

Factsheet

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Bereavement Benefits

The information and benefit rates in this leaflet are correct at April 2009

What are bereavement benefits?

Bereavement benefits replaced the old system of widow's benefits. Bereavement benefits can now be claimed by both men and women.

Women whose husbands died before 9.4.01 can continue to receive widow's benefits under the old system as long as they continue to satisfy the rules. You must have been legally married in order to make a claim.

Entitlement to bereavement benefits is not affected by any savings or income you may have. You can work and get bereavement benefits. There are three bereavement benefits you may be able to claim:

- bereavement payment **and either:**
- widowed parent's allowance **or**
- bereavement allowance.

To be entitled to these benefits, you must have been legally married or part of a registered civil partnership and your late spouse / civil partner must have paid enough national insurance (NI) contributions. The contribution conditions do not have to be met if your late spouse / civil partner died because of an industrial injury or disease. Your own NI contributions do not count. You cannot get bereavement benefits if you:

- are divorced from your late spouse or you have had your civil partnership dissolved or annulled
- remarry or you enter into a new civil partnership (with the exception of bereavement payment – see below)
- are living with someone else as husband and wife without being legally married
- are living as one of a couple in a same sex relationship
- are in prison or being held in legal custody

Although the conditions are relatively easy to satisfy, you may want to seek further advice before making a claim.

Bereavement payment

A bereavement payment is a one-off lump sum payment. You can get a bereavement payment in addition to a widowed parent's allowance or bereavement allowance. You may qualify for a bereavement payment if:

- you claim within twelve months of your spouse's / civil partner's death **and**
- your spouse / civil partner met the national insurance contribution conditions **or** their death was caused by industrial accident or disease **and**
- you were below state pension age when your late spouse / civil partner died (i.e. under 60 if you are a woman or under 65 if you are a man) **or**
- if you were over pension age, your late spouse / civil partner was not entitled to a category A state retirement pension when s/he died.

Your entitlement to a bereavement payment is not affected if you remarry after the death of your late spouse / civil partner. However, you are not entitled to a bereavement payment if, at the time of your spouse's / civil partner's death, you were co-habiting with someone else.

If your late spouse / civil partner was not in Great Britain at the time s/he died you may not qualify for a bereavement payment – please seek further advice.

How much will I get?

A bereavement payment is a lump sum of £2,000.

If you are in receipt of a means-tested benefit you may also be entitled to a funeral expenses payment from the social fund. For more information about funeral expenses see page 5.

Widowed parent's allowance

You may normally qualify for widowed parent's allowance if:

- you were under pension age at the date of your spouse's / civil partner's death **and**
- you are entitled to child benefit for at least one child. The child should be the son or daughter of the widow or widower and the late spouse or civil partner **or**
- you are a woman expecting your late husband's baby or civil partner's baby (if you are pregnant by fertility treatment) **and**
- your late spouse / civil partner met the national insurance contribution conditions **or** their death was caused by industrial injury or disease.

How much will I get?

Basic widowed parent's allowance is £95.25

Since April 2003, payments for children are no longer included in new claims for widowed parent's allowance but have been replaced by child tax credit. You should notify H.M. Revenue and Customs (HMRC) Tax Credits Helpline on 0845 300 3900 if you have a dependant child and become bereaved. (See our '**extra money for families**' pack on www.hertsdirect.org/benefits for further information about tax credits).

If you were getting widowed parent's allowance before April 2003 with an increase for a child/ children, you will continue to get it for as long as you are entitled.

The amount of your widowed parent's allowance may be reduced if your late spouse's / civil partner's national insurance record was incomplete or you may get an additional earnings related payment from SERPS based on your late spouse's / civil partner's earnings.

Widowed parent's allowance is paid for as long as you are entitled to child benefit. If child benefit stops within 52 weeks of your spouse's / civil partner's death, you may be able to claim bereavement allowance (see below) for the remainder of the 52 weeks.

The basic widowed parent's allowance is taxable but any extra amounts you get for dependant children are tax-free.

Bereavement allowance

You may get this for 52 weeks from the date of death if:

- you are aged 45 or over but below pension age when your late spouse / civil partner died **and**
- you are not entitled to widowed parent's allowance **and**
- your late spouse / civil partner met the national insurance contribution conditions **or** their death was caused by industrial injury or disease.

You cannot receive bereavement allowance if you are over pension age (i.e. 60 or over for a woman or 65 or over for a man). When you reach pension age you may qualify for retirement pension based on your own or your late spouse's / civil partner's national insurance contributions.

How much will I get?

The full rate of bereavement allowance is £95.25 a week. However, the amount of bereavement allowance you receive may be reduced if:

- your late spouse's / civil partner's national insurance contribution record was incomplete **or**
- you were under 55 when s/he died; bereavement allowance can range from £28.58 to £95.25 per week depending on how old you were when your late spouse / civil partner died.

How and when do I claim?

Claims for bereavement payment, widowed parent's allowance and bereavement allowance can all be made on form BB1 available from your local jobcentre plus contact centre on 0800 0556688. You can also claim on-line at www.jobcentreplus.gov.uk

A claim for bereavement payment must be made within twelve months of your late spouse's / civil partner's death unless you were unaware of the death. A claim for widowed parent's allowance or bereavement allowance can be made at any time after your spouse's / civil partner's death but payment can only be backdated for three months from the date that you make your claim. **However**, as bereavement allowance can only be paid for 52 weeks, you should make a claim within three months of your spouse's / civil partner's death to avoid losing any money.

Do bereavement benefits affect other social security benefits?

You cannot get widowed parent's allowance and bereavement allowance, (or widowed mother's allowance and widow's pension) while you are getting at least the same amount from the following benefits: (this is known as the overlapping benefit rule)

- incapacity benefit
- employment and support allowance (contributory)

- carer's allowance
- severe disablement allowance
- maternity allowance
- contribution based jobseeker's allowance
- retirement pension
- unemployment supplement in industrial injuries and war pensions schemes

If you are on a low income you may be entitled to means-tested benefits or tax credits, which can be paid in addition to bereavement benefits. You may be able to claim income support, to top up a low income, or other benefits like housing / council tax benefit to help pay your rent and council tax. A bereavement payment is counted as capital for the purpose of most means-tested benefits and widowed parent's allowance and bereavement allowance are counted as income.

If you are aged 60 or over you may be able to get pension credit.

Remember that you will need to inform the Department for Work and Pensions (DWP) and H.M. Revenue and Customs of the death of your spouse / civil partner if either of you were in receipt of benefits and tax credits when they died. Their death will affect your entitlement to certain benefits.

Help with funeral costs

Who can claim?

You may qualify for help with funeral expenses from the social fund if you or your partner receives one or more of the following benefits:

- income support
- income-based job seekers allowance (including hardship payments)
- income-related employment and support allowance
- housing benefit
- council tax benefit (including second adult rebate if you are the 'second adult')
- child tax credit paid at a rate higher than the family element
- working tax credit including the disability or severe disability premium
- pension credit

Funeral payments can be paid if you are on one or more of the above benefits and are responsible for the funeral. The DWP will check if they consider it is reasonable for you or your partner to claim responsibility for the funeral.

How much will I get?

Funeral payments only cover the following expenses:

- the necessary cost of purchasing a new burial plot and necessary burial fees. The burial of ashes following cremation are not covered
- necessary cremation fees, including medical references and certificates and the fee for removing a pacemaker (restricted to £20 if not carried out by a doctor)

- the cost of documentation necessary for the release of the deceased's assets
- the reasonable cost of transport for the portion of journeys, in excess of 50 miles, undertaken to:
 - transport the body within the UK to a funeral director's premises or to a place of rest
 - transport the coffin and bearers in a hearse and the mourners in another vehicle from the funeral director's premises or place of rest to the funeral.
- the necessary expenses of one return journey for the responsible person to arrange or attend the funeral. The maximum allowed is the cost of a return journey from home to the place where the burial or cremation costs are incurred.
- up to £700 for any other funeral expenses (e.g. funeral director's fees, religious costs, flowers, other transport costs)

Costs relating to religious requirements cannot be included in the amount allowed for burial and transport.

What if this is not enough?

If the amount awarded does not cover your funeral expenses you could try making an application for a community care grant (e.g. for the cost of a headstone).

What if the deceased had a pre payment plan?

You cannot claim for any items provided for under a pre-paid funeral plan. Expenses not covered by the plan can be paid if they fall into any of the above categories, but the maximum allowed under the last category is restricted to £120

Can the DWP recover costs from the estate?

The DWP can seek to recover costs from the estate of the deceased person.

How do I claim?

Phone the jobcentre plus contact centre on 0845 8500 032 or download claim form SF200 from www.direct.gov.uk. There are strict time limits. You must claim within three months of the death. There are no provisions for a late claim.

Death of a child

Bereavement benefits are not available following the death of a child. Payments of benefit made for the child will generally cease following their death and the agencies concerned need to be informed quickly. However the following can continue for eight weeks after the child's death: child benefit, child tax credit, carer's allowance paid for looking after the child. Once carer's allowance stops any carer premium paid with means tested benefit can continue for a further eight weeks.

If you were getting income support because you were treated as a carer of a child with ill health or a disability, this can also continue for eight weeks after you cease to be a carer.

Further help and advice

Detailed information on what to do when someone dies is available on **direct.gov.uk**

Your local Citizens Advice Bureau can advise you about bereavement benefits.

For details about your local Citizens Advice Bureau contact www.hertfordshirecab.org.uk or the Customer Services Centre at Hertfordshire County Council (HCC) on 01438 737555 or 01923 471555 if you are calling from an 01923 or 0208 number.

If you need support and comfort there a number of organisations that can help, e.g. Cruse, the organisation for bereavement care on 0870 1671677 or visit website www.cruse.org.uk.

A service is offered to bereaved children and families by Winston's Wish on 0845 2030405 or visit website www.winstonswish.org.uk.

For legal help and information and details of other advice agencies in Hertfordshire, contact the Community Legal Advice Line on 0845 3454345 Mon-Fri 9am-6.30pm (8pm from July 09) /Sat 9am - 12.30pm or visit the website at www.communitylegaladvice.org.uk

This information is for guidance only and is not an authoritative statement of the law