



**Vauxhall Community
Law & Information
Centre**

WHAT TO DO AFTER SOMEONE DIES

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Who are we?

Vauxhall Law Centre has been in existence for over 45 years and is based in an area suffering from exceptionally high levels of disadvantage and poverty. The Centre was originally set up as a result of collaboration between local Community Activists, Liverpool City Council, Liverpool Law Society and the John Moores Foundation all of whom remain broadly supportive of the work undertaken at the Centre. The Centre has had many different funders over the years including Liverpool City Council, the Tudor Trust, John Moores Foundation, LCVS, Steve Morgan Foundation, GMB and many others.

The Centre has an excellent reputation for delivering a high quality free legal advice service combatting poverty. We are members of the National Law Centre's Network and provide services accredited to the Advice Quality Service Standard, who independently audit the standards and quality of the work we undertake. We provide advice and support in the Law Centre and by telephone. We advise over 1,500 people per year and also provide representation in over 100 cases at Social Security appeal tribunals.

Our Service Aims

1. Combat social exclusion by raising income levels and helping to control debt levels through legal advice work.
2. Make available to people legal advice and representation to which they would not otherwise have access so that they can better assert their rights.
3. Provide a high quality, independent advice service which is free to users.
4. Reduce poverty and improve people's sense of health and well-being and promote independence for disabled people and their carers through the provision of welfare law advice.
5. Promote equality and the active challenging of discrimination through legal advice and representation.

We have produced this guide as a result of an increased demand in people seeking advice after experiencing a bereavement. It is intended as a guide only. Please feel free to contact us on 0151 482 2540 or advice@vauxhalllawcentre.org.uk. Alternatively complete the enquiry form and a member of our team will get in touch with you.

Administration

Informing the government about the death

When someone dies, you usually have to tell several departments of local and central government, as well as other government agencies, so that they can update their records.

Tell Us Once

In most areas of England and Wales, the Tell Us Once Service allows you to report a death to several government departments, agencies and the local authority in one contact. For example, Tell us Once will help you to report the death to most of the offices that were paying benefits to the person who died, as well as to other government agencies such as the Passport Service and the DVLA. You must register the death first.

You can contact Tell Us Once either in person at your local authority offices, by phone or online at www.gov.uk/after-a-death/organisations-you-need-to-contact-and-tell-us-once.

When you register the death the Registrar will give you the contact details, including a reference number to use online.

If the Tell Us Once service does not operate in your area, you will need to contact all the relevant organisations individually.

DWP Bereavement Service



Department
for Work &
Pensions

In England and Wales, the DWP Bereavement Service allows you to report a death to the DWP in a single phone call, which will cover all the DWP benefits the person who died was getting. At the same time, the Bereavement Service can do a benefit check to find out if the next of kin can claim any benefits and take a claim for bereavement benefits or a funeral payment over the phone.

The contact details of the Bereavement Service are:

0800 731 0469
0800 731 0453 (Welsh)
Textphone 0800 731 0464
Textphone 0800 731 0456 (Welsh)
Monday to Friday, 8am - 6pm
Calls to these numbers are free.

If you have already reported the death to the Tell Us Once service, you do not need to tell the DWP Bereavement Service. But you can contact the DWP as well if you would like them to do a benefit check or help you to claim bereavement benefits.

Redirecting post after someone's death



You can redirect the post of someone who has died by filling in a 'special circumstances' form. The Post Office will need to see a death certificate or proof of power of attorney. You will have to pay a fee to redirect the post - you can find the form and how much redirection will cost at the website below.

www.royalmail.com/personal/receiving-mail/redirection

Stop receiving unwanted mail

You can stop unsolicited post being sent to someone who has died by registering with the Mailing Preference Service (MPS) and The Bereavement Register for free.

Registering with MPS will stop post being sent to someone who has died by companies who are members of the Direct Marketing Association.

You can sign up with the Mailing Preference Service at www.mpsonline.org.uk/consumer/register or by writing to them - let them know the name and address of the person who has died.

The Mailing Preference Service

FREEPOST 30
LON 20771
London
W1E 0ZT

The Bereavement Register provide an online registration form which removes the deceased's details from mailing lists, stopping most advertising mail within as little as six weeks (see for details).

The Bereavement Register
Freepost RTEU-JSHJ-LCTZ
1 Newhams Row
London
SE1 3UZ
(020) 7089 6403
Automated phone line registration service: 0800 082 1230
Monday - Friday: 9:00 - 5:30
Weekends and bank holidays: Closed
help@thebereavementregister.org.uk
www.thebereavementregister.org.uk/

If the deceased has asked for particular post (magazine subscriptions for example) you will need to get in touch with companies directly to ask them to stop.

Dealing with the property of the person who has died

You may have the responsibility for dealing with the property of the person who has died. This has to be done according to certain rules. For more information about the rules in England and Wales, visit the Citizens Advice page on 'Dealing with the financial affairs of someone who has died'.

<https://www.citizensadvice.org.uk/family/death-and-wills/dealing-with-the-financial-affairs-of-someone-who-has-died/#>

The deceased person rented a property

The deceased person was the named person on the tenancy agreement and lived alone

If the person lived on their own, you should inform the private landlord, council or housing association as soon as possible that the person has died.

The tenancy does not end when the tenant dies but has to be ended by the landlord giving correct notice or the deceased person's representative giving notice as set out in the tenancy agreement. Where no one wants to stay in the property, the tenancy is usually terminated by mutual consent. Rent may still be payable, but this is not your responsibility. The landlord will need to claim the rent back from the estate of the person who has died.

You were joint tenant with the deceased person



If you're a named tenant on the tenancy agreement with the deceased person, the tenancy continues but in your name only. You should inform the private landlord, council or housing association as soon as possible that the person has died. You will be solely responsible for the rent from when the deceased person died.

The deceased person was the only named person on the tenancy agreement and you lived with them

You may be able to take over a council or housing association tenancy if you were living with the tenant who died. This is called succession. There can usually only be one succession to a tenancy. If one partner dies and the other partner takes over the tenancy, usually no one will be able to take over the tenancy when the second partner dies.

Being able to take over the tenancy depends on how long you lived with the deceased person, your relationship to the deceased person and the type of tenancy that the deceased person had.

Contact the council or housing association and ask them what you need to do to take over the tenancy. You will probably need to provide evidence that you have the right to take over the tenancy, for example bills and benefit letters showing that you live there. You may be asked to prove your relationship to the deceased person and that this was your main home for at least a year before the person died.

Check if you can take over or inherit a council tenancy here

https://england.shelter.org.uk/housing_advice/council_housing_association/can_you_inherit_a_council_tenancy

or a housing association tenancy here

https://england.shelter.org.uk/housing_advice/council_housing_association/can_you_inherit_a_housing_association_tenancy

If you are one of several family members of the deceased person, only one person can take over the tenancy so will need to decide who this will be.

If you can't decide, the council will decide if you're in a council home. If you're in a housing association property, a court will decide.

If you inherit the tenancy, you will be responsible for the rent from when the deceased tenant died.

If you have any issues with the Landlord seeking to take possession of the property or refusing to allow you to succeed to the tenancy you are strongly advised to seek legal advice from a Housing solicitor. This issue should be covered by legal aid (subject to a financial means test) as you are at risk of losing your home.

If your landlord refuses to transfer the tenancy to you

If you think that you should have been able to take over the tenancy and the council or housing association say that you can't, ask if they will review their decision. Seek help and advice from the Vauxhall Law Centre on requesting a review. As you are at risk of homelessness this is a legal issue which is likely to be funded by legal aid (subject to means test) and you should seek urgent advice from a Housing Solicitor.

If the council or housing association won't review or change their decision, you don't have to move out straight away. You should get at least 4 weeks' notice. When notice period is complete, the council or housing

association will have to go to court to make you leave. You may have to pay costs if the council or housing association take you to court. You don't usually have to pay rent if you can't take over the tenancy when the tenant dies.

You should stay in the property until you have to leave if you have nowhere else to go. Check if you can apply for homeless help here

www.citizensadvice.org.uk/housing/homelessness/applying-for-homeless-help/check-if-you-can-apply-for-homeless-help/

If you are at risk of being evicted because the named tenant died, contact the Vauxhall Law Centre. You must seek legal advice from a Housing Solicitor and subject to a means test should be entitled to legal aid.

The deceased was a private tenant and the only named person on the tenancy agreement

It is usually only possible to inherit a private tenancy if the landlord agrees to this and is also dependant on the type of tenancy. Seek further advice at the Vauxhall Law Centre if you lived with someone who was a private tenant and would like to take over tenancy. Again if you are at risk of losing your home you should seek legal advice from a housing lawyer immediately and are likely to be entitled to help under legal aid.

The deceased person owned a property



If the deceased person solely owned home, then the property will pass to those named in a Will, or if there is no Will according to a set of rules called 'intestacy'. Only married or civil partners and some other close relatives can inherit under these rules.

If the deceased person owned a property with someone else as 'joint tenants', the property becomes owned by the other joint owner

If the deceased owned the property with someone else as 'tenants in common', each person owns their separate share of the property and on the death of one of the owners it passes on through the deceased's Will or

according to the laws of intestacy, if there is no Will. Read about who can inherit when there is no Will here:

www.gov.uk/inherits-someone-dies-without-will

If you are at risk of becoming homeless when the owner of the property you live in dies you should seek advice from a Housing lawyer immediately and are likely to be entitled to legal aid. If you are dealing with issues relating to intestacy or inheritance, it is important that you seek advice from a Private Client solicitor who can advise you on your rights. Unfortunately, this area of work is not covered by legal aid and you will be expected to pay a fee.

Citizens Advice has very detailed information about what to do when dealing with the financial affairs of someone who has died, including regarding property, and this can be found here:

www.citizensadvice.org.uk/family/death-and-wills/dealing-with-the-financial-affairs-of-someone-who-has-died/

What is compassionate leave?

Compassionate or bereavement leave is time employers grant employees off work for death in their family or of a close loved one, allowing them time to grieve, make arrangements and attend the funeral.

Bereavement time off is usually given for the death of immediate family members but can extend to relatives and even friends depending on the employer's policy and your responsibilities.



How many days are you entitled to for bereavement leave?

There are currently no UK laws obliging employers to grant leave entitlement for death in the family, however many businesses do. Most allow three to five days for bereavement leave, according to the BBC, but this depends on what your contract or staff handbook states or your employer's discretion.

There are ways around being denied time off or given fewer days than needed, such as dependent leave. See the website below for more information.

<https://www.funeralpartners.co.uk/help-advice/what-to-do-when-someone-dies/bereavement-and-compassionate-leave-in-the-uk/>

Parents who lose a child under the age of 18 or suffer a stillbirth from 24 weeks of pregnancy are entitled to statutory bereavement leave under the Parental Bereavement Leave and Pay Act (2018). See www.gov.uk/parental-bereavement-pay-leave) for further details.

Do you get paid for compassionate leave?

Companies aren't yet legally bound to pay for any bereavement or dependent leave they may grant. However, 97.9% do, according to a survey by XpertHR.

It's therefore important to know employers might also stipulate how much bereavement pay you'll receive, with influencing factors commonly including if the loved one is part of your immediate family and the period of leave given.

What is considered immediate family for bereavement pay?

Some employers offer compassionate leave when an immediate family member passes away, with the leave length sometimes depending on the relationship. But this term is not always defined in a policy or contract.

The Merriam-Webster dictionary defines immediate family as a parent, sibling, spouse or child, while other sources extend to grandchildren, aunts and uncles.

Don't be afraid to request compassionate leave even if it doesn't fit your company's criteria, as employers may decide on a case-by-case basis.

Compassionate leave policy

Employers typically explain their compassionate leave policies in employment contracts or a staff handbook. If a policy is lacking in these areas, you should instead ask your employer or HR representative for clarity.

If you're denied bereavement leave, remember you have the right to take time off for emergencies according to the Employment Rights Act 1996. This is otherwise known as dependant leave and can be used when someone who relies on you - i.e. a child, spouse or even elderly neighbour - passes away, becomes injured, falls ill or faces other emergencies, including the sudden loss of their family member.

There's no minimum or maximum amount of time that can be taken for dependant leave, however the UK Government states it should be "a reasonable amount".

Can an employer refuse bereavement leave?

Employers aren't expected to grant compassionate leave in the eyes of the law but many do. This also doesn't cover dependant leave, which employers don't have to pay for but cannot force you to make up later.

If you are refused time off, consider asking for unpaid leave, using holiday allowance or agreeing to make up the time at a later date.