and this election was applied within the 35 tax years before the tax year in which the individual reaches their State Pension age, we can work out how much State Pension they may get using an alternative calculation if this would give them a higher amount than using their own NI record.

For those who are divorced and have paid reduced-rate NI contributions, if their entitlement is higher under the alternative calculation they will receive a State Pension of £125.95 a week (2018/19 rates) plus any Additional State Pension and Graduated Retirement Benefit they built up before 6th April 2016.

Individuals who reached State Pension before 6th April 2016 could increase their basic State Pension up to the full amount (£125.95 a week in 2018/19) if:

- their own basic State Pension is less than the full amount, and
- their former spouse or civil partner had enough National Insurance contributions

If their former spouse or civil partner reached or will reach State Pension age on or after 6th April 2016, only their National Insurance contributions up to 5th April 2016 can be used.

Under section 16 of the Act we should assist you in helping you focus your request. If you could specify in any correspondence the answers to question 1 and 2 above we will consider afresh any revised request however we cannot guarantee that any revised request will fall within the cost limit.

Please note that if I do not receive appropriate clarification within three months from the date of this letter your request will be treated as closed.

If you have any queries about this letter please contact me quoting the reference number above.

Yours,

DWP Strategy Fol Team

Your right to complain under the Freedom of Information Act

If you are not happy with this response you may request an internal review by e-mailing freedom-of-information-request@dwp.gsi.gov.uk or by writing to DWP, Central Fol Team, Caxton House, Tothill Street, SW1H 9NA. Any review request should be submitted within two months of the date of this letter.

If you are not content with the outcome of the internal review you may apply directly to the Information Commissioner's Office for a decision. Generally the Commissioner cannot make a decision unless you have exhausted our own complaints procedure. The Information Commissioner can be contacted at: The Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow Cheshire SK9 5AF www.ico.gov.uk