

House of Commons Work and Pensions Committee

Support for the bereaved

Ninth Report of Session 2015–16



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Report, together with formal minutes relating to the report

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Work and Pensions Committee

The Work and Pensions Committee is appointed by the House of Commons to examine the expenditure, administration, and policy of the Office of the Department for Work and Pensions and its associated public bodies.

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Publication

Committee reports are published on the Committee's website at www.parliament.uk/workpencom and in print by Order of the House.

Evidence relating to this report is published on the <u>inquiry publications</u> page of the Committee's website.

Committee staff

The current staff of the Committee are Adam Mellows-Facer (Clerk), Margaret McKinnon (Second Clerk), Rod McInnes (Committee Specialist), Rachel Savage (Committee Specialist), Andrew Wallace (Senior Committee Assistant), Alison Pickard, (Committee Assistant) and Jessica Bridges-Palmer (Media Officer).

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Summary

Bereavement is a difficult and distressing experience, and for many it comes with significant financial pressures. The Department for Work and Pensions administers two different benefits to support bereaved people; Social Fund funeral payments (SFFPs) and bereavement benefits.

Social Fund funeral payments

SFFPs are means-tested and claimants must meet eligibility criteria in order to receive a payment. The scheme pays for the purchase of a grave and burial fees, or a crematorium fee and any medical fees necessary for a cremation to take place. The amount awarded to meet these fees is uncapped. The scheme also pays up to £700 towards other costs associated with a funeral, such as a coffin, a hearse, funeral director fees and flowers.

The maximum award for other essential funeral costs has been fixed at £700 since 2003. It now does not cover the cost of a simple funeral. In addition, funeral director fees have risen well above the rate of inflation. One of our primary recommendations is that DWP negotiates and agrees the reasonable cost of a simple funeral with the relevant industry bodies. The maximum SFFP should then be changed to reflect this cost, if need be.

Bereaved people are vulnerable and they may not always be well-served by the market. It is clear that any improvement to SFFPs must address the range of factors driving up funeral director fees and we have passed relevant evidence from our inquiry to the Competition and Markets Authority. We may return to the issue of funeral director fees in future.

An eligibility checker should be introduced so that claimants can see whether they are potentially eligible for an SFFP and how much they could receive. The checker should also be used to communicate key pieces of information to claimants. The Department should make leaflets available in places that could offer independent advice about arranging a funeral, such as hospices and registry offices.

Following the lead of the Scottish Government, the UK Government should conduct a cross-Departmental review of burials, cremations and funerals. This coordinated review should look to make recommendations that have a long-term impact on funeral inflation and work to reduce funeral poverty.

Bereavement benefits

The current system of bereavement benefits is made up of three payments; a one-off Bereavement Payment; a Bereavement Allowance; and a Widowed Parent's Allowance. All of these benefits are based on the deceased's National Insurance contributions.

The Government proposes to replace this system with one benefit, the Bereavement Support Payment (BSP), from April 2017. We broadly welcome the Government's proposed reforms.

Bereavement benefits have always excluded cohabiting couples who are not married or in a civil partnership, even when they have dependent children. This unfairly penalises the bereaved children of cohabitees whose needs are no different to those whose parents were married.

The proposed reform of bereavement benefits will save the Department money although this was not the intention of the reform. The BSP should be extended to cohabiting couples with dependent children, using medium-term savings from the bereavement benefits reform.

The Department plans to pay individuals the BSP for one year. The financial impact of bereavement can last many years but stopping after a year is particularly problematic, as it is the anniversary of the death. The Department should adopt a cost-neutral method of extending the BSP to 18 months and consider extending the monthly payments further, as part of its forthcoming review.

The interaction between Universal Credit and Widowed Parent's Allowance, which existing claimants will continue to receive, means that some claimants are set to suffer a net loss of income due to claiming a bereavement benefit. This problem has been described as a technicality and we can only assume it was unanticipated. WPA should be removed from the list of benefits treated as 'income other than earnings' for the purposes of Universal Credit.

Introduction

- 1. Bereavement is a difficult and distressing experience, and for many it comes with significant financial pressures. The state provides support to bereaved individuals through two main routes. Funeral payments are available for individuals on means-tested benefits who are organising a funeral. The Government only provides funeral support in those cases where the deceased made insufficient provision and the surviving family or friends are unable to afford a funeral. Bereavement benefits are paid to surviving spouses and civil partners. The Government believes it has a responsibility to provide financial relief to bereaved individuals where their spouse made a sufficient contribution to the National Insurance (NI) system.
- 2. Most people want to provide a respectful funeral for their loved one without state support. During the course of our inquiry we heard that being unable to afford a funeral bill is a source of shame and that some communities in particular ensure that funerals take place without public funds.¹ Sometimes, however, people may have no choice but to rely on Government support. This support should be clearly described, timely and sufficient to provide for a simple and dignified funeral.
- 3. This does not always happen. We have been made aware of instances where the bereaved were unable to collect the ashes of their family member because they could not pay their debt to a funeral director.² We heard that people have resorted to payday lenders to find a deposit and that, even when their funeral payment comes through, it falls far short of the bill.³ There has also been a rise in the number of Public Health Funerals, still commonly referred to as 'pauper's funerals', which was recently reported on by the BBC.⁴ These circumstances, and Members' own experiences of helping constituents, prompted us to inquire into Social Fund funeral payments, which we consider in Section 1 of this report.
- 4. Alongside this investigation we decided to examine the proposed reform to bereavement benefits. Currently there are three such benefits available: a Bereavement Payment; Bereavement Allowance; and Windowed Parent' Allowance. As of April 2017, these separate benefits will be replaced with a single Bereavement Support Payment. Many of the proposed reforms are welcome and will provide a simpler and more targeted system of support to bereaved partners. There are three areas that require further consideration before the reforms are introduced and we make recommendations for improvement in Section 2.
- 5. We would like to thank all those who took part in this inquiry, particularly those who provided additional detailed and comprehensive evidence at our request. We would also like to thank a former member of the Committee, Mrs Emma Lewell-Buck MP, who provided much of the initial impetus for this inquiry. We are also grateful for the advice provided by Dr Kate Woodthorpe, our specialist adviser.⁵

¹ Lucy Coulbert (BVB0043)

² Derbyshire Districts Citizen's Advice (BVB0016)

³ Institute of Cemetery & Crematorium Management (BVB0022)

⁴ BBC, http://www.bbc.co.uk/news/uk-34943805

⁵ Relevant interests of the specialist adviser were made known to the Committee. The Committee formally noted that Dr Kate Woodthorpe declared the following interests: Past research projects funded by Axa SunLife and the British Academy, consultancy work for Axa SunLife and Cornwall volunteering

Section 1: Social Fund funeral payments

- 6. Social Fund funeral payments (SFFPs) are means-tested payments. They are not limited by budget constraints but paid if the claimant satisfies the conditions set out in legislation. The Department for Work and Pensions (DWP) have estimated that a SFFP is made "in around 7% of deaths in Great Britain".⁶ Any money available from payments from funeral plans and contributions received by the claimant for the funeral are taken into account. The Government treats SFFPs as loans which are recoverable from the deceased's estate. DWP have said recovery of the loans is minimal, as there is often no estate to recover from, and so the payments are usually written off.⁷ In 2014–15 DWP wrote off 37,000 payments with a total value of around £50 million.⁸
- 7. The rules on eligibility for SFFPs and the amounts payable are set out in the Social Fund Maternity and Funeral Expenses (General) Regulations 2005. The scheme pays for the cost of a burial or cremation, and up to £700 for other expenses. To qualify for SFFPs, claimants must meet a number of conditions, all of which are prescribed in the Regulations:
- First, the claimant, or their partner, must be in receipt of certain qualifying benefits or tax credits.¹⁰
- Second, the claimant or their partner must take responsibility for organising the funeral and must be eligible to be treated as responsible.¹¹ The scheme is designed to only support those people who are most closely linked to the deceased and the DWP will seek to determine whether there are other close relatives, not in receipt of qualifying benefits, who are able to pay for the funeral.¹²
- Third, a claim must be made within three months of the date of the funeral.
- Finally, the deceased must have been ordinarily resident in the UK at the time of death and the funeral must normally take place within the UK. EU workers or their families have the same rights to UK nationals regarding SFFPs, unless they wish to have the funeral in another EEA country. The Department said that in these circumstances "some payment can be made towards the funeral expenses incurred outside of the UK".¹³
- 8. The Regulations set out two types of cost that can be covered by SFFPs—the necessary cost of the burial or cremation (referred to as "necessary costs") and other funeral expenses. For burials and cremations necessary costs cover:
- the purchase of a burial plot and exclusive right of the plot;¹⁴ and
- any fees payable to the persons responsible for the cemetery and the grave-digger
- 6 Department for Work and Pensions (BVB0039)
- 7 Ibid
- 8 Department for Work and Pensions: Annual Report and Accounts, 2014–2015, p.158
- 9 These Regulations revoked and replaced the Regulations from 1987
- 10 https://www.gov.uk/funeral-payments/eligibility, DWP
- 11 Examples of categories of people eligible to be treated as responsible for organising the funeral are: partners of the deceased, parents or carers of a deceased child and close relatives or friends of the deceased.
- 12 Professor Neville Harris (BVB0012)
- 13 Supplementary written evidence from the Department for Work and Pensions (BVB0048)
- 14 Graves spaces are in fact leased and so the buyer technically purchases the lease of the grave

OR

- any fees payable to the persons responsible for the crematorium;
- any fees for medical references or medical practitioner's certificates; and
- the cost of the removal of implanted medical devices. 15

Necessary costs also cover:

- fees for any documentation necessary to release the deceased's assets; and
- transport to arrange or attend the funeral and the costs for moving the body within the UK—but only for the part of the journey that is over 50 miles. ¹⁶
- 9. The amount awarded for the necessary costs listed above is uncapped. Any other funeral costs fall under "other funeral expenses". The 2005 Regulations do not specify what should be paid for out of other funeral expenses but DWP guidance states "This amount includes all other costs in connection with the funeral. This might include the coffin, cars and the funeral director's fees." DWP award up to £700 to cover all of these other funeral expenses.¹⁷
- 10. Both the number of SFFP applications and the number of awards have steadily declined in recent years. Figure 1 shows the numbers of applications and awards in each year since 2004/05

Figure 1: Applications and awards for Social Fund funeral payments

Source: Annual Reports by the Secretary of State for Work and Pensions on the Social Fund

11. A separate but equivalent scheme operates in Northern Ireland and is covered by the Social Fund Maternity and Funeral Expenses (General) Regulations (Northern Ireland) 2005. The Scotland Bill proposes to transfer the administration of the Regulated Social Fund in Scotland to the Scottish Government. The Scottish Working Group on Funeral Poverty (SWGFP) told us that the Scottish Government may look to develop SFFPs when

¹⁵ As defined by the Active Implantable Medical Devices Regulations 1992

¹⁶ See https://www.gov.uk/funeral-payments/what-youll-get

¹⁷ See, https://goo.gl/flSBBx

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they are devolved.¹⁸ As the transfer would not become effective until 2017, the SWGFP said that any changes "proposed or actual, will be of interest to those designing the new Scottish system".¹⁹

Chapter 1: The cost of a funeral

12. In their 2015 National Funeral Cost Index Report, Royal London estimated that the average cost for a funeral in the UK is £3,702.²⁰ This was 3.9% higher than in 2014, an increase well above the rate of inflation.²¹ Royal London said that this represented a "continuing trend for high levels of funeral cost inflation" and that since 1980, "annual funeral cost inflation has been significantly higher than overall inflation as measured by the Retail Price Index."²² Whilst costs have risen, the capped element of an SFFP has been frozen at £700 since 2003 and we consider the effect of this freeze below. In this chapter we also set out the constituent costs of a funeral and consider the cost and availability of simple funerals. We also look at the broader funeral market.

Constituent costs of a funeral

- 13. Funeral costs comprise disbursements and funeral director charges. Disbursements are third-party fees, such as the cemetery or crematorium fee, which are initially paid by the funeral director and then recovered from the client. Some of the fees in both categories are non-essential and can be avoided. Flowers, a celebrant and newspaper notices are all examples of disbursements that are optional, whilst embalming and limousine hire are examples of funeral director costs that are avoidable.²³
- 14. Figures 2 and 3 give a breakdown of disbursements and funeral director charges. Note that, whilst most funerals will involve a religious service or a secular equivalent, in the case of a direct cremation or burial many of the items which may be widely regarded as part of a standard funeral (such as a Minister's fee) would not be required.

Figure 2: Disbursements

Disbursement	Discretionary/ Non-discretionary	
Cemetery fees	Non-discretionary (burial)	
Interment fees	Non-discretionary (burial)	
Crematorium fee	Non-discretionary (cremation)	
Doctor's fee for completing the cremation forms	Non-discretionary (cremation)	
Church fee	Discretionary	
Cremated remains plot or storage space	Discretionary	
Celebrant/Minister fee	Discretionary	
Organist fee	Discretionary	
Newspaper notices	Discretionary	

Source: Adapted from C.P.J Field and Co. Ltd (BVB0041)

²⁰ Royal London, Rising Funeral Costs: The Elephant in the Room, 2015. SunLife reached a similar estimate of £3,693 in their Annual Cost of Dying Report 2015

²¹ Essentially, 0%

²² Ibid

²³ This may depend on the funeral company and the services it offers.

Figure 3: Funeral director fees

Fee	Discretionary/ Non- discretionary
Collection of the deceased person from the place they died	Non-discretionary
Storage of the deceased until the day of the funeral	Non-discretionary
Hearse on the day of the funeral	Non-discretionary
Professional fee for meetings, administration, correspondence, liaison, paying third parties and provision of funeral director and sufficient coffin bearers on the day of the funeral*	Non-discretionary
Provision of a lined and fitted coffin and the deceased person presented in it*	Non-discretionary
Embalming	Discretionary
Memorialisation	Discretionary

Source: Adapted from C.P.J Field and Co. Ltd (BVB0041)

Simple funerals: definition and cost

- 15. The average price of a funeral, as calculated by Royal London and SunLife, incorporates the purchase by some people of high-cost, non-essential items, such as horse-drawn carriages and memorials. We are primarily interested in the cost, availability and suitability of a simple funeral, which will meet the needs of SFFP claimants.
- 16. The definition of a simple funeral varies and even the label attached to it can cause confusion. The written evidence we received refers to 'simple' or 'basic' funerals, which sometimes include costs associated with a service (for example Minister's fees). Other companies however offer direct cremations or burials that do not involve services. The Individual Funeral Company offers a direct funeral option²⁴ and clearly states it does **not** include:
- any service at the Crematorium
- any mourners to attend the Crematorium
- a choice of coffin
- a choice of vehicle used to transport the deceased to the Crematorium
- flowers
- obituary notice

Baroness Altmann, the Minister responsible for SFFPs, said she would rather refer to basic funerals as an "ordinary funeral",²⁵ although this would normally be taken to include items ordinarily associated with a funeral, such as a celebrant and a wooden coffin, rather than the most basic direct cremation. We shall refer to them as 'simple funerals'.

^{*}Some funeral directors allow the person arranging the funeral to provide their own coffin and coffin bearers

17. When the original Social Fund Maternity and Funeral Expenses (General) Regulations were introduced in 1986, they effectively defined a simple funeral and met the cost of these items for a qualifying claimant. The relevant articles are set out in Figure 4.

Figure 4: 1986 definition of a funeral

- (2) Subject to regulation 8 and Part IV of these Regulations, the amount of a funeral payment shall be an amount sufficient to meet any of the following essential expenses which fall to be met by the responsible member:—
- (a) the cost of any necessary documentation;
- (b) the cost of an ordinary coffin;
- (c) the cost of transport for the coffin and bearers and one additional car;
- (d) the reasonable cost of flowers from the responsible member;
- (e) undertaker's fees and gratuities, chaplain's, organist's and cemetery or crematorium fees for a simple funeral;
- (f) the cost of any additional expenses arising from a requirement of the religious faith of the deceased, not in excess of £75;
- (g) where the death occurred away from the deceased's home, the costs of transporting the body within the United Kingdom to that home or to the undertaker's premises or to a chapel of rest; and
- (h) the reasonable travelling costs of one return journey within the United Kingdom by the responsible member in connection with either the arrangement of or attendance at the funeral.

Source: Social Fund Maternity and Funeral Expenses (General) Regulations 1986

Over time both the definition of a simple funeral and the amount awarded to meet the cost, described originally as "essential expenses", have been gradually stripped back. In 1995 the Regulations were amended and costs were set out in two paragraphs. Paragraph (3) included funeral director's fees, collection and care of the deceased, a simple coffin, transport for the deceased and an extra vehicle, and staff. The payment for these costs was capped at £500. Paragraph (4) included, amongst other items, the burial or cremation fee, necessary documentation, the fee for a Minister, additional expenses due to religious faith and £25 for a floral tribute. This payment was not capped. In 1997 the Regulations were further amended to remove any mention of items such as 'a simple coffin', and instead referred only to "other funeral expenses" and capped the payment for these at £600. The cap was increased to £700 in 2003. It has remained at that level since.

18. These changes fundamentally altered the SFFP from providing a specific facility to being a contribution towards undefined costs. Nigel Lymn Rose, representative of the National Association of Funeral Directors (NAFD), told us "It is completely open to be interpreted how the claimant chooses to interpret it".²⁶

- 19. The cap on "other necessary costs" has been frozen at £700 since 2003, effectively decreasing the purchasing power of the payment. However, Baroness Altmann told us that the Department had looked at breakdowns of the costs and that £700 would still "allow people to cover more than the cost of a basic funeral". Stakeholders disagreed. The Institute of Cemetery & Crematorium Management said that, whilst independent companies are able to amend prices and offer cheaper packages, "even with a basic funeral the Social Fund Funeral payment is inadequate to meet these costs." Quaker Social Action said that "over the last 12 years the value of grants has been dramatically eroded in real terms. This leaves a financial shortfall for the applicant, pushing bereaved people on low incomes into unmanageable debt." In its written evidence, the DWP accepted that, in the majority of cases, the funeral costs exceed the amount of the SFFP. They said that SFFPs make a "significant contribution", 31 to the cost of a simple low-cost funeral.
- 20. We asked Lucy Coulbert, an independent funeral director, to give us a breakdown of costs for the cheapest funeral (with service) she could provide. Lucy's company, Coulbert Family Funerals, is run as a not-for-profit company, which is dedicated to conducting funerals for people claiming SFFPs. The costs listed in Figure 5 do not include any profit for her funeral company but Lucy said that an additional £300 was a reasonable sum for arranging a simple funeral for an SFFP claimant.³²

Figure 5: Cost of a simple cremation funeral

Disbursements

Oxford Crematorium - £943

Doctor's cremation fee - £164 (only payable if the Coroner is not involved)

Total - £1,107

Professional charges

Coffin - £120

Hearse - £265

Removal and storage of the deceased - £295 (time to collect the deceased, vehicle, staff and storage)

Three bearers to carry the coffin - £90

Minister's fee - £200

Total - £970

Grand total - £2,077

Source: Supplementary written evidence: Lucy Coulbert (BVB0043)

21. The price of a simple funeral will vary by company and location but the prices listed in Figure 5 are indicative of the cheapest funerals that are available. The National Society of Allied & Independent Funeral Directors (SAIF) said that their members offer a simple

²⁷ Q126 (Baroness Altmann)

²⁸ Institute of Cemetery & Crematorium Management (BVB0022)

²⁹ Quaker Social Action (BVB0042)

³⁰ Department for Work and Pensions (BVB0039)

³¹ Ibid

³² Lucy Coulbert (BVB0043)

funeral for families on a low income, which "maintains the high standard of service families would expect but at a reduced cost, typically around £1,200 plus fees."³³ This is approximately the same price as that offered by Lucy Coulbert, including a £300 profit.

- 22. Some stakeholders have told us that it is right that SFFP claimants are not pushed down the avenue of a simple package funeral.³⁴ Baroness Altmann told us "the £700 is really a discretionary amount that the bereaved person can decide for themselves what they would like to spend the money on. We do not prescribe it."³⁵ The NAFD said that they believe that "every ceremony is personal, and should be based on both what the bereaved want and what they can afford". ³⁶ The reality for SFFP claimants, however, is that the devalued SFFP award and the price of funeral director services offers little or no opportunity to customise the funeral. The £700 cap allows for basic requirements, such as the collection and storage of the deceased, to be covered: but these are necessities.
- 23. The original Funeral Expenses Regulations made provision for a simple funeral service for those otherwise unable to afford one. The removal of any listed items in the Regulations, and the freezing of the £700 cap for the last 13 years, has devalued the SFFP to the point where it does not cover a simple funeral.
- 24. We recommend the Government negotiate a reasonable cost of, and items required for, a simple funeral with the National Association of Funeral Directors and The National Society of Allied & Independent Funeral Directors. Those funeral homes that agree to offer such a funeral should be signposted in Government communications and public services for the bereaved. Furthermore, these funeral homes should be accredited as part of a fair funeral scheme.
- 25. We recommend the Funeral Expenses Regulations be amended to set out the essential items for a simple funeral. This should include items such as the collection and care of the deceased and a coffin. The capped element of the payment should reflect the cost of a simple funeral, as negotiated with industry bodies. The capped element should then be index-linked.

Funeral director industry

- 26. Defining a simple funeral and increasing the amount of SFFPs will mark an improvement. However, the costs in this category continue to rise significantly above inflation so simply index-linking them may not solve the problem. Moreover it could exacerbate the issue, as paying more may only prompt some funeral directors to charge more. DWP said "it is important that the scheme does not influence or inflate the prices charged by the funeral industry for a simple funeral."³⁷
- 27. We did not set out to inquire about the state of the funeral market; however, it has become increasingly clear that funeral directors are key players in any proposed reform to SFFPs, and the way the market operates is crucial. Approximately 60% of funeral homes in the UK are privately owned. There are two large companies in the sector: The Co-operative

³³ SAIF (BVB0023)

³⁴ St Christopher's Hospice (BVB0030)

³⁵ Q125 (Baroness Altmann)

³⁶ National Association of Funeral Directors (BVB0037)

³⁷ Department for Work and Pensions (BVB0039)

Group and Dignity Plc. There are also two main trade associations for funeral directors: The National Association of Funeral Directors (NAFD) and The National Society of Allied & Independent Funeral Directors (SAIF).

- 28. In 2015, reports by Royal London and SunLife found that funeral director charges had risen by 4.9% and 1.8% respectively since 2014, at a time when inflation was 0%.³⁸ Simon Cox, a funeral expert at Royal London, explained that the cost of "energy, wages, premises and equipment"³⁹ were all factors that might increase funeral director charges. He added that because death rates had fallen there was less business available and so funeral companies may charge more to cover their costs.⁴⁰ He also said that bad debt was a major problem for some companies and that funeral directors have to take on a significant risk when they are faced with a SFFP claimant.⁴¹ At the time of arranging, or possibly carrying out, the funeral, a funeral director will not know how much a claimant will receive or whether they are even eligible for a payment. This is supported by written evidence we have received.⁴²
- 29. Furthermore, whilst trade bodies impose standards on their members, we have heard that there is little compulsion to meet those standards and membership of such bodies is not mandatory.⁴³ For example, the NAFD state that

NAFD members are required by the Association's Code of Practice to provide full and detailed information to clients on prices and the range of options available. It is required that itemised price lists are made available on request and displayed throughout the funeral home.⁴⁴

However Quaker Social Action told us

Few funeral directors display prices on their websites and many are reluctant to make their full range of prices and money saving options visible. In the mystery shopping we conducted in 2015, of the funeral directors who offer a 'simple funeral' around a third failed to mention this option when a caller asked for an over-the-phone quote and disclosed they were concerned about price.

Furthermore, Lucy Coulbert told us that the large companies "aren't interested in helping those who are applying to the Social Funeral Fund."⁴⁵

30. We also heard that very different fees are charged by different companies within the same area offering very similar services. 46 Yourfuneralchoice.com 47 shows that in Wrexham, Wales, *Lucy & Tattum Funeral Services* charges £990 whilst *R Breeze Funeral Directors* (a branch of Dignity) charges £3,012. 48 There are also significant regional price differences, possibly driven by a lack of competition in certain areas. In the L13 postcode

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38 Royal London, Rising Funeral Costs: The Elephant in the Room, 2015 and SunLife Annual Cost of Dying Report 2015
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³⁹ Q105 (Simon Cox)

⁴⁰ Ibid

⁴¹ Q110 (Simon Cox)

⁴² See, Oxley's Funeral Services (BVB0044) and The Funeral Funding Service CIC (BVB0020)

⁴³ Ibid

⁴⁴ National Association of Funeral Directors (BVB0037)

⁴⁵ The Individual Funeral Company (BVB0001)

⁴⁶ As listed on yourfuneralchoice.com, i.e. collection and care, funeral service, simple coffin, hearse

⁴⁷ Yourfuneralchoice.com a comprehensive source of data but does not necessarily capture every funeral home.

⁴⁸ These are funeral director fees only, not disbursements.

area of Liverpool, *Desmond L Bannon & Sons* only charge £695 and there is a choice of 24 other funeral directors. In the HD7 postcode area of Yorkshire however, there is a choice of only five funeral directors and the cheapest listed is £1,254. These differences mean that the shortfall a claimant faces between their SFFP award and their funeral bill depends very much on where they live and which funeral home they walk into; a claimant in the L13 postcode could have their entire funeral bill covered⁴⁹ whilst in the HD7 area there will be at least a £554 shortfall.

The experience of the bereaved

31. SFFP applicants are in the position of trying to navigate this landscape of drastically differing costs and devalued state support, all whilst suffering a bereavement. Marie Curie told us

funeral purchases are made at a highly emotional and often distressing period. Bereaved people have compared funeral arrangements to 'distress purchases' when normal market behaviours, such as shopping around for the best price are absent, leading to increased costs.⁵⁰

We have also been told that a funeral is the "last thing that a relative or friend can do for their loved one",⁵¹ and so people feel under pressure to spend more than they may be able to afford. People are also under pressure to arrange the funeral quickly. We have been told that families will "raid every pot they can to get a funeral over, due to the shame of knowing their loved one is lying in a mortuary".⁵²

- 32. DWP acknowledged that it is "often the case that people simply go into the local [funeral home] that they have seen, rather than shopping around.⁵³ The Office of Fair Trading have said that this unusual consumer behaviour "acts as a dampener on competition", and that people are "vulnerable to unfair trading practices".⁵⁴ The Institute of Cemetery & Crematorium Management said that people should be encouraged to shop around for the most affordable funeral and not feel guilty about questioning funeral costs.⁵⁵
- 33. We are concerned by the lack of protection in the market for bereaved customers, particularly those on low incomes. They are vulnerable and may not be inclined to shop around. This is not conducive to effective operation of the market. We did not set out to evaluate the funeral director market and a detailed analysis is beyond the scope of this inquiry. It is clear however, that any improvement to SFFPs must address the combination of factors driving up funeral director fees. We have passed relevant evidence from our inquiry to the Competition and Markets Authority for review. We may return to the issue of funeral director fees in future.

⁴⁹ If the cost of the burial/cremation is met and the maximum of £700 in the uncapped element is awarded.

⁵⁰ Marie Curie (BVB0021)

⁵¹ Cruse Bereavement Care (BVB0032)

⁵² Kensington Citizens Advice Bureau (BVB011)

⁵³ Q134 (Baroness Altmann)

⁵⁴ Office of Fair Trading, Funerals: A report of the OFT inquiry into the funerals industry, 2001

⁵⁵ Institute of Cemetery & Crematorium Management (BVB0022)

Chapter 2: Applying for a Social Fund funeral payment

34. The value of Social Fund funeral payments and their failure to cover the cost of a basic funeral is undoubtedly a problem for claimants. However, the Committee also heard that the process of applying for SFFPs is "fundamentally flawed"⁵⁶ and is leading claimants into unforeseen debt. Many of the failings of SFFPs can be addressed by improving the application process and providing better information to claimants. In this chapter we make recommendations to that effect.

Timing

35. Individuals who are making a SFFP claim must apply within 3 months of the funeral taking place. They can apply over the phone or by completing and submitting a SF200 claim form. The form is 23 pages long and is accompanied by an additional 12 pages of guidance.⁵⁷ In order to apply, a claimant must already have received a final bill from their funeral director. This means they must commit costs before they know how much they will receive, or even whether they are eligible. That claimant's journey is set out in Figure 6. The final bill requirement also effectively locks claimants in with a funeral company, as they are unlikely to switch after receiving an invoice.

Figure 6. Claimant journey



36. The length of time claimants must wait for their application outcome was raised repeatedly in both written and oral evidence.⁵⁸ The Local Government Association told us that

[T]he uncertainty created by the delay in receiving the money from the [DWP], has led to some anxiety amongst councils' residents, especially in light of the requirement to have an invoice from a funeral director before the Social Fund Funeral Payment can be made.⁵⁹

37. The DWP has a target of 16 days to process SFFP applications. In both 2013–14 and 2014–15, they missed this; an average of 17.05 days was achieved in 2014–15, an improvement on 18.44 in 2013–14.⁶⁰ Royal London said that the average time between death and a funeral is 13 days.⁶¹ This means a claimant will have received a final invoice from the funeral director, and a loved one may even already be buried or cremated, before a

⁵⁶ Royal London Group (BVB0029)

⁵⁷ DWP, SF200 Form

⁵⁸ See, for example Dr Liam Foster (BVB0005), SAIF (BVB0023), Lucy Coulbert Q51

⁵⁹ Local Government Association (<u>BVB0027</u>)

⁶⁰ Department for Work and Pensions (BVB0039)

⁶¹ Royal London (BVB0029)

claimant knows their application outcome. For people in certain faith groups the problem is even more acute. Melvyn Hartog, United Synagogue, told us that within the Jewish community the burial takes place quickly, "certainly within 24 or 48 hours". 62 Mohamed Omer, of the Muslim Council of Great Britain, said that for Muslims the burial must take place as quickly as possible and they "cannot wait for the determination [of a claim]". 63

38. The uncertainty over how much will be awarded not only causes anxiety to claimants but can also lead them to committing to costs that they are ultimately unable to meet. The National Association of Funeral Directors said that

Both the bereaved and the funeral director enter into a contract without knowing if government support will be available. The bereaved may find they receive nothing or very little, leaving them with a large debt they must settle.⁶⁴

- 39. Misconceptions about how much the award will cover exacerbate the problem. Quaker Social Action said that it is not clear to applicants that the SFFP is only a contribution to the funeral bill, which leaves "many applicants mistakenly thinking the full cost of a basic funeral will be covered." Funeral directors are well positioned to offer advice to claimants but Lucy Coulbert explained that "I can't give them a realistic expectation without knowing exactly what they are going to be getting. It is so much guesswork." Simon Cox told us that claimants "ought to have an idea and expectation of what they might be eligible for [...] this process is leading UK citizens into debt without a shadow of a doubt."
- 40. Restrictions on the uncapped element of the payment could also be made clearer to claimants. One funeral company pointed out that DWP "look for the cheapest cemetery or crematorium within a reasonable distance of the claimant and match their grant to that fee whether the claimant has used that facility or a more expensive one." This clarity is particularly important for those with religious requirements that make a burial more expensive. Mohamed Omer told us

[I]f somebody came to be buried at Gardens of Peace, my charge would be £2,700 for the grave. If that person decided to be buried there, DWP will limit the amount to the burial fees of the particular local cemetery, whether it provides the Muslim facility or not.⁶⁹

The Regulations governing SFFPs specifically exclude costs associated with the deceased's religious faith from the uncapped element of the payment.

41. Doubt over a claimant's eligibility for state support may even prevent them securing a funeral for their loved one as funeral directors may be reluctant to arrange a funeral for an SFFP claimant. Derbyshire Districts Citizen's Advice said that some clients "find that Funeral Directors are unwilling to accept cases where payment will be through the Social

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62 Melvyn Hartog Q6
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⁶³ Mohamed Omer Q7

⁶⁴ National Association of Funeral Directors (BVB0037)

⁶⁵ Quaker Social Action (BVB0042)

⁶⁶ Lucy Coulbert Q51

⁶⁷ Simon Cox Q115

⁶⁸ C.P.J Field and Co. Ltd (BVB0041)

⁶⁹ Mohamed Omer Q13

Fund or require an up-front deposit".⁷⁰ Deposits are often the cost of the disbursements,⁷¹ although we have heard that some funeral directors may charge the full price of a low-cost funeral up front or request large deposits in order to protect their company from bad debt.⁷²

Eligibility

- 42. DWP have acknowledged that claimants would ideally know if they are eligible and for how much before they "sign on the dotted line of a funeral director". A number of witnesses suggested that an online eligibility checker would allow claimants to know whether they are likely to be eligible and the amount they are likely to receive. Quaker Social Action said this would "save a lot of confusion and distress to applicants" and provide a degree of reassurance to funeral directors.⁷⁴
- 43. Eligibility checkers for other benefits already exist and allow claimants to find out what they could receive and how to claim.⁷⁵ A similar calculator for SFFPs would give claimants an indication of whether they were eligible for the payment and an indicative amount based on their local area. Quaker Social Action said that knowing this information "puts a potential applicant in a much stronger position to make informed decisions about arranging a funeral."⁷⁶ Michelle Dyson, Director of Children, Families and Disadvantage at DWP, told us that the Department was interested in a pre-eligibility checker to give claimants information on necessary costs but suggested it would be "historical information to give you a guide rather than a calculation as such".⁷⁷
- 44. We recommend that DWP introduce an eligibility checker for SFFPs that gives claimants three key pieces of information: whether they are eligible; how much they could receive; and options for approved local funeral directors and their fees. An eligibility checker would put claimants in a stronger position when arranging a funeral, make the complex nature of the payment clearer and help claimants make an informed choice about which funeral director they use. The eligibility checker should do the following:
 - It should be made explicit at the start of the eligibility check that if there is a close relative of the deceased who is not on qualifying benefits the claimant may not be eligible for an award. The definition of a 'close relative' should also be stated;
 - Eligibility should then be determined through a series of questions. It should be made clear that the calculator only informs the claimant whether they are likely to be eligible, so as not to be misleading.
 - The calculator should give an indicative amount of how much the claimant could receive. Using information on local authority charges for burial and cremations in the claimant's area, the calculator could provide a relatively accurate amount for this element of the SFFP.

⁷⁰ Derbyshire Districts Citizen's Advice (BVB0016)

⁷¹ See, C.P.J Field and Co. Ltd (BVB0041), Institute of Cemetery & Crematorium Management (BVB0022)

⁷² Kane Family Funerals Ltd (BVB0004)

⁷³ Michelle Dyson Q129

⁷⁴ Quaker Social Action (BVB0042)

⁷⁵ entitledto and Turn2us are independent benefits calculators and are signposted from a gov.uk page.

⁷⁶ Quaker Social Action (BVB0042)

⁷⁷ Michelle Dyson Q133

- Based on information provided by the claimant, the calculator should tell the claimant how much they could receive in addition to the burial or cremation cost.
- It should be made clear to the claimant that, whilst the burial and cremation element of the payment is uncapped, this does not necessarily mean that whatever they paid will be matched. This is the case even if a higher burial cost is for religious reasons.
- Finally, the calculator should list funeral directors local to the claimant, their fees for a simple funeral and what the funeral would include. This would allow the claimant to make an immediate comparison between potential state support and funeral costs in their area. This function could be similar to that offered by the website yourfuneralchoice.com but should only signpost to companies that have agreed to offer a fair low-cost funeral.

Application form

45. The SF200 claim form has been described as unnecessarily long and complicated,⁷⁸ and particularly difficult to complete when bereaved and grieving.⁷⁹ We have been told that the length and complexity arises largely from the need to ascertain if there is any other close relative of the deceased who could pay for the funeral (Part 5: About taking responsibility for the funeral and Part 6: About taking responsibility for the funeral of a child).⁸⁰ Questions in this section of the application include: 'Has the relationship between the person who has died and any surviving parents, sons or daughters broken down?'. If the deceased did have surviving close relatives, one of the questions that must be answered is 'Did they go on social outings or holidays with the person who has died?'. Stakeholders said that the bar for assessing a relationship breakdown is set too high⁸¹ and that even where there is written confirmation of estrangement, applications have been rejected.⁸² Additionally, Royal London said the "complexity of eligibility criteria may be a significant factor in the average length of time to process all applications".⁸³

46. We have also heard concerns that assessing the applicant's eligibility in this respect is intrusive and that there is a "continued reliance on professional judgment in the assessment of the closeness of relationships".⁸⁴ Quaker Social Action said that

The success of an application often hinges on a person's ability to provide complex quantitative information about family relationships. The vulnerable undoubtedly lose out. The form does not sufficiently take into consideration the nature of contemporary family relationships and may have the unintended impact of penalising people who don't have straightforward nuclear families.⁸⁵

⁷⁸ National Association of Funeral Directors (BVB0037)

⁷⁹ Institute of Cemetery & Crematorium Management (BVB0022)

⁸⁰ See, Dr Liam Foster (BVB0005)

⁸¹ Quaker Social Action (BVB0042)

⁸² Kensington Citizens Advice Bureau (BVB011)

⁸³ Royal London Group (BVB0029)

⁸⁴ Professor Neville Harris (BVB0012)

⁸⁵ Quaker Social Action (BVB0042)

Professor Neville Harris pointed out that the "exclusively 'yes' and 'no' response boxes to the relationship questions" could heighten applicants' distress and anxiety in completing the form. ⁸⁶ He added

Claimants who do not know, for example, if the relative went on social outings with the deceased would therefore have to leave the response boxes blank or perhaps write 'don't know' on the form, but either way they could feel anxious that they have not completed the form correctly.⁸⁷

47. Baroness Altmann said the Department had looked at this particular requirement and that it was "not an easy one". 88 She explained that the state had a responsibility to see whether anyone else could pay89 and Michelle Dyson added "The reason we have these complicated criteria is in order to limit the taxpayer's liability". 90 Baroness Altmann told us

The philosophy is that the individual should have made provision ideally for some money for a funeral. Failing that, again, the philosophy and expectation is that a family member, partner or child would normally be expected to cover the cost. [...] Failing that, you get into this system of who is entitled to help from the state.⁹¹

- 48. This expectation should be made much clearer on the application form. It should be made explicit to claimants that DWP will not make an award if another family member could pay for the funeral. This could be achieved by including a 'self-check' at the start of the application and by including illustrative examples of when another family member may be deemed responsible for paying for the funeral.
- 49. We agree with the principle that individuals should look to make financial provision for their own funeral, wherever this is at all possible. Where this has not happened it is right that family or friends should make provision. The state should be the last resort. We recommend that the SF200 claim form be amended to make it clear to claimants that the DWP will not make an award where another close relative could pay for the funeral. As far as possible the form should be shortened and simplified and DWP should consider including 'don't know' response boxes.
- 50. We recommend that the Department review whether the bar for assessing other relatives' relationship with the deceased is set at the right level. The current requirement may be inadvertently excluding some claimants who should receive an award and lowering the bar may help to bring down application processing time.

⁸⁶ Professor Neville Harris (BVB0012)

⁸⁷ Professor Neville Harris (BVB0012)

⁸⁸ Q130 (Baroness Altmann)

⁸⁹ Ibid

⁹⁰ Ibid (Michelle Dyson)

⁹¹ Q149 (Baroness Altmann)

Wider communication

- 51. The two main communication services for bereaved people are the Tell Us Once service⁹² and the Bereavement Service.⁹³ Tell Us Once (TUO) allows bereaved people to inform government departments of a death whilst the Bereavement Service provides advice about benefits and other support available. We heard that these services have improved the Department's interaction with bereaved people although more could be done.⁹⁴ The Department has said it is "exploring options to pilot an integrated telephony service with TUO telephony teams and the Bereavement Service teams." St Christopher's Hospice said that the "introduction of the Tell Us Once programme and the DWP Bereavement Service has made a beneficial difference to the support provided to all bereaved people".⁹⁵ Both of these services are, however, reactive and neither specifically offer funeral advice. By the time they are accessed, bereaved individuals may have already engaged the services of a funeral company.
- 52. Funeral directors are well placed to be additional sources of advice and can provide intensive support to be eaved people who need to claim SFFPs. ⁹⁶ It has been noted however that providing financial guidance is "potentially problematic for a number of reasons, not least because of the dual role of the funeral director as both an advocate for be reaved people and a commercial enterprise". ⁹⁷ Some funeral companies may do very little to help SFFP claimants spend within their limits and when asked about companies taking advantage Lucy Coulbert told us, "There are people who do that. That is the problem." ⁹⁸
- 53. Many people are in close contact with hospitals and hospices before their loved one dies and all bereaved people contact a registrar. These are places that could offer independent advice about arranging a funeral and signpost people to other sources of support. The NAFD said that they would like to see better signposting for the bereaved and that "registry offices, hospital bereavement offices and the Coroner's service should all be involved in providing information about sources of support." Whilst there is information available online, many bereaved people may not actively search for funeral services and prices.
- 54. We recommend that leaflets on funerals should be made available in hospices and registry offices, and discreetly available in hospitals. They should include information on applying for SFFPs and using the Tell Us Once service and Bereavement Service. They should also direct people to approved funeral directors and give information about both fees and local charges for burials and cremations.

⁹² See, https://goo.gl/Nz9B0

⁹³ See, https://www.gov.uk/death-spouse-benefits-tax-pension/benefits

⁹⁴ Childhood Bereavement Network and the National Bereavement Alliance (BVB0035)

⁹⁵ St Christopher's Hospice (BVB0030)

⁹⁶ The Funeral Funding Service CIC (BVB0020)

⁹⁷ Dr Liam Foster (BVB0005)

⁹⁸ Q52 (Lucy Coulbert)

⁹⁹ National Association of Funeral Directors (BVB0037)

Chapter 3: Wider landscape

55. The recommendations we have made on SFFPs will markedly improve the situation for claimants but the scheme will never provide value for money unless the underlying causes for funeral inflation are addressed. The cost of burials and cremations continues to rise, triggering higher SFFPs year after year, and in parts of London there is no cemetery space available for new graves. In this chapter we examine some of the other pressures driving up funeral costs and potential solutions.

Burials and death rates

- 56. In some areas, particularly London, burial space is scarce and some cemeteries are unable to provide graves at all. Royal London said that in Tower Hamlets there are no plots available and that in other areas, such as Beckenham, "space is limited causing prohibitive burial plot costs". ¹⁰⁰ To disturb human remains without authority is an offence and so there are few circumstances where old graves can be re-used. ¹⁰¹ Experts also told us that death rates in the UK are set to rise over the next few decades and Simon Cox said that "we are set to see record highs". ¹⁰² An increase in the number of deaths could place further pressure on cemeteries as well as on the financial support available from the state.
- 57. The Scottish Government has acted to increase the availability of burial space. The Burial and Cremation (Scotland) Act makes provision for the restoration of abandoned lairs (graves) so long as human remains are not exhumed. In 2001, the House of Commons Environment, Transport and Regional Affairs Committee concluded "If the public are to continue to have access to affordable, accessible burial in cemeteries fit for the needs of the bereaved, there appears to be no alternative to grave reuse." The Government has said it regularly discusses the issue of burial space with its Burial and Cremation Advisory Group 104 and is keeping the matter under review.

Crematoria

- 58. Cremation is usually significantly cheaper than burial¹⁰⁶ but costs are climbing. Since 2014, average cremation fees have risen by 4.5%.¹⁰⁷ Any increases to cremation and burial fees are reflected in SFFPs as this element of the payment is uncapped. It was suggested to us that prices for local authority owned crematoria have risen owing to funding cuts.¹⁰⁸
- 59. Royal London have related the rise in cremation fees to the "unnoticed or unstated growth of new private crematoria". There are around 275 operating crematoria, 33%

¹⁰⁰ Royal London Group (BVB0029)

¹⁰¹ The London Local Authorities Act does allow for the re-use of graves in certain circumstances if the grave is over 75 years old and if there are no objections - London Local Authorities Act 2007: section 74, Power to disturb human remains

¹⁰² Q105 (Simon Cox)

¹⁰³ Environment, Transport and Regional Affairs Committee, Eighth Report of Session 2000–2001, Cemeteries, HC 91.

¹⁰⁴ The group advises burial authorities, the public and government on: providing, managing and maintaining burial grounds, including those closed to further burials; good burial practice; and procedures, including on exhumation and possible improvements to policy and legislation, see https://www.gov.uk/government/groups/sample

¹⁰⁵ WPQ 272 9

¹⁰⁶ Both Royal London and SunLife found that, in 2015, cremations were around £800 cheaper on average

¹⁰⁷ Royal London Group (<u>BVB0029</u>)

¹⁰⁸ Quaker Social Action (BVB0042)

¹⁰⁹ Q112 (Simon Cox)

of which are now privately owned, compared to approximately 13% in 1996. 110 Private crematoria take business away from local authority crematoria so the costs of local authority facilities are spread over fewer cremations. 111 Simon Cox told us

A new crematorium was built in Havant and the number of cremations taking place in Portchester dropped by about 900 or so. As you can imagine, that local authority lost a significant amount of income. How does it recoup that income it has lost?¹¹²

He also told us that the costs for private crematoria are, on average, 13% more expensive than local authorities'. Furthermore, a requirement to install mercury abatement equipment had been a significant cost to the industry, which may have contributed to the rise in fees. 115

End-of-life planning

60. Throughout this inquiry, witnesses have highlighted the importance of planning for death. Paul Gray, Chair of the Social Security Advisory Committee, told us "I am very struck by the fact [...] that two generations back this was an issue that people were very conscious about; how am I going to have a decent funeral?" He added that funeral expenses may now be less of a concern as people have generally become more affluent. Others shared his concern that end-of-life planning was no longer the norm. Melvyn Hartog said

If only we could all wake up and say to people, or make people understand, that we die but we will not talk about it. [...] if we started at a younger age to recognise it and [...] whether a funeral will be affordable to you, you could pay something.¹¹⁸

61. We have heard several suggestions on how to encourage individuals to make provision for the inevitable. Oxley's Funeral Services suggested introducing a Final Trust Fund to pay for a standard funeral. They suggested that the Government collect a fixed amount per year for those in work and a different amount for those on benefits, and that the Government use any interest collected to pay for administrative charges. ¹¹⁹ Cruse Bereavement Care recommended a public awareness campaign to increase awareness of the cost of funerals and encourage people to save. ¹²⁰ Dr Liam Foster suggested that it was "timely to consider whether community-based resource pooling deserves wider consideration and promotion". ¹²¹ Whilst we have not explored these specific ideas we do agree that individuals should be encouraged to make provision for their funerals and

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110 Royal London Group (BVB0029)

111 Ibid

112 Q112 (Simon Cox)

113 Ibid

114 Cremation causes mercury emissions from any tooth fillings the deceased has. Mercury emissions can be harmful to both humans and the environment.

115 Q112 (Simon Cox)

116 Q96 (Paul Gray)

117 Ibid

118 Q49 (Melvyn Hartog)

119 Oxley's Funeral Services (BVB0044)

120 Cruse Bereavement Care (BVB0032)

121 Dr Liam Foster (BVB0005)
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not rely on state support (see paragraphs 54 to 56). The proposed reform to be reavement benefits offers an opportunity to communicate the Government's expectation of individual provision and encourage people to "increase personal protection against illness and death." 122

Public Health Funerals

- 62. It has been suggested that the increase of Public Health Funerals is a product of these rising costs and poor financial provision.¹²³ Under the Public Health (Control of Disease) Act 1984, local authorities have a duty to arrange a Public Health Funeral (PHF) if there is no one able or willing to pay for a funeral for the deceased. They are commonly still referred to as 'pauper's funerals' but Baroness Altmann assured us "it is not the awful image that you might think from Dickensian times".¹²⁴
- 63. There is no set standard for PHFs and different local authorities have different practices. The Local Government Association said

The role of public health funerals is to ensure that public health is protected when a person dies and no-one is able to make the funeral arrangements. Councils often enable families to take part in the funeral service, however councils are also mindful of the cost to the public purse of performing these funerals, especially when they appear to be on the increase.¹²⁵

Lucy Colbert told us that families are not always able to take part in a PHF because there may not be a service, ¹²⁶ and Mohamed Omer said that, for his community, a PHF would be unacceptable for religious reasons. ¹²⁷ Even where PHFs are arranged sensitively and with respect for the deceased, there is still a stigma around the idea of a 'pauper's funeral' and families are unlikely to want this for their loved one. Nigel Lymn Rose told us "The very thought of having a funeral carried out for public health and control of disease has a total stigma to it and it is unfortunate". ¹²⁸

64. The DWP does not hold information on the number of Public Health Funerals carried out by local authorities. Following FOI requests to local councils, the BBC recently reported that the number of PHFs had risen by 11% over the past 4 years. ¹²⁹ Baroness Altmann suggested the increase was related to an aging population and that PHFs tend to happen where there is no relative to arrange a funeral. ¹³⁰ However, Quaker Social Action said that they are supporting "increasing numbers of people to access public health funerals because they have no way of making up the shortfall between the price of a basic funeral and the award they could hope to receive from the SFFP." ¹³¹ The BBC data does not include information on the circumstances surrounding PHFs and reasons

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122 Aviva (BVB0053)
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¹²³ Local Government Association (BVB0027)

¹²⁴ Q137 (Baroness Altmann)

¹²⁵ Local Government Association (BVB0027)

¹²⁶ Q26 (Lucy Coulbert)

¹²⁷ Ibid (Mohamed Omer)

¹²⁸ Q25 (Nigel Lymn Rose)

¹²⁹ BBC, http://www.bbc.co.uk/news/uk-34943805

¹³⁰ Ibid

¹³¹ Quaker Social Action (BVB0033)

given to the Local Government Association were anecdotal.¹³² There may be value in DWP investigating the reasons for the increase in public health funerals and whether the trend is sustainable for local authorities.

Conclusion on the wider landscape

- 65. There are a number of interrelated factors driving up the cost of funerals, and the burden is being borne by the Government, local authorities and individuals. Improving SFFPs is crucial, but to have a long-term impact on funeral inflation the Government must look beyond the DWP.
- 66. The Scottish Government has already acted by introducing the Burial and Cremation (Scotland) Act in order to address issues raised by the Infant Cremation Commission and the Burial and Cremation Review Group. We heard that there are already some differences between cremation requirements in Scotland and requirements in England and Wales. ¹³³ In October 2015, the Scottish Government also commissioned a report on funeral poverty in Scotland. ¹³⁴ The findings of the report have prompted a "coordinated set of activities" from the Scottish Government, with the long-term objective of reducing funeral poverty. These activities include consideration of a Scottish funeral bond, and the introduction of a ten day target to process completed SFFP applications. ¹³⁶
- 67. We recommend that the UK Government follows the approach of the Scottish Government and acts to tackle the systemic causes of funeral inflation. The Government should conduct a cross-Departmental review of burials, cremations and funerals. This coordinated review should look to make recommendations that have a long-term impact on funeral inflation and work to reduce funeral poverty.

¹³³ Q21 (Mhairi Black, Nigel Lymn Rose)

¹³⁴ Citizen's Advice Scotland, Funeral Poverty in Scotland: A review for the Scottish Government

¹³⁵ Scottish Government, Funeral Poverty in Scotland: A review for the Scottish Government, Scottish Government

Section 2: Bereavement benefits

- 68. Losing a partner is deeply distressing, and bereavement benefits have been described as a "resource to depend on when all else is in turmoil."¹³⁷ The Government believes that it has a responsibility to provide relief from the financial pressure that bereaved partners face, and that bereavement benefits should provide "elements of certainty in a time of upheaval".¹³⁸ Unlike many other benefits, bereavement benefits are not means tested but based on National Insurance (NI) contributions. The Government has said it recognises the role the contributory principle plays in bereavement benefits because it provides "a sense of entitlement that removes the stigma often associated with claiming means-tested benefits."¹³⁹
- 69. The existing system of bereavement benefits was introduced in 2001. Prior to then the bereavement benefits available were for widows only: a one-off Widows payment of £1,000; a regular payment for widows with children called the Widowed Mother's Allowance; and a Widow's Pension, payable to widows over 45 until retirement age. In 1998, the then Government to reformed bereavement benefits to give equal treatment to widowers and in order to meet more of the immediate costs of bereavement.¹⁴⁰
- 70. The current system is made up of the following payments, all of which are based on the deceased's National Insurance contributions:
 - Bereavement Payment (BP)—a tax-free lump sum of £2,000, generally payable for people under state pension age.
 - Widowed Parent's Allowance (WPA)—a taxable weekly benefit (of a maximum of £112.55 per week) for parents who lose their spouse or civil partner. It is payable until the claimant reaches state pension age, enters a new relationship and cohabits or remarries, or becomes ineligible for child benefit—whichever is earliest.
 - Bereavement Allowance (BA)—a taxable weekly allowance paid for one year to the surviving spouse or civil partner without dependent children. The amount depends on the deceased's NI contributions and the claimant's age and it is only paid to those over 45 years of age.

This system has been described as complicated to both understand and administer.¹⁴¹ For example, the deceased's NI contributions are calculated differently for the lump sum and regular payments,¹⁴² and the age of the claimant is a factor in determining eligibility and amount.

71. The Government proposes to replace this system of three different payments with one benefit, the Bereavement Support Payment (BSP), from April 2017. DWP have described

¹³⁷ St Christopher's Hospice (BVB0030)

¹³⁸ Department for Work and Pensions (BVB0039)

¹³⁹ DWP, Government response to the public consultation: Bereavement Benefit for the 21st Century

¹⁴⁰ House of Commons Library, Bereavement benefits: SN00431, 2013

¹⁴¹ Department for Work and Pensions (BVB0039)

¹⁴² For the Bereavement Payment, the deceased must have paid sufficient NI contributions in any one tax year before their death. For both Widowed Parent's Allowance and Bereavement Allowance, the deceased must have paid sufficient contributions for a defined part of their working life.

the BSP as "easier to understand and fairer to surviving spouses and civil partners". ¹⁴³ The exact amounts of the BSP have not yet been determined and will be prescribed in future regulations but indicative amounts are:

- Surviving partners with at least one dependent child—a lump sum of £5,000 and further monthly instalments of £400 for one year
- Surviving partners with no dependent children—a lump sum of £2,500 and further monthly instalments of £150 for one year

Several key changes of the reform have been welcomed by stakeholders.¹⁴⁴ The NI contribution conditions are simpler,¹⁴⁵ the age of the claimant will no longer be a factor and beginning a new relationship will not affect the benefit. In addition, all BSPs will be tax-free and are disregarded for the purpose of other benefits. This is not the case for the legacy benefits, which current claimants will continue to receive; the BSP will be paid to new claimants only.

- 72. Other changes to be brought in by the reform have caused concern. Despite the DWP's reform consultation title of *Bereavement benefit for the 21st Century*, the new BSP will still only be payable to those people who were married or in a civil partnership, not those who were co-habiting. The BSP is payable for one year whereas WPA is paid until the recipient is no longer eligible for child benefit, remarries or reaches state pension age. Finally, there are a number of ways in which the current benefits and the BSP will interact with Universal Credit (UC) that may have unintended consequences for claimants.
- 73. We broadly welcome the Government's proposed reforms to bereavement benefits. Many of the changes are overdue. There are three areas, however, that merit further consideration by the Government: the treatment of bereaved cohabitees with children, the length of the new BSP and interactions with Universal Credit. We deal with each of these areas in chapters 4 to 6 of this report.

Chapter 4: Co-habiting couples

- 74. Bereavement benefits have always excluded cohabiting couples who are not married or in a civil partnership, even when they have dependent children. The Government specifically omitted the option of extending the benefit to cohabitees from its consultation, despite aiming to modernise the benefit and "improve an out-of-date system". ¹⁴⁶ Respondents to the consultation commented on the inherent unfairness of a reform that "did not address one of the most significant changes to the structure of family life over the last decades". ¹⁴⁷
- 75. The Government's chief defence of its decision not to extend the benefit is that marriage is a key part of the National Insurance system. DWP noted "all rights derived from another person's contributions are based on marriage or civil partnership", and that extending eligibility for the BSP is not something it favours. The Minister told us:

It is the same for pensions. If you are a cohabiting couple, you cannot inherit your deceased partner's pension. This is based on the same principle. [...] Unless we were changing all those principles or taking it completely outside that ... I am not sure what comfort I can give anybody on that. 149

- 76. The Government can change, and has changed, these NI principles before. One example is that given by given by the Minister—the treatment of state pensions. One intention of the new state pension reforms is that people should qualify for the singletier pension on the basis of their own contribution record, so the current rules allowing individuals to derive entitlement on the basis of their former spouse or civil partner's contributions will end. Paul Gray referred to bereavement benefits as "one of the last bastions" of the traditional marriage-based contributory system. The means-tested part of the benefits system has a history of recognising cohabitation. For the purpose of benefits such as Universal Credit and tax credits, cohabitees would be considered families and would receive benefits based on their household income. 151
- 77. The NI system has also recognised non-married people before, particularly where the care of a child is involved. Adult Dependency Increases (ADIs) were additions to benefits that could be paid with certain contributory and non-contributory benefits, although they have now largely been abolished. When ADIs were payable, they could be paid to an adult dependant who cared for a child of the claimant, even where the dependant and claimant were not married. One benefit for which ADIs have been payable is Incapacity Benefit, which is contributory.
- 78. Any extension of eligibility for the BSP would come at a cost. DWP said that extending the BSP to unmarried couples would "increase expenditure by several hundred million

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146 DWP, Public consultation: Bereavement Benefit for the 21st Century, Cm 8221

147 Childhood Bereavement Network and the National Bereavement Alliance (BVB0035)

148 Department for Work and Pensions (BVB0039)

149 Q139 (Baroness Altmann)

150 Q91 (Paul Gray)

151 Q78 (Paul Gray)

152 Measures that abolish or phase-out ADIs include: The Pensions Act 2007, Welfare Reform Act 2009

153 The Law of Social Security, Fifth edition, Increases for dependents, p251
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154 Decision Maker's Guide, Chapter 16, Increases for adults

pounds". One estimate puts this figure at a cumulative £300m over the first four years of the reform. ¹⁵⁵ We acknowledge that a blanket extension of the BSP to all cohabitees may not be affordable. We considered, however, the case of cohabitees with dependent children.

Cohabitees with dependent children

79. Bereavement benefits for spouses with dependent children are higher in recognition of "the additional costs associated with raising children." The Childhood Bereavement Network (CBN) said that

DWP's research into the experiences of recently bereaved families (all within 18 months of their bereavement) found that in most cases, the weekly payments of WPA were put towards the general living expenses of bringing up children, with many finding these essential to meet their new basic living costs (which include the additional costs of bringing up children alone). 157

CBN provided a number of anonymised case studies that demonstrate how bereaved parents use the money they receive, see Figure 7.

Figure 7: Examples of how widowed parents use their bereavement benefit

(1)

WPA has allowed me to go freelance so that I can be at home for my daughter when she needs me and can work flexibly to fit around her school holidays. Thanks to WPA, I know that I have a regular source of money coming in each month that will cover basic household bills and costs for our food, which is particularly important if I have a lean month workwise. It has certainly been a big source of security to my daughter knowing that I am working at home and just around the corner from her school, if she needs me. And WPA has been a big source of security for me at a financially precarious time in my life.

(2)

The widowed parents allowance has been a God send to me. In fact I don't know how I would have managed financially without it. Don't get me wrong it's still a struggle some months even with it. But because of it I have been able to work around [my son's] school hours. Which has been vital recently with him moving on to secondary school.

(3)

After [my husband's] death receipt of WPA enabled me to work within school hours on a term time contract so I could be as full time a mum as possible for our son. On the death of his father he understandably suffered with anxiety and was scared I would die too. I felt it was essential I was around as much a humanly possible to reassure him and to surround him with the love and security he yearned. The anxiety he felt didn't have a short timescale as the government in their wisdom thinks it should, he needed time to build trust in normal life again. People who say children are resilient and cope well with bereavement are sadly suffering from delusions. Recovering from such a shocking experience takes years, not months. Children bereaved at a tender age revisit their grief time and time again though out their childhood as they mature and their understanding of life and death develops.

Source: Further evidence from the Childhood Bereavement Network

This evidence shows that, in many cases, the increased payment for bereaved parents is put towards childcare support.

80. Alison Penny, told us that

What we know is that children need consistency and as few additional changes as possible in that period following the death. The best longitudinal studies that we have, show that the longer that changes persist, the more difficult it is for children's emotional and mental health. So parents feeling pressured to go back to work before children are ready for them to do so is of concern to us. ¹⁵⁸

The needs of bereaved children do not differ because of their parents' marital status and children have no control over whether their parents decide to marry. The increased BSP for surviving parents may in fact be even more important for children of cohabitees. It has been pointed out that their financial needs may be "even greater than those families where the parents were married, as the surviving partner may be ineligible for death benefits or pensions and will not inherit under the rules of intestacy if the person died without making a will." Some parents may have assumed that they would be treated as if they were married as "levels of expectation that common law marriage exists are very high". 160

81. The case that bereavement benefits unfairly discriminate against those parents who were unmarried has already been made and won in Northern Ireland. ¹⁶¹ In February 2016 the High Court of Justice in Northern Ireland ruled that withholding Widowed Parent's Allowance from a mother of four children on the grounds that she was not married to the deceased "unjustifiably discriminates against the applicant on the grounds of her marital status". ¹⁶² The Court found that WPA should be paid

Because the responsibilities of one parent in relation to their children after the death of their partner do not arise from and are not necessarily connected to the public contract that they made at the time of marriage/civil partnership. Parents are under the same or similar obligations regarding the maintenance of their children irrespective of whether they are married, in a civil partnership or cohabiting. ¹⁶³

82. The Court did not find that the applicant had similar grounds for receiving the Bereavement Payment. The Court concluded that

Through marriage (or civil partnership) a couple regulates their relationship with each other and with the state through their public contract. The couple puts the state 'on notice' of their relationship. A cohabiting couple make no such public contract. This in itself is usually sufficient to make the two relationships sufficiently different in a material particular to lawfully treat the relationship differently in certain circumstances.¹⁶⁴

¹⁵⁸ Q62 (Alison Penny)

¹⁵⁹ Childhood Bereavement Network and the National Bereavement Alliance (BVB0035)

¹⁶⁰ Alison Penny (Q82)

¹⁶¹ In Northern Ireland, the Department of Social Development administers a parallel bereavement benefits scheme 162 Judicial Review, Application by Siobhan McLaughlin in the matter of decisions of the Department for Social

Development, http://www.rightsnet.org.uk/pdfs/McLaughlin_NICA_09_Feb_16.pdf

¹⁶³ Judicial Review, Application by Siobhan McLaughlin in the matter of decisions of the Department for Social Development, http://www.rightsnet.org.uk/pdfs/McLaughlin_NICA_09_Feb_16.pdf
164 Ibid

The Court's view was that the relationship between cohabitees is sufficiently different to that of married couples only when dependent children are not involved. Cohabitees with dependent children have a specific requirement that mirrors that of married parents. The Department of Social Development may appeal against the judgement but if it does not, or is unsuccessful, then the DWP may face similar legal challenges across the rest of the UK.

83. Bereaved parents face increased expenses because of their responsibility to their children. The needs of bereaved children of cohabiting parents are no different to those whose parents were married or in a civil partnership. Penalising children on the grounds of the marital status of their parents is unjust.

Cost of extension

84. As mentioned above, DWP estimated the cost of a blanket extension to cohabitees to be £300 million cumulatively, over the first 4 years of the reform. Extending it to only those cohabitees with children reduces this figure substantially. Data from the Office of National Statistics from 2015 shows that, of all couple families with dependent children (the potential claimant base), 66 21% of those families with dependent children were cohabiting couples, see Figure 8.

Figure 8: Couples with dependent children in 2015

Couple family type with dependent children	Number of families	Percentage
Married (including same sex marriage)/civil partnership	4,709	79%
Cohabiting	1,254	21%

Source: Office of National Statistics, Statistical bulletin: Families and Households: 2015

Assuming that the death rates for cohabitees is the same as married couples, and assuming that the same proportion of bereaved cohabitees claim as do bereaved spouses, ¹⁶⁷ this would increase claimant numbers by around 2,200 claimants per year. ¹⁶⁸ The Childhood Bereavement Network estimate that, with an indicative cost of £9,800 per parent, this would cost approximately £21.6m per year. ¹⁶⁹ This is equivalent to 4.7% of forecast bereavement benefit expenditure in 2020/21. ¹⁷⁰ This is a relatively small amount and it is possible that the DWP could find this extra money within the reforms themselves.

85. Spending on bereavement benefits is expected to fall from £569m in 2015/16 to £460m in 2020/21.¹⁷¹ This is due to the length of payment being limited to one year whereas Widowed Parent's Allowance could be paid for up to 20 years. Existing claimants of WPA will not transfer to the BSP but will naturally cease to receive the benefit with the passage of time. There are also projected cost increases of the reform, which will be seen

¹⁶⁵ DWP, Social Security Advisory Committee report on Bereavement benefit Reform: Government Response
166 Lone parent families would not be eligible for bereavement benefits

¹⁶⁷ Not all bereaved spouses are eligible for the benefit as not all deceased partners will have paid sufficient contributions. Furthermore, not all eligible spouses claim, possibly because they do not require the support or are not aware of the benefit.

¹⁶⁸ Childhood Bereavement Network (BVB0052)

¹⁶⁹ Ibid

¹⁷⁰ DWP, Outturn and forecast: Autumn Statement 2015, Expenditure and caseloads table, bereavement benefits 171 Ibid

in Universal Credit (UC). This is because the BSP is paid on top of UC rather than treated as "income other than earnings". This is expected to account for an additional £250m of expenditure within UC over the first four years of the reform. In 2020/21, DWP forecast that spending on bereavement benefits will be £100m cheaper than if the reforms had not been introduced. There will still be an additional spend of £79m in UC as a result of the reforms but DWP forecast an overall saving of £21m. This is before tax implications are incorporated; the BSP is not taxable and so there is tax forgone by HMRC on new benefit claims. 172

- 86. Reform to bereavement benefits is not designed to save money. The Minister said "I am assured that it was not designed as a cost-saving measure in this way." Whilst there may be a tax forgone cost to the Exchequer, DWP will save an increasing amount in its own budget. Furthermore, the Childhood Bereavement Network have predicted additional savings beyond 2020/21, due to increasing numbers of WPA claimants flowing off the benefit and falling death rates. 174
- 87. The cost of extending the Bereavement Support Payment to cohabitees with dependent children is low, relative to the overall cost of the system. The reforms are also projected to deliver a medium-term saving to the Department, and the cost to HMRC is uncertain. The reform was not designed to save money, but savings are predicted to increase. Following a recent case in Northern Ireland, the DWP may be forced to reverse its position and we urge the Department to take positive action now rather than wait for a challenge in the courts. We recommend that the Bereavement Support Payment be extended to cohabiting couples with dependent children, using medium-term savings from the bereavement benefits reform.

Chapter 5: Length of the Bereavement Support Payment

88. The BSP will comprise a lump-sum payment and regular monthly payments of £400 for those people with dependent children and £140 for those without. The BSP will be payable to all claimants for one year only. This is a major change as Widowed Parent's Allowance is potentially payable for many years and most claimants receive it for more than two years. The Social Security Advisory Committee (SSAC) recommended that the DWP reflect on the period for which parents will receive the BSP. 176

89. DWP said that providing the payment over a short period means it would not be considered income replacement, and this justifies discounting it for other benefit and tax purposes. Giving evidence to the Committee, Pete Searle, Director of Working Age at DWP, said

[I]f we paid the payment for longer, that could mean that it becomes an income replacement payment and we would have to then take it into account in meanstested benefits and in the tax system as well.¹⁷⁷

Critics questioned this rationale and told us that an extension beyond a year would not necessarily preclude it being treated in the same way for the purpose of other benefits. SSAC stated, "It does not necessarily follow that, if the payment period were extended by a limited amount, the benefit need be regarded differently for the purposes of tax and other benefits." 179

90. The Government's other key rationale for shortening the payment is that the payment is designed to "cover the additional costs following a bereavement" and that these costs, "tend to be more weighted towards the early months". The Minister told us that qualitative research showed that the first year was the most difficult period. However, this research only interviewed people who had been bereaved between 12 and 18 months previously. We were told this meant it did not give an accurate picture of the financial impact after 18 months. Moreover the research findings contradict the Department's conclusion that a one-year duration is appropriate. The research did find that "for most people, bereavement had a large immediate impact on their financial situation". However, the research report goes on to state

Most respondents continued to see at least some financial impact after around twelve to eighteen months. [...] Those who were still in considerable difficulty tended to be people who had been highly financially dependent on their partner prior to the bereavement, such as stay-at-home parents or housewives.

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175 DWP Tabulation Tool, as at August 2015, shows a caseload of 13,800 for 2–5 years on WPA and 17,820 for 5 years and over on WPA, out of an overall caseload of 43,650
176 Social Security Advisory Committee, Bereavement benefit reform, November 2015
177 Q155 (Pete Searle)
178 Childhood Bereavement Network and the National Bereavement Alliance (BVB0035)
179 Social Security Advisory Committee, Bereavement benefit reform, November 2015
180 Q143 (Pete Searle)
181 Ibid (Baroness Altmann)
182 Oldfield, Adams & Gunstone (2012) Bereavement Benefits: Findings from qualitative research.
183 Q100 (Alison Penny)
184 Oldfield, Adams & Gunstone (2012) Bereavement Benefits: Findings from qualitative research.
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In many cases, these people had not worked for a number of years before the bereavement, and there could be a number of internal and external barriers to beginning work after the bereavement.¹⁸⁵

91. Stakeholders providing evidence to this inquiry agreed that many bereaved people need longer than one year to adjust financially. St. Christopher's Hospice said

the shock of bereavement and the time needed for adjustment cannot be limited to one year $[\,\,...\,\,]$ Often dealing with the deceased's affairs can take months and dealing with further change at this point is challenging. A longer period would help for adjustment and preparation for the future. ¹⁸⁶

The Childhood Bereavement Network and National Bereavement Alliance said that the second year can often be harder than the first, as the reality of the new circumstances sink in. They added that children in particular have emerging needs and that "studies indicate a 'late effect' of bereavement with some children showing new and greater difficulties two or three years after the death of parent".¹⁸⁷

92. The cut-off point of one year is likely to be a particularly difficult time for the bereaved. During the first year, they will face anniversaries without the deceased for the first time; Christmas, the birthday of the deceased, the anniversary of their marriage or civil partnership, and finally the anniversary of the death. Alison Penny said that 12 months after the death

[I]s already a time of considerable stress, difficulty and anxiety, thinking back, with big reminders of what happened around the death but also the growing realisation that life has changed forever.¹⁸⁹

The Minister said she understood the concern and admitted "I do not know if this was considered, the idea of the anniversary". Pete Searle agreed it was a sensitive time, and that though the final payment would come a month after the anniversary, "whether a month is too close is arguable". The Department said that a one year cut-off provides a useful administrative unit and that paying for longer would be "administratively more complex and costly". We see no reason why extending the duration to 18 months or 2 years would be in any way more administratively problematic than one year, so long as the same duration was used for all claimants.

Cost of lengthening the duration

93. We asked the Childhood Bereavement Network to provide us with cost-neutral options for extending the BSP to 18 months.¹⁹³ These options involve reducing the lump-sum and regular payments. The lump sum is designed to meet the considerable immediate

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185 Ibid
186 St Christopher's Hospice (BVB0030)
187 Childhood Bereavement Network and the National Bereavement Alliance (BVB0035)
188 Q145 (Craig Mackinlay)
189 Q61 (Alison Penny)
190 Q145 (Baroness Altmann)
191 Ibid (Peter Searle)
192 Q145 (Baroness Altmann)
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193 Whilst much of the debate has focussed on parents, the evidence we have seen suggests the financial impact lasts more than a year for those without dependent children also. As such we have considered cost neutral options for extending the BSP for all claimants.

costs of bereavement but some witnesses told us that the BSP lump sum is set too high, which could have negative and unintended consequences. Alison Penny explained that the recently bereaved could feel under pressure to settle disputes about a will or make large donations in memory of the deceased. These decisions might feel right at the time but the money would not then be used to meet additional living costs arising from bereavement. ¹⁹⁴ Increasing the lump sum will also increase the amount available to spend on funerals, which both SSAC and Alison Penny agreed could further inflate funeral costs. ¹⁹⁵

94. Under the current amounts proposed, extending the payments to 18 months would cost:

- £900 per claimant—for those without dependent children
- £2,400 per claimant—for those with dependent children

Figures. 9 and 10 demonstrate how the BSP could be reconfigured to meet these costs.

	Government proposed BSP configuration (12 months)	Alternative BSP configuration (18 months)	
Lump-sum	£2,500	£1,852	
Monthly amount	£150	£136	
Total	£4,300	£4,300	

Figure 10: Example of recalculated BSP for those with dependent children

	Current BSP configuration (12 months)	Proposed BSP configuration (18 months)	
Lump-sum	£5,000	£4,040	
Monthly amount	£400	£320	
Total	£9,800	£9,800	

The monthly BSP payment for parents (both current and proposed reconfigurations) appears less generous than WPA, which could be up to £112.55 per week. However WPA is taxable and taken into account for other benefits, so many claimants receive less than that amount. Alison Penny explained

To those who have no earnings the actual value is about £39 a week. To those on £10,000 it is about £46 a week. For £20,000 it is £57, and then it rises to £90 for those on £25,000 or over. So it looks a lot but in the pocket it doesn't feel as much. 196

For those surviving parents earning under £20,000, even a reconfigured monthly BSP payment of £320 a month for 18 months would be far more generous than WPA.

95. The Department have "made a commitment to monitor and review the effect of BSP ... at a point when sufficient evidence is available to assess all aspects of the policy." The financial impact of bereavement can, and often will, last much longer than one year or 18 months. Stopping after a year is particularly problematic however, as it is the anniversary of the death. We are also unconvinced by the argument that a longer period of monthly payments would be administratively more complex and expensive. We recommend that the Department adopt a cost-neutral method of extending the BSP to 18 months through a reduction in the lump-sum payment. The Department should consider extending the monthly payments further, as part of its forthcoming review.

Chapter 6: Interaction with Universal Credit

96. Our final concern relates to the relationship between bereavement benefits and Universal Credit (UC). There are two areas that require further consideration by the Department: the interaction between WPA and UC; and conditionality under UC. In this chapter we take each of these issues in turn and make recommendations to improve the system for claimants.

Widowed Parent's Allowance and UC

97. The new BSP will be disregarded for the purposes of other benefits including UC; the BSP will be paid on top of UC for those claiming both. WPA allowance however, is treated as 'income other than earnings', and so it will be deducted at a pound-for-pound rate from a claimant's UC entitlement. This means that for some bereaved families, the value of WPA will be zero. Furthermore, WPA is taxed, and so families in certain earnings ranges could actually lose money as a result of claiming WPA. For example, as shown in Figure 11, a claimant earning £12,500 per year would be £12.48 per week worse off as a result of claiming WPA.

Figure 11: Value of WPA for earnings ranges

Gross annual earnings (£)	Gross weekly earnings (£)	Weekly value of WPA if claimed alongside UC (£)
4,747	91.28	0
7,500	144.23	-10.6
10,000	192.3	-8.21
12,500	240.38	-12.48
14,000	269.23	0.27
15,000	288.46	8.76
20,000	497.16	51.26

Source: Adapted from Childhood Bereavement Network (BVB0052)

Perversely, the value of WPA decreases with lower claimant earnings. This contradicts the Department's intention to "protect the most vulnerable" by disregarding the BSP from UC, as under the legacy benefit the poorest lose out.¹⁹⁹

98. DWP have described this as a "technicality of the system"²⁰⁰ and have estimated that the number of WPA cases that would be affected by this interaction is around 6,000. Pete Searle said this was "a relatively small number of people and a transitional issue".²⁰¹ The Department's solution to this problem is for the worst affected claimants, those earning less than £14,000, to relinquish their WPA so not as to suffer a net loss. If the claimant's earnings rise, or they stop claiming UC, they could have WPA reinstated. This would require a Work Coach to advise a claimant each time their weekly earnings pushed them

over or under the thresholds. UC is intended to be a responsive system using real time information to calculate the right amount of benefit, given changing earnings. This would not be the experience of WPA claimants. This solution also does nothing to help those bereaved parents whose WPA would be reduced to pennies per week.

99. It is wholly unsatisfactory that the poorest WPA claimants are set to suffer a net loss under Universal Credit. This problem has been described as a technicality and we can only assume it was unanticipated. The Department's solution is unworkable and unnecessarily complicated, and it does nothing to retain the value of WPA for the poorest claimants. The logical solution is to exempt them. We recommend that WPA be removed from the list of benefits treated as 'income other than earnings' for the purposes of Universal Credit.

Conditionality

100. Work search requirements for UC claimants will be relaxed for bereaved individuals. The DWP said that "a surviving spouse in receipt of Universal Credit will not have any work search or availability requirements imposed on them for 6 months following bereavement." The Childhood Bereavement Network and St. Christopher's have said that six months is not long enough, particularly for bereaved parents. ²⁰³

101. The Department told us that conditionality could be eased further at the discretion of Work Coaches so that it "will be tailored according to the claimant's personal circumstances and capabilities." ²⁰⁴ If a claimant can demonstrate that circumstances, such as their child's distress, are having an impact on their work search, then they can apply for an additional suspensions on conditionality. They will be able to apply for an additional one-month suspension, once every six months, for up to two years. Alison Penny said that this is "probably going to be more trouble than it's worth for families." ²⁰⁵

102. Paul Gray told us that SSAC also had reservations about the Department's proposals for further easing conditionality:

[W]e are very conscious that the pressures and demands on work coaches dealing with a whole multitude of different family circumstances presenting themselves under the new system is going to be quite demanding. The concern in this particular context would be: how well are those front-line staff trained and experienced to deal with the issues and dynamics that flow from the things Alison has been saying about the particular impact of bereavement, particularly on children?²⁰⁶

Pete Searle acknowledged that the Work Coach role would be challenging but assured us that he thought they would "rise to that challenge." ²⁰⁷

103. The success of Universal Credit rests heavily on the ability of Work Coaches to assess the individual circumstances of a claimant and bereavement is yet another

²⁰² Department for Work and Pensions (BVB0039)

²⁰³ Childhood Bereavement Network and the National Bereavement Alliance (BVB0035) and St Christopher's Hospice (BVB0030)

²⁰⁴ Department for Work and Pensions (BVB0039)

²⁰⁵ Q65 (Alison Penny)

²⁰⁶ Q68 (Paul Gray)

²⁰⁷ Q148 (Pete Searle)

area in which they will need to exercise judgement. The Government should reflect on whether this additional burden to Work Coaches is the right approach and we will consider their role in more detail in our inquiry into the future of Jobcentre Plus.

Conclusion

104. We broadly welcome the Government's proposed changes to bereavement benefits and many of them are long overdue. The recommendations we have made are relatively small adjustments that would ensure better support for the bereaved, particularly bereaved children and people on low incomes.

Conclusions and recommendations

Simple funerals: definition and cost

- 1. The original Funeral Expenses Regulations made provision for a simple funeral service for those otherwise unable to afford one. The removal of any listed items in the Regulations, and the freezing of the £700 cap for the last 13 years, has devalued the SFFP to the point where it does not cover a simple funeral. (Paragraph 23)
- 2. We recommend the Government negotiate a reasonable cost of, and items required for, a simple funeral with the National Association of Funeral Directors and The National Society of Allied & Independent Funeral Directors. Those funeral homes that agree to offer such a funeral should be signposted in Government communications and public services for the bereaved. Furthermore, these funeral homes should be accredited as part of a fair funeral scheme. (Paragraph 24)
- 3. We recommend the Funeral Expenses Regulations be amended to set out the essential items for a simple funeral. This should include items such as the collection and care of the deceased and a coffin. The capped element of the payment should reflect the cost of a simple funeral, as negotiated with industry bodies. The capped element should then be index-linked. (Paragraph 25)

The experience of the bereaved

4. We are concerned by the lack of protection in the market for bereaved customers, particularly those on low incomes. They are vulnerable and may not be inclined to shop around. This is not conducive to effective operation of the market. We did not set out to evaluate the funeral director market and a detailed analysis is beyond the scope of this inquiry. It is clear however, that any improvement to SFFPs must address the combination of factors driving up funeral director fees. We have passed relevant evidence from our inquiry to the Competition and Markets Authority for review. (Paragraph 33)

Eligibility

- 5. We recommend that DWP introduce an eligibility checker for SFFPs that gives claimants three key pieces of information: whether they are eligible; how much they could receive; and options for approved local funeral directors and their fees. An eligibility checker would put claimants in a stronger position when arranging a funeral, make the complex nature of the payment clearer and help claimants make an informed choice about which funeral director they use. The eligibility checker should do the following:
 - It should be made explicit at the start of the eligibility check that if there is a close relative of the deceased who is not on qualifying benefits the claimant may not be eligible for an award. The definition of a 'close relative' should also be stated;

- Eligibility should then be determined through a series of questions. It should be made clear that the calculator only informs the claimant whether they are likely to be eligible, so as not to be misleading.
- The calculator should give an indicative amount of how much the claimant could receive. Using information on local authority charges for burial and cremations in the claimant's area, the calculator could provide a relatively accurate amount for this element of the SFFP.
- Based on information provided by the claimant, the calculator should tell the claimant how much they could receive in addition to the burial or cremation cost.
- It should be made clear to the claimant that, whilst the burial and cremation element of the payment is uncapped, this does not necessarily mean that whatever they paid will be matched. This is the case even if a higher burial cost is for religious reasons.
- Finally, the calculator should list funeral directors local to the claimant, their fees for a simple funeral and what the funeral would include. This would allow the claimant to make an immediate comparison between potential state support and funeral costs in their area. This function could be similar to that offered by the website yourfuneralchoice.com but should only signpost to companies that have agreed to offer a fair low-cost funeral. (Paragraph 44)

Application form

- 6. We agree with the principle that individuals should look to make financial provision for their own funeral, wherever this is at all possible. Where this has not happened it is right that family or friends should make provision. The state should be the last resort. We recommend that the SF200 claim form be amended to make it clear to claimants that the DWP will not make an award where another close relative could pay for the funeral. As far as possible the form should be shortened and simplified and DWP should consider including 'don't know' response boxes. (Paragraph 49)
- 7. We recommend that the Department review whether the bar for assessing other relatives' relationship with the deceased is set at the right level. The current requirement may be inadvertently excluding some claimants who should receive an award and lowering the bar may help to bring down application processing time. (Paragraph 50)

Wider communication

8. We recommend that leaflets on funerals should be made available in hospices and registry offices, and discreetly available in hospitals. They should include information on applying for SFFPs and using the Tell Us Once service and Bereavement Service. They should also direct people to approved funeral directors and give information about both fees and local charges for burials and cremations. (Paragraph 54)

Conclusion on the wider landscape

9. We recommend that the UK Government follows the approach of the Scottish Government and acts to tackle the systemic causes of funeral inflation. The Government should conduct a cross-Departmental review of burials, cremations and funerals. This coordinated review should look to make recommendations that have a long-term impact on funeral inflation and work to reduce funeral poverty. (Paragraph 67)

Bereavement benefits

10. We broadly welcome the Government's proposed reforms to bereavement benefits. Many of the changes are overdue. There are three areas, however, that merit further consideration by the Government: the treatment of bereaved cohabitees with children, the length of the new BSP and interactions with Universal Credit. (Paragraph 73)

Cohabitees with dependent children

11. Bereaved parents face increased expenses because of their responsibility to their children. The needs of bereaved children of cohabiting parents are no different to those whose parents were married or in a civil partnership. Penalising children on the grounds of the marital status of their parents is unjust. (Paragraph 83)

Cost of extension

12. The cost of extending the Bereavement Support Payment to cohabitees with dependent children is low, relative to the overall cost of the system. The reforms are also projected to deliver a medium-term saving to the Department, and the cost to HMRC is uncertain. The reform was not designed to save money, but savings are predicted to increase. Following a recent case in Northern Ireland, the DWP may be forced to reverse its position and we urge the Department to take positive action now rather than wait for a challenge in the courts. We recommend that the Bereavement Support Payment be extended to cohabiting couples with dependent children, using medium-term savings from the bereavement benefits reform. (Paragraph 87)

Cost of lengthening the duration

13. The financial impact of bereavement can, and often will, last much longer than one year or 18 months. Stopping after a year is particularly problematic however, as it is the anniversary of the death. We are also unconvinced by the argument that a longer period of monthly payments would be administratively more complex and expensive. We recommend that the Department adopt a cost-neutral method of extending the BSP to 18 months through a reduction in the lump-sum payment. The Department should consider extending the monthly payments further, as part of its forthcoming review. (Paragraph 95)

Widowed Parent's Allowance and UC

14. It is wholly unsatisfactory that the poorest WPA claimants are set to suffer a net loss under Universal Credit. This problem has been described as a technicality and we can only assume it was unanticipated. The Department's solution is unworkable and unnecessarily complicated, and it does nothing to retain the value of WPA for the poorest claimants. The logical solution is to exempt them. We recommend that WPA be removed from the list of benefits treated as 'income other than earnings' for the purposes of Universal Credit. We recommend that WPA be removed from the list of benefits treated as 'income other than earnings' for the purposes of Universal Credit. (Paragraph 99)

Conditionality

15. The success of Universal Credit rests heavily on the ability of Work Coaches to assess the individual circumstances of a claimant and bereavement is yet another area in which they will need to exercise judgement. The Government should reflect on whether this additional burden to Work Coaches is the right approach and we will consider their role in more detail in our inquiry into the future of Jobcentre Plus. (Paragraph 103)

Formal Minutes

Wednesday 23 March 2016

Members present:

Rt Hon Frank Field, in the Chair

Heidi Allen Steve McCabe

Mhairi Black Craig Mackinlay

Ms Karen Buck Jeremy Quin

John Glen Craig Williams

Richard Graham

Draft report (Support for the bereaved), proposed by the Chair, brought up and read.

Ordered, That the draft Report be read a second time, paragraph by paragraph.

Paragraphs 1 to 104 read and agreed to.

Summary agreed to.

Resolved, That the Report be the Ninth Report of the Committee to the House.

Ordered, That the Chair make the Report to the House.

Ordered, That embargoed copies of the Report be made available, in accordance with the provisions of Standing Order No. 134.

[Adjourned till Wednesday 13 April at 9.15 a.m.

Witnesses

The following witnesses gave evidence. Transcripts can be viewed on the <u>inquiry publications</u> page of the Committee's website.

Wednesday 6 January 2016

Question number

Lucy Coulbert, Managing Director, The Individual Funeral Company, Coulbert Family Funerals, **Nigel Lymn Rose**, National Association of Funeral Directors, **Mohamed Omer**, Muslim Council of Great Britain, and **Melvyn Hartog**, United Synagogue

Q1-53

Wednesday 13 January 2016

Paul Gray, Chair, Social Security Advisory Committee, **Professor John Ditch,** Social Security Advisory Committee, and **Alison Penny,** Co-ordinator, Childhood Bereavement Network

Q54-103

Wednesday 27 January 2016

Simon Cox, Royal London Group

Q104-123

Baroness Altmann, Minister of State for Pensions, Department for Work and Pensions, **Michelle Dyson,** Director, Children, Families and Disadvantage, Department for Work and Pensions, and **Pete Searle,** Director, Working Age, Department for Work and Pensions

Q124-166

Published written evidence

The following written evidence was received and can be viewed on the <u>inquiry publications</u> page of the Committee's website.

BVB numbers are generated by the evidence processing system and so may not be complete.

- 1 Aviva (BVB0053)
- 2 Buckingham Club (BVB0036)
- 3 C.P.J. Field & Co. Ltd (BVB0041)
- 4 Carers UK (BVB0026)
- 5 Centre for Death and Society (BVB0018)
- 6 Child Funeral Charity (BVB0009)
- 7 Childhood Bereavement Network (BVB0035)
- 8 Childhood Bereavement Network (BVB0051)
- 9 Childhood Bereavement Network (BVB0052)
- 10 Citizens Advice Scotland (BVB0025)
- 11 Clive Evans (BVB0007)
- 12 Contact a Family (BVB0046)
- 13 Cruse Bereavement Care (BVB0032)
- 14 Department for Work and Pensions (BVB0048)
- 15 Department for Work and Pensions (BVB0049)
- 16 Department for Work and Pensions (BVB0039)
- 17 Derbyshire Districts Citizen's Advice (BVB0016)
- 18 Dr Liam Foster (BVB0005)
- 19 Institute of Cemetery & Crematorium Management (BVB0022)
- 20 Kane Family Funerals Ltd (BVB0004)
- 21 Kensington Citizens Advice Bureau (BVB0011)
- 22 Kevin Chapman (BVB0047)
- 23 Local Government Association (BVB0027)
- 24 Lucy Coulbert (BVB0043)
- 25 Marie Curie (BVB0021)
- 26 Mark Shaw Funeral Services Ltd (BVB0019)
- 27 Mrs Elizabeth Newton (BVB0024)
- 28 Mrs Emma Johnson (BVB0010)
- 29 National Association of Funeral Directors (BVB0045)
- 30 National Association of Funeral Directors (BVB0037)
- 31 Oxley's Funeral Services (BVB0044)
- 32 Peabody (BVB0013)
- 33 Professor Neville Harris (BVB0012)

- 34 Quaker Social Action (BVB0033)
- 35 Quaker Social Action (BVB0042)
- 36 R J Burgess Funeral Directors (BVB0006)
- 37 Retired Ken West MBE (BVB0002)
- 38 Rowcroft Hospice (BVB0014)
- 39 Royal London Group (BVB0029)
- 40 Saif (BVB0023)
- 41 Scottish Working Group on Funeral Poverty (BVB0031)
- 42 St Christopher's Hospice (BVB0030)
- 43 The Charity for Civil Servants (BVB0017)
- 44 The Funeral Funding Service CIC (BVB0020)
- 45 The Individual Funeral Company (BVB0001)
- 46 The Royal British Legion (BVB0038)
- 47 University of Dundee (BVB0003)

List of Reports from the Committee during the current Parliament

All publications from the Committee are available on the <u>publications page</u> of the Committee's website.

The reference number of the Government's response to each Report is printed in brackets after the HC printing number.

Session 2015–16

First Report	Pension freedom guidance and advice	HC 371 (Cm 9183)
Second Report	Welfare to work	HC 363
Third Report	A reconsideration of tax credit cuts	HC 548
Fourth Report	Benefit delivery	HC 372
Fifth Report	The local welfare safety net	HC 373
Sixth Report	Understanding the new state pension - interim report on pension statements	HC 550
Seventh Report	Communication of state pension age changes	HC 899
Eighth Report	Communication of the new state pension	HC 626
First Special Report	Progress with automatic enrolment and pension reforms: Government and Financial Conduct Authority responses to the Committee's Fourth Report of Session 2014–15	HC 375
Second Special Report	Improving Access to Work for disabled people: Government response to the Committee's Second Report of Session 2014–15	HC 386
Third Special Report	Benefit Sanctions: Beyond the Oakley Review: Government Response to the Committee's Fifth Report of Session 2014–15	HC 557
Fourth Special Report	Pension freedom guidance and advice: Financial Conduct Authority Response to the Committee's First Report of Session 2015–16	HC 719
Fifth Special Report	Welfare-to-work: Government Response to the Committee's Second Report of Session 2015–16	HC 720
Sixth Special Report	The local welfare safety net: Government response to the Committee's Fifth Report of 2015–16	HC 924