



House of Commons
Work and Pensions Committee

Bereavement Support Payment

First Report of Session 2019–20

*Report, together with formal minutes relating
to the report*

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Work and Pensions Committee

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Contents

Summary	3
Evaluating Bereavement Support Payment	3
Cohabitation and eligibility for Bereavement Support Payment	3
Duration of Bereavement Support Payment	4
Claiming Bereavement Support Payment	4
1 Bereavement Support Payment	7
Development of Bereavement Support Payment	8
Our inquiry	10
2 How is Bereavement Support Payment working?	11
How is Bereavement Support Payment used?	11
Evaluating Bereavement Support Payment	12
Savings	13
Duration	13
Claiming Bereavement Support Payment	15
Interaction with Universal Credit	17
Universal Credit conditionality	18
3 Cohabitees and eligibility	20
Our predecessor Committee's report	20
Cohabitation and Bereavement Support Payment	20
The McLaughlin judgment	23
Legislative options open to the Government	24
Policy options to extend eligibility to bereaved cohabitees	25
Making children directly eligible	25
Recognising cohabitation	26
Conclusions and recommendations	28
Formal minutes	31
Witnesses	32
Published written evidence	33
List of Reports from the Committee during the current Parliament	34

Summary

Bereavement Support Payment (BSP) is the Government's main bereavement benefit. When someone dies BSP is paid to their surviving spouse or civil partner. It is made up of a lump sum payment followed by up to 18 monthly payments. BSP has two rates, depending on whether the surviving spouse or civil partner is eligible for child benefit (higher rate) or not (lower rate).

Bereavement Support Payment provides vital support for people at a difficult time in their lives, which often creates financial pressures. The BSP lump sum is often used to meet one-off costs such as a funeral, or to pay off a mortgage or debts, and the monthly payments to help meet new daily living costs.

Evaluating Bereavement Support Payment

The Department for Work and Pensions (DWP/the Department) told us that it plans formally to evaluate Bereavement Support Payment when it has sufficient data. The Minister could not tell us, however, when this was likely to be. It is not clear to us why, given that according to the Department's own estimates there have been almost 100,000 BSP claims since the benefit was introduced in 2017, the Department thinks that the evidence base is not yet adequate. The Department should begin to evaluate Bereavement Support Payment at the beginning of 2020.

Cohabitation and eligibility for Bereavement Support Payment

The Government has argued that extending eligibility for Bereavement Support Payment to bereaved cohabittees would create complexities, arguing that cohabitation is “not a straightforward concept” and could lead to “multiple claims”. Cohabitation is, however, already a familiar concept in the benefits system.

Bereaved cohabittees with dependent children face similar costs of bereavement to other families—exactly the sort of costs that BSP is intended to mitigate. Losing a parent or a partner is devastating regardless of whether the surviving parent was married or cohabiting. There is no good reason to deny Bereavement Support Payment to families with unmarried couples. The Government needs urgently to rectify this injustice.

The Government has not yet responded to the Supreme Court's ruling in the McLaughlin case—which found that the Government's policy not to pay Widowed Parent's Allowance to bereaved cohabittees with dependent children was incompatible with the European Convention on Human Rights—over a year after it was given.¹ The Minister told us that the Government was committed to resolving the incompatibility but that it had not yet identified a suitable solution.

The McLaughlin ruling did not apply directly to Bereavement Support Payment, but the same central principle applies. The fact that BSP is paid at a higher rate to those

¹ Widowed Parent's Allowance is a bereavement benefit paid to a surviving spouse or civil partner of a person who died before 6 April 2017, where they are eligible for child benefit for at least one child and the person who died was their parent. BSP replaced Widowed Parent's Allowance (and two other bereavement benefits) from 6 April 2017.

with dependent children must be because the Government assumes those families face higher immediate costs as a result of bereavement. The financial cost of the death of a parent to families with dependent children is no less because their parents were not married. The Government should respond by making cohabitants eligible both for Widowed Parent's Allowance and Bereavement Support Payment having failed to come up with any alternative to this practical solution.

There are several possible ways to do this. One option would be to make bereaved children directly eligible for bereavement benefits, which can then be claimed by the surviving partner on their behalf. This is common in European countries, although the Minister told us he was not currently considering this option. This option would resolve the issue of marital status but would exclude bereaved cohabitants without dependent children. The Government could alternatively simply recognise cohabitation, for example, as it has done in its proposal for a draft Remedial Order to the Fatal Accidents Act 1976. However, each option may have potential unintended consequences.

The Minister told us that the delay in responding to the ruling was necessary to “ensure that we make the right decision” given the potential for unintended consequences. We regret that the Department has not shown this caution in its approach to the introduction and rollout of Universal Credit, the Government's flagship reform of social security. An obvious option would be to consult on the best way to make cohabitants eligible for bereavement benefits, which could bring any unintended consequences to light, and allow the Government to draw upon the widest base of expertise. It is unclear why the Department has not yet produced a consultation on this issue given it claims it is very difficult to solve.

Duration of Bereavement Support Payment

The monthly payments of BSP are paid for 18 months. The Department told us that the benefit was not paid for longer because it was designed only to meet the immediate costs that would arise from a bereavement and was not intended as a longer-term replacement for income. However, 18 months is not long enough for many bereaved families to adjust to their new circumstances. The costs arising from a bereavement can continue for a long period—in many cases longer than 18 months. The Department should consider extending the period for which BSP is paid.

Claiming Bereavement Support Payment

Bereavement Support Payment must be claimed within three months of the death to receive monthly payments for the full 18 months. Claims can be made up to 21 months after the death, but the payments will then be reduced. The short time limit for applying for BSP means that it is too easy for potential claimants to miss out on vital support at what can be a very difficult time to manage for many people. The Government should increase the time limit for full entitlement to at least six months and take further evidence on the most appropriate time limit for making an application during their evaluation of BSP.

The duration for which BSP is paid recognises, to some extent, the devastating impact that the death of a parent or carer can have on a household and the time needed to

adjust. Universal Credit claimants whose partner dies are usually required to look for work after six months. For some this may be appropriate but for many people, this will be far too short. It may fail to take account of individuals' different circumstances and the potential effect of bereavement on their lives. We recommend that Work Coaches are given the discretion to lift work-related requirements for bereaved Universal Credit claimants for up to 18 months after the six month "easement".

1 Bereavement Support Payment

1. Bereavement Support Payment (BSP) is the Government's main bereavement benefit. It was introduced on 6 April 2017. BSP replaces three previous bereavement benefits—Bereavement Payment, Bereavement Allowance, and Widowed Parent's Allowance.² The table below sets out the main differences between Bereavement Support Payment and legacy bereavement benefits:

Table 1: Main differences between legacy bereavement benefits and Bereavement Support Payment

	Legacy bereavement benefits	Bereavement Support Payment
Components	Bereavement Payment (BP) Bereavement Allowance (BA) Widowed Parent's Allowance (WPA)	Bereavement Support Payment (BSP)
Payment period	BP —one off lump sum BA —52 weeks WPA —Until Child Benefit (CHB) ceases	Up to 18 months
Rate of payment	BP —lump sum £2,000 BA —depends on age when bereaved and the deceased person's NI record. Maximum amounts £34.11 a week at age 45 to £113.70 a week for those aged 55 or over WPA —up to £108.30 a week, depending on deceased's NI record	£3,500 initial payment + £350 per month for up to 18 months for those with dependent children £2,500 initial payment + £100 per month for up to 18 months for those without children
Widowed parents	WPA ceases once CHB award ceases	No change of rate if child is no longer included in CHB award
Have to be married/in civil partnership	Yes	Yes

² As of February 2019, there are 32,381 people claiming Widowed Parent's Allowance, receiving £112.39 per week on average (DWP, Stat-Xplore). Some people may still be eligible for Bereavement Payment, but DWP does not publish any Official Statistics on how many people receive Bereavement Payment. There are no longer any active claims of Bereavement Allowance.

	Legacy bereavement benefits	Bereavement Support Payment
Age requirements	<p>BA—no entitlement if under age 45 and age related payment from 45 to State Pension Age (SPA)</p> <p>WPA—No entitlement once claimant reaches SPA</p> <p>BP—No entitlement if claimant is over SPA and the late spouse was entitled to a Category A State pension at date of death</p>	No—Marrying, cohabiting or entering a civil partnership does not affect payments.
Contribution conditions	Complex—range of contribution conditions apply to existing benefits	Simplified—only 1 contribution condition will apply to BSP
Taxable	Yes, except for BP	No, all payments are tax-free
Affects payment levels or eligibility for income-related benefits such as Universal Credit	Yes	No
Annual increases awarded	Yes	The rates of BSP may be subject to periodic review however once the award is made the amount will remain the same until the award ceases
Affected by remarriage/repartnering/living with another	Yes—payments cease	No

Source: House of Commons Library, [Bereavement Support Payment](#), CBP-7887

2. Bereavement Support Payment is paid to a surviving spouse or civil partner. It is made up of a lump sum payment followed by up to 18 monthly payments. BSP has two rates, depending on whether the surviving spouse or civil partner is eligible for child benefit. If they are, they are entitled to the higher rate; if not, they are entitled only to the lower rate. The current rates of BSP are set out in Table 2 below.

Table 2: Rates of Bereavement Support Payment

	Initial lump sum	Monthly payments
Higher rate	£3,500	£350
Lower rate	£2,500	£100

Source: [GOV.UK: Bereavement Support Payment](#)

Development of Bereavement Support Payment

3. Bereavement Support Payment is intended to help people meet the immediate additional financial costs faced following a bereavement. Unlike benefits such as Universal Credit, it is not intended as a longer-term replacement for income.³

3 [Q120](#); [Q129](#); Department for Work and Pensions ([SFB0006](#))

4. The Government set out its objectives for Bereavement Support Payment in its 2011 consultation paper, *Bereavement Benefit for the 21st Century*.⁴ These objectives were:

- a) to simplify the payment and contribution conditions;
- b) to make bereavement benefits more accessible; and
- c) for the system to be fair to both the claimant and the taxpayer whilst promoting self-dependency.⁵

5. Our predecessor Committee published its report on bereavement benefits, *Support for the bereaved*, in 2016. At that time, Bereavement Support Payment was being designed but had not yet been implemented. Our predecessor Committee welcomed the Government's proposals. However, it recommended that the Department, on a cost-neutral basis, reduce the initial lump sum payment and monthly instalment rates set out in its consultation so that the monthly payments would be paid over 18 months, rather than 12.⁶ The Government accepted this recommendation. Our predecessor Committee also recommended that Bereavement Support Payment be paid to bereaved cohabitants with dependent children. The Government rejected this recommendation.⁷

Box 1: Our predecessor Committee's conclusions and recommendations on Bereavement Support Payment in *Support for the bereaved*

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 cohabitants with children, the length of the new BSP and interactions with Universal Credit. (Paragraph 73)

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)

The cost of extending the Bereavement Support Payment to cohabitants 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)

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

4 GOV.UK, [Bereavement Benefit for the 21st Century](#)

5 Department for Work and Pensions (SFB0006)

6 Work and Pensions Committee, [Support for the bereaved](#), Ninth Report of Session 2015–16 (HC 551), para 95

7 Work and Pensions Committee, [Support for the bereaved](#), Ninth Report of Session 2015–16 (HC 551), para 87; Work and Pensions Committee, [Support for the bereaved: Government Response to the Committee's Ninth Report of Session 2015–16](#), Second Special Report of Session 2016–16 (HC 230)

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)

Source: Work and Pensions Committee, Support for the bereaved, Ninth Report of Session 2015–16 (HC 551)

Our inquiry

6. We launched our inquiry two years after Bereavement Support Payment was first introduced. We wanted to find out how well BSP was working for claimants, and how it could be improved. We are very grateful to all the individuals and organisations who gave evidence to the inquiry. We are particularly grateful to Joana Crookall, Kathryn Ford, Nikki Haxton-Jones, Joana Niemeyer, Fiona Shakesby, and Lalena Walkley, who shared with us their personal experiences after the death of their partners.

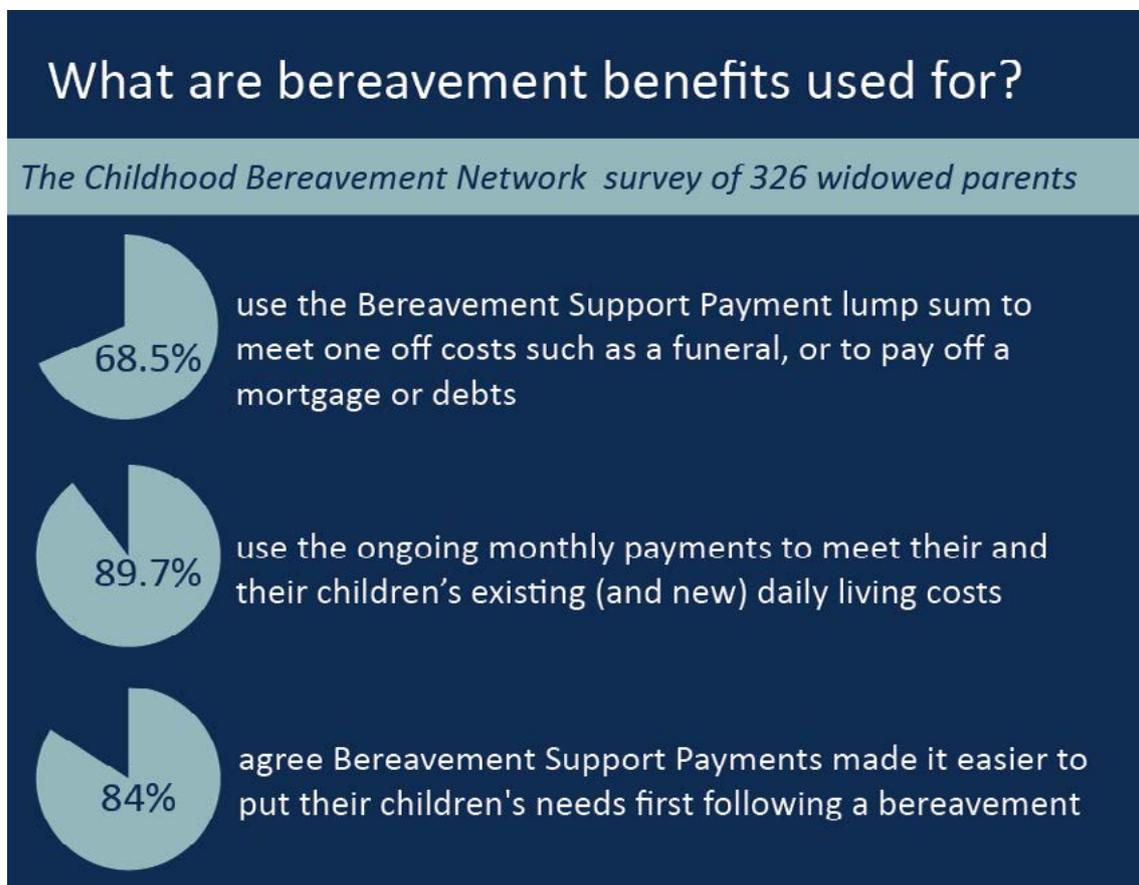
2 How is Bereavement Support Payment working?

7. Bereavement Support Payment provides vital financial support for people at a difficult time in their lives, when they are likely to be subject to new financial pressures.

How is Bereavement Support Payment used?

8. The Childhood Bereavement Network (CBN) told us that BSP had helped to reduce some of the immediate financial pressure following a bereavement for many families.⁸

Figure 1: What are bereavement benefits used for?



Source: Childhood Bereavement Network ([SFB0013](#))

9. The CBN ran an online survey of 326 widowed parents between April and May 2019 to find out about their experiences of bereavement benefits. Almost seven in ten parents (68.5%) said they used the BSP lump sum to meet one off costs such as a funeral, or to pay off a mortgage or debts. Nine in ten (89.7%) parents used the ongoing monthly payments “to meet their and their children’s existing (and new) daily living costs”. In some cases this involved using the monthly payments to allow a reduction in working hours or a phased

return to work. CBN also found that some parents used BSP to pay for bereavement counselling. The vast majority (84%) of respondents said that BSP made it easier for them to put their children’s needs first following a bereavement.⁹

Evaluating Bereavement Support Payment

10. The Department told us in written evidence that it plans “to formally evaluate its [BSP’s] effects once sufficient evidence is available to assess all aspects of the policy”.¹⁰ We asked the then-Minister for Family Support, Housing and Child Maintenance, Will Quince MP (the Minister), when this was likely to be. He responded:

The honest answer is that it is hard for me to say, but I am working very closely with officials. As soon as we do have sufficient data—and we meet very regularly to discuss that—I want to do a full evaluation.¹¹

11. Helen Walker, DWP’s Deputy Director for Children, Families and Disadvantage, explained that a delay was necessary to give the benefit time to “bed in”, and in order to evaluate outcomes. This meant that a large number of claimants would need to have had their claims come to an end, which would take a minimum of eighteen months following a death:

Obviously, it is a benefit that lasts a fairly long time. In the evaluation, we want to look at a whole range of things, including looking at people by age, by gender, by other sources of income, how BSP would interact with other benefits, and what people’s outcomes are after they have flowed off the benefits. We obviously want to give the benefit plenty of time to bed in as well, so we are working very closely with analysts to make sure that we have the sort of numbers we need to do a very thorough and robust analysis.¹²

12. The Minister explained that the data collected would seek to capture and reflect the lived experience of BSP claimants:

The key is going to be the evaluation, because that is going to give us that robust dataset, and also that lived experience from those individuals. I have been clear with officials: I want to drill down into as much detail as possible.¹³

13. There are currently 62,000 BSP claims in payment, and 25,000 claims which have come to an end.¹⁴ Given that there are around 3,500 new claims per month,¹⁵ there will now have been almost 100,000 total claims since BSP was introduced.¹⁶

9 Childhood Bereavement Network ([SFB0013](#))

10 Department for Work and Pensions ([SFB0006](#))

11 [Q110](#)

12 [Q111](#)

13 [Q116](#)

14 [Q110](#)

15 [Q110](#)

16 As of October 2019.

14. We do not doubt the intention of the Department to undertake a full and robust evaluation of Bereavement Support Payment. We welcome the Department's commitment to ensuring that such an evaluation uses the best possible evidence base. But BSP has now been claimed by almost 100,000 households. It is not clear to us why the Department still thinks that the evidence base for BSP is not yet adequate.

15. *We recommend that the Department begin to evaluate Bereavement Support Payment at the start of 2020 and should set out its plan for doing so in response to this report. As part of this evaluation, it should consider:*

- a) *The duration for which BSP is paid;*
- b) *The time limit for applying for BSP; and*
- c) *Making cohabittees eligible for BSP.*

We discuss these issues further below.

Savings

16. Ministers told our predecessor Committee that the introduction of Bereavement Support Payment was not designed to make savings.¹⁷ The Department reiterated this position during our inquiry.¹⁸ When Bereavement Support Payment was introduced, DWP forecast that spending on bereavement benefits would be £100m less in 2020/21 than if the reforms had not been introduced and legacy bereavement benefits (as set out in table 1 above) had continued. The Minister, however, told us that although he expected the spending on BSP to fall significantly in year three of the policy, he did not anticipate any net savings from the policy within the spending review period to 2019/20.¹⁹ The Department further told us that it did not have any more recent estimates of future savings, in part because the policy might be altered following the Department's evaluation.²⁰

Duration

17. Many witnesses told us that the monthly payments of BSP should be paid for a longer period.²¹

18. The Department told us that the benefit was not paid for longer because it was designed only to meet the immediate costs that would arise from a bereavement. BSP was not intended as a longer-term replacement for income.²² This is a change from legacy bereavement benefits, such as Widowed Parent's Allowance, which were paid for a longer period and were taxable.

19. However, our witnesses explained that the costs arising from a bereavement can continue for a long period—longer than the 18 months for which BSP is currently paid. Joana, who was bereaved in May 2018, told us:

17 Work and Pensions Committee, [Support for the bereaved](#), Ninth Report of Session 2015–16 (HC 551), para 86

18 [Q124](#)

19 [Q125](#)

20 [Q126](#)

21 [Qq4–9](#); [Q21](#); [Q48](#); Aviva ([SFB0011](#)); Ros Altmann ([SFB0017](#)); Marie Curie ([SFB0010](#)); Sue Ryder ([SFB0012](#))

22 [Q120](#); [Q129](#); Department for Work and Pensions ([SFB0006](#))

18 months isn't long enough, because the emotional and financial impact of the death of a spouse leaves the whole family in such chaos. You have to take it in steps, both emotionally and financially, to ameliorate the situation. [...] Just 18 months—it took me a year to be able to face my husband's death; it was on 23 May. Just a little bit more time would make a difference financially. Now, we have to think about November, which is when the payments are going to stop.²³

Baroness Altmann, a former DWP Minister who oversaw the introduction of BSP, agreed:

Most widowed parents and their children will take much longer than 18 months to adjust. Yet the new Bereavement Support Payment seems to suggest they should be fine by then.²⁴

20. We heard that the grieving process varies from household to household, which makes it difficult to set a length of time for which bereavement benefits should be paid. Scott Sinclair, Head of Policy and Public Affairs at Marie Curie, observed that parents often take longer to adjust to a bereavement due to the grief of their children:

When we are talking about timelines, there is a mistake in treating grief as an injury that gets better over time. What we see a lot of now, particularly in parents, is putting managing their own grief to one side for their children during the first year, and actually it is the second year, for example, when grief will really hit.²⁵

21. Sarah Gigg, Director of Nursing at Sue Ryder, suggested that there was a need for further research and consideration in light of the factors that would determine an approach length of payment:

It is really important to gather more information about that from a variety of people in a similar need. Most people would say that 18 months is not sufficient time to overcome the challenges, and many people are not ready to go back to work after a year or two years. It takes time to rebuild lives, particularly when there are dependants in the family, be they children or other people who need caring for. People have conditions themselves and could be on medication. We know that bereavement can exacerbate conditions or lead to other conditions, such as mental ill health.²⁶

Scott Sinclair agreed:

A lot of the arbitrary deadlines and timelines that the DWP has need a much more thorough evidence base behind them—this one included.²⁷

23 [Q7](#)

24 [Ros Altmann \(SFB0017\)](#)

25 [Q48](#)

26 [Q48](#)

27 [Q48](#)

Box 2: Joana's story

My husband passed away in May 2018 and I've been getting Bereavement Support Payment for 12 months now. The payment will end in six months' time and whilst I am sincerely grateful for this support, I cannot help but worry about further future financial strain.

My husband was a self-employed plumber and the sole breadwinner. Prior to becoming self-employed he worked as a hotel engineer for many years paying both taxes and National Insurance. He left behind a 4-year-old daughter currently being diagnosed with autism and I have been strongly recommended by the paediatrician to enrol her into a specialist nursery at a cost. I will be relying on some of the Bereavement Support to help pay for her care.

When applying for BSP I was painfully aware of the fact that there had been changes by the DWP which meant a significantly reduced / limited amount of time for this payment. My view is that in many circumstances 18 months will just not be long enough to adjust to the significant emotional changes and psychological impact in a bereaved person's life, let alone the financial changes that come with losing someone you were either entirely financially dependent on or relied partly on.

Source: Widowed and Young ([SFB0014](#))

22. BSP is paid for a maximum of eighteen months after the death of a partner. But 18 months is not long enough for many bereaved families to come to terms with the emotional and financial implications of their new circumstances. Nor too will the immediate costs of bereavement have passed by then. We recommend that the Department extend the period for which BSP is paid and consult on the most appropriate duration. This should form part of the Department's evaluation of BSP.

Claiming Bereavement Support Payment

23. Bereavement Support Payment must be claimed within three months of the death to receive monthly payments for the full 18 months. Claims can be made up to 21 months after the death, but the payments will then be reduced.²⁸ This means that if potential claimants are not informed about BSP at an early stage, they can easily receive less generous payments or miss out on eligibility altogether.²⁹

24. The Department told us in written evidence that registrars routinely tell an individual registering a death to notify DWP and to consult GOV.UK, in order to access any support that might be available. The Department also said that its Bereavement Service tells people about their entitlement to any benefits when they use the Tell Us Once service.³⁰

25. The Childhood Bereavement Network asked participants in their survey how they had heard about BSP. Many had heard from family or friends (27%), or through their own research (22%), but many had also heard through Tell Us Once, the registrar, or DWP's Bereavement Service Helpline (39%). Whilst this is broadly encouraging, CBN also found

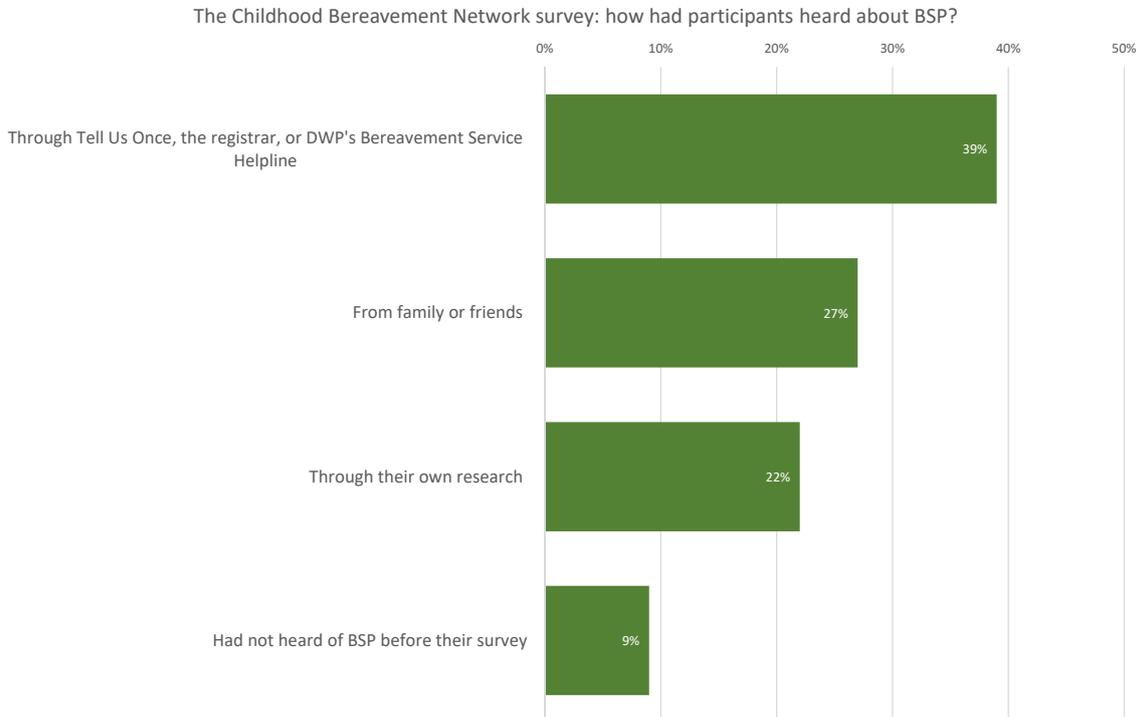
28 [GOV.UK: Bereavement Support Payment](#)

29 Marie Curie ([SFB0010](#))

30 Department for Work and Pensions ([SFB0006](#)). The Tell Us Once Service is a Government initiative which means that individuals do not have to inform multiple departments or agencies of a death.

that 9% of respondents had not heard of BSP before their survey; and of respondents who had heard of BSP before the survey, 4.7% did not hear of the payment until four or more months after the death and so missed out on their full entitlement.³¹

Figure 2: How did people hear about Bereavement Support Payment?



Source: Childhood Bereavement Network ([SFB0013](#))

26. The National Association of Funeral Directors told us that they had held a survey of their members’ views on bereavement benefits. Only one in ten (9.89%) of respondents agreed that “the new bereavement benefit has been promoted well and signposted clearly”; six in ten (62.63%) of respondents either disagreed or strongly disagreed. One respondent commented: “none of my clients have been aware of the financial help that is available to them.”³²

27. Widowed and Young, a peer support network for young widowed people, had come across cases where individuals had only heard of BSP through their network:

We are concerned that not everyone who is eligible for Bereavement Support Payments has heard about the support available. Several WAY members have told us that they only found out about Bereavement Support Payments after joining WAY rather than through official channels.³³

Joana told us that she was only told about BSP when she was applying for Funeral Expenses Payment:

I wasn’t aware of it until I called to find out about the funeral expenses. I had been given information about funeral expenses by my wellbeing officer at the GP service, so when the time came and I contacted the DWP, that was

31 Childhood Bereavement Network ([SFB0013](#))
 32 National Association of Funeral Directors ([SFB0016](#))
 33 Widowed and Young ([SFB0014](#))

when I was made aware that I could also apply for bereavement support. I understand that at the registrar there is some information that is put in together with Tell Us Once and everything, but I think there are only links to the gov.uk website; it does not speak about the bereavement support, as such.³⁴

28. People whose partner has died only have three months to apply for Bereavement Support Payment to receive their full entitlement, at what is likely to be of the most traumatic and busy periods of their lives. This short time limit for applying means that it is too easy for potential claimants to miss out on vital support, support which can ease the immediate financial pressures on grieving households following a death. We recommend that the Government increase the time limit for full entitlement to at least six months and take further evidence on the most appropriate time limit for application during its evaluation of BSP.

29. We welcome the steps the Government has taken to promote Bereavement Support Payment. But there is still room for improvement. Given the short time limit for applying for BSP, promoting it effectively is vital to ensuring that bereaved people get the support they need.

30. We recommend that the Government ensures that registrars advise those registering a death to check if they are eligible for Bereavement Support Payment. The Department should provide leaflets for registrars to distribute that explain the bereavement benefits to which people may be entitled and signpost to the Bereavement Service and Tell Us Once.

31. BSP is not taxable. However, the Childhood Bereavement Network told us that they had come across a small number of cases of people having their BSP taxed. This may be because the change of circumstances form for tax credits requires someone to declare if they receive Bereavement Allowance, a legacy bereavement benefit that BSP replaces. We heard that some people might assume this is a reference to BSP, especially given that BSP does not appear on the list of non-taxable benefits.³⁵

32. BSP is not taxable, but in a small number of cases people have had their BSP taxed. This may be because the tax credits claim form is unclear: in particular, claimants have to declare if they receive Bereavement Allowance—a separate, taxable benefit. We recommend that the Government update the tax credits change of circumstances form to clarify that BSP is not taxable and does not need to be declared.

Interaction with Universal Credit

33. Universal Credit (UC) is the Government's flagship welfare reform, which subsumes six benefits into one, paid as a single monthly payment in arrears. What a claimant will receive depends on their income from work, income from other sources (which includes some other benefits, or investment income), and capital (such as savings) which is converted into income for the purposes of calculating Universal Credit. If their other income increases, the amount of Universal Credit they receive will decrease.

34 [Q10](#)

35 Childhood Bereavement Network ([SFB0013](#)); Low Income Tax Reform Group ([SFB0015](#))

34. Monthly payments of BSP are not treated as unearned income for the purposes of Universal Credit, meaning that those payments do not affect any UC entitlement.³⁶ However, the one-off payment can be treated as capital for the purposes of calculating UC entitlement if it is not used within 12 months, which means an individual's UC entitlement may be reduced or stopped altogether, depending on how much other capital (such as savings) they have.³⁷ It is not clear to us why this is the case, given that BSP would normally be paid for 18 months. As we note above, we heard that parents may often take longer to grieve, and may therefore choose to use the lump sum to pay for therapy or other support in the second year of a bereavement.

35. Bereavement Support Payment is not counted as income when calculating entitlement for Universal Credit. It is therefore difficult to see why the lump sum payment of BSP is treated after one year as personal savings or capital when calculating Universal Credit entitlement, particularly since BSP is designed as an 18 month-long benefit. People who have not spent their BSP lump sum at that point, for whatever reason, could see their UC payments reduced or even stopped whilst their monthly BSP payments continue. We recommend that BSP should not be treated as capital for the purpose of other benefits, including Universal Credit, for the full duration of its payment.

Universal Credit conditionality

36. Anyone claiming Universal Credit must sign a "claimant commitment". This includes commitments to undertake certain activities such as applying for jobs. Claimants who do not sign a claimant commitment cannot receive Universal Credit, and claimants who do not comply with their conditions without good reason can be sanctioned. This means some of their UC entitlement is temporarily withdrawn. Someone who is expected actively to look for work as part of their claimant commitment and is bereaved is entitled to a six-month "easement". The easement temporarily lifts these requirements. If the claimant has children, the requirements can be suspended every six months for up to two years.³⁸

37. The Childhood Bereavement Network described applying conditionality requirements to bereaved people as "unnecessary, stigmatising and counterproductive".³⁹ Scott Sinclair, Head of Policy at Marie Curie, told us that there was no evidence base for choosing six months as the length of the easement:

There is a point here about the DWP coming up with these timeframes. I understand that they do a limited amount of research, but there just does not seem to be the evidence base to suggest that six months is an appropriate time. If you did that research properly, the answer that would come back is that it is uniquely individual.⁴⁰

36 Department for Work and Pensions, [Advice for decision-making: staff guide](#), H5068

37 Department for Work and Pensions, [Advice for decision making: staff guide](#), H2058

38 Department for Work and Pensions ([SFB0006](#))

39 Childhood Bereavement Network ([SFB0013](#))

40 [Q51](#)

38. Georgia Elms, Campaign Spokesman for Widowed and Young, reflected on her own experience of bereavement to suggest that six months was too short:

I was in a situation where I was on compassionate leave, but there was absolutely no way I could have been looking for a job at six months.[...] There doesn't seem to be any compassion in this, but there needs to be. Your whole life just changes. Your future has just gone. It has just imploded. It is this big shock. Having to go to interviews and so on, that is just not fair. The benefits system is supposed to be there to help people in need, and this just doesn't.⁴¹

39. Work Coaches are frontline DWP staff who work in Jobcentres. They have a broad role in agreeing Claimant Commitments, providing advice to claimants, and helping them to seek and prepare for work. Work Coaches are non-specialists and are given some discretion to agree and suspend some parts of a Claimant Commitment. Work Coaches have the discretion to suspend Universal Credit work-related conditions for longer than the initial six months in certain circumstances. Our predecessor Committee questioned whether this discretion was the right approach, concluding that the success of UC already “rests heavily on the ability of Work Coaches to assess the individual circumstances of a claimant” and that “bereavement is yet another area in which they will need to exercise judgement.”⁴²

40. Universal Credit claimants will usually be required to look for work six months after their partner has died. In many cases this will be far too short. The six month “easement” available to claimants, to exempt them from having to look for work, may be appropriate for some but may fail to take account of households’ different circumstances and the potentially seismic effect of bereavement on their lives.

41. *We recommend that Work Coaches are given the discretion to lift work-related requirements for bereaved Universal Credit claimants for up to 18 months after the six month “easement”.*

41 [Q54](#)

42 Work and Pensions Committee, [Support for the bereaved](#), Ninth Report of Session 2015–16 (HC 551), para 103

3 Cohabitees and eligibility

42. To be eligible for Bereavement Support Payment the surviving partner has to have been married to or in a civil partnership with the person who has died. The same was true of the benefits that BSP replaces (Bereavement Payment, Widowed Parent's Allowance and Bereavement Allowance). Widowed Parent's Allowance is still being paid to eligible spouses or civil partners where the person died before 6 April 2017.

Our predecessor Committee's report

43. In its 2016 report, *Support for the bereaved*, our predecessor Committee was concerned that bereaved cohabitees with children were not eligible for bereavement benefits. It concluded that the "cost of extending the Bereavement Support Payment to cohabitees with dependent children is low, relative to the overall cost of the system". It recommended "that the Bereavement Support Payment be extended to cohabiting couples with dependent children, using medium-term savings from the bereavement benefits reform".⁴³

44. The Government rejected the Committee's recommendation, citing difficulties in defining and proving cohabitation:

"proving cohabitation is a lengthy complex process which would be distressing, especially to the recently bereaved. It is not a straightforward concept and can be open to interpretation leading to delays and additional requirements for claimants".⁴⁴

Cohabitation and Bereavement Support Payment

45. The former Parliamentary Under-Secretary of State, Justin Tomlinson MP, outlined the Department's reasoning for continuing to restrict BSP to married couples or those in a civil partnership in a Westminster Hall debate in January 2019.⁴⁵ He argued that the restriction "promotes institutions of marriage and civil partnerships"; that "cohabitation is not a straightforward concept and can sometimes be open to interpretation" and that extending eligibility to cohabiting couples could "trigger multiple claims" which could "lead to delays and additional burdens to claimants".⁴⁶

46. The evidence we received to our inquiry highlighted clearly the cost to families of bereaved cohabitees not being eligible for bereavement benefits, despite the fact that they face similar circumstances. For example, we heard from Elanor, who had to rely on financial help from her family, having given birth just 18 days after losing her partner:

43 Work and Pensions Committee, [Support for the bereaved](#), Ninth Report of Session 2015–16 (HC 551), para 87

44 [Support for the bereaved: Government Response to the Committee's Ninth Report of Session 2015–16](#), Second Special Report of Session 2016–16 (HC 230), paras 19–22

45 [Hansard HC Deb 23 January 2019](#), Vol 653 Col 151WH

46 [Hansard HC Deb 23 January 2019](#), Vol 653 Col 151WH

Box 3: Elanor's story

I had our first and only child 18 days after losing Robin in a motorbike accident in 2005. I was 33. We weren't married because he didn't believe in it, but also, it's so expensive these days and we couldn't have afforded it.

He paid into National Insurance for about 15 years and our daughter sees none of that. It's wrong. The only way I survived financially after being widowed was because my parents helped me out - that and we had life insurance that paid off our mortgage if one of us died. My parents are retired and have helped me keep my car and pay for trips and uniform for Sophie - without which she would have lost out on many things.

Source: Widowed and Young ([SFB0014](#))

47. Lalena explained that she faces high costs of childcare in order to work full-time after her partner died. Despite having three children with her partner, she was not entitled to bereavement benefits:

Box 4: Lalena's story

Adam was killed in a car crash in February 2017. He was 37. He had been a postman for 14 years. Our daughter was seven and our twins were six at the time.

We had been together so long that we felt married, we did the things married people did, and we were passionately in love. He was my husband in my eyes, the love of my whole life.

I am now a single mum with three children, yet I'm not entitled to anything. I have returned to work full time to support my children and try to pay a mortgage, but by doing so I now have to put my three children into after-school clubs three days a week at £500 a month. Life is now chaotic-even more so, life is upside down as it is without added drama.

I believe the government needs to get with the times and recognise that it's not modern-day tradition to be married. A lot of couples now cohabiting. I do believe cohabiting couples should have the same rights as married couples (with certain restrictions). Let's hope the law gets changed soon, to protect families, not punish them; we are grieving after all.

Source: Widowed and Young ([SFB0014](#))

48. Kathryn had been with her partner for almost 20 years, and told us that had she been eligible for bereavement benefits it would have provided her with additional "breathing space", to spend more time with her children and support them in their grief:

Box 5: Kathryn's story

I was widowed very suddenly on 10 November 2018. We did not marry as we would rather support the boys in having a secure home and helping them to go to uni. One wants to do engineering the other astrophysics, so saving for university fees became more important. Needless to say these savings have gone on funeral costs. We have been together 19 years and had a joint mortgage for 15 years. I applied for bereavement support payments but was told I would not be entitled to it.

I had to return to work after four months even though my children both really needed me at home, and I have not had time to process and grieve for Keith. Bereavement support would have provided me with a little bit of breathing space allowing me to provide time with my children and support them not just with their grief but also dealing with the additional demands of supporting the eldest through is A levels just a few months after seeing his dad die in front of them. The youngest has had a growth spurt his feet growing two sizes since losing his dad and none of his clothes that we bought last summer, and autumn now fit him, again another worry that he needs new clothes that to be honest I can ill afford.

After 19 and a half years together and Keith paying NI and tax for 40 years, and supporting his family we have been left in the position of trying to make ends meet. Shopping in the reduced section of the supermarket, not been able to plant a tree in remembrance or buy the children items and even the possibility of having to change schools due to the bus fare.

Source: Widowed and Young ([SFB0014](#))

49. Cohabitation is already a familiar concept to the social security system. Entitlement to Universal Credit, for example, depends not only on if a claimant is single, married or in a civil partnership, but also if they are living with someone as if they are married (i.e. cohabiting).⁴⁷ The Department's own guidance to staff on the factors that determine whether a couple are living together as if a married couple is prefaced, "the general principle in SS [social security] legislation is that couples, be they married or unmarried, should be treated in a similar way".⁴⁸

50. Bereavement Support Payment was designed to modernise bereavement benefits and make them more accessible. Multiple witnesses argued in written evidence that restricting Bereavement Support Payment to married couples or those in a civil partnership was outdated and not reflective of modern society; inconsistent; and potentially discriminatory.⁴⁹ For example, the National Association of Funeral Directors commented:

A system that completely fails to recognise the needs of a growing number of cohabitating couples is unfair and not reflective of modern society.⁵⁰

Marie Curie also observed:

In much of the benefits system, a person simply co-habiting with a partner is regarded as being part of a couple when determining eligibility for and

47 Low Income Tax Reform Group ([SFB0015](#))

48 Department for Work and Pensions, [Advice for decision-making: staff guide](#), chapter E4

49 For example, Widowed and Young ([SFB0014](#)); Aviva ([SFB0011](#)); Sue Ryder ([SFB0012](#)); Marie Curie ([SFB0010](#)); National Association of Funeral Directors ([SFB0016](#))

50 National Association of Funeral Directors ([SFB0016](#))

the level of benefit paid. It is inconsistent and insensitive of the DWP to regard a person who is not married or in a civil partnership, in this way, as being part of a couple only until their partner has died.⁵¹

51. The Government has argued that extending eligibility for Bereavement Support Payment to bereaved cohabitants would create complexities. It says, in particular, that cohabitation is “not a straightforward concept” and could lead to “multiple claims”. Cohabitation is, however, already a familiar concept to the benefits system, for example, in Universal Credit.

52. The Government has said that Bereavement Support Payment was designed to make bereavement benefits more accessible. Bereaved cohabitants with dependent children face similar costs of bereavement to other families—exactly the sort of costs that BSP is intended to mitigate. There is no good reason to deny Bereavement Support Payment to these families. The Government needs urgently to rectify this injustice.

The McLaughlin judgment

53. In August 2018, the Supreme Court ruled on the case of Siobhan McLaughlin. Ms McLaughlin’s partner, John Adams, died in 2014. They were not married but had lived together for 23 years and had four children. Her partner’s National Insurance contributions would have made Ms McLaughlin eligible for Widowed Parent’s Allowance, had she been married to her partner. Her claim for Widowed Parent’s Allowance was refused because she was not married, and she applied for judicial review of that decision.

54. The Supreme Court ruled that denial of Widowed Parent’s Allowance to Ms McLaughlin was incompatible with Article 14 of the European Convention on Human Rights (right against discrimination) when read with Article 8 (right to respect for private and family life). This was because Widowed Parent’s Allowance was intended to mitigate the financial loss to children of a bereavement—a loss which does not depend on their parents’ marital status. The Supreme Court made a “declaration of incompatibility” under the Human Rights Act 1998. This does not in itself change the law. It is now for the Government and Parliament to decide how to respond.

55. Widowed Parent’s Allowance (WPA) is still payable to those bereaved before 6 April 2017 who have dependent children, for as long as the recipient is eligible to receive Child Benefit (until the child reaches 16, or 20 in some cases) and meets the other eligibility criteria.⁵² There are currently 32,381 people claiming Widowed Parent’s Allowance (as of February 2019) receiving £112.39 per week on average.⁵³ The eligibility criteria mean that, in theory, there could be active claims of WPA until 2038.

56. We asked the Minister when the Government planned to take action to address the McLaughlin judgment. He explained that the Government was committed to resolving the incompatibility but that it had not yet identified a suitable solution:

We recognise that we have incompatible law on the statute book. While we are actively considering possible options, there isn’t one simple or obvious solution. This is something I have taken a very close interest in over the

51 Marie Curie ([SFB0010](#))

52 House of Commons Library, [Widowed Parents Allowance](#), CDP-2019–0006

53 Department for Work and Pensions, [Stat-Xplore](#)

past three months because of the significance of the ruling. In nearly all cases, there is a very easy solution to most problems; invariably it is the wrong one. This is something that we have to get right, which is why I am looking very closely at it. We have to consider all the issues fully, and there are a number of very complicated issues. In my view, it would be wrong to make a decision on what action we will take before we had considered all of them.⁵⁴

57. The McLaughlin ruling did not directly apply to Bereavement Support Payment. Baroness Hale, one of the Supreme Court justices, stated in the McLaughlin ruling that it “does not follow that the new law [BSP] is incompatible”. She added that the Supreme Court had not “heard argument about” BSP; and that, had it done so, “the argument would no doubt be very different from the argument we have heard in this case”.⁵⁵

58. However, since BSP is paid at a higher rate to those with dependent children, it assumes that those families will face higher immediate costs. The central principle of the McLaughlin ruling may therefore be engaged—namely, that the financial costs of a bereavement to a household with children does not depend on their parents’ marital status. For this reason, we discuss eligibility for Widowed Parent’s Allowance and Bereavement Support Payment together below.

59. Over a year after it was given, the Government has not yet responded to the McLaughlin ruling, which found that not paying Widowed Parent’s Allowance to cohabitants is incompatible with human rights law.

60. The McLaughlin ruling did not apply directly to Bereavement Support Payment. The same central principle applies, however: the fact that BSP is paid at a higher rate to those with dependent children must be because the Government assumes those families face higher immediate costs as a result of bereavement. The financial cost of bereavement to families with dependent children is no less because their parents were not married.

61. The right thing for the Government to do in response to the McLaughlin ruling would be to make cohabitants eligible both for Widowed Parent’s Allowance and for Bereavement Support Payment.

Legislative options open to the Government

62. There are a number of legislative options open to the Government in response to the McLaughlin ruling. The Minister outlined some of the options that he was actively considering:

They include things like a remedial order, which you would expect. They also include the potential of making ex gratia payments.⁵⁶

54 [Q137](#)

55 [Judgment in the matter of an application by Siobhan McLaughlin for Judicial Review \(Northern Ireland\) \[2018\] UKSC 48, para 44](#)

56 [Q138](#)

63. A Remedial Order under the Human Rights Act 1998 can amend primary legislation following a declaration of incompatibility by the courts. It could amend the eligibility criteria for Widowed Parent's Allowance, but it is unclear whether it would be able to amend the eligibility criteria for Bereavement Support Payment, as BSP did not fall within the scope of the court's declaration of incompatibility. Making *ex gratia* payments would not change the underlying eligibility criteria for WPA or BSP but could be a form of compensation for those who would have been eligible for WPA had they been married or in a civil partnership. A third option would be to bring forward primary legislation to amend the eligibility criteria for Widowed Parent's Allowance and Bereavement Support Payment at the same time.

64. We are keen to end the delay faced by bereaved families to accessing the support they need and to which they should be entitled. The Department has acted too slowly in response to the McLaughlin judgment. One option may have been to bring forward a Remedial Order. However, the Government has not committed to doing so, and it is unclear if such an order would in any case be able to amend the eligibility criteria for Bereavement Support Payment. *Ex gratia* payments would not change the underlying eligibility criteria for either benefit. It may therefore be easier and quicker to deal with both Widowed Parent's Allowance and Bereavement Support Payment in primary legislation, since the same issue is at stake: how to support families in which the partners are not in a legally recognised relationship.

Policy options to extend eligibility to bereaved cohabitants

65. Regardless of which legislative vehicle it uses to do so, the Government has a number of policy options open to it to make bereaved cohabitants eligible for bereavement benefits.

Making children directly eligible

66. One way forward would be to make bereaved children directly eligible for bereavement benefits. They could then be claimed by the surviving partner on their behalf. This would resolve the issue of cohabitation, as entitlement would not depend on the parents' marital status.⁵⁷ The Childhood Bereavement Network and Widowed and Young both suggested to us that the Government should explore the option of making children directly eligible for bereavement benefits.⁵⁸

67. This approach is common in many European countries. The Supreme Court highlighted that "it is noteworthy that in most other member states survivor's pensions are paid directly to the children irrespective of birth status".⁵⁹ Analysis published by the National Children's Bureau (NCB) found that of "the 42 member states [of the Council of Europe] for which information is obtainable, 36 pay a survivor's pension to a child bereaved of a parent (or both parents), usually up to a maximum age."⁶⁰

57 Childhood Bereavement Network ([SFB0013](#))

58 Childhood Bereavement Network ([SFB0013](#)); Widowed and Young ([SFB0014](#))

59 [Supreme Court Press summary](#)

60 National Children's Bureau, [Written submission to the Supreme Court](#), paras 27–32

68. The Minister told us in oral evidence that he was not, however, currently considering this option in response to the McLaughlin ruling. He said that this was because bereavement benefits were designed to support the individual with responsibility for the financial affairs of the family:

I think there are very good reasons why not to do it that way. Other countries do have orphan benefits, for example, but this benefit is designed to support the individual who takes over the responsibility, or previously had part of the responsibility, for the financial affairs of that couple. The children do not ordinarily have responsibility for the financial affairs of a family or a household.⁶¹

Recognising cohabitation

69. The main drawback of making children directly eligible for bereavement benefits is that it would exclude cohabiting partners without dependent children who may be equally in need of support. We heard that a simpler approach, that avoids this drawback, would be for DWP to simply recognise cohabitation as grounds for eligibility for bereavement benefits. Scott Sinclair, Head of Policy and Public Affairs at Marie Curie argued:

I am of the view that the DWP should just recognise cohabitation. I understand the idea that you could build a system where the children have the payments that are given to the parents, but it seems strange to build another system when the DWP could just extend it—let’s add an understanding of cohabitation for existing benefits to this one.⁶²

70. The Government has recently announced plans to extend bereavement damages under the Fatal Accidents Act 1976 to bereaved cohabitants. Currently under the Act, claims for bereavement damages can be granted to the spouse or civil partner of the deceased, or to the parents of the deceased (if the child is under the age of 18) where they died because of a wrongful act or omission of another person.⁶³ Following a declaration of incompatibility made in *Smith v Lancashire Teaching Hospitals NHS Foundation Trust*, the Government laid a proposed draft Remedial Order under the Human Rights Act 1998.

71. The draft Remedial Order extends eligibility for bereavement damages to claimants who cohabited with the deceased for a period of at least two years immediately before the death. Where the deceased was married or in a civil partnership with one person and cohabiting with another (for example, in a case in which the individual was separated but not divorced), the award for bereavement damages would be split equally between the two qualifying parties.⁶⁴

72. We asked the Minister if the Government would follow this approach to bereavement benefits in response to the McLaughlin ruling. He acknowledged that “there are similarities between the two judgments”, but added:

61 [Q143](#)

62 [Q69](#)

63 Joint Committee on Human Rights, [Proposal for a draft Fatal Accidents Act 1976 \(Remedial\) Order 2019](#), Twenty-First Report of Session 2017–19 (HC 2225)

64 Joint Committee on Human Rights, [Proposal for a draft Fatal Accidents Act 1976 \(Remedial\) Order 2019](#), Twenty-First Report of Session 2017–19 (HC 2225)

There are some very distinct differences, too. For example, the Fatal Accidents Act is a one-off payment. They have had a two-year definition as the basis of their solution. [...] I will look at this case and the potential precedents that it might set, but I think we are not entirely comparing apples with apples.⁶⁵

73. The Minister told us that, given the number of possible options, he was concerned about the potential unintended consequences of the Government's decision on the McLaughlin judgment:

Every option has unintended consequences, and I am trying to ensure that we make the right decision.⁶⁶

We regret that the Department has not shown this caution in its approach to the introduction and rollout of Universal Credit, the Government's flagship reform of social security.

74. Given its concern about unintended consequences, the obvious next step is for the Government to consult on the best way to make bereaved cohabitants eligible for bereavement benefits. This could bring any unintended consequences to light and allow the Government to draw upon the widest base of expertise in formulating its response to the McLaughlin judgment.

75. We recommend that the Government consult on options for reform of both Widowed Parent's Allowance and Bereavement Support Payment. Those options should include:

- a) *Making children directly eligible for bereavement benefits; and*
- b) *Recognising cohabitation in a similar way to elsewhere in the benefits system.*

The Government should start the consultation as soon as possible, and, in any event, before the end of 2019 in order to meet its stated aim of 'making bereavement benefits more accessible' as quickly as possible.

65 [Q139](#)

66 [Q138](#)

Conclusions and recommendations

How is Bereavement Support Payment working?

1. We do not doubt the intention of the Department to undertake a full and robust evaluation of Bereavement Support Payment. We welcome the Department's commitment to ensuring that such an evaluation uses the best possible evidence base. But BSP has now been claimed by almost 100,000 households. It is not clear to us why the Department still thinks that the evidence base for BSP is not yet adequate. (Paragraph 14)
2. *We recommend that the Department begin to evaluate Bereavement Support Payment at the start of 2020 and should set out its plan for doing so in response to this report. As part of this evaluation, it should consider:*
 - c) *The duration for which BSP is paid;*
 - d) *The time limit for applying for BSP; and*
 - e) *Making cohabitantes eligible for BSP.* (Paragraph 15)
3. BSP is paid for a maximum of eighteen months after the death of a partner. But 18 months is not long enough for many bereaved families to come to terms with the emotional and financial implications of their new circumstances. Nor too will the immediate costs of bereavement have passed by then. *We recommend that the Department extend the period for which BSP is paid and consult on the most appropriate duration. This should form part of the Department's evaluation of BSP.* (Paragraph 22)
4. People whose partner has died only have three months to apply for Bereavement Support Payment to receive their full entitlement, at what is likely to be of the most traumatic and busy periods of their lives. This short time limit for applying means that it is too easy for potential claimants to miss out on vital support, support which can ease the immediate financial pressures on grieving households following a death. *We recommend that the Government increase the time limit for full entitlement to at least six months and take further evidence on the most appropriate time limit for application during its evaluation of BSP* (Paragraph 28)
5. We welcome the steps the Government has taken to promote Bereavement Support Payment. But there is still room for improvement. Given the short time limit for applying for BSP, promoting it effectively is vital to ensuring that bereaved people get the support they need. (Paragraph 29)
6. *We recommend that the Government ensures that registrars advise those registering a death to check if they are eligible for Bereavement Support Payment. The Department should provide leaflets for registrars to distribute that explain the bereavement benefits to which people may be entitled and signpost to the Bereavement Service and Tell Us Once.* (Paragraph 30)
7. BSP is not taxable, but in a small number of cases people have had their BSP taxed. This may be because the tax credits claim form is unclear: in particular, claimants

have to declare if they receive Bereavement Allowance—a separate, taxable benefit. *We recommend that the Government update the tax credits change of circumstances form to clarify that BSP is not taxable and does not need to be declared.* (Paragraph 32)

8. Bereavement Support Payment is not counted as income when calculating entitlement for Universal Credit. It is therefore difficult to see why the lump sum payment of BSP is treated after one year as personal savings or capital when calculating Universal Credit entitlement, particularly since BSP is designed as an 18 month-long benefit. People who have not spent their BSP lump sum at that point, for whatever reason, could see their UC payments reduced or even stopped whilst their monthly BSP payments continue. *We recommend that BSP should not be treated as capital for the purpose of other benefits, including Universal Credit, for the full duration of its payment.* (Paragraph 35)
9. Universal Credit claimants will usually be required to look for work six months after their partner has died. In many cases this will be far too short. The six month “easement” available to claimants, to exempt them from having to look for work, may be appropriate for some but may fail to take account of households’ different circumstances and the potentially seismic effect of bereavement on their lives. (Paragraph 40)
10. *We recommend that Work Coaches are given the discretion to lift work-related requirements for bereaved Universal Credit claimants for up to 18 months after the six month “easement”.* (Paragraph 41)

Cohabitees and eligibility

11. The Government has argued that extending eligibility for Bereavement Support Payment to bereaved cohabitees would create complexities. It says, in particular, that cohabitation is “not a straightforward concept” and could lead to “multiple claims”. Cohabitation is, however, already a familiar concept to the benefits system, for example, in Universal Credit. (Paragraph 51)
12. The Government has said that Bereavement Support Payment was designed to make bereavement benefits more accessible. Bereaved cohabitees with dependent children face similar costs of bereavement to other families—exactly the sort of costs that BSP is intended to mitigate. There is no good reason to deny Bereavement Support Payment to these families. The Government needs urgently to rectify this injustice. (Paragraph 52)
13. Over a year after it was given, the Government has not yet responded to the McLaughlin ruling, which found that not paying Widowed Parent’s Allowance to cohabitees is incompatible with human rights law. (Paragraph 59)
14. The McLaughlin ruling did not apply directly to Bereavement Support Payment. The same central principle applies, however: the fact that BSP is paid at a higher rate to those with dependent children must be because the Government assumes those families face higher immediate costs as a result of bereavement. The financial cost of bereavement to families with dependent children is no less because their parents were not married. (Paragraph 60)

15. The right thing for the Government to do in response to the McLaughlin ruling would be to make cohabittees eligible both for Widowed Parent's Allowance and for Bereavement Support Payment. (Paragraph 61)
16. We are keen to end the delay faced by bereaved families to accessing the support they need and to which they should be entitled. The Department has acted too slowly in response to the McLaughlin judgment. One option may have been to bring forward a Remedial Order. However, the Government has not committed to doing so, and it is unclear if such an order would in any case be able to amend the eligibility criteria for Bereavement Support Payment. Ex gratia payments would not change the underlying eligibility criteria for either benefit. It may therefore be easier and quicker to deal with both Widowed Parent's Allowance and Bereavement Support Payment in primary legislation, since the same issue is at stake: how to support families in which the partners are not in a legally recognised relationship. (Paragraph 64)
17. Given its concern about unintended consequences, the obvious next step is for the Government to consult on the best way to make bereaved cohabittees eligible for bereavement benefits. This could bring any unintended consequences to light and allow the Government to draw upon the widest base of expertise in formulating its response to the McLaughlin judgment. (Paragraph 74)
18. *We recommend that the Government consult on options for reform of both Widowed Parent's Allowance and Bereavement Support Payment. Those options should include:*
 - f) *Making children directly eligible for bereavement benefits; and*
 - g) *Recognising cohabitation in a similar way to elsewhere in the benefits system.*

The Government should start the consultation as soon as possible, and, in any event, before the end of 2019 in order to meet its stated aim of 'making bereavement benefits more accessible' as quickly as possible. (Paragraph 75)

Formal minutes

Wednesday 16 October 2019

Members present:

Rt Hon Frank Field, in the Chair

Heidi Allen	Steve McCabe
Neil Coyle	Nigel Mills
Rosie Duffield	Chris Stephens
Ruth George	Derek Thomas

Draft report (*Bereavement Support Payment*), proposed by the Chair, brought up and read.

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

Paragraphs 1 to 75 read and agreed to.

Summary agreed to.

Resolved, That the Report be the First 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 23 October at 9.30am

Witnesses

The following witnesses gave evidence. Transcripts can be viewed on the [inquiry publications page](#) of the Committee's website.

Wednesday 5 June 2019

Joana Crookall, Nikki Haxton-Jones, Fiona Shakesby, Kathryn Ford, Lalena Walkley, and Joana Niemeyer, Members of Widowed and Young [Q1–41](#)

Alison Penny, Director, Childhood Bereavement Network, **Scott Sinclair**, Head of Policy and Public Affairs, **Marie Curie, Sarah Gigg**, Director of Nursing, **Sue Ryder**, and **Georgia Elms**, Campaign Spokesperson and former Chair, WAY Widowed & Young [Q42–77](#)

Wednesday 19 June 2019

David Collingwood, Director of Funerals, Co-op Group, **Paul Allcock**, UK Government Liaison - Executive Committee, National Society of Allied and Independent Funeral Directors (SAIF), **Jeremy Field**, Past President, National Association of Funeral Directors (NAFD), **Simon Cox**, Head of Insight and External Affairs, Dignity [Q78–107](#)

Wednesday 17 July 2019

Will Quince MP, Minister for Family Support, Housing and Child Maintenance, Department for Work and Pensions, **Helen Walker**, Deputy Director, Children, Families and Disadvantage, Department for Work and Pensions [Q108–182](#)

Published written evidence

The following written evidence was received and can be viewed on the [inquiry publications page](#) of the Committee's website.

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

- 1 Altmann, Ros ([SFB0017](#))
- 2 Aviva ([SFB0011](#))
- 3 Childhood Bereavement Network ([SFB0013](#))
- 4 CLIC Sargent ([SFB0005](#))
- 5 Co-op Group ([SFB0009](#))
- 6 Department for Work and Pensions ([SFB0006](#))
- 7 Dignity ([SFB0008](#))
- 8 Low Income Tax Reform Group ([SFB0015](#))
- 9 Marie Curie ([SFB0010](#))
- 10 Name Withheld ([SFB0001](#))
- 11 Name Withheld ([SFB0002](#))
- 12 Name Withheld ([SFB0004](#))
- 13 Name Withheld ([SFB0007](#))
- 14 National Association of Funeral Directors ([SFB0016](#))
- 15 Quaker Social Action ([SFB0018](#))
- 16 Sue Ryder ([SFB0012](#))
- 17 Widowed and Young ([SFB0014](#))

List of Reports from the Committee during the current Parliament

All publications from the Committee are available on the [publications page](#) of the Committee's website.

Session 2017–19

First Report	Universal Credit: the six week wait	HC 336
Second Report	A framework for modern employment	HC 352
Third Report	Protecting pensions against scams: priorities for the Financial Guidance and Claims Bill	HC 404
Fourth Report	PIP and ESA assessments: claimant experiences	HC 355
Fifth Report	Universal Credit Project Assessment Reviews	HC 740
Sixth Report	British Steel Pension Scheme	HC 828
Seventh Report	PIP and ESA assessments	HC 829
Eighth Report	European Social Fund	HC 848
Ninth Report	Pensions freedoms	HC 917
Tenth Report	Assistive technology	HC 673
Eleventh Report	Universal Credit: supporting self-employment	HC 997
Twelfth Report	Carillion	HC 769
Fourteenth Report	Appointment of Professor Sir Ian Diamond as Chair of the Social Security Advisory Committee	HC 971
Fifteenth Report	The Motability Scheme	HC 847
Sixteenth Report	Collective defined contribution pensions	HC 580
Seventeenth Report	Universal Credit and Domestic abuse	HC 1166
Eighteenth Report	Universal Support	HC 1667
Nineteenth Report	Benefit Sanctions	HC 955
Twentieth Report	Universal Credit: managed migration	HC 1762
Twenty First Report	Universal Credit: support for disabled people	HC 1770
Twenty-Second Report	Universal Credit: Childcare	HC 1771
Twenty-Third Report	Two-child limit	HC 1540
Twenty-Fourth Report	The benefit cap	HC 1477
Twenty-Fifth Report	Universal Credit: childcare: Government Response to the Committee's Twenty-Second Report	HC 2078
Twenty-Sixth Report	Universal Credit: tests for managed migration	HC 2091
Twenty-Seventh Report	Universal Credit: natural migration	HC 1884

Twenty-Eighth Report	Welfare safety net	HC 1539
Twenty-Ninth Report	Pension costs and transparency	HC 1476
Thirtieth Report	Overpayments of Carer's Allowance	HC 1772
Thirty-First Report	Welfare policy in Northern Ireland	HC 2100
First Special Report	Child Maintenance Service: Government's Response to the Committee's Fourteenth Report of Session 2016–17	HC 354
Second Special Report	Self-employment and the gig economy: Government Response to the Committee's Thirteenth Report of Session 2016–17	HC 644
Third Special Report	Disability employment gap: Government Response to the Committee's Seventh Report of Session 2016–17	HC 652
Fourth Special Report	Victims of modern slavery: Government Response to the Committee's Twelfth Report of Session 2016–17	HC 672
Fifth Special Report	Employment Opportunities for Young People: Government response to the Committee's Ninth Report of Session 2016–17	HC 872
Sixth Special Report	Protecting pensions against scams: priorities for the Financial Guidance and Claims Bill: Government Response to the Committee's Third Report	HC 858
Seventh Special Report	A framework for modern employment: Government response to the Second Report of the Work and Pensions Committee and First Report of the Business, Energy and Industrial Strategy Committee	HC 966
Eighth Special Report	PIP and ESA assessments: Government Response to the Committee's Seventh Report	HC 986
Ninth Special Report	British Steel Pension Scheme: The Pensions Regulator Response to the Committee's Sixth Report	HC 987
Tenth Special Report	Pension freedoms: Government response to the Committee's Ninth Report	HC 1231
Eleventh Special Report	Carillion: Responses from Interested Parties to the Committee's Twelfth Report	HC 1392
Twelfth Special Report	Universal Credit: supporting self employment: Government Response to the Committee's Eleventh Report	HC 1420
Thirteenth Special Report	Employment Support for Carers: Government Response to the Committee's Thirteenth Report	HC 1463
Fourteenth Special Report	Carillion: Government Response to the Committee's Twelfth Report	HC 1456

Fifteenth Special Report	Assistive technology: Government Response to the Committee's Tenth Report	HC 1538
Sixteenth Special Report	Universal credit and domestic abuse: Government response to the Committee's Seventeenth Report	HC 1611
Seventeenth Special Report	Universal Support: Government Response to the Committee's Eighteenth Report of Session 2017–19	HC 1862
Eighteenth Special Report	Universal Credit: managed migration: Government Response to the Committee's Twentieth Report of Session 2017–19	HC 1901
Nineteenth Special Report	Benefit sanctions: Government Response to the Committee's Nineteenth Report of Session 2017–19	HC 1949
Twentieth Special Report	Universal Credit: support for disabled people: Government Response to the Committee's Twenty- First Report of Session 2017–19	HC 1998
Twenty-First Special Report	Two-child limit: Government Response to the Committee's Twenty-Third Report	HC 2174
Twenty-Second Special Report	The benefit cap: Government Response to the Committee's Twenty-Fourth Report	HC 2209
Twenty-Third Special Report	Universal Credit: childcare: Government Response to the Committee's Twenty-Fifth Report	HC 2422
Twenty-Fourth Special Report	Universal Credit: tests for managed migration: Government Response to the Committee's Twenty-Sixth Report	HC 2091