



February 2005
Scotland

Key Points:

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Planning for a funeral

This factsheet explains what to do when someone dies. It touches on both the legal and practical aspects of dealing with a death, including what financial help may be available and which organisations may be able to provide support of one kind or another. This factsheet also discusses what to consider when planning and arranging a funeral in advance for yourself or someone else.

This factsheet is designed to help those people who have to organise someone's funeral and/or those people who want to plan ahead for their own funeral. It gives contact details of other organisations for

those who need more detailed information than this factsheet provides.

This factsheet does not provide a complete guide to the law. Legal advice should be sought if you are in any doubt about your individual situation. Age Concern Scotland is not able to offer this.

This factsheet is for people living in Scotland. For anyone living in England, Wales and Northern Ireland, a similar Factsheet 27, *Planning for a funeral* is available by telephoning: 0800 00 99 66 (free call) or write to Age Concern FREEPOST (SWB 30375), Ashburton, Devon TQ13 7ZZ.

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1. Practical information about death

Depending on how and where someone dies, you may need to carry out different tasks, and authorities involved may have different roles to play.

1.1 Death at home

If the person dies at home the family doctor and nearest relative should be informed as soon as possible. You should contact the police if the death was violent, accidental or there were unusual circumstances. You should also contact the minister, if appropriate, and the undertaker. You should find out if there is a Will, where it is located and who is responsible for dealing with it.

The family doctor who has attended the person must complete a Medical Certificate of the Cause of Death. This is issued free of charge. If the body is to be cremated, the doctor (or the funeral director) will arrange for a second doctor to sign the cremation certificate but there may be a charge for this. (See section 2.3). The death certificate must be taken to the Registrar's office within 8 days of death. The procedure is outlined in section 1.5 below.

1.2 Death in hospital

If someone dies in hospital, the medical staff or police will contact the nearest relative to arrange for that person to come to the hospital to identify the person. The hospital will provide the medical certificate which must be taken to the Registrar's office. The procedure is outlined in section 1.5 below. Again, contact the undertaker and find out if there is a Will, where it is located and who is responsible for dealing with it. Sometimes the hospital will want to carry out a post mortem and must seek consent from the nearest relative. Sometimes the hospital may ask permission from the nearest relative to use the organs for transplant purposes.

The hospital may wish you to either provide Confirmation of the estate or receipt as a beneficiary before you can take away any personal items belonging to the person who died.

1.3 Sudden death

If there is doubt about the cause of death, for example, if the death was sudden, violent, unexpected or not obviously explained, it will be reported for investigation to the Procurator Fiscal either by the doctor, the police or the Registrar.

The Procurator Fiscal is a public official. During her/his investigations, s/he may interview relatives of the dead person and other witnesses (this is usually done by the police on the Procurator Fiscal's behalf). S/he may order a post mortem or call for further medical reports. S/he may require a fatal accident inquiry (FAI) to be held. A FAI is held in a local sheriff court during which the Procurator Fiscal will examine the

witnesses. Should this course of action be necessary the Procurator Fiscal will give you all the information you require. You should contact the Deaths Enquiry Officer at the Procurator Fiscal's office.

While the Procurator Fiscal is carrying out investigations into someone's death, the death cannot be registered. Once investigations are complete, the Procurator Fiscal will notify the Registrar General. More information about FAIs can be obtained on the website of the Procurator Fiscal - www.procuratorfiscal.gov.uk.

1.4 If death occurs outside Scotland or abroad

If death occurred abroad, or in England, Wales or Northern Ireland it should be registered according to the laws of the country where the death occurred and you should obtain a death certificate issued in that country. If death occurred abroad you could get an authenticated translation of the foreign death certificate and register the death with the British Consul in that country. A record of the death will be sent to Scotland and you can get a copy later from New Register House (address below in section 1.5).

You may wish to arrange a local burial or cremation or bring the body back to Scotland. Not all countries allow a body to be removed. Permission from the appropriate authorities to remove the body and a medical certificate are required. It could be expensive. There may not be time to make the funeral arrangements, but a memorial service could be arranged later in the UK.

Funeral directors who belong to the National Association of Funeral Directors have access to up to date information on overseas and repatriation procedures and documentation and may be able to assist you. (See section 2.1 for more information about the Association).

1.5 Procedure at the Registrar's Office

The death can be registered by any relative of the deceased, any person present at the death, the dead person's executor or other legal representative, the occupier of the premises where the death took place, or any other person (such as a cohabiting partner) possessing the necessary information for registration.

The Medical Certificate must be taken to the Registrar of Births, Deaths and Marriages within 8 days in Scotland (though the sooner the better). Failure to do so is an offence and you may have to pay a fine. The death may be registered either in the registration district in which the death occurred, or where the deceased normally resided, as long as both are in Scotland.

Your doctor should be able to advise how to register a death and where to go for assistance. Otherwise ask your funeral director, look in a phone book or consult a local Citizens' Advice Bureau for further advice and information.

The Registrar will want to see:

- the Medical Certificate stating cause of death. If the death has been investigated by the Procurator Fiscal a new certificate may have been issued which has to be used in place of the original; and
- the dead person's birth and marriage certificates (if available).

It will also be helpful to take:

- the dead person's NHS medical card (if available); and
- any state pension book or other documents relating to allowances the dead person was receiving from public funds.

The Registrar will want to know certain things about the dead person:

- date, time and place of death;
- full name, occupation, address, date of birth and country of birth;
- if s/he was married, widowed or divorced, and the full name, address and occupation of the spouse;
- if s/he had been married more than once, the same information for any previous spouses;
- if married when s/he died, the date of birth of the surviving widow or widower;
- the full name and occupation of her/his father, and the full name and maiden surname of her/his mother;
- whether s/he was receiving a pension or other allowances from public funds; and
- the name and address of her/his NHS doctor.

The Registrar will give you:

- a Certificate of Registration of Death (form 14 or the Green Form) (free of charge) which you should give to the funeral director to allow the funeral or cremation to go ahead;

- a Registration or notification of death (form 334/BD8 or white form) which contains a social security claim form to claim any arrears of benefit due to the dead person's estate and ensure that the correct benefits are paid to the widow(er) (free of charge); **and**
- Death Certificates (extracts or copies of the entry on the death register) at a cost of £8 each. These may be needed for social security pensions or benefits purposes. Extra copies of the death certificates ordered at the same time are £8. If ordering over the internet the document fee is £10. You may have to pay search fees and these vary depending on whether the request is made in person, by writing, phone or fax, or by internet. There are extra charges for priority orders. Their S2 leaflet, available on their website, explains the charges.

The General Register Office of Scotland's address is New Register House, West Register Street, EH1 3YT, tel: 0131 334 0380 (switchboard), 0131 314 4411 (ordering service), email: records@gro.scotland.gov.uk.

Check when the Registrar's office is open as this will vary depending on the location of the office.

The General Register Office's website also gives information on registering a death:
<http://www.groscotland.gov.uk/grosweb/grosweb.nsf/pages/groreg>.

2. Arranging a funeral

It is important to check whether the dead person left any instructions about a funeral or cremation with relatives or friends, in a letter or with the Will. The person might have completed a document similar to Age Concern's Instructions for my next-of-kin and executors upon my death (IS/18) (see section 9). The person may have also left instructions about donating his body to be given for medical research (see section 7) or donating organs for transplantation (see section 8). There may be a funeral plan or other arrangements in place.

If there is a Will, the executor has the right to decide whether the body will be buried or cremated, whether the Will expresses a particular wish or not. If there is no Will, the next of kin should decide. It is important to check whether the deceased has already made any arrangements for a funeral or had a funeral insurance policy (see section 6).

You do not have to wait until you have registered the death before arranging the funeral. Once the decision to bury or cremate the body has been made, you can start planning or discussing the arrangements with your funeral director. Once the death is registered, you can arrange for the appropriate form to be handed over to the funeral director. Funeral directors must have the appropriate death or cremation certificates before the funeral can take place.

When there is insufficient money in the estate (the money, property and possessions) of the deceased person to pay for the funeral, sections 4 and 5 of this factsheet should be read before making any arrangements. This is important since the person who makes the arrangements with the funeral director may be considered to have entered a contract to pay for the funeral, even though that person might not be a member of the family or the executor of the estate.

2.1 The funeral director

You can make all the arrangements for a funeral yourself (see section 3), but most people ask for assistance from funeral directors. When someone dies at home, a funeral director can be called to take the body to a chapel of rest or mortuary as soon as the doctor has certified the death. If someone dies in hospital, that person may rest in the hospital mortuary, or the funeral director will arrange for the body to be taken to a chapel of rest.

Funeral directors accept that relatives will seek quotations before they decide which firm to use. You should ask for a detailed description of costs when getting a quote and ask for the firm to put the quote in writing. There can be dramatic differences in prices and quality of service so it is best to shop around. Information can be found in the Yellow Pages or other business directories under the heading 'funeral directors'.

If relatives cannot afford to pay for the funeral, they should seek assistance from the Department of Work & Pensions (Social Security). (See section 4)

The National Association of Funeral Directors (NAFD) has a Code of Practice for its funeral directors who must comply with it. The Code should be displayed in their offices and copies should be readily available from them. The Code can be accessed on their website, or can be seen at offices of funeral directors who are members of the Association or at Citizens Advice Bureaux. All NAFD funeral directors operate a 24-hour telephone service to assist the public.

They also provide bereavement counselling and offer a 24-hour Care line, 365 days a year, for their clients and families. As well as counselling, Care line also offers advice on inheritance tax, handling an estate and execution of wills, and on benefits and other entitlements. Your funeral director should be able to give you more information about these services.

All NAFD funeral directors can offer a basic simple funeral. This consists of the funeral director's services, provision of all necessary staff, a coffin suitable for the purpose of cremation or of burial, transfer of the deceased from the place of death (at least ten

running miles allowed) in normal working hours, care of the deceased prior to the funeral and provision of a hearse to the nearest crematorium or cemetery. The specification excludes embalming, viewing of the deceased, cars and any fees or disbursements payable on the client's behalf. If not all of these services are required, the bill may be less than the whole package cost.

Work done outside normal hours might mean extra costs. Funeral directors will discuss varying costs of a funeral and cremation, including additional costs of burial, and should be able to provide a detailed price list. A written itemised estimate of costs will be given. The charges will not include things like church or crematorium fees, flowers or newspaper notices. If the person died a distance away from where the family wish the burial or cremation to take place, conveyance for the body can be a considerable extra expense. Funeral directors can advise further on these extra services.

Funeral directors will usually offer to pay the costs to the hospital, crematorium, or burial ground, and minister of religion on your behalf and will request reimbursement later, but these payments can be handled direct if you wish.

Many funeral directors will submit the bill and offer a discount for payment within a certain time. Where the dead person had a bank account, the bill can be submitted to the bank. The Department of National Savings and building societies may pay out amounts up to £5,000 on the evidence of the death certificate, although they are not bound to until they see proof of Confirmation (see Factsheet 14s).

Funeral directors will understand if the bill cannot be paid until money can be withdrawn from the deceased's estate but the circumstances should be explained when planning the funeral.

The Association also operates a complaints procedure if you are not satisfied with the service or the price. The Funeral Arbitration Scheme (FAS) has 3 stages - resolution with the funeral director, conciliation and independent arbitration. The website gives a detailed explanation of each stage. It is no longer possible to lodge a complaint with the Funeral Ombudsman Scheme (FOS). It has closed down due to the lack of support by the funeral industry.

Funeral Directors Organisations

National Association of Funeral Directors, 618 Warwick Road, Solihull, West Midlands B91 1AA, tel: 0845 230 1343 (local call rate), or 0121 711 1343 (if calling outside UK), website: www.nafd.org.uk.

The National Society of Allied and Independent Funeral Directors (SAIF), SAIF Business Centre, 3 Bullfields, Sawbridgeworth, Herts CM21 9DB, tel: 0845 230 6777 (local call rate), or 01279 726777 (if calling outside UK), email: info@saif.org.uk,

website: www.saif.org.uk. This organisation represents the interests of independent family-owned funeral directors, some of which are also members of NAFD.

Funeral Standards Council, 30 North Road, Cardiff, Wales, CF1 3DY, tel: 029 2038 2046, website: www.funeral-standards-council.co.uk.

2.2 The service

A service can be conducted at a church, chapel, cemetery or crematorium. If you wish to have a religious service, you should contact a minister as soon as possible. If you wish to have the services of a minister but do not know one in the area, most funeral directors will do their best to advise and in some cases can arrange for one to officiate at the service.

It is not necessary to have a formal service or for the service to be religious. A relative or friend can say a few words. A non-religious service one can be planned. Societies such as The British Humanist Association and the National Secular Society may be able to arrange for someone to conduct a ceremony or can send a form of words that can be used. (Leaflets are available from these organisations on receipt of a sae). The British Humanist Association's address is 1 Gower Street, London WC1E 6HD, tel: 020 7079 3580. Some publications are available on their website: www.humanism.org.uk - which you may find useful, such as Coping with Death by Leslie Scrase and Funerals without God by Jane Wynne Wilson. The National Secular Society's address is 25 Red Lion Square, London WC1R 4RL, tel: 020 7404 3126, website: www.secularism.org.uk.

It is also possible to have a green funeral service. Green funerals are designed to be simple and environmentally friendly. For example, a cardboard coffin may be used instead of one made of wood. Two of The Natural Death Centre's publications, The New Natural Death Handbook, 3rd Edition, and Before and After, may provide you with some guidance.

The Natural Death Centre's address is: 6 Blackstock Mews, Blackstock Road, London, N4 2BT, tel: 020 7359 8391.

2.3 Burial

You should find out if the dead person has already paid for a lair in a churchyard or cemetery. This may be mentioned in the Will or be known to the family, solicitor or minister. You should give the details to your funeral director. If not, you will have to purchase a new lair and fees will vary. Funeral directors will be able to give you advice on how to do this. Most cemeteries are private or operated by local authorities. There can be difficulty these days in arranging for the purchase of lairs. Local customs, regulations and costs regarding the erection of headstones vary considerably.

It is possible to have a burial at sea but it is expensive. It has to take place well out at sea at a site considered suitable by the Scottish Executive Rural Affairs Department. Contact the Department at 47 Robbs Loan, Edinburgh EH14 1TY, tel 0131 556 8400 for further details.

2.4 Cremation

In order to prevent anybody being cremated where there is possible doubt about the cause of death, there are very strict rules about certification. The following forms have to be completed:

- an application form (Form A) signed by the next of kin or executor;
plus either
- two medical certificates (Forms B & C) signed by the family doctor and another doctor (both for which you will need to pay a fee) and a Certificate for Burial or Cremation (Green Form) issued by the Registrar;
or
- a Certificate for Cremation (Form E) if the Procurator Fiscal has certified the death, which overrides the need for the doctors' certificates and the Green Form;
and plus
- a certificate (Form F) signed by the medical referee at the crematorium (the fee for this normally comes as part of the crematorium fee);
- funeral directors are able to complete these formalities on your behalf. Cremation cannot normally take place until the death has been registered and the Registrar's certificate of registration of death passed to the crematorium authorities.

If the death has been referred to the Procurator Fiscal, the two doctors' certificates are not needed. The Procurator Fiscal will give a certificate for cremation once investigations have been completed.

Since 27 June 2003 it has been possible to cremate body parts which have been removed during a post mortem examination. Again, there are very strict rules set out in Regulations and specific forms need to be completed. A Medical Referee can only permit the cremation of body parts and will provide written authorisation (Certificate in Form FF) if satisfied by a certificate releasing body parts (Form DD), by a certificate of registered death and by the application form (Form AA) which has been completed and signed by the next of kin or executor. If the Medical Referee is not satisfied on one of

these matters, the Scottish Ministers can authorise the Medical Referee to allow the cremation to proceed, if cremation can properly take place.

In either case, the registrar of the cremation authority records the details of the cremation in the register (Form G or GG). There are approximately 250 operating crematoria in the UK. Local authorities run the majority of crematoria. Brochures can be obtained about charges and conditions from the owners of the crematorium from them. Fees include the Medical Referee's form, the use of the chapel and, usually, either recorded (and pre-selected) music or an organ.

Many crematoria include scattering or burying the ashes in a garden of remembrance in their fee. If a relative wants to collect the ashes they can be collected or sent. If the applicant does not wish to receive them, there is an obligation on the cremation authority to retain them and subsequently dispose of them in accordance with an agreed arrangement or by burial or by scattering on the land.

If ashes left temporarily and not removed by the applicant within a reasonable time, the cremation authority is required to give that person or the nearest relative or the executor two weeks notice of their intention to dispose of the ashes. Some churches are happy to scatter the ashes in the graveyard or bury them according to the family's wishes but you should make inquiries about this.

If the minister of religion is required to conduct a service, the family or funeral director arrange this. The crematoria will have a duty list of ministers.

The Cremation Society of Great Britain offers free advice and helps on any aspects of cremation and publishes a leaflet 'What you should know about cremations', which explains what happens at the crematorium on the day of the funeral. It is available on their website or from Brecon House, 2nd Floor, 16-16a Albion Place, Maidstone, Kent ME14 5DZ, tel: 01622 688292, website: www.cremation.org.uk.

After the cremation the crematorium will send details of memorials and their cost. Memorials vary from books and stones of remembrance to planted bushes (often roses).

The Federation of British Cremation Authorities (FBCA) has a Code of Cremation Practice.

3. Other funeral arrangements

Private ground may be used as a burial ground with the owner's permission so long as such use would not be injurious to public health or a nuisance to neighbours.

Many people wish to arrange a funeral without the help of a funeral director and so Do It Yourself (DIY) funerals have become more popular. These have become more

attractive for many reasons. They are generally less expensive since coffins are often made of cardboard or similar biodegradable materials, environmentally friendly, and more personal. There are even funeral supermarkets from which you can buy what you need. If you do want a DIY funeral, you still have to perform any duties you would have as described in Sections 1 and 2 above. If you wish, all the arrangements can be made direct with the crematorium or cemetery and minister of religion. A coffin can be purchased from an undertaker or custom made. Some funeral directors will assist in such funerals by supplying a simple coffin and dealing with the documentation.

It is possible to have a woodland burial. There are approximately 180 woodland burial sites (also known as natural or green burial sites) throughout the UK. On these sites, trees or wild flowers are planted on graves instead of a headstone. The idea is that the area will someday become a woodland. Again, funeral directors should be able to advise you.

Members of The Association of Natural Burial Grounds adhere to a Code of Practice when conducting natural burials.

The New Natural Death Handbook, 3rd Edition, and 'How to organise a Woodland or Inexpensive Funeral, and Ways to Go - Naturally', all published by The Natural Death Centre may provide useful guidance. You can visit its website at: www.naturaldeath.org.uk.

4. Financial help from the Social Fund

The Social Fund, which is part of the social security system, can give grants for those arranging a funeral who do not have sufficient money to cover the cost. A claim should be made on Form SF200 Funeral payment from the Social Fund available from your local Social Security Office.

The rules covering who can receive a grant and the amount payable are explained below. It is always advisable to check what help you might get before making any of the arrangements.

4.1 Who can apply?

The person who applies for the grant must be in receipt of a means-tested benefit, be considered responsible for making the arrangements and have savings below a certain level.

4.2 What benefits count?

To receive a payment the person must be receiving a means-tested benefit such as Income Support, income-based Job Seeker's Allowance, Housing Benefit, Council Tax Benefit (second adult rebate), Working Tax Credit (which includes the disability or severe disability element), Child Tax Credit, Pension Credit, or be the cohabiting partner (same or opposite sex) of someone receiving those benefits. A partner is the wife, husband or someone of the opposite sex whom they live with as though they were married. You are also eligible if you receive a backdated award of one of these benefits which covers the date you claim a funeral payment.

You can reclaim a funeral payment within 3 months of being awarded one of the qualifying benefits, if the funeral payment has been refused while waiting for a decision on the benefit.

4.3 Who is considered responsible?

The husband or wife (or partner) of the person who has died would be considered responsible for arranging the funeral. The Social Security (Social Fund and Claims and Payments) (Miscellaneous Amendments) Regulations which came into effect on 7 April 1997 introduced 'an immediate family member' test where there is no surviving partner. A funeral payment would not be awarded if there were an immediate family member (parent, son or daughter) who is not receiving a qualifying benefit.

There are exceptions to this. A payment may still be made if the immediate family member is estranged from the deceased or was receiving a qualifying benefit but this was stopped due to hospital admission. For example, a widow dies leaving a son and daughter. The son who is in receipt of Income Support made a claim for help from the Social Fund but was refused because his sister was working and not receiving a qualifying benefit.

Where there is no surviving partner and no immediate family member, it may be considered reasonable for a close relative or close friend of the deceased to have taken responsibility for the funeral. The nature and extent of the contact with the deceased will determine whether it is reasonable.

The Department for Work & Pensions will look at the money and savings you and your partner have, and contributions from relatives or charities.

4.4 Savings and assets

There are no savings or capital limits for Social Fund funeral payments. Help from the Social Fund will be reduced if the person making the arrangements has capital or savings above these amounts.

Help from the Social Fund may be reduced in certain other circumstances:

- any assets of the deceased's person which are or will be available without a grant of probate or letters of administration (the assets which existed at the time of death can count even if these have been used for other purposes);
- payments from an insurance policy, occupational pension scheme, burial club or similar source on the death of the deceased;
- contributions for the funeral from a charity or relative (of either the person making the arrangements or the deceased);
- any funeral grant where the deceased was a war pensioner.

If a grant is made and there is money or other assets in the estate of the person who has died, this will have to be used to pay the money back to the Social Fund. The estate is any money, property and other things that the deceased owned.

Financial help is not available to people who do not have a real link with the person who has died and where the Department for Work & Pensions believes it is clear somebody else should be responsible for the costs and is able to afford them.

4.5 What can this payment cover?

The funeral payment may include the following:

- buying a new burial plot, exclusive rights to burial in that plot and the necessary costs of burial;
- necessary costs of cremation including medical references, medical certificates and doctor's fees for the removal of a heart pacemaker or other medical device (if not removed by a doctor a fee of up to £20 is paid);
- any documentation required to obtain access to the assets of the deceased;
- reasonable cost of transporting the deceased more than 50 miles to a funeral director's premises or place of rest where the deceased died at home or away from home, and transport of the coffin and bearers by hearse and one additional vehicle from the funeral director's premises or place of rest to the funeral where transportation necessarily exceeds 50 miles; and
- reasonable expenses of one return journey within the UK for the responsible person to attend or arrange the funeral.

The costs allowed for burial, cremation and transport do not include any extra requirements arising from the religious faith of the deceased. From 6 April 2003 up to £700 additional funeral expenses can be claimed to cover items such as a coffin, a plain

robe for the deceased, the funeral director's service and necessary staff, minister's fee, flowers, and an organist's fee. However, from 6 October 2003, if the cost of some of these expenses have been met from a prepaid funeral plan or similar arrangement, then only a maximum of £120 applies. The payment cannot cover newspaper announcements, private burial plots or memorials.

4.6 When and how to claim

The person who dies must normally have been resident in the UK and the funeral has to take place in the UK or other parts of the European Economic Area (the European Union plus Iceland, Norway and Liechtenstein). Before anyone applies for a grant from the Social Fund it is necessary to check what money is in the estate of the person who has died, such as in bank or building society accounts and whether there will be any money from insurance policies or charities.

A claim must be made within three months from the date of the funeral. There is no provision for late claims. The claim should be made on Form SF200 available from the Department of Work & Pensions (DWP). The date of the claim is the date the form is received by the Department of Work & Pensions. Remember to keep a copy of the form and obtain a receipt from the person who collects the form when it is handed into them.

It is advisable for the claimant to take along one written estimate for the funeral before the arrangements are made, in order to ensure that the cost will be met by the DWP; but a bill can be taken after the funeral to the DWP for help.

If a payment is made, then the money is recoverable from the estate of the deceased; funeral expenses are legally a first charge on the estate although there may be insufficient assets to meet repayment.

A house occupied by the partner of the person who has died or personal possessions left to a relative will not count as part of the estate. If the person claiming is not looking after the estate, the Social Fund officer will write to the person who is, at the same time as a payment is made to determine if and when there is money in the estate which can be released to pay for it.

The Death Grant was abolished under the *Social Security Act 1986*. You can obtain more information from two leaflets published by the Benefits Agency, which are GL18 - Help from the Social Fund, and S16 - A Guide to the Social Fund.

If a funeral payment is refused, reduced or is only partially met, the claimant can ask for the decision to be reconsidered and/or appeal to a social security appeal tribunal within a month of the decision.

4.7 Shortfall

If the grant cannot meet the whole bill, some funeral directors may accept weekly payments towards the remainder. It is difficult to get help from charities towards funeral costs but it might be worth approaching those organisations with whom the dead person, or their spouse, had some link, eg if they were in the services, the Royal British Legion Scotland, (New Haig House, Logie Green Rd, Edinburgh EH7 4HR, tel: 0131 557 2782 or 08457 725725 (Legionline – local call rate), website: www.rblscotland.org); or the Soldiers', Sailors' and Airmen's Families Association, Central Office, 19 Queen Elizabeth Street, London, SE1 2LP, tel: 020 740 38783, website: www.ssafa.org.uk. Your local Citizens Advice Bureau or Age Concern group may be able to provide assistance.

5. The duty of local authorities and National Health Service to pay for certain funerals

In certain circumstances local authorities and the National Health Service have a duty to organise and pay for funerals. This is usually when there are no surviving family members or friends who would undertake the organisation and no advance arrangements have been made.

People who know they may die in such circumstances may wish to discuss the procedure beforehand and it is possible that the authorities concerned may be prepared to do this.

5.1 The duty of local authorities

Local authorities have a duty under Section 50 of the *National Assistance Act 1948* to make the necessary arrangements for the burial or cremation of any person who has died in their area if it appears that no other suitable arrangements have been or are being made.

It will pay for a funeral it arranges and claim any Social Fund payment. Ask at your local council office.

Local authorities also have a duty under Section 28 of the *Social Work (Scotland) Act 1968* to arrange for the burial or cremation of any person who has died while in the care of, or receiving maintenance from, that local authority. They may be able to claim the cost of the burial or cremation from the estate of the deceased.

Funerals carried out by public authorities are conducted with dignity and respect. The authority will usually have an agreement with a local firm of funeral directors who will arrange for a simple coffin and a minister of religion to be present.

Some local authorities prefer to carry out cremations rather than burials, but the wishes of the person or his/her relatives are normally respected.

5.2 Duty of the National Health Service

When someone dies in hospital, a local authority home or in temporary accommodation and there are no relatives or friends to arrange and pay for the funeral, the NHS will do so in accordance with the Health Service Guidelines HSG (92)8. Ask at the hospital or home.

6. Planning and paying for a funeral in advance

Many people wish to plan their funeral in advance and to know that they have set aside the money to pay for them.

6.1 Planning

You may want to discuss the arrangements with relatives or friends or leave a letter with them or in an obvious and safe place with other important papers, specifying the arrangements to be followed. You might wish to complete a document similar to Age Concern's *Instructions for my next-of-kin and executors upon my death (IS/18)* (see Section 10). It is also possible to discuss arrangements with the funeral directors in advance. This may be an advisable move if there are no immediate relatives who will be available or able to make arrangements. The name of the funeral director can then be kept in a safe place with other important documents so that whoever is left to deal with the situation can contact the correct person.

6.2 Cost

If savings have been set aside for a funeral and would now pay for one at current prices, that money, invested at the best rate of interest, will probably be enough to pay for the funeral when it occurs. Additionally, it is possible to pay a lump sum premium to an insurance company which will pay out to the amount insured.

Some insurance companies also offer small sum policies, with monthly or annual premiums, which may pay for the funeral when someone dies however much has been paid into the scheme. There may be some difficulty obtaining a policy over the age of 75.

A few companies may still be willing to arrange house to house collection of premiums eg, United Friendly Society, Refuge House, Alderly Rd., Wilmslow, Cheshire SK9 1PF, tel: 01625 605040. (Maximum age 75).

The Association of British Insurers is a trade association for insurance companies, which can provide information about its members. Its address is 51 Gresham Street, London EC2V 7HQ, tel: 020 7600 3333, website: www.abi.org.uk.

6.3 Funeral Plans

Some organisations will combine planning a funeral and the cost using a 'funeral plan'. Some funeral directors are prepared to allow payment in advance. A prepaid funeral plan is an arrangement made before death to cover some or all of the costs of a funeral.

Listed below are some of these organisations and plans:

Age Concern - details can be obtained from the Age Concern Enterprises at Age Concern Scotland, 113 Rose Street, Edinburgh, EH2 3DT, tel 0131 220 2778.

The Age Concern Funeral Plan is marketed by Advance Planning Limited in which Age Concern Scotland has an interest through Age Concern Enterprises Limited (ACEnt). ACEnt is wholly owned by Age Concern England (registered charity no. 261794), and receives a minimum of £10 per funeral plan and covenants profits to that charity. (ACEnt owns 25% of Advance Planning Limited and the other 75% is owned by a subsidiary of Service Corporation International plc).

Avalon - details from Avalon Funeral Trustee Co, Freepost, Manchester M1 4PZ, tel: 0161 236 3602 or Portland Building, 127-129 Portland Street, Manchester.

Co-operative Funeral Bond - details can be obtained from the Funeral Bond Office, Co-operative Funeral Services, 119 Paisley Road, Glasgow G5 8RL, tel: 0800 446 696 (free call) or 0800 731 7822 (free call).

Dignity Personal Funeral Plans - details can be obtained from Dignity Personal Funeral Plans Office, Spencer House, 62A The Parade, Sutton Coldfield, West Midlands B72 1GT, tel: 0800 387 717 (free call).

Funeral Planning Trust - details available from funeral directors who offer plans supported by the trust, or from Funeral Planning Services Limited, Freepost IH4150, Flint House, Ipswich Road, Long Stratton, Norwich, Norfolk NR15 2TA or Freepost IH4150, NR15 2ZZ, tel: 0800 413 046 (free call).

Golden Charter - details about pre-pay funerals can be obtained from Golden Charter Ltd, Melville House, 70 Drymen Road, Bearsden, Glasgow G61 2RP or Freepost G61 2BR, tel: 0800 833 800 (free call).

Perfect Assurance Funeral Trust - details available from funeral directors who are members of the National Association of Funeral Directors or from Perfect Assurance Funeral Trust, 618 Warwick Road, Solihull, West Midlands N91 1AA, tel: 0121 709 0019.

National Deposit Funeral Provision Plan - details from Freepost, 4/5 Worcester Road, Clifton, Bristol BS8 3BR, tel: 0500 418 559 (free call).

Unity Funeral Bond - 811 Rochdale Road, Manchester, Lancashire, M9 5XD, tel: 0161 205 4746.

Most Co-operative Societies have some form of funeral pre-payment plan, which may involve vouchers for goods in their store. As schemes differ enquiries should be made at local branches.

6.4 Choosing a scheme

It is important to compare details of schemes. The following are a few points you may wish to consider:

- price;
- specification of the chosen funeral;
- whether you have a choice of funeral director;
- which items are covered by the price and which are not, in particular whether all disbursements, for example doctors' fees, minister's fee, cremation service fee, the cost of a burial plot are included in the price guarantee, and if not what the likely cost is of additional items; and
- whether the funds are held in trust, with independent trustees, and trust deeds and names of trustees published.

If you are in receipt of a means-tested benefit such as Income Support, Housing Benefit or Council Tax Benefit then you should be aware that a funeral plan that is fully refundable could be considered as part of your savings and may affect the amount of benefit you receive. Funeral plans are not included as part of savings for Pension Credit purposes.

Even if the plan is not refundable, if you purchase a funeral plan while receiving a means-tested benefit, or before claiming, this could be seen as depriving yourself of capital if you bought it in order to reduce your savings and gain benefit. In this case, you will be treated as though you still have capital. If this occurs you may want to get advice about challenging the decision.

7. Donating a body for medical research

Those who wish to donate their bodies for medical research can leave instructions, although these do not have to be followed by the executors. A relative cannot donate the body.

If a dead person intended to make such a bequest it will probably already have been discussed with family members or friends and a written statement should be among the dead person's papers.

The body may not be accepted but swift action must be taken on death to inform the authorities. If prior arrangements have not been made with a medical school HM Inspector of Anatomy has to be contacted, tel 020 7972 4342.

If death occurs at home, you should inform the dead person's doctor as soon as possible and s/he will probably make the necessary arrangements. Otherwise telephone the Department of Anatomy at one of the following Universities: Aberdeen, St Andrews, Dundee, Glasgow, and Edinburgh. The medical schools will look at place of death, cause of death, condition of body at time of death and extent of demand at medical schools.

A body is normally refused if there has been a post-mortem or any organs removed. If the death occurs in hospital, inform the hospital as soon as possible if the body is to be donated. Eventually the medical school will arrange the funeral and the family can take part if they wish. In cases that are being investigated (see Section 1), the Procurator Fiscal has lawful possession of the body after death and can override the dead person's wishes on the disposal of the body.

8. Donating organs for transplantation and tissue for medical research

The transplantation of organs such as hearts, livers and kidneys can save people's lives, and the transplantation of corneas can save people's sight. The removal of organs for transplantation is permitted either if the dead person has previously indicated in writing his/her willingness to be a donor, for example by signing an organ donor card, or if enquiries of relatives raise no objections.

Not all patients who die are suitable as organ donors and the decision on whether to remove the organs is made by the doctor concerned. Removal has to happen very soon after death so if you know the dead person wanted to donate organs for transplantation tell the doctor or hospital straight away. After transplantation, the body is returned to the relatives for burial or cremation. The hospital does not contribute towards funeral costs.

Organ donor cards are available from most hospitals, general practice surgeries, dispensing pharmacists and Benefits Agency offices. You may also register through the DVLA and when applying for a passport. The Organ Donation line is 0845 606 0400 (local call rate) but it is not possible to register as a donor over the phone.

The National Health Service has established a central register in which organ donor card holders may register their wishes. Donors may add their names to the NHS Organ Donor Register by phoning 0845 60 60 400 (local call rate), downloading a form from the website: www.uktransplant.org.uk or writing to: The NHS Organ Donor Register, UK Transplant, Freepost (SWB 1474), Patchway, Bristol BS34 8ZZ.

9. Further information

9.1 Important organisations

Organisations involved in the practical aspects of funerals have been mentioned in earlier sections. The following organisations may offer counselling and support for the bereaved through their groups. There may be other local groups you can contact through lists kept in libraries or by your local Citizens Advice Bureau.

Age Concern Scotland, 113 Rose Street, Edinburgh EH2 3DT, tel: 0131 220 3345, has a large number of local groups in membership who provide services for older people. Some groups offer bereavement counselling.

CRUSE (Bereavement Care - Scottish Headquarters), 33-35 Boswall Parkway Edinburgh, EH5 2BR, tel: 0131 551 1511, 0808 808 1677 (free call), helpline - 0870 167 1677 (national call rate), website: www.crusebereavement.org.uk. This organisation has branches across Scotland (and the UK) which offer a counselling service and practical advice after a bereavement. They can provide telephone numbers for your particular area.

Lesbian and Gay Bereavement Project, c/o Healthy Gay Living Centre, 40 Borough High Street, London SE1 1XW, tel: 020 7407 3550. This project can provide a Will pack on receipt of a sae. This project can help find suitable clergy and secular officiates for funerals. For the number of someone to talk to, telephone the helpline on 020 7403 5969 (7pm to 10.30pm).

The Natural Death Centre, 6 Blackstock Mews, Blackstock Road, London, N4 2BT, tel: 020 7359 8391, website: www.naturaldeath.org.uk offers information on arranging your own funeral and various publications. This is a charitable organisation.

The National Association of Bereavement Services, Pinchin & Johnson Warehouse, 2nd Floor, 4 Pinchin Street, London E1 1SA, tel: 020 7709 0505 (office); 020 7709 9090 (referrals).

The National Association of Widows, 48 Queens Road, Coventry, CV1 3EH, tel 024 7663 4848. This association provides support, advice and information, website: www.nawidows.co.uk.

9.2 Useful publications

Coping with Death by Leslie Scrase, from the British Humanist Association, 47 Theobalds Road, London WC1X 8SP. Price £6.50.

Funerals without God - a practical guide to non-religious funerals by Jane Wynne Wilson, from the British Humanist Association, 47 Theobalds Road, London WC1X 8SP. Price £5.00

. Before and after, is only available online from The Natural Death's Centre website: www.naturaldeath.org.uk.

How to organise a Woodland or Inexpensive Funeral, is available as an email from The Natural Death Centre. Visit its website: www.naturaldeath.org.uk. Price £6.99. This is not a book.

The New Natural Death Handbook, 4th Edition, is available from The Natural Death Centre, 20 Heber Road, Cricklewood, London, NW2 6AA or from their website: www.naturaldeath.org.uk. Price £14.99 incl. UK 2nd Class p&p.

Ways to go - Naturally, is available from The Natural Death Centre, 20 Heber Road, Cricklewood, London, NW2 6AA or from their website address at www.naturaldeath.org.uk. Price £6.20 incl. UK 1st Class p&p.

What to do after a death in Scotland - practical advice for times of bereavement, from the Scottish Executive Justice Department, Civil Law Division, Room 2W(R), St Andrews House, Regent Road, Edinburgh EH1 3DG, tel: 0131 244 3581, or from your local Citizens Advice Bureau, or on the Scottish Executive website at www.scottishexecutive.gov.uk. It is free, and provides detailed information and advice on everything that needs to be done following the death of a relative or friend.

What to do when someone dies, published by the Consumer Association. It includes sections explaining the main Scottish differences in procedures. Price £9.99. Available from most libraries or bookshops, or by post from WHICH Ltd, Freepost, Hertford SG14 1SH, tel: 0800 252100 (free call).

What You Should Know About Cremation and The History of Modern Cremation, leaflet published by The Cremation Society of Great Britain, Brecon House (2nd Floor), 16/16a Albion Place, Maidstone, Kent ME14 5DZ.

10. Further information from Age Concern

Instructions for my next of kin and executors upon my death (IS18) - this document is not intended to replace a Will but provides one way of leaving instructions for funeral arrangements, names of friends and relatives to contact, names and addresses of banks, life assurance companies, insurance brokers etc, where to find keys, certificates, receipts etc. This is available by phoning 0800 00 99 66 (free call) or writing to Age Concern FREEPOST (SWB 30375), Ashburton, Devon TQ13 7ZZ, or downloading from its website.

The following factsheets may be of use:

Factsheet 7s *Making your will*

Factsheet 14s *Dealing with someone's estate*

Info Sheet (IS18) *Instructions for my next-of-kin and executors upon my death*

If you would like

- any additional factsheets mentioned (up to a maximum of 5 will be sent free of charge)
- a full list of factsheets and/or a book catalogue
- further information or if you have questions arising from this factsheet
- to receive this information in a different format

phone 0800 00 99 66 (free call) or write to Age Concern FREEPOST (SWB 30375), Ashburton, Devon TQ13 7ZZ.

For people with hearing loss who have access to a textphone, calls can be made by Typetalk, which relays conversations between text and voice via an operator.

Age Concern's series of over 40 factsheets is available as a subscription service to those whose work involves older people; for details of this service please call us on 08705 00 99 66 (national call rate) and ask for our factsheet subscription leaflet.

Age Concern provides factsheets free to older people, their families and people who work with them. If you would like to make a donation towards the work of Age Concern Scotland, you can send a cheque or postal order (made payable to Age Concern Scotland) to Age Concern Scotland, 113 Rose Street, Edinburgh EH2 3DT. Find out

more about Age Concern Scotland online at www.ageconcernscotland.org.uk, or Age Concern England at www.ageconcern.org.uk.

If you have questions arising from this factsheet, or it does not cover the information you require, please contact the Scottish Helpline for Older People, a confidential and impartial service managed by Age Concern Scotland, tel: 0845 125 9732 (local call rate), Monday to Friday 10am - 4pm. The address is Age Concern Scotland, 113 Rose Street, Edinburgh EH2 3DT.

Please note that the inclusion of named agencies, companies, products, services or publications in this factsheet does not constitute a recommendation or endorsement by Age Concern. Whilst every effort is made to ensure accuracy, Age Concern cannot be held responsible for errors or omissions.

No factsheet can ever be a complete guide to the law, which also changes from time to time. Therefore please ensure that you have an up to date factsheet and that it clearly applies to your situation. Legal advice should always be taken if you are in doubt.

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