

## SUBMISSION TO UN COMMITTEE ON ECONOMIC, SOCIAL & CULTURAL RIGHTS ON FUNERAL POVERTY

### Introduction

1. [Quaker Social Action](#) (QSA) is an independent anti-poverty and social justice charity. This report is written and submitted by our funeral poverty project, [Down to Earth](#) (DtE), which runs the only UK-wide funeral costs helpline. For over a decade we have supported people struggling with funeral costs to plan a meaningful funeral that is as affordable as possible, helping 723 people in 2020-21. Our front-line experience places us in a unique and privileged position to speak truth to power about funeral poverty in the UK. We provided detailed evidence and insight to the [Competition and Markets Authority's funeral industry investigation](#) through 2018 to 2021, on invitation gave oral evidence to the [UK Commission on Bereavement](#) (UKCB) which published its report in 2022, and contributed to bereavement-related social security research and reviews carried out by both the UK and Scottish Governments. We also submitted evidence to the UN Special Rapporteur on Extreme Poverty in 2018. QSA is widely recognised as a leading authority on funeral poverty in the UK.
2. This ten-page submission focuses on funeral poverty in the context of the UK's implementation of the International Covenant on Economic, Social and Cultural Rights. It is designed to assist the Pre-Sessional Working Group in identifying the areas that require further examination regarding the UK's compliance and help it in formulating its List of Issues. Appendices offer supporting testimonies and case studies. All names have been changed except where they are already in the public domain.

### Setting the Context

#### **Funeral costs and the funeral industry**

3. In 2021 the average cost of a "basic funeral"<sup>1</sup> was £4,056 according to [SunLife's 2022 Cost of Dying report](#).<sup>2</sup> This is a rise of 121% since 2004 when they started collecting the data. In that time, 2021 is the only year that has shown a decrease and prices are predicted to go up again in 2022 to £4,449.
4. The Competition and Markets Authority (CMA) concluded its investigation into the funeral industry in December 2020 and reported that, on average, funeral director prices increased at a rate above inflation between 2006 and 2019.<sup>3</sup> Only in the last three years did they see slightly below inflation rises, but not enough to offset the previous, extreme increases. It concluded that "a significant proportion" of funeral directors, including "both large and many smaller firms", were overcharging bereaved people.<sup>4</sup> It also found that average cremation fees had increased at rates above inflation between 2008 and 2018.<sup>5</sup>
5. Cemetery costs are also a significant issue, especially in areas where space is limited, like in London. Royal London's [National Funeral Cost Index Report 2020](#) found that although the rate of increase that year indicated "a slowing in burial fee inflation", they remained "the biggest component of the overall rise in the cost of a funeral between 2014 and 2020, rising by 29% for residents (from £1,613 to £2,076) and 33% for non-residents (from £2,589 to £3,455)."<sup>6</sup> However, cemeteries were not included in the scope of the CMA's investigation. This decision denied people any scrutiny of the high fees they must pay, which in turn can impact on their cultural rights (Article 15) as burial is often connected to religious or cultural beliefs, for example those of the Jewish, Muslim and Rastafarian faiths (see Appendix B, D & K).
6. The at-need funeral industry is almost completely unregulated. Anyone can set up a funeral home, with no requirement to register or complete any training. The only form of regulation lies in an Order, recommended by the CMA in their final report, and [brought into force by them in September 2021](#). Legally binding, it includes a requirement for funeral directors to display their prices in branch and on their websites. However, price controls were not included in the CMA's remedies.
7. It was recommended that the UK Government establish a registration and inspection regime,<sup>7</sup> but they responded that they would "work collaboratively with the sector (including sector groups and trade bodies) and user groups to develop an agreed set of quality standards (such as a voluntary code of

practice), as part of a co-regulatory model, that could be introduced in summer 2021".<sup>8</sup> Nearly two years on, no such agreed set of standards exists.

### **Funeral poverty**

8. SunLife found that in 2021, 17% of "families experienced notable financial concerns when paying for a funeral", which equates to over 113,000 people.<sup>9</sup> This was up 3% on 2020. They found that "on average, they had to find almost £1,800 to cover the costs." Borrowing money featured highest in how this group made up the costs, through using a credit card, borrowing money from a friend/relative, paying the funeral director in instalments and borrowing money from a loan provider (e.g. a bank). Royal London's 2020 report found that the average debt taken on was £1,751.<sup>10</sup> (See Appendices B, D & J.)
9. Marie Curie's 2022 [Dying in Poverty report](#) also found that 90,000 people die in poverty every year in the UK.<sup>11</sup> While some of these people will have family members with funds to pay for their funeral, many will not.
10. *"I didn't cry once until his birthday this year and it all came out and I felt a lot better. I couldn't do it at the time, there was too much going on trying to get the finances for the funeral."* – DtE client, Sandra, bereaved mother, May 2019.<sup>12</sup>
11. *"We've been struggling for quite a while ... And having nothing and then everywhere you call they ask you, you know, to make sure you have enough money in three days to make a payment, if you want to try to arrange a new funeral ... It was very stressful."* – DtE client, Agnieszka, bereaved daughter, July 2022.<sup>13</sup>
12. The UKCB heard how the challenge of accessing finances for funerals was 'more acute for families whose faith requires rapid burial or cremation including Sikhs, Muslims, Hindus and Jews. *"For Muslim burial it is done virtually straight away and without knowing where funeral costs will come from to pay."* - Man in his 40s whose mother died of old age (England).<sup>14</sup>

## **Social security (article 9)**

### **Funeral Payments**

13. The right to social security is not being fully realised for people facing funeral costs, it is insufficient and not accessible for all who need it. Across the UK, people in receipt of certain benefits and tax credits may be eligible to receive a funeral payment, but these rarely cover the full cost of even a simple, or "basic", funeral and the eligibility criteria can be complex.

### **Amount**

#### **Average awards**

14. In England and Wales, the Social Fund Funeral Expenses Payment (SFFEP) is run by the Department for Work and Pensions (DWP). In 2020-21 the average award was £1,838,<sup>15</sup> which was only 44% of the average cost of a "basic funeral" in the UK that year.<sup>16</sup> This is based on the latest publicly available DWP figures.
15. In Northern Ireland the Funeral Expenses Payment (FEP) is run by the Department for Communities (DfC). In 2020-21 the average award was £1,318,<sup>17</sup> which was only 41% of the average cost of a "basic funeral" in Northern Ireland that year.<sup>18</sup> However, the DfC has published more recent data than the DWP, and in 2021-22 the average payment increased to 48% of the average cost.<sup>19</sup>
16. In Scotland the Funeral Support Payment (FSP) is run by Social Security Scotland. In 2020-21 the average payment was £1,791,<sup>20</sup> which was 44% of the average cost of a "basic funeral" in Scotland that year.<sup>21</sup> However, the Scottish Government has also published data more recently than the DWP, and in 2021-22 the average payment had increased to 47% of the average cost.<sup>22</sup>

### **Capped element**

17. All three funeral payments are made up of two main elements. “Necessary” crematorium or cemetery fees, with fixed regional thresholds in Scotland, and doctor’s fees where applicable, plus a capped portion to cover other funeral expenses.<sup>23</sup> This includes core items and services like funeral director fees, transport and care of the body, a coffin and officiant fees. It is primarily this element which is responsible for the inadequacy of all three payments. It was initially capped at £700 in 2003, staying frozen at that rate for 17 years, eroding in real value every year. It was increased by just 43% to £1,000 in April 2020, despite SunLife data showing a 124% increase in funeral prices since 2003.<sup>24</sup>
18. In Scotland, this capped amount in the FSP has been linked to inflation since the 2020 increase, meaning it is now £1,070.60. However, it does not get uprated in England, Wales or Northern Ireland, where it is still £1,000, meaning both a continued decline in value and an increasing disparity between citizens of different UK nations.
19. The CMA found that in 2018 the cost of funeral director products and services for a “simple funeral” were “in the region of £2,000”,<sup>25</sup> though on occasion this could be lower at an average of £1,676.<sup>26</sup> This analysis fits with our experience of dealing with funeral costs daily when supporting our clients. Clearly the capped element of £1,000 (or £1,070.60 in Scotland) is not enough.
20. This was supported by qualitative research on the FSP carried out by Ipsos Mori in 2021, which found “it had covered from around a fifth up to the entire cost of the funeral” for recipients interviewed. “Among those who did not have the entire cost of the funeral covered, there was a sense that FSP was not enough to be an effective contribution. With clients typically already living with financial stress at the time of their bereavement, the lack of alternative funds to pay the difference left some in significant debt. It was felt that the FSP award amount does not take account of the average cost of funerals in Scotland and could be reviewed.” One of the key conclusions and implications was that “Reviewing the FSP award amounts in relation to the average cost of funerals in Scotland” should be considered.<sup>27</sup>
21. The UK and Scottish Governments and the Northern Ireland Executive must increase the capped element to at least £1,725 to bring it in line with funeral inflation and uprate it annually, as recommended by the UKCB.<sup>28</sup>

### **Deductions**

22. Even though FSP, FEP and SFFEP awards are inadequate, all of them can be reduced further by the deceased’s estate. Rules vary slightly but, in general, any money available to the applicant without legal paperwork is deducted from their normal entitlement.<sup>29</sup> We have even seen this include deducting money that belonged to someone else but was in the deceased’s account, though the FSP seems able to take a different approach (appendix H). While reasonable if the estate contains enough money to cover at least a simple funeral, when it does not the claimant is still left with a shortfall and any attempt the deceased made to make things easier for those left behind is wiped out (appendices E, I & L-1). While the award amounts remain insufficient, at a minimum there should be a disregard for money in the estate up to the amount that, alongside the FSP, FEP and SFFEP, would equal the cost of a simple funeral.

### **Eligibility**

#### **Excluded groups**

23. Claimants of all three funeral payments must be in receipt of one of the same nine benefits and tax credits to have a chance of being eligible.<sup>30</sup> As **students** are unable to claim any of these benefits, except in very specific circumstances, it means most are excluded from accessing a funeral payment.
24. We have supported many students who have no or insufficient financial support from family (appendix G), and who are faced with either adding thousands of pounds of debt to their already heavy load from student fees, or with fighting to access a public health funeral (PHF) (see page 8).

25. **People with no recourse to public funds** are cut off from claiming a funeral payment as all the qualifying benefits are classed as ‘public funds’.<sup>31</sup> **People seeking asylum** are denied access too, as the vast majority cannot claim mainstream welfare benefits. Both groups also face multiple disadvantages and can be at risk of destitution and exploitation, as evidenced in Just Fair’s submission. (See appendix N).
26. **People on low incomes who are not in receipt of any qualifying benefits** do not have access to government support (appendices B, C, I-1, L-2 & L-3). The Joseph Rowntree Foundation’s Minimum Income Standard (MIS) “sets out a vision of the living standards that we, as a society, agree everyone in the UK should be able to achieve.” In their report [A Minimum Income Standard for the United Kingdom in 2022](#), they compared incomes on benefits and/or the National Living Wage (NLW) to the MIS for working-age adults, households with dependent children, and pensioners. The only household that reached the MIS was a couple without children in full-time work on the NLW.<sup>32</sup> The inadequacy of in-work benefits and pension credit means the threshold for receiving them is also artificially low, in comparison to what is needed for an adequate standard of living, cutting off access to lots of people who need support.<sup>33</sup> This then means they are also unable to access the FSP, FEP or SFFEP.
27. As recommended by the UKCB, the FSP, FEP and SFFEP must be extended to students and those with no recourse.<sup>34</sup> There must also be some form of support for those on low incomes who do not meet the current benefits criteria.

#### **Reasonableness of responsibility**

28. One criterion for all three funeral payments is that it is considered “reasonable” for the applicant to take responsibility for the funeral. However, how this is determined isn’t consistent across the UK.
29. In Scotland, the FSP guidance for decision makers states, “Whilst it is important to consider the family hierarchy and whether there are nearer relatives to the person who died, the decision should be based on the information provided by the client and why they felt it was reasonable to accept responsibility for the funeral costs”.<sup>35</sup> This reflects the legislation.<sup>36</sup> The guidance recognises multiple reasons why someone might take responsibility, for example factoring in the complexity of people’s circumstances and of family dynamics. The success of a claim is not automatically dependent on whether certain other family members of the deceased are also in receipt of a qualifying benefit.
30. In contrast, the eligibility criteria for the SFFEP (England/Wales) and the FEP (Northern Ireland) is inflexible and complex.<sup>37</sup>

#### **SFFEP & FEP family tests**

31. One of the key areas that acts as a barrier are the “family tests”. For example, for an adult funeral application where there is no surviving partner of the deceased, if an “immediate family member” (parent or child) of the deceased is not in receipt of a qualifying benefit and is not classed as estranged from the deceased, nor in one of the 10 disregarded categories, then the application will be rejected.<sup>38</sup> This is regardless of the claimant’s benefits status or the nature of their relationship with the deceased.<sup>39</sup> Equally, if a “close relative” (primarily siblings) of the deceased is considered by the decision maker to have been in as close contact with the deceased as the claimant then they must also be in receipt of a qualifying benefit.<sup>40</sup>
32. These rules fail to consider the realities and complexities of family dynamics, and different religious and cultural norms.
33. *Greg’s dad died in his 60s following a short illness. Greg was his carer and so took responsibility for the funeral. However, although he was in receipt of a qualifying benefit, his sister wasn’t and so Greg was turned down for the SFFEP. Although his sister wasn’t completely estranged from their dad, she was only in touch with him very infrequently, such as at Christmas, and was also distanced from the rest of the family. She didn’t want anything to do with the funeral.* - DtE anonymised case study.<sup>41</sup>

34. *Davina's brother died suddenly in his 50s. Davina was in receipt of a qualifying benefit but another brother of theirs, who was considered by the DWP to be in as close contact with the deceased, wasn't receiving a qualifying benefit and so Davina was rejected for the SFFEP. However, the brother was on a low income that was just too high to claim Universal Credit and was unable to pay for the funeral. The family had no money for the funeral.* – DtE anonymised case study.
35. We know from our own work, and that of Dundee charity [Funeral Link](#) which gives funeral advice in a similar way to us, that people like Greg and Davina would be able to claim a funeral payment if they lived in Scotland. The FSP guidance also acknowledges that there may be “circumstances, including cultural or religious reasons, where the closest relative does not accept responsibility for the costs of the funeral. For example, in some faiths, a female relative of the deceased would normally not have contact with anyone outside her immediate family. In this case, someone else in the family might accepted [sic.] responsibility for the costs of the funeral.”<sup>42</sup> We do not know of any similar provision for the SFFEP or FEP.

### **SFFEP & FEP partner priority**

36. While it is helpful that the benefits status of other family members is not considered when the deceased's co-habiting partner applies, the block on anyone else accessing a payment in this situation, regardless of the circumstances, is ill-designed and results in people being denied access to a payment when they need it.<sup>43</sup>
37. We have had several cases where the surviving partner was not involved with the funeral and the arrangements were made by another family member. Despite that family member being in receipt of a qualifying benefit, meeting all the eligibility criteria and being unable to afford the funeral, they were unable to access the SFFEP because of the existence of the deceased's partner. Relationships are complex and we have seen various circumstances, including addiction problems, where the partner chooses not to be involved, often also cutting themselves off from the rest of the family (appendix J).
38. In contrast, the FSP guidance gives a non-exhaustive list of reasons why “the nearest relative cannot or has not accepted responsibility for the funeral” including having “issues with drug or alcohol misuse”. It also gives the fact that “no one else has accepted responsibility for the cost of the funeral” as one of the reasons “why it would be considered reasonable” for someone to *accept* responsibility.<sup>44</sup>

### **Impact of SFFEP & FEP complexity**

39. As well as excluding some applicants in need of the payment, the eligibility criteria is complex and difficult to understand. Our clients' experience was reflected in the UKCB's findings which stated that “Respondents reported that the process to access the Funeral Expenses Payment is complex and that they do not know how much they will get when applying, resulting in difficulties making decisions about the funereal [sic.]”.<sup>45</sup>
40. We often encounter the DWP's own call handlers giving inaccurate advice and information to clients. Most of the incidents we have recorded involve people being incorrectly advised that they are not eligible for the payment when they are (appendix O). It is entirely likely that many of these people would end up missing out on this vital social security help if they weren't in touch with us, or another advice service. Doubly concerning is the fact that we only have contact with a small proportion of those who struggle with funeral costs, and it is unknown how many people are being turned away, and effectively denied this benefit, incorrectly.
41. All claimants should be viewed as vulnerable, due to their experience of bereavement, as has been recognised, for example, by the Financial Conduct Authority.<sup>46</sup> Within this context and given that some DWP staff don't even know or understand the rules, we question how bereaved people can be expected to.

42. The lack of clarity in the eligibility criteria can also be seen in the differing percentage of rejected claims between the three schemes. In 2020/21, 30% of SFFEP were rejected and 24% of FEP claims (21% in 2021/22).<sup>47</sup> In contrast, only 13% of FSP claims were rejected in both years.<sup>48</sup> Qualitative research on the FSP carried out by Ipsos Mori in 2021 also reflects this, finding “Clients generally understood what the payment was and whether or not they would be eligible for it”.<sup>49</sup> Whereas applicants for the SFFEP are often left taking on liability for funeral costs with little idea of whether their claim will be successful.
43. The FEP and SFFEP eligibility criteria urgently needs re-designing, and we recommend it is done with a view to the FSP model,<sup>50</sup> for which it was projected 40% more people would be eligible.<sup>51</sup>

### **Timescales**

44. The Average Actual Clearance Times (AACT) standard for the SFFEP is 13 working days, which itself is a long time, but in 2020/21 the average achieved was 20.3 days.<sup>52</sup> For the FEP, the AACT standard is 20 days, with an average of 14 days achieved in 2020/21, reduced to 9.65 days in 2021/22.<sup>53</sup> The FSP’s target is within 10 working days and this was met in 52% of cases in 2020/21, but only in 27% of cases in 2021/22.<sup>54</sup>
45. Given that claimants do not know whether they will receive any funding at all until the application is processed, waiting times of several weeks result in difficulties and anxiety for many people. It is particularly problematic for those who are required to pay all or a substantial portion of the costs before the funeral, and for people of faiths where a quick funeral is required. As a result, the delay can have an impact on people’s mental health and cultural rights under Articles 12 and 15 (appendices F & N).
46. SFFEP processing times have reduced significantly compared to pre-pandemic times when they could stretch into months, but they need to come down further, and data shows the FSP is going in the wrong direction. SFFEP and FEP applications must also be made available online, like with the FSP.

### **Bereavement Support Payment**

47. The Bereavement Support Payment (BSP) was brought in to replace three different bereavement benefits in 2017 with the intention, according to the House of Commons Briefing Paper, of “simplifying” both the system and the National Insurance contributions (NICs) requirement.<sup>55</sup> It aimed to be “fair” and focus support “on the period immediately following bereavement”. It is available to surviving spouses or civil partners who were under state pension age when their partner died, and so is not available to people living with, but not in a legal union with, their partner. It pays a lump sum – a higher amount where the claimant is eligible for Child Benefit – and up to 18 monthly payments. The benefit is run in Northern Ireland by the DfC and by the DWP in the rest of the UK.

### **Co-habitees with dependent children**

48. On 30 August 2018 the UK Supreme Court ruled that denying old-style Widowed Parent’s Allowance to Siobhan McLaughlin, a mother who wasn’t married to her partner when he died, was incompatible with human rights legislation.<sup>56</sup> On 7 February 2020, the England and Wales High Court (EWHC) ruled that denying the new-style Higher Rate Bereavement Support Payment to two bereaved fathers (James Jackson and Kevin Simpson) and their children was similarly incompatible. Both decisions were found to be in breach of Article 14 of the European Convention on Human Rights (ECHR) (the prohibition on discrimination) when read with Article 8 ECHR (the right to respect for private and family life) or Article 1 of the First Protocol (A1P1) to the ECHR (the right to peaceful enjoyment of possessions).<sup>57</sup>
49. Finally, on 13 October 2022 the UK Government finally laid a [draft Remedial Order](#) to extend both payments to co-habitees with children. Civil society organisations have [raised concerns about some of its content](#) but it will still bring much needed relief to thousands of bereaved parents. However, at the time of writing, we are still waiting for the Order to pass into law. It is unacceptable that it has taken this long to correct this denial of people’s human rights.

### **Co-habitees without dependent children**

50. The above Remedial Order does not include co-habitees without children, so they will continue to be denied this crucial financial help at a devastating time. We estimate that 65,139 bereaved partners have missed out on this payment since the BSP was introduced, up to and including June 2022.<sup>58</sup>
51. Refusing access to this group will be inconsistent with the rules for co-habitees with children once the above Remedial Order passes into law, and it is also already inconsistent with the principles in other benefits. Claims for benefits like Universal Credit, which is UK-wide, and the old-style income-related benefits that this replaced and which some people still receive, must be joint claims where there is a co-habiting partner, regardless of marital status. The SFFEP, FEP and FSP all recognise a co-habitee as a reasonable person for making a claim, and as the *only* person who can in the case of the SFFEP and the FEP.<sup>59</sup> In addition, for the majority of cases, payment is dependent on the deceased's NICs, who will have paid the same NICs, whether or not they were in a legal union with their partner.
52. An UK Upper Tribunal decision on this issue is currently pending. Hackney Community Law Centre are representing an appellant who was denied old-style Bereavement Allowance when her partner passed away in 2015 because they weren't married or civil partnered. The case was supported by seven civil society organisations and was heard in June 2022 but the decision is still outstanding.<sup>60</sup>
53. We have seen no evidence that bereaved co-habitees experience less grief or financial difficulties than those in a legal union. On the contrary, the UKCB simply found that financial problems "most commonly" impacted "those who had been bereaved of a partner or spouse" and they were more likely to report "financial difficulties due to bereavement" than other adults.<sup>61</sup> Other research, and our own experience, has also found that people feel deep grief at their partnership not being recognised, both in relation to the BSP and other situations (Corden & Hirst, 2013).<sup>62</sup> (See appendix E).
54. Bereaved partners should not have to go through the stress and expense of prolonged legal battles in the way that McLaughlin, Jackson and Simpson did. The UK Government must simply make consistent human rights provision. It is over four years since McLaughlin won her case for co-habitees with children. We must not see the same delays with extending social security rights to their counterparts without children; bereaved partners are being devastated by these rules and each month we estimate at least another 784 people are denied this benefit.

### **Deceased's National Insurance contributions**

55. Another eligibility criterion for the BSP is that the deceased must have paid 25 weeks' NICs in one tax year since 6 April 1975, unless they died because of an accident at work, or a disease caused by work.
56. On 10 August 2020 the [Northern Ireland Court of Appeal ruled](#) that denying BSP to the surviving spouse of someone unable to work due to severe disability, and therefore unable to meet the NICs requirement, violated their human rights and was discriminatory. This judgment has since been adopted into law in Northern Ireland, with the [DfC issuing a memo](#) to its decision makers in March 2021 advising them to apply the new rules from the date of the judgment.
57. However, the UK Government and DWP have taken no action in response to this, to provide consistent human rights protection across the UK.
58. So, Mr Jwanczuk, a widower who was refused BSP as his wife had been unable to work or pay NICs due to severe disabilities, brought a case to the EWHC, which ruled on 7 September 2022 "that it is a breach of human rights to deny Bereavement Support Payment (BSP) to surviving families of people who could not work because of life-long disability".<sup>63</sup> Mr Justice Kerr stated that "Human rights should if possible have the same content throughout the UK" and that his "decision means comity between courts of the UK jurisdictions is preserved and that the human rights at issue in this case have the same content in England and Wales as in Northern Ireland".<sup>64</sup> However, the Secretary of State applied for, and has been granted, Permission to Appeal to the Court of Appeal.

59. As with the cases concerning co-habitees with dependent children, both decisions were found to be in breach of Article 14 of the ECHR when read with either Article 8 or A1P1. Once again, the UK Government should not put Mr Jwanczuk, or any other similarly bereaved partners, through further distress by seeking to avoid fulfilling their citizens' human rights in this way (appendix H-1). They must amend UK legislation now in line with the NICA and EWHC judgments.

### **Declining in value**

60. Like the SFFEP and FEP, but unlike most other benefits, the BSP is not uprated each year and has not been increased since it was introduced in 2017, which means it has dropped in value by 18% in that time.<sup>65</sup> It needs to be uprated in line with other benefits to prevent it impacting on people's right to an adequate standard of living (Article 11).

### **Public health funerals<sup>66</sup>**

61. When no one is making funeral arrangements the local authority where the person died has a legal duty to bury or cremate them.<sup>67</sup> One of the reasons this can happen is that surviving family are not financially able to take responsibility. This is another form of social security for both the deceased and any living relatives they may have.
62. In 2021 we published a report, [An abdication of duty? Local Authorities and access to public health funerals](#), which found that at least 80% of the 40 local authorities we surveyed in England and Wales were hampering people's access to a PHF. This was through turning our mystery shopper away when they were unable to arrange a funeral (10), not having any information online for people who need to report a death requiring a PHF (14), having no phone number online for this purpose (13), or having incorrect or misleading information online about a local authority's legal duty to carry out a PHF (10). All of which is either an abdication of their legal duty or a breach of [Government guidelines on public health funerals](#), and can cause the bereaved a lot of stress (appendix M.)
63. For this submission, we also spoke with the Muslim Burial Fund, a programme of the charity 13 Rivers Trust, who "offer assistance and support to needy Muslims to meet the traditional burial cost". They reported cases where local authorities have asked them to arrange burials when there are no known family members and not enough money in the deceased's estate, cases the local authorities have a legal duty to deal with (appendix N).
64. When a PHF is provided, the nature and content of it can vary hugely across the UK as there are no statutory minimum standards, this results in inconsistent provision with some people allowed to attend the funeral and reclaim any cremated remains while others have no access to either. In some areas a burial will take place in a single grave while in many others, at least partly due to space, it will be a shared grave, a practice which some people find deeply upsetting (appendix K).
65. The Muslim Burial Fund told us, "When a person from the Muslim community passes away, we are required to bury that individual as quickly as possible", but that councils are generally "very slow to act" and said of one case that "it took a week just to establish the relationship with them" (appendix N). They also spoke of a local authority where the Muslim section of their cemetery is full, but they would not consider a burial in a different, Muslim cemetery impacting on their cultural rights. As a result, the charity is helping the family to arrange the funeral.
66. Our 2021 report found two of the 40 local authorities indicated they could cremate someone against their wishes if there were insufficient funds or the cost was deemed "unreasonable", which goes against their legal duty and potentially denies the deceased, and their relatives, their cultural rights. In line with our experience, another five councils described narrow circumstances in which a burial could be carried out or a requirement for written evidence to show burial was desired,<sup>68</sup> despite only needing a "reasonable belief that cremation would be contrary to the wishes of the deceased".<sup>69</sup>

67. As recommended by the UKCB, “New regulations must be created setting out minimum standards for public health funerals”, local authorities need to adhere to legislation and central governments need to fund them sufficiently to ensure no cost-cutting measures are taken.

### **Proposed questions**

1. Please clarify what social security schemes are available to assist with funeral expenses for students and those with no recourse to public funds.
2. Please clarify what social security schemes are available to assist with funeral expenses when the Social Fund Funeral Expenses Payment, Funeral Expenses Payment or Funeral Support Payment do not cover the cost of a funeral arranged by a bereaved person.
3. Please indicate what religious, cultural and societal norms have been considered when drawing up criteria for the Social Fund Funeral Expenses Payment and Funeral Expenses Payment.
4. Please explain what action is being taken to ensure consistent, dignified provision that takes account of religious and cultural needs in funerals carried out by local authorities across the State party.

### **Adequate standard of living (article 11)**

68. The right to an adequate standard of living is not being satisfied in the UK even when someone isn't hit by bereavement, as is evidenced by other submissions, such as that of Just Fair on behalf of civil society organisations in England and Wales. When the cost of a funeral is added to that, the chance people have of fulfilling this right is even slimmer. We see people using all their benefits, wiping out any money they have for bills, food and rent for the rest of that month, to scrape together a funeral deposit, getting them into arrears or adding to arrears they already have, leading to potential eviction. It also impacts on people at the end of life as they skimp on their own needs to try and leave funds for their funeral to take the pressure off their family (appendix I-1). Above-inflation funeral price rises, an almost completely unregulated funeral sector, and inadequate and inequitable funeral and bereavement benefits are having a devastating impact on hundreds, if not thousands, of people. An impact that is not just short-term but can extend for months or years where people have taken on debt to pay for it (appendices D, E, G & L-1).

### **Proposed questions**

1. Please indicate whether the assistance provided by the Social Fund Funeral Expenses Payment, Funeral Expenses Payment and Funeral Support Payment is sufficient to ensure recipients and their families have an adequate standard of living while paying for a funeral.
2. Please provide information on how the State party ensures all individuals, in all jurisdictions, particularly members of disadvantaged and marginalized groups, have access to adequate and affordable funerals. Please also provide information on measures adopted to address funeral poverty and reduce the reliance on loans, public health funerals and charity payments.
3. Please provide updated data on the extent of funeral poverty in the State party, disaggregated by sex, region, age and ethnic group. Please also explain to what extent any measures adopted by the State party have contributed to reducing funeral poverty, such as funeral and bereavement benefit amendments, and the CMA's Order and recommendations to Government.

### **Physical and mental health (article 12)**

69. The right of everyone to the enjoyment of the highest attainable standard of physical and mental health is being undermined by funeral poverty. Not having the funds to pay for the funeral of a family member or close friend can cause extreme anxiety and distress, and feelings of guilt and shame, at a time when people are already likely to be under great strain. As funeral debt can last for years it can act as a constant reminder of both the death and any feelings of guilt they may hold about what they were able to provide for the funeral. All of this can impact on people's ability to grieve, bringing a higher risk of prolonged grief, which can in turn lead to poorer mental health in the long-term.

70. Poverty and a decline in economic well-being, even a perceived one, have all been identified as a potential risk factor in bereavement, leading to poor psychological health (Stroebe et al., 2007; Kokou-Kpolou et al., 2020; Corden & Hirst, 2013).<sup>70</sup> It has also been suggested that being in a state of constant worry or anxiety might not give someone sufficient time for processing mourning or hold back coping mechanisms (Diolaiuti et al., 2018; Corden & Hirst, 2013).<sup>71</sup> This fits with Ipsos Mori's research into the FSP which found that, where it didn't cover the funeral costs and "there was a balance left to pay, this had a significant impact on clients' financial and mental wellbeing".<sup>72</sup> Organisational respondents to the UKCB's research also cited "major financial hardships" as a factor that "could contribute to a higher risk of complex grief", this included "not knowing how to pay the funeral bill".<sup>73</sup>
71. Kokou-Kpolou and Stroebe have also found that as well as concurrent stressors, experiencing multiple losses can make coping with bereavement more difficult and lead to poor physical and mental health.<sup>74</sup> While "losses" in this context refers to deaths, there is an argument that a sense of loss could be extended to the impact bereavement has on someone's finances, and certainly to the loss of someone's home, which can happen due to bereavement. One person told me funeral costs "can be a really big damage in someone's finance and ... on the way they have to grieve because it's two different stress on them. ... You're grieving for your finances, you're grieving for your loved one ... and you have to face both of them because they're equally as important" (appendix D, plus B & F).
72. Numerous studies have found that the mourning process, including associated rituals such as viewing the body or attending the funeral, can mitigate grief and even prevent it from becoming pathological (Nakajima, 2018 and Norton & Gino, 2014 cited in Diolaiuti et al., 2018; Castle & Phillips, 2003 cited in Eisma, Boelen et al., 2020).<sup>75</sup> Countless people were denied the opportunity to carry out some or all these rituals during the COVID-19 pandemic restrictions and "denial of these seem to have made grief worse" (Sudbury-Riley & Giordano, 2020).<sup>76</sup> However, while this was unique in terms of the scale and nature of the situation, most of the death rituals listed in Sudbury-Riley's research are paid-for services that not everyone can afford. Viewing the deceased, dressing them in their own clothes, attending a place of worship before the committal, funeral cars, pallbearers to carry the coffin and a short service, or not having a service at all, are all elements we have seen people not have to reduce costs, or be denied by a local authority when having a PHF (appendices C, L-1 & L-3). The denial of rituals can also extend to not visiting the grave due to shame associated with an outstanding bill (appendix I-2).
73. Prolonged grief disorder was recently entered into the 11<sup>th</sup> revision of the International Classification of Diseases as a distinct mental condition.<sup>77</sup> A diagnosis characterised by severe, persistent and disabling grief, it can result in years of "functional impairment" (Maciejewski et al., 2016; Boelen et al., 2019 cited in Diolaiuti et al., 2018; Bonanno et al., 2007 & Suij et al., 2012 cited in Kokou-Kpolou et al., 2020).<sup>78</sup> It is also evidenced that prolonged grief is associated with other mental disorders like PTSD, depression, and anxiety and can exacerbate them or interfere with recovery from them. Further, there is an association with suicidal ideation, a worse quality of life, and with physical symptoms such as "blurry vision, dizziness, bodily pain, palpitations, numbness, and tinnitus" (Kokou-Kpolou et al., 2020; Maciejewski et al., 2016).<sup>79</sup>
74. We have not only witnessed clients' mental health being greatly affected by their financial struggles with funeral costs (appendices C, D, F, K, L-1 & L-2), but we have also heard reports from clients of physical health impacts potentially caused by stress, like losing hair and being hospitalised with heart problems, or because of not having enough money for adequate food due to the pressures of making payments on the bill (appendix L-1).

### **Proposed questions**

1. Please outline what safeguards are in place to maintain a bereaved person's mental and physical health when they do not have enough funds available to pay for a funeral.

## **Appendix A: List of abbreviations**

- A1P1 – Article 1 of the First Protocol
- AACT – Average Actual Clearance Times
- BSP – Bereavement Support Payment
- CMA – Competition and Markets Authority
- DfC – Department for Communities
- DtE – Down to Earth
- DWP – Department for Work and Pensions
- ECHR – European Convention on Human Rights
- EWHC – England and Wales High Court
- FEP – Funeral Expenses Payment (Northern Ireland)
- FSP – Funeral Support Payment (Scotland)
- MIS – Minimum Income Standard
- NICs – National Insurance Contributions
- NLW – National Living Wage
- PHF – Public Health Funeral
- QSA – Quaker Social Action
- SFFEP – Social Fund Funeral Expenses Payment (England & Wales)
- UC – Universal Credit
- UKCB – UK Commission on Bereavement

**Appendix B: [Bereavement is everyone's business](#), UK Commission on Bereavement, 2022 report**

Extracts from the Commission's report:

"Survey respondents highlighted issues around the high cost of funerals, cremation and burials, particularly for those in poverty, and those who experienced sudden, unexpected deaths without having savings." p.109

*"We also did not get any help with his funeral – financial, because he was 18. If he was 17 I could have claimed for financial assistance as a single Mum"* – Woman in her 40s whose son died of cancer (England) p.110

*"My brother had no insurance etc and was in receipt of benefits, trying to access financial help for his funeral was a nightmare! You have to be in receipt of benefits yourself to access a funeral payment, else the family are expected to pay for it!? How? If your money is tight, where do you get up to £5000 from to pay for a funeral!"* – Woman in her 50s whose brother died of COVID-19 (England) p.110

'In addition to their inaccessibility, both organisations and individual respondents highlighted the inadequacy of the Funeral Expenses/Support Payment – suggesting that it typically covers only 40-50% of the average funeral cost, meaning even those who received this support struggled with the costs not covered by this. *"DWP paid for half of funeral, but I had to borrow the rest"* – Woman in her 50s whose husband died of a terminal illness (Wales)' p.110

*"There needs to be financial support for people like me who work full time, don't earn a lot of money and are not eligible for benefits. You don't expect to lose someone, and you don't prepare yourself financially for something like this at the age of 23. But as a responsible adult I had to deal with this, I had to set up a fundraising page for the community to help me pay for my mothers [sic.] funeral, this was very helpful but it was extremely embarrassing for me to have to do this."* – Woman under 30 whose mother and grandmother both died (England) p.113

"Organisations and individuals both ... argued that [bereavement benefits aimed at providing financial relief (such as Funeral Support/Expenses Payments)] need to be increased to meet the real expense of a funeral." p.113

*"We already suffered massive trauma for our loss, my husband got COVID-19 because he went to work. The pain of his death was torture enough without the added worry of how to cover his funeral costs."* – Woman in her 30s whose husband died of COVID-19 (England) p.109

*"I had to borrow the money from friends to pay for the funeral directors and cremation costs which at the cheapest rates was over £3,000. I couldn't afford burial which was over £6,000."* – Man aged 18-30 whose father and friend both died (England) p.109

### Appendix C: DtE testimony – Agnieszka

Agnieszka was working when her mum died in July 2022.

*“We’ve been struggling for quite a while ... And having nothing and then everywhere you call they ask you, you know, to make sure you have enough money in three days to make a payment, if you want to try to arrange a new funeral ... It was very stressful.”*

We started working with Agnieszka nine days after her mum’s death, at which point she was already finding it distressing to know her mum was still waiting for the funeral to go ahead because she couldn’t pay for it. Agnieszka stated that *“in Poland, it goes something very quickly, in a week normally it happens”*. This distress was compounded by comments from the funeral director creating *“a picture in front of her”* of her mum’s body as they kept *“talking about it decomposing”*. She also noted that various administrative tasks seemed to take a long time *“I was like, little bit shocked that it takes so long time to do anything.”*

Despite wanting to attend, when she discovered that an attended funeral would cost a lot of money she spoke with a friend who suggested a direct cremation to then take the ashes back to Poland at a later date. While this made the finances easier, it was emotionally very difficult.

*“We felt deep grief over not saying one last goodbye to my mother. My children were practically raised by her when I was working 60 hours per week to make ends meet and to not even be able to say goodbye, it was truly [sic.] upsetting.”*

However, despite this sacrifice the direct cremation was still over £1,400 and as she wasn’t in receipt of any benefits she was unable to get the SFFEP from the DWP, even though her income was still under the widely recognised Joseph Rowntree [Minimum Income Standard](#). So, we helped Agnieszka to access a charitable grant to cover the cost.

*“It would be nice if there is other options that people can have, like a little bit support. ... If people have place that they can actually ask and get some, get some directive and, you know, know that there is the help. I mean, to be honest, I’m so very grateful for your help and the charity that was helping us and ... how you manage to resolve and help us to solve the problems regarding my mum’s funeral, but it would be nice if people don’t have to go through that awful experience”.*

Agnieszka commented on the impact the struggle with the finances had on their ability to grieve:

*“You don’t have time [to grieve] because it’s just constantly- I mean, ... my [20-year old] daughter ... was, you know, searching on the on the web sites and then, you know, trying to send emails and call people and trying to find- So it was more about how to resolve the problem regarding funerals than actually thinking, you know, my mum is gone, or the grandma is gone. ... There was no time [to grieve] because I think the first two weeks was absolutely nightmare. Thinking about how are we gonna resolve the situation regarding funerals”.*

Name has been changed for privacy.

Testimony gathered by phone on 29 November 2022.

## Appendix D: DtE testimony – Brianna

Brianna's partner, Daniel, died in June 2021. After getting his end-of-life diagnosis, he travelled to Jamaica to say goodbye to family and friends in January 2021 but was unable to return to England due to pandemic travel restrictions. Brianna used up all her savings to support him in Jamaica for four months, including paying for a hospital stay to improve his health enough for him to return home, which he did just ten weeks before he died.

In the time leading up to his death, Brianna was aware a cremation was the cheapest option, but this was against their religion.

*"My husband was a Rastafarian. ... they don't believe in burning of the body. They believe in going to the earth as you were born and that's all I've known for all my life. ... And that's something that he always said ... Whatever it is he don't want to be burned."*

However, she knew they didn't have money for a burial, especially in London where costs are high.

*"I worked up until the last few days before his passing because ... I was thinking that I had enough time. Not knowing that I didn't have time. So, because of my job and the finances not [being] there. I didn't spend quality time with him in the last few days before he passes."*

After his death, the funeral costs occupied her mind, preventing her from grieving.

*"It [worrying about the funeral costs] had a very big impact on my sleep, impact on my day-to-day life ... You're just thinking about the finances, how I'm gonna get all this money ... it impacted my health. 'Cause I lost appetite, I've lost a lot of weight over the time, even now, I still haven't been back to my normal self. ... 90% of my headspace was just around the funeral. ... I wasn't thinking of grieving, I was just thinking of giving him the dignity of laying him to rest."*

Brianna was fortunate in that she was awarded the SFFEP and she was grateful for it, but it didn't cover all the costs, paying a bit over £4,160 when the total was over £7,000, including the casket and a modest reception, both important in her culture:

*"It's not enough and it can put people in a lifetime of debt ... people will need more help and more promptly other than waiting till after the funeral because a lot of funeral parlours, they don't give you the opportunity to pay later ... That can be a really big damage in someone's finance and ... on the way they have to grieve because it's two different stress on them. ... You're grieving for your finances, you're grieving for your loved one ... and you have to face both of them because they're equally as important."*

Down to Earth helped Brianna get a charitable funeral grant of £1,800, but she borrowed money for the rest, and those debts meant she had to go back to work the same week after the funeral.

*"I couldn't take much bereavement [time] off. And then while I'm at work, I'm grieving, so I'm at work and I'm breaking down, I'm taking days off and if I don't work, I don't get paid."*

The part of all this that gets to her the most even now is not having been able to spend as much time as she'd have liked with Daniel in his last weeks.

*"And there's a lot of times that I sit and I blame myself because ... if I knew I didn't have time I would have taken more time off work, but because financially we weren't strong I work until the furthest I knew I could go to. ... where people is not financially able to bury their loved one and they have to work I think they missed out on vital time that they can't get back because the person is gone forever."*

Names have been changed for privacy.  
Testimony gathered by phone on 12 October 2022.

## Appendix E: DtE testimony – Karen and James

Karen and James had been living together for five years when James died. They did not have any children and were not married or civil partnered, so were unable to access the BSP.

*“We were going to get married. I’d told my mum we were going to, but we hadn’t had the chance. One night James just got rushed into hospital and he died in the night. He had liver failure and had been told he didn’t have long, but we didn’t know just how long he had. I’d applied for a new birth certificate because it got lost when moving house, that had just come through and we were about to sort out the rest of the paperwork, but he died.”*

To start with Karen found it challenging paying for everything, all the bills, on her own. She is now getting used to it but says having the BSP monthly amount *“would have been something to lean back on when I was going through the bad patch”*. She also said the lump sum would have really helped with the funeral costs. In contrast to the BSP rules, Karen was treated as James’s partner for the SFFEP and so was able to access this. However, this paid less than £1,500 after deducting the few hundred left in James’s account. So, Karen had to apply to a charity to cover the remaining £675, which thankfully they did. If they hadn’t, she’s not sure what she would have done.

Karen says that when James died, she *“kept thinking that he would come back. I couldn’t stop crying and was really wound up in myself, I would just burst into tears at any time. Shutting down his bank account was upsetting because it felt very final. I haven’t slept properly since he’s been gone, and I still struggle with sleeping at night now.”*

If Karen had been able to get the BSP she said *“It would have been easier for me to get on with my life, I still would’ve missed him, but it would have made things easier. It’s not fair, we lived together as a couple, we had Universal Credit together as a couple, so I would’ve thought we would’ve got it.”*

Names have been changed for privacy.

Testimony gathered by phone on 20 Jan 2022.

## Appendix F: DtE testimony – Sandra

*“I didn’t cry once until his birthday [the following year] and it all came out and I felt a lot better. I couldn’t do it at the time, there was too much going on trying to get the finances for the funeral.”*

Sandra’s son, Graham, died suddenly in May 2019. The nature of his death meant that the police and the coroner were involved, adding another layer of trauma to her grief.

*“I couldn’t grieve ... I had no help from anyone. The police weren’t helpful. They weren’t very nice. The whole thing was just a horrible time, which made it worse. The police took his phone, his laptop, everything, because he died suddenly. I never got anything back. I got the laptop back, but didn’t get his phone, so I couldn’t get in touch with people and that was very upsetting.”*

Sandra also had to deal with the fact she didn’t have the money to pay for his funeral. She said she felt the combination of Graham’s sudden death, everything she had to go through with the police and the financial difficulties *“made things worse. ... It just seemed everything came at once. And I didn’t know which way to turn.”*

*“And they weren’t helpful at the DWP ... I was pushed from pillar to post on that too.”*

Sandra’s SFFEP application took just over seven weeks to be processed and while she said the funeral director did their best to keep costs down for her, they wanted all the money before the funeral. We helped her to get a £1,500 grant from a charity to cover the expected shortfall from the DWP, but Sandra had to put the date of the funeral back twice while waiting for the DWP payment.

*“It made it harder, it was quite a long time before he was actually cremated, which made it worse.”*

Sandra said the experience of waiting for the funeral to happen was, *“Awful. I didn’t want to go out. I didn’t want to do anything. I just wanted to curl up and just stay here. But I had to get on and do things, which was difficult at the time.”*

She says being able to progress with the funeral more quickly *“would have ... definitely”* made things easier. *“There’s nothing you- You can’t get on and do anything.”*

After the funeral, *“It was a relief. It was a relief it was over. You have closure then, you know what you’re doing. Still get bad days about it, but they pass. We just think of the funny times with him. Yeah, my daughter just thinks of how they always went to football together and travelled all over the country with [football team]. We can have a laugh about that.”*

Names changed for privacy

Testimony gathered by phone on 6 Jan 2023, except one comment in February 2020.

### Appendix G: DtE case study – TRH

Our client TRH was one of two young, bereaved students interviewed for a [HuffPost article](#) published in July 2020, highlighting the difficulties students face. She was a 19-year-old University student when her mother died of Covid-19 in April 2020. Below are extracts from the article relating to her story.

*'Opting for a basic burial, she still faced a bill of £5,000. ... "Being a student, there were so many obstacles, and it's so unfair. If that's [student finance] your only income they can't expect you to use that because then how are you going to take care of yourself?"*

*"It's very stressful. If you don't have anyone reliable you only really have a crowdfunder or a charity and even getting access to a charity is very difficult."*

*'Then there is the effect on their studies. "I haven't had time to focus on uni work ... The days when I'm not doing stuff for the funeral, I just want to take [time] out and concentrate on myself to breathe, not focus on work."*

## Appendix H: DtE case studies 1

H-1 Trevor's husband, Billy, died in 2019 when they were both in their 20s. Billy was severely disabled and had never been able to work. When Billy died, Trevor applied for the BSP but was denied it because Billy hadn't met the NICs requirements. This made funding the funeral and managing the daily finances much more difficult.

Although Trevor was able to get the SFFEP, he was further disadvantaged by the rule on deductions. Trevor and Billy had been in receipt of a joint claim of [income-related benefit] which was paid into Billy's account. When he died, a few hundred pounds of their last payment was sitting in his account, which Trevor had to use to pay household bills in time immediately following Billy's death. However, despite the money being from a joint claim and therefore partly Trevor's, the DWP counted all of it as Billy's estate and deducted it from the SFFEP award. Trevor asked for a reconsideration of the decision but received the same outcome.

The DWP award was only around £1,500, less than half the funeral bill, which was a bit over £3,000 for a simple cremation, so we helped Trevor access a charitable grant to pay the balance on the funeral bill. It should be noted that even though this was before the 2020 £300 increase to the 'other funeral expenses' part of the SFFEP, £300 would not have been enough to stop Trevor getting into debt without charitable help.

*Names and some details changed to ensure anonymity.*

H-2 Frank's daughter died unexpectedly in 2022. Shortly before this, he had paid money into her account to cover joint bills as they lived together. He explained this to Social Security Scotland when he applied for the FSP and they did not deduct this money from their award, despite it being in the deceased's account when they died.

*Names and some details changed to ensure anonymity.*

## Appendix I: DtE case studies 2

- I-1 Rasheed's sister, Farah, was unwell for 1-2 years before her death. Rasheed explained that during this time Farah managed to save £1,500 from her benefits to contribute to her funeral. However, this had meant that, at times, she had chosen to go without proper food or sometimes heating, to put the money aside. Rasheed was on a low income himself and paying off some existing debts but was not in receipt of a qualifying benefit and so was not able to claim the SFFEP. Even if he had been eligible, the award would have been significantly reduced as all the money Farah worked so hard to save would have been deducted.

*Names and some details changed to ensure anonymity.*

- I-2 Andreas, a pensioner, contacted us three months after his wife, Maria, died in 2018 as the funeral debt he was left with was hanging over him and he felt he couldn't move on psychologically with her death until it was paid off. It was important that she was buried, according to their faith and culture, but he didn't have any funds for a headstone. He didn't even feel he could visit her grave as he didn't feel he had a right to while he still owed money on the bill. Maria had managed to save some of her benefits money to go towards the funeral, but this was then deducted from the SFFEP so that the DWP paid less than £600. When he contacted us, Andreas still owed over £800, which we helped him to access from another charity. He said, "you don't know how much of a difference you have made to my life" as he now felt he could visit the grave.

It should be noted that even though this was before the 2020 £300 increase to the 'other funeral expenses' part of the SFFEP, £300 would not have been enough to stop Trevor getting into debt without charitable help.

*Names and some details changed to ensure anonymity.*

### **Appendix J: DtE case studies 3**

Nazani's partner, Davide, died in 2021 after a long illness. Davide's father, Philippe, contacted us for help with the funeral costs. Nazani had decided to move back to her home country with their two young children to get support from her family. She felt she had said her goodbyes to Davide while he was still alive and so did not want any involvement in the funeral. As a result, Philippe was taking responsibility for the funeral costs, but despite being in receipt of a qualifying benefit he was not able to claim the SFFEP as the DWP would only accept an application from Nazani, as Davide's co-habiting partner.

*Names and some details changed to ensure anonymity.*

## Appendix K: Amanda's story, DtE client

Amanda sought advice from us in February 2019 when faced with planning her son's funeral, and bravely agreed to share [her story on film for The Guardian](#), along with her son's girlfriend, Chelsea. The 20-minute film is very powerful to watch, but below are some selected quotes and narrative.

Amanda: *"I feelin the pain right now. I want my son I can't get him back. He's dead. And I'm sitting here, I'm worrying about finding the money, I'm worrying about charity giving us the money. I'm worried about, you know, I have to bury my son. I'm worried about my kids. I still can't even grieve the way I want to grieve."*

Narrator: *"Rahim Johnson died unexpectedly in February, at the age of 21. His mother, Amanda, now has to find several thousand pounds to pay for his funeral. Money she simply doesn't have."*

Amanda: *"I just, I had enough. I had enough of the whole, the whole thing. Where would you find £9,000? Like where would you find that money? This is just to bury you."*

Narrator: *"After being encouraged to shop around, Amanda found an undertaker willing to do the funeral for £4,000."*

Rahim's girlfriend, Chelsea: *"We have to get this money by Tuesday. That's Saturday, Sunday, Monday. That's four days. I mean, that's three sleeps, four days. That's no time."*

Narrator: *"Chelsea has been helping Amanda navigate the slow, complicated and confusing process of applying for charitable grants and loans from governmental departments like the DWP."*

Chelsea: *"I mean, we've rung so many people up, asking to do instalment payments and they're saying 'No' even if you- no matter how much you're pouring your heart out and you're explaining the situation, it seems like nobody wanted to support us. Now, this is how we are feeling, like in some way that we're failing him because we can't get this funeral sorted. You just go through the same things every single day, saying the same things every single day. Telling yourself the same things every day. You're asking yourself the same questions every day. I mean, tomorrow we get up and this is the first thing that we're going to be onto, we get up crack of dawn to sort things out. And it's a million things, having to deal with your emotions but also professionals trying to get information on the coroner, the funeral, everything. It's all too much, the whole situation is all too much."*

Narrator: *"Friends have raised over £800 to help with the funeral costs but it won't be enough on its own. In order to understand her options, Amanda has been put in touch with Down to Earth..."*

Claire at Down to Earth to Amanda on the phone: *"Now, some people ask for the council to carry out what's called a public health funeral when they just can't get the money together at all. And that's a simple funeral. Usually someone would either be cremated or buried in a shared grave..."*

Amanda (crying): *"I don't like hearing the bit where you have someone buried on top."*

Narrator: *"Amanda visits the local cemetery with her daughter Lorie and friend Cass to see the area set aside for public burials. The £4,000 will pay for a shared, unmarked grave"*

Amanda (pointing at the public burial side): *"These are all the people to me that are worth nothing and over there is the people that have, like on the other side. They got, they got the money they can pay for it. They got their family or friends. They can help them. So this is the side you will go."*

Narrator: *"Amanda still doesn't know how her son died. So is in regular contact with the police."*

Amanda to the police: *"I'm really, really annoyed to the fact where I haven't got no time to grieve. I have no time to grieve for my son. Because I have to worry about a million things. Well, how do I feel? I feel really broken now, really, really hurt. I want my son."*

The funeral director manages to get an agreement that Amanda can have a "community grave", which would normally be shared, as a single grave and not in the usual community/public grave section. This reduces the upfront cost, but she will then still need to buy the grave later. They are then trying to find £1,930 for the next day and looking at pay day loans to add to the £1,100 they already have.

However, in an usual outcome, the council end up covering the burial costs. Amanda can now focus on going to visit her son for the last time.

Tina Lambert, funeral director: *"She needs to be grieving for her boy, you know, and unfortunately she hasn't had the time to do it."*

Amanda: *"I think people should be able to go through grief in the way that they're supposed to. By not having to go through 12 or 20 people. And all of them are telling you 'No, no, no. You can't do, we can't do this. We need this, we need that.' You feel sick, you feel hurt. You feel broken down. You feel like everyone out there is against you. I just wish that, you know, the government will have something straightforward, so other people wouldn't go through what I've been through."*

## Appendix L: Life On the Edge, Episode 10 - Pay Now Grieve Later

This [podcast episode](#), which we and three of our clients made with human rights theatre company ice&fire, was produced in 2018, but sadly most of it is still relevant.

You no longer need a confirmed funeral date to make a SFFEP application – a welcome change, the target average processing time for SFFEP applications is now 13 working days – greatly reduced but still too long, funeral directors are required to display their prices and the capped element of the funeral payments has risen slightly as detailed in this report. However, even if the £300 increase had existed in 2018, the payment still wouldn't have been enough to stop Teresa getting into debt.

Funeral prices have continued to rise and the reality for those who do not have several thousand pounds saved for a funeral is much the same.

The full piece is 39 minutes, but below are some selected quotes and narrative.

L-1 **Teresa** was a single mother with poor health when her brother, Steve, was found dead unexpectedly in some woods. As well as dealing with the shock and grief of her brother's death, Teresa now had to face planning his funeral.

Despite not having a funeral car and doing the flowers herself, the funeral bill was still £4,300. She was told the basic cost would be £1,500, but then got a shock.

*"But when they said, 'Oh no, you've got to do this and you've got no vicar or the Humanist and then you've got this', it started adding up. ... I get the final bill and it was like three and half- four and half thousand. I was like 'you're having a laugh'. It was like a hole in my heart."*

*"Well, I just didn't know what to do ... You know, I've always helped my family out, I've never got myself in debt, I've never had a loan or anything like that. And yeah I had this bill and I was thinking crumbs what do I do? That's why I went to the government."*

However, the SFFEP only paid £471 once the DWP had deducted her brother's estate (£950 in his bank account). The circumstances of Steve's death meant the funeral was already delayed and Theresa really didn't want it be any further, so a friend helped her crowdfund so she could pay the £1,700 deposit.

*"I felt guilty because he was there from February until April as it was, so that was a long time for me for someone to be sat in a morgue. ... you feel like you're letting them down ... I can't describe the feeling. But once you've got everything planned you feel like you've released them."*

The stress didn't end with the funeral though as she still owed the funeral director over £2,000. Not well enough to work and relying on benefits for her income, she found herself in debt for the first time in her life. It took a toll on her and her young son.

*"What I was doing was not paying for certain bills, I'd take off 10, 20 pound off one thing so, you know, it was mounting my own bills up ... So I cut back on my food ... And then like, poor Robbie was suffering because he noticed I was getting tired all the time; I was being ill ... every time I stood up I started passing out ... So I knew if I didn't get some help I'd probably be the next one who's being cremated, you know what I mean."*

*"You know, just losing someone's bad enough, but when you can't grieve because you've got everything going on and it all hits you at once and it's not just one thing it's another and then people don't understand that, where you probably withdraw a little bit because you're trying to think, 'what do I do next?'"*

Teresa was referred to us at DtE and we helped her get a charitable grant to help with her debt. The impact on her mental health and ability to grieve was huge.

*“So I rung the lady up who sent me the cheque and I was crying on the phone and I was like, ‘Thank you so much; I can’t thank you enough’, you know. Then I rung Claire up and I was crying on the phone to her. I said, ‘Claire, I’m so grateful’”*

*“...without [DtE’s] help I wouldn’t be where I am now and I’d probably be in a real emotional state still ... it sort of helped me grieve easier, even though it was hard, but it gave me a sense of relief that I wasn’t going to be struggling all my life”.*

- L-2 **Rick’s** ability to work was impacted when his mum was diagnosed with terminal cancer, and he wanted to spend as much time with her as possible and found it difficult to focus on work. He had limited funds for her funeral when she died and, when he contacted a funeral director, was shocked to receive a quote of £6,000 for a burial. As he wasn’t in receipt of a qualifying benefit, he wasn’t eligible for a funeral payment. Unsure what to do he searched online and found DtE.

*“A few weeks before that I thought I would be paying six grand and I thought I can’t- I don’t know how I’m going to deal with that; it’s going to cause me a lot of problems. ... Gillian found a funeral director, Ian, who... I think he wanted around £4,000, just under £4,000 everything.”*

Rick’s bill required a 50% deposit, and he had difficulty getting his mum’s benefits money from the bank in time, so he also had to turn to friends for help.

*“The money wasn’t actually available at the very point of the funeral, but we were told it would be paid, so we had to scabble around each other to get cash or at least that half the amount, which we did. That’s quite a stressful experience...”*

At DtE, we helped Rick access a charitable grant towards the rest of the bill.

*“Thanks to ... Down to Earth’s participation and their help there we got in contact with the Catholic church ... ‘cause my mother used to be a Catholic ... there was this St John Caritas grant ... they paid out a sum of about £1,500 towards the funeral, which is a huge amount. ... That’s why without you being there the situation of giving my mother a dignified burial, I would have struggled with you know, I really would. I would’ve been totally lost; I didn’t know where to go to.”*

*“I appreciate the onus is on people saving, doing this themselves, but in instances such as my mother who’d lived in the care system all her life and through no fault of her own could not provide provision to save for her funeral, that liability should not be passed on to me; that’s totally wrong.”*

*“What we’ve really got to campaign for is to stop this happening in the first place to stop this kind of suffering, government expectation that you’ve got to sort this out or you’ll be left with huge debts that you can’t possibly recover from paying.”*

Name changed for privacy.

- L-3 **Thomas** was earning just £200 a week as a part-time cabbie while caring for his mum, Margaret, when she died of cancer. The financial difficulties both he and his mum had experienced over many years meant there were no savings to pay for it. So, the hospital offered to hold Margaret’s body for as long as he needed to save the money.

*“That’s what I would have done. I would have saved and saved and saved until I had enough money to say, ‘Right, I can bury her now’, you know what I mean. ... I spoke to the Bereavement Officer at Homerton and I explained the situation. He was lovely; he actually put me on to Down To Earth ... [who] put me in touch with a funeral directors over there ... and they were brilliant, they come with a reasonable quote, very good, very helpful as well. You know, gave me all sorts of advice ... ‘Cause, even it was tight, they said you can have an early morning crematorium that could save you even more money... He goes ... ‘can you get a couple of people to help carry the coffin or we can wheel it on the trolley if you want.’ ... So there was two of the guys and us; there was six of us carried my mum’s coffin into the church.”*

His cab came in handy too.

*“And I took all the people in there, my neighbour come as well, so everyone in the cab luckily five people in a taxi and I got there before them ‘cause I can use the bus lanes! ... All in I think it was about two and a half, two thousand six hundred all in and that’s just a small funeral, basic, church service, organist, limousine, another service at the crematorium that sort of stuff, but that’s just a small service. £2,600, most people don’t have £2,600, d’you know what I mean. ... But I had the options to do that ‘cause I’m working and luckily I had friends and family and the help with the Caritas fund and your advice, the charity was fantastic, you guys really helped me out there. But for those people who don’t have those options, they’re in trouble.”*

Name changed for privacy.

## Appendix M: Samantha's story

Samantha's story was published in our 2021 report [An abdication of duty? Local Authorities and access to public health funerals](#).

Samantha had been estranged from her brother, Kevin, for over eleven years when he died. He had no other close relatives. She was told that he couldn't have a public health funeral and that, as a direct relative, she would need to organise and pay for one herself, even though she couldn't afford it.

After an exhaustive period of phone calls, legal guidance, and emotional support from her family, Samantha finally convinced the Council that it was the only option. A simple, non-attended funeral was arranged for Kevin, over three months after he had died.

*"I started looking into direct funerals but the prices were from about £1,500 to £2,500. I just couldn't afford to take on the debt.*

*"I'd fallen out with Kevin after he didn't turn up to our Dad's funeral – we'd barely been in touch since.*

*"It wasn't just Kevin's funeral costs. When I called to try and give up his flat, I was told I would need to pay for any repairs. I knew I'd be entering into a money pit; his flat had been left in a bad way. If I took responsibility for a funeral I'd have to take responsibility for everything else. I couldn't afford it and I wasn't eligible for the Funeral Expenses Payment.*

*"Luckily, I was put in touch with Sophie at Down to Earth. We started contacting the council to organise a public health funeral for Kevin.*

*"We were being passed from pillar to post. People kept giving me different numbers and I was going round in circles – I wanted to give up.*

*"It was about doing right by my mum. If she was looking down I knew she would have been saying that I need to do something. At this point Kevin had been in the mortuary for four or five weeks. It was looking more and more disrespectful that he hadn't had a funeral yet.*

*"One minute, you get off the phone and you think, right, I'm one step ahead here, but the next day you get a phone call and you're two steps backs. It was just perseverance, really.*

*"It wasn't until 21 January, over three months since he'd died, that they finally agreed to give him a public health funeral.*

*"They did ask if I wanted to attend and I said no as I didn't want to cause more expense if there wasn't enough in his estate. All I wanted was to lay Kevin to rest.*

*"I scattered his ashes on my mum's grave. When I can afford it I'll put on a headstone so it does show that he was here.*

*"I don't think you should have to argue for a public health funeral. It should be made more straightforward and quicker. Without Down to Earth I wouldn't have known where to turn."*

The Council does not share any contact details for arranging a public health funeral on its website. It required three phone calls from a Down to Earth case worker to reach Business Core Services, the department in charge of arranging public health funerals. After being turned down twice, it wasn't until the case worker quoted specific legislation from the [Public Health \(Control of Disease\) Act 1984](#) and a further follow up email was sent that Samantha received confirmation that a public health funeral would be arranged. The funeral itself did not take place for a further 10 weeks after this confirmation.

## **Appendix N: Representative of the Muslim Burial Fund, a programme of 13 Rivers Trust**

### Public health funerals

*"We get a lot of referrals from local authorities but they just hand over to us as a charity, they don't help financially. These cases are mainly without [sic.] any known family members [sic]."*

*"Sometimes we find even Jewish and Muslim bodies are being cremated. We found a few cases where nobody came forward so they had to do what they had to do. This is what we hear from people." As they hadn't dealt with the case directly and the specifics weren't known, it wasn't known whether the council knew the deceased had religious beliefs, or that cremation would be contrary to their wishes, or whether they had taken reasonable steps to ascertain this.*

*"We were contacted by the council after two to three months to organise the burial and fund it". Even though no one was making funeral arrangements and therefore it was the council's legal duty to do this.*

*"After investigating we discovered they hadn't even contacted the neighbours. ... We went to the neighbours to find out and identified that he has a [sibling] ... We utilised the local ethnic TV channels to put up an ad and went knocking on neighbours' doors. It's good that they contacted us but there is no financial help. They asked us if we could check if he had any money, but all he had was [a few hundred pounds] in his account."*

The deceased's elderly sibling didn't have the means to pay and only came forward after the burial. Therefore, the legal responsibility lay with the council, but the charity ended up funding the funeral.

Another council has their own cemetery and will carry out burials there that they pay for, which is positive in some ways, but they have been told that the Muslim area in the council cemetery is full.

*"They won't entertain the idea of using a different cemetery. We are dealing with a case at the moment where the family want to use a specific cemetery because it is a Muslim cemetery and also because other family members are buried there", but the council won't do this, so the charity is helping them instead.*

*"When a person from the Muslim community passes away we are required to bury that individual as quickly as possible". However, they reported that councils are generally "very slow to act" and of one particular case said that "it took a week just to establish the relationship with them".*

### Social Fund Funeral Expenses Payment

They also said that the DWP needs to process SFFEP applications quicker, *"Straightforward cases are quicker and are processed within 5 weeks, but where they're more complicated they take longer. I think they should allow them to make an online application. You have to print it out [unless applying over the phone] and sometimes they get lost in the post. If they don't have any funds, with a burial the cemetery and the funeral director want the payment straight away and it needs to come from somewhere and the DWP takes too long, that is a real issue."*

Of the DWP's family tests they said, *"There can be lots of family complications. For example, the son is working and not receiving any benefits, but isn't in touch with the family and the DWP expect them to cover the costs but that person is not in the scenario."*

*"One of the issues [sic.] we often face is that when someone passes away without any legal status in UK there are no funds available to cover the cost of the funeral ... therefore we have to rely on public donations, it would really be nice if the government [sic.] recognises this and put aside some funds to cover their burial cost."*

*"We see a lot of asylum seekers without any legal status and they're not entitled to any help when it comes to burial which makes it difficult for us to cover the cost."*

Interview given by phone and email on 22 December 2022 and 4 January 2023.

## **Appendix O: Incorrect advice given by DWP**

A selection of incorrect advice that has been reported to us.

*Client was the partner of deceased and was living with him when he died. DWP said that they wouldn't accept the claim as deceased's [relative] was named as NOK [(next of kin), even though when there is a surviving co-habiting partner it is only them who can claim]. - DtE development worker, November 2021*

*Client told by worker at DWP that he would not be entitled to any support with [the deceased's] funeral. He does have a QB, and he states that there are no other family members (siblings estranged) to take responsibility, also states [the deceased] had no savings, so DWP info was incorrect. Got it after our advice. - DtE development worker, April 2021*

*[Client] was told she would not be eligible because of older siblings and the possibility they might not receive QB [qualifying benefit], this was despite her telling DWP that [the deceased] had been estranged from [them, in which case they should be disregarded]. Got the payment after our advice. - DtE development worker, October 2020*

*[Client] was told that he would have to find out if [deceased]'s other children were in receipt of benefits and if they weren't [the client] wouldn't be eligible when they're actually estranged, but they didn't ask anything about estrangement or any other exclusion. - DtE development worker, October 2019*

*DWP advised that deceased's brother should apply for SFFEP but client has closer relationship to deceased so he could potentially apply. Also brother ... lacks capacity. DtE development worker, October 2019*

## Appendix P: Notes

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<sup>1</sup> “The Professional fees include collection and care of the deceased, hearse and attendants and director, one limo, use of chapel of rest, attending to all essential documentation, oak veneer coffin.

Disbursements including: doctor's fees, clergy/officiate fee, cremation/burial fee, and service in church or cemetery chapel including an organist.” Competition and Markets Authority (CMA), Funerals Market Investigation - Final Report, [Appendix N - Funeral directors’ pricing levels and trends](#), December 2020.

Paragraph 12, footnotes 9 & 10.

<sup>2</sup> SunLife, [Cost of Dying 2022 Report](#), p.3.

<sup>3</sup> CMA, [Funerals Market Investigation - Final Report](#), December 2020. Paragraphs 7.26 and 7.27.

<sup>4</sup> *Ibid.*, paragraph 21

<sup>5</sup> *Ibid.*, paragraph 7.192

<sup>6</sup> Royal London, [The Impact of COVID-19 on Funerals: National Funeral Cost Index Report 2020](#), p.14.

<sup>7</sup> CMA, [Funerals Market Investigation - Summary of Final report](#), 18 December 2020, p.9.

<sup>8</sup> Ministry of Justice, [Government response to the CMA Funeral Market Report](#), 7 April 2021, p.8-9.

<sup>9</sup> SunLife 2022 *Op.Cit.*, p.24. Based on 667,483 total UK deaths. (Office for National Statistics (England and Wales): 586,334 deaths, National Records of Scotland: 63,587 deaths, Northern Ireland Statistics and Research Agency: 17,562 deaths.)

<sup>10</sup> Royal London *Op. Cit.*, p.18.

<sup>11</sup> Marie Curie, [Dying in poverty: Exploring poverty at the end of life in the UK](#), May 2022, p.5.

<sup>12</sup> Name changed for privacy – see appendix F.

<sup>13</sup> Name changed for privacy – see appendix C.

<sup>14</sup> UK Commission on Bereavement (UKCB), [Bereavement is everyone’s business - 2022 report](#), p.110.

<sup>15</sup> Department for Work and Pensions (DWP), [Social Fund annual report 2020 to 2021](#), Annex 1.

<sup>16</sup> SunLife, [The Cost of Dying 2021 Report](#), p.4.

<sup>17</sup> Department for Communities (DfC), [Annual Report on the Social Fund 2020 - 2021](#), Annex 1.

<sup>18</sup> SunLife 2021 *Op.Cit.*, p.14

<sup>19</sup> DfC, [Annual Report on the Social Fund 2021 - 2022](#), Annex 1.

<sup>20</sup> Social Security Scotland, [Funeral Support Payment: high level statistics to 31 March 2021](#), p.5.

<sup>21</sup> SunLife 2021 *Op.Cit.*, p.14.

<sup>22</sup> Social Security Scotland, [Funeral Support Payment: high level statistics to 31 March 2022](#), p.4 and SunLife 2022 *Op.Cit.*, p.11.

<sup>23</sup> In England, Wales and Northern Ireland, unless the coroner carries out an investigation, a Medical Certification Fee is payable for all cremations. Scotland does not charge this fee.

<sup>24</sup> No SunLife data exists for 2003. [CPI inflation data](#) applied to SunLife's 2004 figure (£1,835) would put the average cost in 2003 at £1,811, making a 124% increase from 2003 to 2019 (£4,115).

<sup>25</sup> Categorized as including “the funeral director fees for meetings, paperwork and running the funeral; the collection of deceased and care prior to funeral; a hearse or appropriate vehicle for transport to the funeral and a basic coffin.” CMA Final Report *Op.Cit.*, paragraph 7.36, footnote 980.

<sup>26</sup> *Ibid.*, paragraphs 7.36 to 7.39

<sup>27</sup> Tackling Child Poverty and Social Justice Directorate (Scottish Government), [Funeral Support Payment: evaluation - qualitative research](#), Chapter 8, July 2022.

<sup>28</sup> “All benefits for bereaved people must be up-rated annually in line with inflation in all four nations.” UKCB *Op.Cit.*, p.122

<sup>29</sup> Legal paperwork refers to a grant of probate, letters of administration or, in Scotland, confirmation. Arrears of benefit paid in on or after the date of death cannot be deducted and, in Scotland, no deductions are made if the deceased was under 18.

<sup>30</sup> Child Tax Credit, Housing Benefit, income-based Jobseeker's Allowance (JSA), income-related Employment and Support Allowance (ESA), Income Support, Pension Credit, Universal Credit (UC) or Working Tax Credit (disability or severe disability element).

<sup>31</sup> “No recourse to public funds” is an immigration condition imposed on a person who is “subject to immigration control”, as defined at section 115 of the Immigration and Asylum Act 1999.

<sup>32</sup> Joseph Rowntree Foundation (JRF), [A Minimum Income Standard for the UK in 2022](#), September 2022.

<sup>33</sup> JRF's report (*ibid.*) found that "changes to UC for those in work, introduced in November 2021", although they "have improved the situation for working households relative to those on out-of-work benefits, this has not been enough to offset the rapidly rising living costs seen in recent months." While Just Fair's submission to the CESCR on behalf of civil society organisations in England and Wales reports that "evidence indicates that in-work poverty has increased, rising from 13% of in-work households being in poverty in 1996-97 to 17% in 2019-20 (SUB 22, p. 9). ... Furthermore, a lack of growth in earnings has meant there has been no mitigation of cuts to in-work social security benefits undertaken by the State Party over the last ten years (SUB 14, p. 2)."

<sup>34</sup> UKCB *Op.Cit.*, p.122.

<sup>35</sup> Social Security Scotland, [Eligibility for Funeral Support Payment](#), February 2021. See section titled "Providing evidence of responsibility".

<sup>36</sup> [The Funeral Expense Assistance \(Scotland\) Regulations 2019](#), Regulation 7(2) "In determining whether it was reasonable to accept responsibility, the Scottish Ministers must consider— (a) whether someone other than the applicant, or the partner of the applicant, would be the nearest relative of the deceased person in terms of section 65(3) to (6) (arrangements on death of adult) of the Burial and Cremation (Scotland) Act 2016(1), and / (b) any other relevant circumstances that the applicant brings to their attention."

<sup>37</sup> Our experience and evidence almost entirely relates to England and Wales as we receive very few referrals from Northern Ireland. However, the rules as set out in the legislation are the same.

<sup>38</sup> For both the FEP and the SFFEP "partner" is defined as "the other member of a couple" with "couple" defined as "1. two people who are married to, or civil partners of, each other and are members of the same household / 2. two people who are not married to, or civil partners of, each other but are living together as if they were a married couple or civil partners." There are further qualifying definitions for those in a polygamous marriage. [Advice for Decision Making Guide - L: Universal Credit](#) and [Decision Makers' Guide - Vol 7 Ch 39: Social Fund payments](#) with [DMG Vol 4 Ch 22: Membership of the family](#).

<sup>39</sup> [The Social Fund Maternity and Funeral Expenses \(General\) Regulations 2005](#) (SFFEP) and [The Social Fund Maternity and Funeral Expenses \(General\) Regulations \(Northern Ireland\) 2005](#) (FEP), Regulations 8(1) and 8(2) in both.

<sup>40</sup> *Ibid.*, Regulation 8(7)(b) in both.

<sup>41</sup> Based on real cases with names and some details changed to ensure anonymity.

<sup>42</sup> Social Security Scotland, [Eligibility for Funeral Support Payment](#) *Op.Cit.*

<sup>43</sup> SFFEP and FEP Regulations *Op.Cit.*, Regulation 7(8)(a),(d)&(e).

<sup>44</sup> Social Security Scotland, [Eligibility for Funeral Support Payment](#) *Op.Cit.*

<sup>45</sup> UKCB *Op. Cit.*, p.110.

<sup>46</sup> Financial Conduct Authority, [FG21/1 Guidance for firms on the fair treatment](#), 2021.

<sup>47</sup> DWP *Op. Cit.*, Annex 1; DfC 2020-21, *Op.Cit.*, Annex 1 and DfC 2021-22, *Op.Cit.*, Annex 1.

<sup>48</sup> Social Security Scotland, Funeral Support Payment statistics 2021 and 2022, *Op.Cit.*, p.1

<sup>49</sup> Tackling Child Poverty and Social Justice Directorate (Scottish Government) *Op.Cit.*, Chapter 2.

<sup>50</sup> This view was echoed in an organisational respondent's comments to the UKCB: "[the FSP is] working very, very well. I spoke with a funeral director just an hour ago to deal with a small issue, it's the first one we have had in a year, and it was down to miscommunication. They seemed to have tweaked the model appropriately so that payments can be made by choice to the family or direct to the funeral director within a matter of two weeks. And that comes down to the kind of absence of means testing or the slightly different form, it just seems to work. So I would certainly say that having gone through that experience, the Scottish model seems to be something to look toward." UKCB *Op.Cit.*, p.86-87.

<sup>51</sup> Equality and Rights (Scottish Government), [New funeral benefit to launch](#), September 2019.

<sup>52</sup> DWP *Op.Cit.*, paragraph 4.11 and table.

<sup>53</sup> DfC 2020-21 *Op.Cit.*, paragraph 4.6 and table, and DfC 2021-22 *Op.Cit.*, Table 2.

<sup>54</sup> Social Security Scotland, Funeral Support Payment statistics 2021 and 2022, *Op.Cit.*, p.4

<sup>55</sup> House of Commons Library (Steven Kennedy), [Bereavement Support Payment \(Briefing Paper Number 7877\)](#), 19 June 2017, p.3.

<sup>56</sup> Childhood Bereavement Network, [Bereavement benefits and cohabiting parents](#) briefing, February 2020.

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<sup>57</sup> Supreme Court Judgment, [In the matter of an application by Siobhan McLaughlin for Judicial Review \(Northern Ireland\)](#), 30 August 2018.

<sup>58</sup> Estimated using [Statexplore](#) data on the number of successful BSP claims, the government's estimate that [only 84% of eligible people are claiming the BSP](#) and Office for National Statistics data on [Families and households](#).

<sup>59</sup> [The Burial and Cremation \(Scotland\) Act 2016](#) gives "the adult's spouse or civil partner" first in their list of nearest relatives at Regulation 65(3), but second is "neither married to nor in a civil partnership with the adult but was living with the adult as if they were married to each other and had been so living for a period of at least 6 months (or if the adult was in hospital immediately before death had been so living for such period when the adult was admitted to hospital)".

<sup>60</sup> [Hackney Community Law Centre Blog](#), 27 June 2022.

<sup>61</sup> "Most commonly these financial problems impacted those who had been bereaved of a partner or spouse and the related reduction in household income. ... Of the bereaved adults who answered a question on financial difficulties due to bereavement, 43% reported financial difficulties, and this increased to 50% for those who experienced the death of spouses/partners. This increase was substantial enough to be statistically significant." UKCB *Op. Cit.*, p.117.

<sup>62</sup> "Women who had not been married were sometimes sad that they were not entitled, formally, to call themselves 'widows', a group name which, they thought, acknowledged their partnership and might bring some dignity and respect. Discovering that they were not entitled to sign forms to register death, because they were not formally 'next-of-kin', had been deeply hurtful". Corden PA and Hirst MA, 2013. [Economic Components of Grief](#), p.10. *Death Studies*. pp. 725-749. ISSN 1091-7683.

<sup>63</sup> Public Law Project, News & Updates, [High Court: Widower's rights breached after benefits denied on basis of late wife's disabilities](#), 12 September 2022.

<sup>64</sup> EWHC (Administrative Court) Decisions, [R Jwanczuk v Secretary of State for Work and Pensions](#), 07 September 2022, paragraphs 47 and 95.

<sup>65</sup> Childhood Bereavement Network, [Benefits for bereaved children not mentioned in Chancellor's uprating measures](#), 17 November 2022.

<sup>66</sup> Sometimes known by other names, including Burial and Cremation Act Funerals in Scotland to follow the name of the legislation under which they sit.

<sup>67</sup> This is through the [Public Health \(Control of Disease\) Act 1984](#) in England and Wales, the [Burial and Cremation \(Scotland\) Act 2016](#) and the [Welfare Services Act \(Northern Ireland\) 1971](#).

<sup>68</sup> We defined "narrow criteria" as the focus being either solely on religious, cultural or "ethnic" beliefs, as opposed to simply personal beliefs or wishes, or where religion was not referenced at all.

<sup>69</sup> As the report focused on England and Wales we have quoted the Public Health (Control of Disease) Act 1984 Regulation 46(3) here, to which the Welfare Services Act (Northern Ireland) 1971 is very similar. However, the Burial and Cremation (Scotland) Act 2016 goes further: "the local authority must, so far as known to the authority, have regard to a) any wishes that the person expressed as to means of disposal of the person's remains, and b) whether the person was of a particular religion or belief".

<sup>70</sup> Stroeb M, Schut H, Stroeb W, 2007. Health outcomes of bereavement, *Lancet* 2007; 370: 1960–73.

Kokou-Kpolou CK et al., 2020. Correlates of Grief-Related Disorders and Mental Health Outcomes among Adult Refugees Exposed to Trauma and Bereavement: A Systematic Review and Future Research Directions.

Corden PA & Hirst MA *Op.Cit.*

<sup>71</sup> Diolaiuti F et al., 2018. Impact and consequences of COVID-19 pandemic on complicated grief and persistent complex bereavement disorder. *Psychiatry Research* 300 (2021) 113916. Corden & Hirst *Op.Cit.*

<sup>72</sup> Tackling Child Poverty and Social Justice Directorate (Scottish Government) *Op.Cit.*, Chapter 8.

<sup>73</sup> UKCB *Op. Cit.*, p.21-22.

<sup>74</sup> Kokou-Kpolou CK et al. *Op. Cit.* and Stroeb et al. *Op. Cit.*

<sup>75</sup> Diolaiuti F et al. *Op. Cit.* and Eisma MC, Boelen PA et al. 2020. Prolonged grief disorder following the Coronavirus (COVID-19) pandemic. *Psychiatry Research* Volume 288, June 2020, 113031.

<sup>76</sup> Sudbury-Riley L. and Giordano B., 2020. [The Lived Experiences of People Bereaved by COVID-19](#). University of Liverpool Management School.

<sup>77</sup> Prolonged grief disorder is considered to be "substantively the same" as persistent complex bereavement disorder. Maciejewski PK et al., 2016. "Prolonged grief disorder" and "persistent complex

bereavement disorder”, but not “complicated grief”, are one and the same diagnostic entity: an analysis of data from the Yale Bereavement Study.

<sup>78</sup> *Ibid.*, Kokou-Kpolou CK et al. *Op. Cit.* and Diolaiuti F et al. *Op. Cit.*

<sup>79</sup> Kokou-Kpolou CK et al. *Op. Cit.* and Maciejewski PK et al. *Op. Cit.*