



**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.

Money and finances



Following a bereavement, your money situation could change. If you need to take stock of what you have coming in and going out, Citizens Advice budgeting tool can help. See www.citizensadvice.org.uk/debt-and-money/budgeting/budgeting/work-out-your-budget/ for further details.

If you are having problems with your outgoings, Citizens Advice also can provide help with your bills. See www.citizensadvice.org.uk/debt-and-money/budgeting/budgeting/get-help-with-bills/ for more information.

Bereavement benefits

In England and Wales, bereavement benefits are payments made by the Department for Work and Pensions to widows and widowers or to a surviving civil partner.

For more information about bereavement benefits, Citizens Advice can help. See www.citizensadvice.org.uk/benefits/claiming-bereavement-support-payment/ for information about extra money you can get when someone dies.

Eligibility

You can only claim Bereavement Support Payment if your husband, wife or civil partner died on or after 6 April 2017. You cannot claim if you or your partner were not married or in a civil partnership. You need to have been under your State Pension age when your partner died. If you are unsure what age this is you can check your State Pension age at www.gov.uk/state-pension-age.

It doesn't matter what your income is, if you have any savings or if you're working.

Your husband, wife or civil partner must have either:

- paid National Insurance contributions for at least 25 weeks in one tax year
- died because of an accident at work, or a disease caused by their work

When you apply, the DWP will check to see if your partner paid enough National Insurance contributions.

How to apply

You can apply for Bereavement Support Payment by filling in a form or calling the Bereavement Service helpline. See www.gov.uk/bereavement-support-payment/how-to-claim for further details.

You can download the Bereavement Support Payment claim form from the above webpage or order one by calling your local Jobcentre Plus. The form comes with notes to help you. If you need more help visit www.citizensadvice.org.uk/about-us/contact-us/contact-us/contact-us/ to find your nearest Citizens Advice.

Read through the form before you send it to make sure you've answered everything properly. Make a copy of the form if you can - you might need to refer to it later.

If you send it by post, ask the Post Office for proof of postage - you might need to prove when you applied.

When you've filled it in you should take it to your local Jobcentre Plus or send it to:

Bereavement Support Payment
Mail Handling Site A
Wolverhampton
WV98 2BS

You can also apply over the phone by calling the Bereavement Service helpline.

Make a note of the date and time you call and write down the name of the person you speak to. You might need these details later in your application.

Bereavement Service helpline
0800 731 0469
0800 731 0453 (Welsh)
Textphone: 0800 731 0464

Welsh language Textphone: 0800 731 0456
Monday to Friday, 8am - 6pm
Calls to this number are free

If your husband, wife or civil partner died before 6 April 2017

You might be able to get Widowed Parent's Allowance if you look after a child you had with your husband, wife or civil partner.

Visit www.gov.uk/widowed-parents-allowance to check if you can get Widowed Parent's Allowance.

The amount you'll get depends on how much your husband, wife or civil partner paid in National Insurance contributions. The DWP will check this for you when you claim. The most you can get is £119.90 a week.

Widowed Parent's Allowance might affect other benefits you're getting. You can use Citizens Advice benefits calculator to see how much money you'll get, www.citizensadvice.org.uk/benefits/benefits-introduction/what-benefits-can-i-get/.

How to apply

You can apply for Widowed Parent's Allowance by filling in a form or calling the Bereavement Service helpline.

You can download a Bereavement Benefits form at www.gov.uk/widowed-parents-allowance/how-to-claim. When you've filled it in you should take it to your local Jobcentre or send it to:

Dover Benefit Centre
Post Handling Site B
Wolverhampton
WV99 1LA

Or, you can apply over the phone by calling:

Bereavement Service helpline
0800 731 0469
Monday to Friday, 8am - 6pm
Calls to this number are free

How much you can get

If you do not have children, you can get a lump sum payment of £2,500 and monthly payments of £100 for up to 18 months.

If you have children or you are pregnant, you can get a lump sum payment of £3,500 and monthly payments of £350 for up to 18 months.

You will not have to pay tax on any of the payments, including the lump sum.

Your monthly payments will not affect your other benefits. If you still have some of the lump sum left after a year, it could affect the amount of other benefits you can get.

You will not be paid your Bereavement Support Payment if you are given a prison sentence. If you are on remand, your Bereavement Support Payment will stop but you will get any missed payments if you are released.

When to apply

You should try and fill in the form within 3 months of your husband, wife or civil partner's death to get the full amount of money. After 3 months, the DWP will count your application as late. You will lose one monthly payment for every month your application is late.

To get the lump sum, your application must reach the DWP within 12 months of your husband, wife or civil partner's death. If your application arrives after 12 months, you will not get the lump sum.

Bereavement support from Unions

Unite



One-off grants are available for members, former members, employees or ex-employees of the Unite the Union Benevolent Fund who are in need, and their dependents. See the website below for complete details.

<https://grants-search.turn2us.org.uk/grant/unite-the-union-benevolent-fund-15969>

Public and Commercial Services Union



- PCS members are entitled to nominate a family member or friend to receive a death benefit should they die while still in employment.
- Qualification is a minimum of six months' ordinary membership.

The death benefit amounts are as follows:

- For any death occurring in 2019, the amount is £1,663, payable to the nominee.
- For any death occurring in 2020, the amount is £1,748, payable to the nominee.

If you would like to inform PCS of the death of a member please email benefits@pcs.org.uk. PCS will then contact the local PCS official for more information. (Please note associate and retired members - ARMS, are not entitled to this benefit.)

www.pcs.org.uk/about-pcs/member-benefits/legal/death-benefit

Unison



- If you are the next of kin of a Unison member who has died, you can apply for a death benefit.
- Due to the Covid-19 outbreak from 1st March 2020 to the end of October 2020, the next of kin of all deceased members will receive a benefit of £576.
- You can claim this by filling in the form below and returning it to your local Unison regional office by email or post. Their contact details can be found at www.unison.org.uk/get-help/knowledge/support-family-friends-deceased-members/regional-contacts/

Communication Workers Union



- CWU offer a death grant for members currently standing at £839
 - Next of kin should contact the branch of the deceased in the first instance. Any queries, please email Linda McNamara lmcnamara@cwu.org
- www.cwu.org/death-benefit/

Community



- The Life Change benefit was created to give members a little extra help at key moments in your life.
 - Bereavement benefit - 50% of your account on the death of your spouse/partner or child under the age of 18; 100% of your account on your death
- www.community-tu.org/our-services/lifechange/

National Union of Rail, Maritime and Transport Workers



- Death Benefit Payable
 - On the death of a member who had joined the Union before reaching the age of 65 and who had not previously qualified to receive Retirement Benefit specified in Rule 18, a Death grant of £600 shall be paid, subject to the requirements of this Rule being complied with. This Clause does not apply to members of the Shipping Grades referred to in Clause 2 or, in the circumstances referred to in Clause 2A, to Offshore Energy Members.
- Entitlement to benefit
 - On the death of:

Shipping Grades

(a) a member of the Shipping Grades who on the effective date had been a member of the National Union of Seamen and was five years or less from the relevant age of retirement specified in Clause 1 of this Rule, or

(b) a member of the National Union of Seamen who had already retired on or before the effective date.

the sum of £200 shall be paid to the person or persons nominated to receive it or, if no nomination has been made, to the nearest relative. The sum of £70 shall be paid in respect of the death of such a member's spouse, provided in both cases the death occurred after the member's retirement.

Offshore and Shipping Grades

2A. On the death in service of a member of the Offshore and Shipping Grades, who was immediately prior to the effective date of the transfer of engagements from the Offshore Industry Liaison Committee to the Union a member of that Committee within five years of that effective date, the sum of £3,300 will be paid in accordance with Clause 4.

The public transport benevolent fund



- Pay a grant of £1,000 to any beneficiary who provides evidence of the death of their partner or dependent child or (in the case of a child who was dependent on a single parent) the death of that parent.

NASUWT



- The NASUWT Benevolent Fund is available to members, former members, the dependants of members and former members, and dependants of deceased members, provided a subscription has been paid to the Union.
- To make an application for benevolence assistance, contact your Local Association Secretary in the first instance.

Alternatively, you can contact the NASUWT Legal and Casework Team at:

NASUWT Legal and Casework Team

Hillscourt Education Centre

Rose Hill

Rednal

Birmingham

B45 8RS

0121 453 6150, weekdays 8.30am - 5.30pm

legalandcasework@mail.nasuwt.org.uk

Pension Credit

If the person who died was getting a State Pension, you should tell the Pension Service that he or she has died so that payments stop. Call the Pension Service helpline on 0800 731 0469.

Claiming their State Pension



You might be entitled to extra pension payments from your spouse's or civil partner's State Pension. It depends on the amount of National Insurance (NI) contributions they made and when you and your spouse or civil partner reach(ed) the State Pension age.

If you haven't reached State Pension age, you might also be eligible to claim bereavement benefits.

www.moneyadvice.service.gov.uk/en/articles/claiming-bereavement-allowance-and-other-benefits

Contact the Pension Service on 0800 731 0469 (free to phone) to find out whether you are eligible to claim.

You can also get more information about this from the UK Government at www.gov.uk/death-spouse-benefits-tax-pension/pensions.

What to do about their personal and workplace pensions

If you're dealing with someone's affairs after their death, you should check their paperwork to see if they had any personal or workplace pension schemes. If they did, contact the pension provider to find out how much they had and what to do next.

If you don't know who the pension provider is and the deceased was employed, contact their employer to see if there was a current workplace pension. The amount you can claim and when you can claim it depends on which type of personal or workplace pension it is.

You'll also need to find out if any personal or workplace pensions are:

- defined contribution pensions
- defined benefit pensions

Once you know this information, you need to contact the pension provider, or employer if it's a workplace scheme. You need to find out how much the deceased had, and how to claim that pension. You can use the letter template provided on the webpage below to contact the pension provider.

www.moneyadviceservice.org.uk/en/articles/what-to-do-about-someones-pension-when-theyve-died

If you can't find any trace of a personal or workplace pension, but you think the deceased person might have had one, contact the Pensions Tracing Service at www.gov.uk/find-pension-contact-details or on 0800 731 0193.



Defined contribution pensions

Different tax rules apply to the rules when inheriting a defined contribution pension.

It depends on whether the individual died before or after age 75.

If the person died before age 75:

- if they received income from a single life annuity, this will stop unless there was a 'guaranteed period' attached to the annuity.
- In which case, it will continue to be paid tax-free until the end of the guarantee period (usually 5 or 10 years).
- if it was a joint life annuity, income will continue to be paid to the survivor (also tax-free) until their death. But this is usually at a reduced rate (half is common).
- If you are not sure which they had, ask the annuity provider.
- if the deceased had a flexi access drawdown pension which was set up or first accessed after 5 April 2015, any money paid within two years of the pension holder's death will be paid tax-free.
- however, if the pension is claimed more than two years after the pension holder's death, tax might be payable.

- any money taken out of the pension scheme before death (or any investments bought with cash from the pension scheme), will count as part of the deceased's estate and might be subject to Inheritance Tax.
- the money in the pension will continue to grow tax-free as long as it stays invested.

If the person died age 75 or over:

- if they received income from a single life annuity, this will stop unless there was a 'guaranteed period'.
- In which case, it will be paid to the beneficiaries until the end of the guaranteed period. Income tax will apply to the payments.
- if it was a joint annuity, income will continue to be paid to the survivor, and income tax will apply.
- any money taken as a lump sum or as an income from a flexi-access drawdown scheme or from any untouched pension pot, will be added to the beneficiary's other income and taxed in the normal way.

Read more about defined contribution pension schemes at www.moneyadvice.service.org.uk/en/articles/defined-contribution-pension-schemes

Defined benefit pensions

How a defined benefit pension pays out depends on whether the deceased was retired or not.

If the deceased hadn't yet retired:

- most schemes will pay out a lump sum that is typically two or four times their salary.
- if the person who died was under age 75, this lump sum is tax-free.
- this type of pension usually also pays a taxable 'survivor's pension' to the deceased's spouse, civil partner or dependent child.

If the deceased was retired:

- if the deceased was in receipt of a pension from a defined benefit scheme, a reduced pension will often continue to be paid to a spouse, civil partner or other dependent until they die.
- check what benefits are due with the pension scheme or provider.

Read more about defined benefit pension schemes at www.moneyadvice.service.org.uk/en/articles/defined-benefit-schemes

Lifetime allowance

If the total value of all the deceased's pension savings is more than the lifetime allowance, you might have to pay more tax on any pension savings you inherit.

The allowance limit is currently £1,073,100 for the 2020-21 tax year.

Council Tax



The deceased person lived on their own - how does this affect the council tax on the property?

When a person lived on their own and that person dies, there may be no council tax to pay as long as the property is empty until it is occupied again, or probate is granted.

If the property remains unoccupied following a grant of probate, a further period of up to six months' exemption may be awarded providing the property remains empty and has not been sold or transferred to someone else.

This exemption will also apply where a tenant has died if their personal representative remains liable for rent after the date of death.

How is the council tax affected when there were two adults living in the property?

When a property was previously occupied by two adults, the council tax bill might have been in both names or in the name of only one of the occupants.

If only one person continues to occupy the property, the council tax bill will be put into their name and a single person discount will be applied, giving a 25% discount.