

## **Rainbow Trust Children's Charity response to consultation on reforms to the Social Fund's Funeral Expenses Payments scheme**

### **About Rainbow Trust**

Rainbow Trust Children's Charity provides support for families whose child is diagnosed with a life threatening or terminal illness. Through nine teams of Family Support Workers we provide emotional and practical support to more than 2,300 families each year in England.

Family Support Workers support the whole family in the place of the family's choice, providing a bespoke service according to the family's needs, from diagnosis, through treatment, and for some, through bereavement. In 2015-16 Rainbow Trust worked with 67 families whose child died.

### **Consultation questions**

#### **1 Contributions from charities, friends and relatives**

*We ask applicants to declare any contributions towards the costs of the funeral that they have received from charities, friends and relatives. Under the current regulations we then deduct the value of these contributions from the Funeral Payment that we make, regardless of the total cost of the funeral.*

*In this change we are proposing to allow recipients to receive additional contributions from charities, friends and relatives towards the cost of a funeral without these contributions being deducted from the size of their Funeral Payment. This is because we recognise that the total cost of a funeral is often larger than the value of a Funeral Payment, and contributions from others can help recipients to meet the costs of the funeral.*

#### **Question 1**

*Do you agree that we should allow recipients of Funeral Payments to receive additional contributions towards the cost of a funeral from charities, friends and relatives without us deducting these contributions from the value of the Funeral Payment we award them?*

Yes. Rainbow Trust strongly supports the proposal that recipients of Funeral Payments could receive additional contributions towards the cost of a funeral from charities, friends and relatives without the total of these being deducted from the value of any Funeral Payment that is awarded to them.

Being able to keep financial contributions from charities, friends and family allows families to cover the shortfall between funeral costs and the Funeral Payment without being pushed into unaffordable debts. This is important because in 2016, the average cost of a funeral was £3,897<sup>i</sup> while the average Funeral Payment in 2015/2016 was approximately £1,400. This is less than 40 per cent of the estimated average cost of a funeral, according to a House of Commons Briefing Paper.<sup>ii</sup>

We are aware of one family that we have supported, who did not receive a Funeral Payment, who were only able to cover the cost of their daughter's funeral because of money they had been given by friends and family to cover the cost of their child's next

wheelchair. We believe that allowing families to retain additional contributions that they receive would be beneficial for the families that we support through bereavement.

## **2 Exceptions for people living in care homes**

*To be awarded a Funeral Payment an applicant must be the responsible person for organising the funeral of the deceased. The applicant will not receive a Funeral Payment if the deceased has another immediate relative who is not currently receiving qualifying benefits from DWP.*

*In a small number of cases, applicants have been denied a Funeral Payment because the deceased had another immediate relative, but this relative was in a care home and receiving funding from their local authority therefore not receiving a qualifying benefit from DWP. Under the current regulations we would assign this relative the responsibility of funding the funeral, despite the fact that they are in a care home and receiving income-assessed funding from their local authority and therefore unlikely to be able pay for the funeral.*

*We propose making exceptions for people living in care establishments who receive income-assessed financial support from their local authority, towards all or part of their care fees, and not assigning them the responsible person status. This does not mean that they would be eligible for a Funeral Payment, but it does mean that they would not make their relatives ineligible.*

### **Question 2**

*Do you agree that we should not assign the responsible person status to people living in care establishments who receive income-assessed help from their local authority with their care fees, in place of an applicant who would otherwise be eligible for a Funeral Payment?*

Yes. Rainbow Trust does not have experience of this being a specific issue for a family that we have supported, but we agree that this approach could be beneficial to families on low incomes by enabling more applicants to be eligible. We would, however, urge the DWP to consider which other groups with a low income should also be disqualified from being assigned responsible person status, such as those on a low income who are not receiving a qualifying benefit.

## **3 Extending the claim period from 3 to 6 months**

*Currently applicants must submit their application for a Funeral Payment within 3 months of the date of the funeral. If they do not submit an application within this period then their claim is rejected regardless of the circumstances.*

*We propose extending the period in which applicants can claim Funeral Payments from 3 to 6 months to recognise that the period following bereavement is a particularly difficult time, and some applicants may need longer to submit their applications. This is particularly true of people who require assistance to submit their application, or who need more time to find out relevant details of the deceased such as their National Insurance number.*

### **Question 3**

*Do you agree that we should extend the application period to claim Funeral Payments from 3 to 6 months?*

Rainbow Trust strongly supports the extension of the application period from 3 months to 6 months. A family may not have had time or capacity to budget for the cost of a funeral and in our experience a bereaved parent will often be in shock. This shock may be particularly strong because a child with a life threatening or terminal illness will often have

had an uneven trajectory of illness. A child may appear to be at end of life several times before making a recovery. When a child dies, the loss may still be unexpected, despite their condition being serious for many months or years, or indeed since birth.

A parent therefore needs time to manage their own emotions as well as that of any siblings and other relatives, and to oversee practical arrangements. Having a longer period in which to apply for a Funeral Payment will be beneficial for any applicant who needs assistance to submit their application and whose strong feelings may make even the simplest task feel difficult to complete.

An extension of the application period makes it more likely that families will become aware of the existence of the Funeral Fund within the eligible timeframe. It is a known problem that some families are unaware that the Funeral Fund exists. For instance, one family supported by Rainbow Trust only became aware of the Social Fund through their Rainbow Trust Family Support Worker. When their one year old child died unexpectedly the family had not had a chance to prepare for the cost of a funeral. The family needed support both to adjust to the ending of existing benefits related to their child's situation, as well as to apply for state support towards the funeral.

#### **4 Shorter application forms for children's funerals**

*The Funeral Payments application form was revised in November 2016 to remove unnecessary questions, but it is still 22 pages long because of the amount of information we need in order to confirm a claimant's eligibility. The majority of these questions do not apply in the case of a child's funeral because it is easier to establish who the responsible person for the funeral is.*

*We propose launching an alternative shorter application form for Funeral Payment claims for a child's funeral. This is to reduce undue stress on the responsible person making the claim in relation to the death of a child aged 17 or below.*

*Applicants will continue to be able to use our telephony service to make their claims more quickly and one of our specially trained advisers will continue to be able to complete the form on their behalf.*

#### **Question 4**

*Do you support the launch of a shorter application form for claims relating to children's funerals?*

Rainbow Trust strongly supports the launch of a shorter application form to reduce stress on the person making the claim in relation to the death of a child. This is a logical way to reduce the burden on the person making a claim when many of the existing questions will not be relevant to ascertain who is responsible for a funeral.

As above, a parent will often need time to manage their own emotions as well as that of any siblings and other relatives, and to oversee practical arrangements. Strong feelings may make even the simplest task feel difficult to complete so any simplification of the form would be beneficial.

However, an additional factor element which we would urge the DWP to consider is the speed at which applications are processed. Long processing times cause added distress, uncertainty and financial pressure for applicants, especially those whose religion or culture requires a funeral soon after death. Since the DWP does not process applications until after the funeral has taken place and most funeral directors require a deposit before a funeral can be confirmed, applicants must commit to funeral costs before they know if they

are eligible for financial support. This can mean that some families make poorly informed decisions that may result in substantial debt.

### **5 Clarifying exclusive rights of burial**

*Terminology in the current regulations has led to some confusion about what Funeral Payments cover as the necessary costs of a funeral. The use of the phrase 'exclusive rights of burial' in regards to a burial plot has meant that we have so far only paid for the burial plots which have been granted exclusively to a single owner. This is an issue because some people opt for burial plots that are non-exclusive, where other people can be buried inside them by the landowner. We want to ensure that we are covering the costs of these burials as necessary too.*

*We propose clarifying in the regulations that we will cover the cost of a burial plot with or without associated exclusive rights or burial, to ensure Funeral Payments cover the necessary costs of burials in both instances.*

#### **Question 5**

*Do you agree that we should clarify that Funeral Payments will pay for the necessary costs of a burial with or without exclusive rights of burial?*

Yes. Rainbow Trust supports clarifying exclusive rights of burial so that Funeral Payments will cover the necessary costs of burials both with and without exclusive rights of burial. This could increase the uptake of Funeral Payments where a family wishes to use a particular burial plot for personal reasons.

### **6 Electronic submission of evidence**

*The current regulations do not allow applicants to submit supporting evidence for their applications electronically. This is an issue because funeral directors need to submit their invoices to us to process the payment owed to them or the Funeral Payment's applicant. Submitting invoices by post causes undue delays, and allowing invoices to be submitted by email directly to our processing team would considerably speed up the process.*

#### **Question 6**

*Do you agree that applicants and funeral directors should be able to submit evidence electronically to support a claim for Funeral Payments?*

Yes. Rainbow Trust strongly supports allowing both applicants and funeral directors to submit evidence electronically to minimise delays at a potentially stressful time for a family trying to manage their finances. This measure would contribute to making the process less burdensome for a bereaved family.

### **7 Assistance with new death certification fees**

*Currently a fee is payable to medical practitioners for the completion of Cremation Forms where the deceased is going to be cremated. These forms are not required, and therefore no fee is payable, where the deceased will be buried.*

*In March 2016, the Department of Health published a consultation on the Introduction of Medical Examiners and Reform to Death Certification in England and Wales. It proposed introducing a unified system of scrutiny by independent medical examiners of all deaths in England and Wales that are not investigated by a coroner and also proposed that this medical examiner service would be funded by a fee payable by the public. The government has not yet published its response to this consultation.*

*The current fees for the completion of cremation forms are covered in the Social Fund Regulations as necessary costs, and this proposal would extend this to cover the proposed new medical examiner fees – if adopted in the future – as necessary costs for all funerals and not just cremations. This proposal on funeral exemption payments does not pre-empt the government’s conclusions in its consultation response.*

**Question 7**

*Do you agree that we should cover the proposed medical examiner fees, if adopted in the future, as a necessary cost, as we currently cover them as necessary for cremations?*

Yes. Rainbow Trust agrees that covering the proposed medical examiner fees if adopted in future would be a logical move to ensure consistency with the current approach to cremation costs.

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<sup>i</sup> SunLife Press Release, ‘Funeral costs soar...’ 13<sup>th</sup> September 2016. <https://www.sunlife.co.uk/press-office/funeral-costs-soar-by-10-times-the-increase-in-the-cost-of-living-in-a-year-%E2%80%93-forcing-families-to-cut-corners-on-their-loved-ones--send-off/>

<sup>ii</sup> House of Commons Library, *Briefing Paper Number 01419, Social Fund Funeral Payments*, 12<sup>th</sup> September 2016. <http://researchbriefings.files.parliament.uk/documents/SN01419/SN01419.pdf>