



28/06/2024

EUROPEAN SOCIAL CHARTER

Comments submitted by the Quaker Social Action
concerning the Ad hoc report on the cost-of-living crisis
submitted by
THE GOVERNMENT OF THE UNITED KINGDOM

Report registered by the Secretariat

On 28 June 2024

CYCLE 2024



COMMENT ON UK'S AD HOC REPORT ON THE COST-OF-LIVING CRISIS TO EUROPEAN COMMITTEE OF SOCIAL RIGHTS

ABOUT QUAKER SOCIAL ACTION

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 a UK-wide funeral costs service now in its 15th year. Thousands of individuals each year access our extensive digital resources designed to help people plan a meaningful funeral that is as affordable as possible. Meanwhile, we give direct support to those in the greatest need, helping 966 people in 2023-24, and this 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 pre-sessional working group of the UN Committee on Economic, Social & Cultural Rights in 2023 as part of their seventh review of the UK, and to the UN's Special Rapporteur on Extreme Poverty in 2018. QSA is widely recognised as a leading authority on funeral poverty in the UK.

INTRODUCTION

2. The [UK's report](#) makes no mention of funeral and bereavement benefits, other than to reference, in response to question six, that, in Scotland, Ministers must "consider the effects of inflation, report on the inflation-adjusted level of most devolved benefits, and, if current rates are below that level, must bring forward legislation to increase ... funeral expense benefits". This nine-page report explains what the UK's report does not: the extent of funeral poverty, its impact on people's essential needs and its interaction with the cost-of-living crisis.
3. Income-replacement benefits and the National Living Wage (NLW) are insufficient,¹ meaning that just over a third of people either have no savings or less than £1,000.² Funeral and bereavement benefits are also inadequate and are not updated across the UK. Together, this means that when a life shock like bereavement happens, paying for the funeral and adjusting to a potential change in financial circumstances because of the death can impact people's ability to pay for essentials. In the current cost-of-living crisis this impact is even greater.

SETTING THE CONTEXT

Funeral costs and the funeral industry

4. In 2023 the average cost of a "basic funeral"³ was £4,141 according to [SunLife's 2024 Cost of Dying report](#).⁴ This is a rise of 126% since 2004 when they started collecting the data. In that time, 2021 and 2022 are the only years that have shown a decrease, with prices rising again last year.
5. 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 2019.⁵ Only in the final 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.⁶ It also found that average cremation fees had increased at rates above inflation between 2008 and 2018.⁷

6. 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 burial fees were "the biggest component of the overall rise in the cost of a funeral between 2014 and 2020",⁸ while SunLife's latest research finds average burial fees have increased 145% since 2007 when they began collecting this data.⁹ 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.
7. The Scottish Government is in the process of bringing in a licensing and inspection regime for the at-need funeral industry in Scotland, but elsewhere in the UK the 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.
8. The CMA also recommended that the UK Government and the devolved administrations in Northern Ireland and Wales establish a registration and inspection regime,¹⁰ but the UK Government 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".¹¹ Three years on, no such agreed set of standards exists.

Funeral poverty

9. SunLife found that in 2023, 20% of "families experienced notable financial concerns when paying for a funeral", which equates to 132,403 people.¹² The proportion of families experiencing this has risen every year for the last four years and, last year, on average they had "to find almost £2,716 to cover the costs". Borrowing money featured highest in how this group made up the costs, with 55% of them taking on debt,¹³ 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 £1,751.¹⁴
10. The impact of these difficulties on people was shown to be stark: 3 in 4 people in this group said paying for the funeral impacted their mental health and 1 in 3 had to cut back on essentials like food.¹⁵ It was also notable that an impact could be seen outside of those who identified with experiencing notable financial concerns. Across the whole sample, over 4 in 10 (44%) said the cost-of-living crisis impacted how they organised and/or paid for the funeral, with 1 in 4 (24%) saying that paying for the funeral affected their standard of living, 1 in 10 (10%) saying they had to cut back on essentials like food and 6% reporting they struggled to pay essential bills or rent.¹⁶
11. In addition, Marie Curie's 2022 [Dying in Poverty report](#) found that 90,000 people die in poverty every year in the UK.¹⁷ While some of these people will have family members with funds to pay for their funeral, many will not.
12. *"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 2019.¹⁸
13. *"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 2022.¹⁹
14. 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).²⁰

FUNERAL PAYMENTS

15. Funeral payments are insufficient and not accessible for all who need them. 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 and exclusionary.

Amount

Average awards

16. 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 £1,838,²¹ which was only 44% of the average cost of a “basic funeral” in the UK that year.²² This is based on the latest publicly available DWP figures.
17. In Northern Ireland the Funeral Expenses Payment (FEP) is run by the Department for Communities (DfC). In 2020-21 the average award²³ was 41% of the average cost of a “basic funeral” in Northern Ireland that year.²⁴ However, the DfC has published more recent data than the DWP, and in 2022-23 the average payment increased to £1,453,²⁵ which was 44% of the average cost that year.²⁶
18. In Scotland the Funeral Support Payment (FSP) is run by Social Security Scotland. In 2020-21 the average award²⁷ was 44% of the average cost of a “basic funeral” in Scotland that year.²⁸ However, the Scottish Government has published data even more recently still, and in 2023-24 the average payment had increased to £1,974,²⁹ which is 47% of the average cost that year.³⁰

Capped / flat rate element

19. All three funeral payments are made up of two main elements. “Necessary” crematorium or cemetery fees and doctor’s fees where applicable, plus a portion to cover other funeral expenses.³¹ 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 131% increase in funeral prices at that point, since 2003.³²
20. In Scotland, this amount in the FSP is a flat rate and has been linked to inflation since the 2020 increase, meaning it is now £1,257.75. However, it does not get updated 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.
21. The CMA’s [Funerals market - Review of outcomes](#) published in February 2024 found that the average funeral director fee for a simple Attended Funeral, as defined by the CMA,³³ is £2,484.³⁴ Clearly the capped element of £1,000 and the flat rate of £1,257.75 in Scotland are not enough.
22. 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.³⁵

23. The UK and Scottish Governments and the Northern Ireland Executive must increase the capped and flat rate elements to £2,484 to ensure applicants are able to cover the cost of a simple attended funeral, and it must be updated annually across the UK, as recommended by the UKCB.³⁶

Deductions

24. 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.³⁷ 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 F-2). While most deductions would be reasonable if the estate contained 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 G & I). 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

25. 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.³⁸ 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.
26. We have supported many students who have no or insufficient financial support from family (appendix E), and who are faced with either adding thousands of pounds of debt to their already heavy load from student fees, or with fighting to get the local council to agree to take responsibility for the funeral.
27. **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'.³⁹ **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.
28. **People on low incomes who are not in receipt of any qualifying benefits** do not have access to funeral payments (appendices B, C & G-1,). Recent research from the Joseph Rowntree Foundation (JRF) shows that while average benefit rates have increased, they "still lag inflation and earnings" and are below the level considered necessary to meet the average cost of essentials, as defined by the JRF and Trussell Trust Essentials Guarantee.⁴⁰ In 2022, JRF also examined which income scenarios met their Minimum Income Standard (MIS), which they say "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 NLW earnings 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.⁴¹ 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 a decent standard of living, cutting off access to lots of people who need support.⁴² This then means they are also unable to access the FSP, FEP or SFFEP.
29. As recommended by the UKCB, the FSP, FEP and SFFEP must be extended to students and those with no recourse.⁴³ There must also be some form of support for those on low incomes who do not meet the current benefits criteria.

Reasonableness of responsibility

30. 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.
31. 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”.⁴⁴ This reflects the legislation.⁴⁵ 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.
32. In contrast, the eligibility criteria for the SFFEP (England/Wales) and the FEP (Northern Ireland) is inflexible and complex.⁴⁶

SFFEP & FEP family tests

33. 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.⁴⁷ This is regardless of the claimant’s benefits status or the nature of their relationship with the deceased.⁴⁸ 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.⁴⁹
34. These rules fail to consider the realities and complexities of family dynamics, and different religious and cultural norms.
35. *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.⁵⁰
36. *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.
37. 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”.⁵¹ We know of no similar provision for the SFFEP or FEP.
38. Thousands of people are missing out. A Freedom of Information request submitted by us in 2023 showed that in 2020/21, 26.9% of rejected SFFEP applications (4,062) were due to the person who died having another relative who was not getting a qualifying benefit. If the applicant, who had taken responsibility for the funeral costs, had not been in receipt of a benefit themselves this would have been recorded as the rejection reason.

SFFEP & FEP partner priority

39. 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.⁵²
40. 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 H).
41. 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.⁵³

Impact of SFFEP & FEP complexity

42. 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 funeral [sic]."⁵⁴
43. 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 J). 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.
44. All claimants should be viewed as vulnerable, due to their experience of bereavement, as has been recognised, for example, by the Financial Conduct Authority.⁵⁵ 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.
45. 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 initial SFFEP decisions were rejections, versus 24% FEP and 13% FSP.⁵⁶ Since then the FEP and FSP rates have fluctuated a bit, with the FEP dropping to 21% the following two years, and the FSP rising to 19% in 2022/23 and 18% in 2023/24, but the difference with the SFFEP is still stark.⁵⁷ 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".⁵⁸ Whereas applicants for the SFFEP are often left taking on liability for funeral costs with little idea of whether their claim will be successful.
46. The FEP and SFFEP eligibility criteria urgently needs re-designing, and we recommend it is done with a view to the FSP model,⁵⁹ which around 40% more people are eligible to receive.⁶⁰

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.⁶¹ 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, or to co-habitees with dependent children. 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.

Amount

Declining in value

48. 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 30% in that time.⁶² It needs to be uprated in line with other benefits to ensure people have sufficient funds to cover their basic needs and to live a decent life.

Eligibility – excluded groups

Co-habitees without dependent children

49. Originally, the BSP was not available to anyone who had lived with, but not been in a legal union with, their partner, even if the surviving partner had dependent children. However, High Court and Supreme Court rulings found that the latter was 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).⁶³ Finally, in 2023, the UK Government extended the BSP to co-habitees with dependent children. However, co-habitees without children continue to be denied this crucial financial help at a devastating time. We estimate that 78,843 bereaved partners have missed out on this payment since the BSP was introduced, up to and including December 2023.⁶⁴
50. Continuing to refuse access to this group is now inconsistent with the rules for co-habitees with children, and is also 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.⁶⁵ In addition, for most 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.
51. 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.⁶⁶ 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).⁶⁷
52. Bereaved partners should not have to go through the stress and expense of prolonged legal battles in the way that co-habitees with children did, for whom it took nearly 10 years. The UK Government must simply make consistent human rights provision.

Deceased’s National Insurance contributions

53. 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.

54. On 10 August 2020 the [Northern Ireland Court of Appeal \(NICA\) 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.
55. However, the UK Government and DWP have taken no action in response to this, to provide consistent human rights protection across the UK, rather they continue to fight the issue in court.
56. 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 England and Wales High Court (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”.⁶⁸ 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”.⁶⁹ The Secretary of State appealed to the England and Wales Court of Appeal (EWCA) but on 11 October 2023 their appeal was dismissed and the EWHC decision upheld.⁷⁰ However, rather than right this wrong, the Secretary of State applied for, and in February was granted, Permission to Appeal to the Supreme Court.
57. Both the NICA and EWHC decisions found there had been a breach of Article 14 of the ECHR when read with either Article 8 or A1P1. 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 F-1). They must amend UK legislation now in line with the NICA, EWHC and EWCA judgments.

IMPACT OF FUNERAL POVERTY ON BASIC NEEDS

58. As [Joseph Rowntree Foundation recent research](#) has found, “around 5 in 6 low-income households on Universal Credit are currently going without essentials”. Their report highlights that the social security system does not ensure that no one goes without the essentials when their circumstances change; experiencing a bereavement and facing funeral costs is a perfect example of this, as the evidence in paragraph 10 and these anonymised examples from our casework show.
59. *Isobel’s wife died four months before she contacted us. As Isobel received pension credit, she had already been granted a SFFEP award of just under £1,900 which had been paid to the funeral director, but she was still left with a bill for over £1,300. Her son advised that the debt was making Isobel ill, and she said that, since her wife’s pension had stopped, she was watching every penny and just surviving. She was living from day to day but had no money spare to do anything. We assisted her to obtain a charity grant for to pay of her funeral debt.*
60. *Nathan’s partner died and he was not able to get the FEP due to not being in receipt of a qualifying benefit. However, as he was only receiving the minimum wage he struggled with the funeral costs. In addition, because he and his partner were not married or civil partnered and had no dependent children, he was also not eligible for the BSP. He had to borrow £1,400 from friends and family for the funeral deposit, still leaving him with £1,900 to pay. Due to all the financial pressure, he then struggled to pay for food, to the point where we provided him with food bank details. We assisted him to obtain a charity grant to pay off the funeral bill.*
61. *When Jayden’s daughter died, paying the funeral deposit of £1,500 put them around £1,000 in arrears with their rent and Jayden worried about being evicted. Struggling financially, Jayden wasn’t eating which, due to a health condition, potentially put their health at risk. Jayden wasn’t eligible for the SFFEP as their income put them just above the threshold for a qualifying benefit, meaning they still had nearly £2,000 to pay. They weren’t eligible for any of the cost-of-living payments and were turned down by the*

council for the household support fund due to the level of demand. We assisted them to obtain charity grants to pay off the funeral bill and help with the rent arrears.

62. Funeral poverty 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.
63. *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.*
64. 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 & I).

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
- EWCA – England and Wales Court of Appeal
- EWHC – England and Wales High Court
- FEP – Funeral Expenses Payment (Northern Ireland)
- FSP – Funeral Support Payment (Scotland)
- MIS – Minimum Income Standard
- NICA – Northern Ireland Court of Appeal
- NICs – National Insurance Contributions
- NLW – National Living Wage
- 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

"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

"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

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 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 F: DtE case studies 1

- F-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.

- F-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 G: DtE case studies 2

G-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.

G-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 H: 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 I: 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 from Teresa's story.

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”.

Appendix J: 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 K: Notes

- ¹ The Big Issue, ['Time for a new deal': UK's new minimum wage still not enough to cover 'a decent standard of life'](#) (Isabella McRae). Joseph Rowntree Foundation (JRF), [The scale of the challenge: JRF's pre-election cost of living tracker](#), June 2024.
- ² Money.co.uk (Lucinda O'Brien), [UK savings statistics 2024](#), 16 January 2024.
- ³ "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.
- ⁴ SunLife, [Cost of Dying 2024 Report](#), p.2.
- ⁵ CMA, [Funerals Market Investigation - Final Report](#), December 2020. Paragraphs 7.26 and 7.27.
- ⁶ *Ibid.*, paragraph 21
- ⁷ *Ibid.*, paragraph 7.192
- ⁸ Royal London, [The Impact of COVID-19 on Funerals: National Funeral Cost Index Report 2020](#), p.14.
- ⁹ Data obtained by SunLife as part of their Cost of Dying 2024 Report research and provided to us at Down to Earth.
- ¹⁰ CMA, [Funerals Market Investigation - Summary of Final report](#), 18 December 2020, p.9.
- ¹¹ Ministry of Justice, [Government response to the CMA Funeral Market Report](#), 7 April 2021, p.8-9.
- ¹² SunLife 2024 *Op.Cit.*, p.23. Based on 662,018 total UK deaths. (Office for National Statistics (England and Wales): 581,298 deaths, National Records of Scotland: 63,453 deaths, Northern Ireland Statistics and Research Agency: 17,267 deaths.)
- ¹³ This 55% statistic is not included in the report but was provided to us by SunLife's press team.
- ¹⁴ Royal London *Op. Cit.*, p.18.
- ¹⁵ SunLife 2024 *Op.Cit.*, p.25 – mental health statistic. The food statistic for this group was provided to us by SunLife's press team.
- ¹⁶ SunLife 2024 *Op.Cit.*, p.24.
- ¹⁷ Marie Curie, [Dying in poverty: Exploring poverty at the end of life in the UK](#), May 2022, p.5.
- ¹⁸ Name changed for privacy – see appendix F.
- ¹⁹ Name changed for privacy – see appendix C.
- ²⁰ UK Commission on Bereavement (UKCB), [Bereavement is everyone's business - 2022 report](#), p.110.
- ²¹ Department for Work and Pensions (DWP), [Social Fund annual report 2020 to 2021](#), Annex 1.
- ²² SunLife, [The Cost of Dying 2021 Report](#), p.4.
- ²³ Department for Communities (DfC), [Annual Report on the Social Fund 2020 - 2021](#), Annex 1.
- ²⁴ SunLife 2021 *Op.Cit.*, p.14.
- ²⁵ DfC, [Annual Report on the Social Fund 2022 - 2023](#), Annex 1.
- ²⁶ SunLife, [Cost of Dying 2023 Report](#), p.12.
- ²⁷ Social Security Scotland, [Funeral Support Payment: high level statistics to 31 March 2021](#), p.5.
- ²⁸ SunLife 2021 *Op.Cit.*, p.14.
- ²⁹ Social Security Scotland, [Funeral Support Payment: high level statistics to 31 March 2024](#), p.5.
- ³⁰ SunLife 2024 *Op.Cit.*, p.13.
- ³¹ 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.
- ³² 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 131% increase from 2003 to 2020 (£4,184).
- ³³ The Standardised Price List, part of the CMA's [Funerals Market Investigation Order 2021](#), sets out what an Attended Funeral contains.
- ³⁴ CMA, [Funerals market - Review of outcomes](#), 9 February 2024, Table 2, p.13.
- ³⁵ Tackling Child Poverty and Social Justice Directorate (Scottish Government), [Funeral Support Payment: evaluation - qualitative research](#), Chapter 8, July 2022.
- ³⁶ "All benefits for bereaved people must be up-rated annually in line with inflation in all four nations." UKCB *Op.Cit.*, p.122

³⁷ 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.

³⁸ 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).

³⁹ "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.

⁴⁰ Joseph Rowntree Foundation (JRF), [The scale of the challenge: JRF's pre-election cost of living tracker](#), June 2024.

⁴¹ JRF, [A Minimum Income Standard for the UK in 2022](#), September 2022.

⁴² 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 CESC 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)."

⁴³ UKCB *Op.Cit.*, p.122.

⁴⁴ Social Security Scotland, [Eligibility for Funeral Support Payment](#), February 2021. See section titled "Providing evidence of responsibility".

⁴⁵ [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."

⁴⁶ 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.

⁴⁷ 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](#).

⁴⁸ [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.

⁴⁹ *Ibid.*, Regulation 8(7)(b) in both.

⁵⁰ Based on real cases with names and some details changed to ensure anonymity.

⁵¹ Social Security Scotland, [Eligibility for Funeral Support Payment](#) *Op.Cit.*

⁵² SFFEP and FEP Regulations *Op.Cit.*, Regulation 7(8)(a),(d)&(e).

⁵³ Social Security Scotland, [Eligibility for Funeral Support Payment](#) *Op.Cit.*

⁵⁴ UKCB *Op. Cit.*, p.110.

⁵⁵ Financial Conduct Authority, [FG21/1 Guidance for firms on the fair treatment](#), 2021.

⁵⁶ DWP *Op. Cit.*, Annex 1; DfC 2020-21, *Op.Cit.*, Annex 1 and Social Security Scotland, Funeral Support Payment statistics 2021 *Op.Cit.*, p.1.

⁵⁷ Department for Communities (DfC), [Annual Report on the Social Fund 2021 - 2022](#), Annex 1; DfC 2022-23, *Op.Cit.*, Annex 1 and Social Security Scotland, Funeral Support Payment statistics 2023 and 2024 *Op.Cit.*, p.1.

⁵⁸ Tackling Child Poverty and Social Justice Directorate (Scottish Government) *Op.Cit.*, Chapter 2.

⁵⁹ 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.

⁶⁰ [Ben Macpherson MSP’s answer to Question S6W-06084 in the Scottish parliament](#), 25 February 2022.

⁶¹ House of Commons Library (Steven Kennedy), [Bereavement Support Payment \(Briefing Paper Number 7877\)](#), 19 June 2017, p.3.

⁶² Estimated using the Bank of England’s CPI [Inflation Calculator](#).

⁶³ Supreme Court Judgment, [In the matter of an application by Siobhan McLaughlin for Judicial Review \(Northern Ireland\)](#), 30 August 2018.

⁶⁴ 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](#).

⁶⁵ [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)”.

⁶⁶ “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.

⁶⁷ “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.

⁶⁸ Public Law Project, News & Updates, [High Court: Widower’s rights breached after benefits denied on basis of late wife’s disabilities](#), 12 September 2022.

⁶⁹ EWHC (Administrative Court) Decisions, [R Jwanczuk v Secretary of State for Work and Pensions](#), 07 September 2022, paragraphs 47 and 95.

⁷⁰ Garden Court North Chambers (Alexa Thompson), [Jwanczuk v Secretary of State for Work and Pensions \[2023\] EWCA Civ 1156 \(11 October 2023\)](#), 30 October 2023.