

Bereavement Guide



What to do when someone dies
A Practical Guide to help at a difficult time

Contents

| | | | |
|---|-----------|---|-----------|
| An overview of what needs to be done | 3 | Locate important documents | 16 |
| Medical Certificate of Cause of Death (MCCD) | 4 | Find the Will | 17 |
| If the death was at the hospital | 4 | Trustee Inheritance Insurance (Missing Will and Beneficiary Insurance) | 18 |
| If the death was at home | 4 | Who would take out this type of Insurance and why? | 18 |
| When would a Coroner be involved, and why? | 5 | In possession of a Will? | 18 |
| Looking after the person who has died | 6 | No Will? | 18 |
| Death in hospital | 6 | The Funeral | 19 |
| Death at home | 6 | Paying for the funeral | 19 |
| Death in unexpected circumstances | 6 | Arrange the funeral | 19 |
| Who should you advise about the death? | 7 | Guidance questions: Things to think about for the funeral | 20 |
| Family and friends | 7 | Starting the Probate Journey | 24 |
| Professional Organisations | 7 | Finding out about 'Probate' | 24 |
| Tell Us Once | 7 | What are the options? | 24 |
| What information you need to use the Tell Us Once service | 7 | Who is responsible? | 24 |
| Who will Tell Us Once notify? | 7 | What is involved? | 25 |
| My Local registrar does not offer the Tell Us Once service | 8 | Do I need probate? | 25 |
| Financial Bodies | 8 | Finding out about Benefits | 26 |
| Register the Death | 14 | Scotland | 27 |
| Who can register a death? | 14 | Do you have a Will? | 28 |
| How long do I have to register a death? | 14 | Glossary of Terms | 29 |
| Where do I register a death? | 14 | Useful Contacts | 32 |
| How do I register a death? | 14 | Appendix 1 - Who should you advise about the death? | 34 |
| What documents do I need to take with me? | 14 | Appendix 2 - Register the Death What do I need to take with me? | 40 |
| What will the registrar give me? | 14 | | |

Immediately following the death

We understand that the death of a close family member or friend will be an emotionally difficult and distressing time for you. This is normal and natural. However, until we find ourselves responsible for making the funeral arrangements, or helping someone to do this, it can be difficult working out what to do and in what order, and we often do not realise how many practical tasks there are to consider when someone dies.

This guide aims to provide you with easy to understand, practical advice to get you started and help you with all aspects of your loved one's estate. We include a **glossary** to help explain all the different legal terminology that you may hear being used around you, along with details of **useful organisations** you may need to make contact with.

Things to think about...

- Registering the death
- Finding the Will
- Arranging the funeral
- Dealing with the Estate

This guide goes through these important first steps after someone has died and provides you with an idea of what to expect. However, it is important to remember that every circumstance is different and every death unique so the process may vary, and professional advice will most probably be required.

A note on language used

We recognise that the person who has died was a unique and special individual. For the purposes of this guide we use the term 'the deceased' throughout.

Important Information - Organ Donation

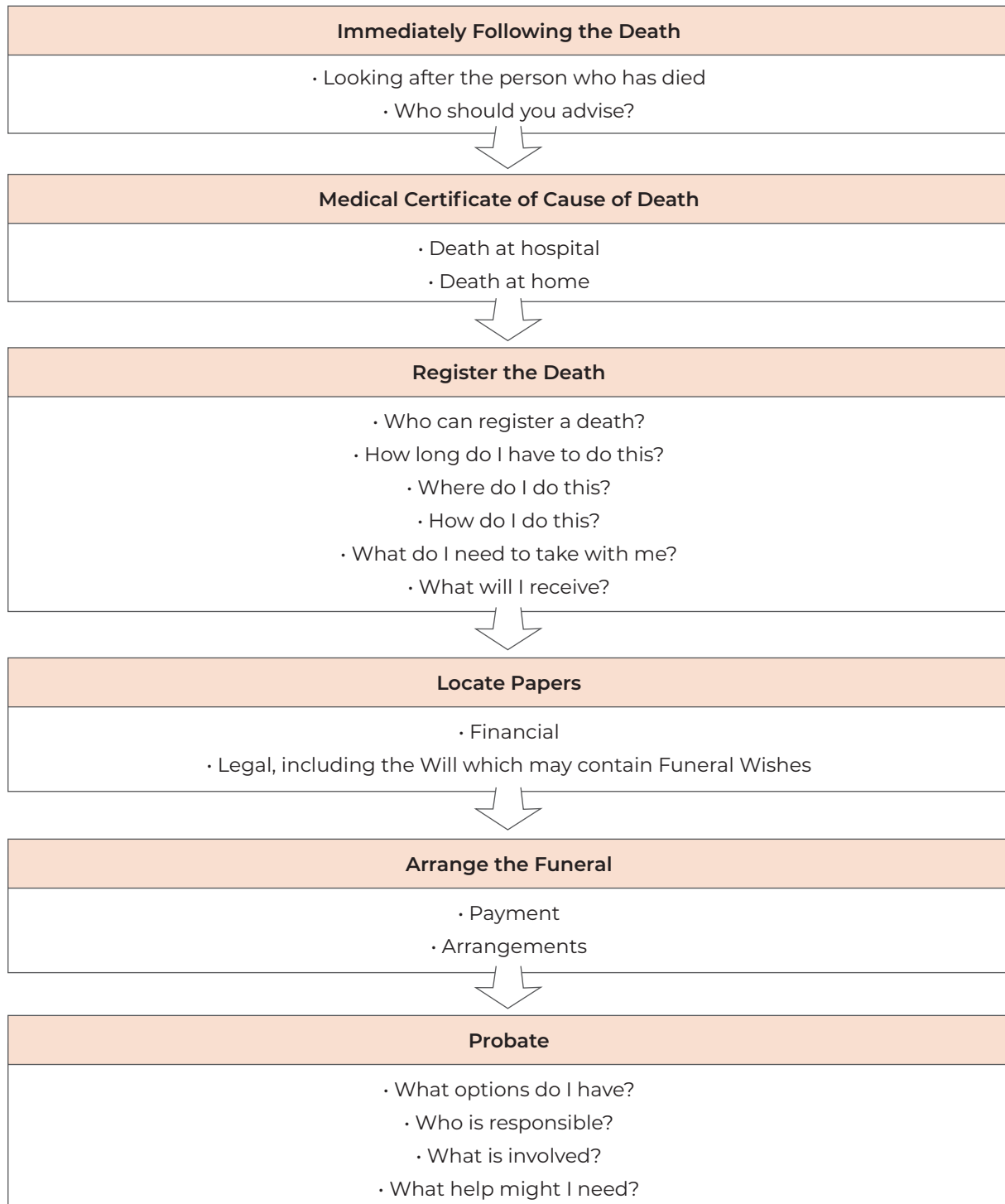
If you know that the person who has died wished to **donate their organs or tissue for transplant after their death** (i.e if they were a **registered organ donor**), please make the professionals you are in contact with aware of this fact as soon as possible.

Please note it is not always possible to carry out these wishes, and it is dependent on the circumstances of the death however informing professionals as quickly as possible increases the chances of this happening.

If there is signed consent to **donating a body to medical science**, this also requires you to inform professionals as soon as possible.

An overview of what needs to be done

To help you through this process, the diagram below gives you an easy to read overview at a glance. This guide is arranged in chronological order considering the order in which arrangements are usually made to assist and guide you.



Medical Certificate of Cause of Death (MCCD)

You will need a **Medical Certificate of Cause of Death (MCCD)** to be able to **register the death**, unless a coroner is involved in which case the process is slightly different.

IF THE DEATH WAS AT THE HOSPITAL

If the deceased died in hospital, the staff will arrange for a **doctor** to issue a MCCD that will **specify the time, date and cause of death**.

You may be given an appointment to collect the MCCD if the required doctor is not on duty at the time of death. This may be inconvenient, but the doctor who needs to complete the MCCD may not be on duty, or may be tied up elsewhere.

It is quite reasonable for you to ask what is written on the certificate as the cause of death to be sure that you understand.

You can usually collect any personal belongings of the deceased at the same time as the certificate.

IF THE DEATH WAS AT HOME

If the death was at home or in a care/nursing home it will usually be a **GP** who issues the MCCD.

You should contact your **local doctor** if the death has occurred under **natural circumstances** but in the case of **sudden or unexpected deaths**, it is advisable to contact the **emergency services**.

When would a coroner be involved, and why?

A **Coroner** is usually involved when the cause of death is unknown. It is a legal requirement in England, Wales, and Northern Ireland that the cause of death is known, and is recorded on the Medical Certificate.

The Coroner is a senior and independent judicial office, and has Coroner's officers working on behalf of him/her, who help to carry out investigations for the Coroner.

In cases where a death is reported to the Coroner, all necessary papers will be issued by the Coroner once investigations are complete.

If the cause of death remains uncertified or if it is determined that the death was not from natural causes, a **post-mortem** will be held. This is an **internal and external examination of the body**. It is normally possible to dress and view the body as usual after a post-mortem has taken place. Please let the Coroner's office know if you object to a post-mortem for any reason, however please be aware that it may be a **legal requirement**, in which case you cannot object.

While a Coroner is investigating a death it is not possible to carry out any preservative work in preparation for the funeral. It is also unwise to book a definite date for the funeral although you can certainly start to plan the ceremony.

If a Coroner's post-mortem examination reveals that the death was due to natural causes and an inquest is not needed, the Coroner will release the body. The death can then be registered and the funeral can then take place.

Looking after the person who has died

DEATH IN HOSPITAL

If the deceased was in hospital at the time of death you will often be given an opportunity to spend some time with your loved one on the ward before the body is taken to the mortuary. The majority of hospitals have a viewing room, also known as the Chapel of Rest. To see someone here would usually require an appointment, which can usually be arranged by the hospitals' bereavement services.

DEATH AT HOME

When someone dies at home, or in a nursing home, the death is often natural, and/or expected. The death will need to be certified by a qualified professional. You may also need to call the funeral director when you are ready to do so. It is possible to keep the body at home, however we recommend that professional advice is taken prior to making this decision.

DEATH IN UNEXPECTED CIRCUMSTANCES

If someone died in a public place, or at home when it was unexpected, the deceased may be taken to hospital by ambulance if resuscitation is attempted. The police will usually also attend, and if the death is confirmed at the scene, the coroner will also be notified. A funeral director will transfer the body for the coroner, and this is usually to the nearest hospital.

NOTE: If the death was expected, a support worker may be present, such as a Macmillan nurse. They may be able to assist and provide further specialist care and advice at this time.

Who should you advise about the death?

FAMILY AND FRIENDS

It can be difficult to tell close family about the death, and can also be difficult to tell complete strangers, such as the deceased's employer. You may therefore want to ask trusted person(s) to let their branch of the family know, and ask a friend to pass on the message to others in the same social circle. An address book, contacts on a mobile and/or a computer, along with social networking sites which they might have used can help to give you an idea of who to contact.

It is useful to keep details of the funeral, once arranged, by the phone, so that anyone who takes the call can pass on the details.

PROFESSIONAL ORGANISATIONS

Tell Us Once

Tell Us Once is a government service that allows you to report a death to most government organisations in one go, saving you both time and effort at this already difficult time.

Once you have registered the death, your registrar will give you a unique reference to access the Tell Us Once service online

www.gov.uk/after-a-death/organisations-you-need-to-contact-and-tell-us-once or by telephone (you can also get the phone number from the registrar).

What information you need to use the Tell Us Once service

You will need to know the following details of the deceased:

- Date of Birth
- National Insurance Number
- Driving License Number
- Passport Number
- Details of any benefits or entitlements they were getting (e.g. state pension)
- Details of any local council services they were getting (e.g. blue badge)
- Name and address of their next of kin
- Name, address and contact details of the person/company dealing with their estate (property, assets, money), who are otherwise known as their **executor** or **administrator**

NOTE: you will need to seek permission from the next of kin, executor and/or administrator, or anyone who was claiming joint benefits or entitlements with the deceased, before you pass on their details

Who will Tell Us Once notify?

The Tell Us Once service will notify the following organisations of the death of the deceased:

- HM Revenue and Customs (HMRC) – to deal with Tax and cancel benefits
- Department for Work and Pensions (DWP) – to cancel benefits (e.g. income support)
- Passport Office – to cancel passport
- Driver and Vehicle Licensing Agency (DVLA) – to cancel a driving license.
You will need to send the registration certificate (V5C) (if the deceased owned a vehicle)
- The local council – to cancel housing benefits, council tax benefit, a blue badge, inform council housing services and remove the deceased from the electoral register

NOTE: There is a different process to update property records if the deceased owned land and/or property. Your solicitor should be able to advise you further on this.

My Local registrar does not offer the Tell Us Once service

If your local registrar does not offer the Tell Us Once service, or you choose not to use it, then you will have to let the relevant organisations know about the death yourself. See page 9 for a detailed list to assist you.

NOTE: The Tell Us Once service is not available in Northern Ireland, or if the deceased died abroad.

Financial Bodies

Banks, Building Societies etc should be contacted quickly so that all accounts are frozen, and to avoid fraudulent activity. The **Department for Work and Pensions** and **Private pension providers** should also be informed as soon as possible to avoid any accidental overpayment of benefits, which will later have to be repaid.

It is always helpful to keep a detailed note of **whom you have spoken to and when** – this helps to be clear on who has been contacted, and who has not been. It is also useful to keep a photocopy and a log of documents you may have sent in the post/provided people with; along with the date you sent/provided them. You can then easily refer back to these records should you need to. The table on the next page can act as a starting point (another copy of this table is included at the end of this document that you can print/pull off and use as a point of reference – see Appendix 1).

| ORGANISATION | TEL NO. | DATE | TIME | NAME OF PERSON I SPOKE TO OR POSTED INFORMATION TO |
|---|---------|------|------|--|
| Tell Us Once | | | | |
| Bank/Building Society ----- | | | | |
| Bank/Building Society ----- | | | | |
| Bank/Building Society ----- | | | | |
| Credit/Store Card ----- | | | | |
| Credit/Store Card ----- | | | | |
| Credit/Store Card ----- | | | | |
| Mortgage Provider or Equity release company ----- | | | | |
| Council Housing Office/ Landlord/ Housing Association | | | | |
| Housing Benefit | | | | |

| ORGANISATION | TEL NO. | DATE | TIME | NAME OF PERSON I SPOKE TO OR POSTED INFORMATION TO |
|---|---------|------|------|--|
| Loans/ Hire Purchase Agreement ----- | | | | |
| Loans/ Hire Purchase Agreement ----- | | | | |
| Loans/ Hire Purchase Agreement ----- | | | | |
| Student Loan Company ----- | | | | |
| Employer or Private Pension Provider ----- | | | | |
| Department for Work and Pensions | | | | |
| Trade Union/ Professional Association ----- | | | | |
| Financial Advisor ----- | | | | |
| Solicitor ----- | | | | |
| Share Provider (e.g Equiniti) ----- | | | | |

| ORGANISATION | TEL NO. | DATE | TIME | NAME OF PERSON I SPOKE TO OR POSTED INFORMATION TO |
|---|---------|------|------|--|
| National Savings/ Premium Bonds ----- | | | | |
| Electoral Registration Office | | | | |
| Council Tax | | | | |
| Building Insurance ----- | | | | |
| Home Contents Insurance ----- | | | | |
| Electricity Provider ----- | | | | |
| Gas Provider ----- | | | | |
| Water/Drainage Provider ----- | | | | |
| Telephone Line Provider ----- | | | | |
| Cable/Satellite Provider ----- | | | | |

| ORGANISATION | TEL NO. | DATE | TIME | NAME OF PERSON I SPOKE TO OR POSTED INFORMATION TO |
|--|---------|------|------|--|
| Mobile Phone Provider ----- | | | | |
| Internet Service Provider ----- | | | | |
| TV License | | | | |
| Royal Mail Redirection | | | | |
| DVLA | | | | |
| Car Insurance ----- | | | | |
| Identity and Passport Service | | | | |
| Travel/Holiday Insurance ----- | | | | |
| Blue Badge/ Concessionary Travel Pass | | | | |
| Doctor | | | | |

| ORGANISATION | TEL NO. | DATE | TIME | NAME OF PERSON I SPOKE TO OR POSTED INFORMATION TO |
|--------------------------|---------|------|------|--|
| Hospital(s) | | | | |
| Dentist | | | | |
| Library | | | | |
| Club Membership(s) | | | | |
| Magazine Subscription(s) | | | | |
| Mail Order Catalogue(s) | | | | |
| Other ----- | | | | |
| Other ----- | | | | |
| Other ----- | | | | |
| Other ----- | | | | |

| ORGANISATION | TEL NO. | DATE | TIME | NAME OF PERSON I SPOKE TO OR POSTED INFORMATION TO |
|----------------|---------|------|------|--|
| Other ----- | | | | |
| Other ----- | | | | |
| Other ----- | | | | |
| Other ----- | | | | |
| Other ----- | | | | |
| Other ----- | | | | |
| Other ----- | | | | |
| Other ----- | | | | |
| Other ----- | | | | |
| Other ----- | | | | |

Register the death

Registering a death is the start of the process and needs to be carried out before you can begin making any funeral arrangements.

WHO CAN REGISTER A DEATH?

In the first instance, it is usually the responsibility of the relatives to register the death. The registrar will typically only allow non-relatives to do so if next of kin are not available. If this is the case, then someone who was present at the death, a hospital representative, an occupant of the house where the death occurred, or the person arranging the funeral may register the death. This person is called **'the informant'**.

HOW LONG DO I HAVE TO REGISTER A DEATH?

In **England and Wales**, you have **up to five days** to register the death. In **Scotland**, a death must be registered with local registration districts **within eight days**.

WHERE DO I REGISTER A DEATH?

A death should be registered at a **register office** in the area where the person died. If this is not possible you can go to a register office of your choice where information will then be passed to the registrar closest to where the death occurred. However, it is worth noting that this may result in a delay.

HOW DO I REGISTER A DEATH?

Going to the **local register office** is the easiest way to get the documents you need; the death registration takes less than an hour in most cases. **Simply call and make an appointment.**

WHAT DOCUMENTS DO I NEED TO TAKE WITH ME?

You may need to provide the **following particulars relating to the deceased** – the Registrar will however understand if some of these are not known.

You may find it useful to fill out the table on the next page so you have all required detail to hand (another copy of this table is included at the end of this document that you can print/pull off and use as a point of reference – see Appendix 2)

If possible, you should try and take the **following documentation** with you when registering the death:

- The Medical Death Certificate showing the cause of death (required)
- Birth and marriage certificates
- The deceased's NHS medical card
- The deceased's War Pension order book (if applicable)
- The Certificate from the coroner (if applicable)
- The deceased's proof of address (e.g. utility bill)

WHAT WILL THE REGISTRAR GIVE ME?

The Registrar will make an entry in the **Register of Deaths** and give you three documents:

1. **Death certificate** - This proves that the death has been registered. It has to be purchased and the cost varies according to the local authority.

We recommend you buy several copies, perhaps one for each bank where there are accounts, and each pension or insurance policy.

Extra certificates are more expensive to purchase at a later stage and photocopies of the certificate are not accepted.

2. **Certificate for burial or cremation** - This is often called the **'green form'** and it must be given to the funeral director before the funeral can take place.

3. **Certificate of registration of death** - This is often called the '**white form**'. You'll get one of these if the deceased was entitled to a state pension or benefits. You'll need to complete and send to the address on the reverse of the form.

| | Available? Y/N |
|--|-------------------|
| Surname | |
| Forenames | |
| Maiden Name | |
| Any Previous Names (e.g if a woman has been married more than once) | |
| Any Others Names (usually known as, even if not their formal name) | |
| Date of Birth | |
| Place of Birth (town and county in England and Wales, or Country if born overseas) | |
| Place of Death | |
| Date of Death | |
| Date of Death | |
| Marital Status | |
| Occupations (or former occupation if retired) | |
| Name, address and occupation of spouse or civil partner (if surviving) or name and occupation if deceased | |
| National Insurance Number | |
| National Insurance Number of any surviving husband, wife or civil partner: | |

Locate important documents

You should already have located birth, marriage and death certificates. Other important paperwork, examples listed below, will also be helpful later on, particularly if you need to apply for Probate, so keep them all in a safe place.

- Last Will and Testament
- Death Certificate
- Birth Certificate
- Marriage Certificate
- Insurance Policy Documentation
- Bank/Building Society Account Documentation/Statement
- Pension Details
- Property Deeds
- Stock and Share Certificates
- Funeral Plan

Find the Will

The next thing on the list is to find out if the deceased left a valid Will. The deceased may have included specific funeral requests in their Will. If this is the case, you will want to make sure these requests are adhered to.

If the deceased has left a Will, financial provisions are usually also likely to have been made for the cost of the funeral, and these are likely to have been stipulated in the Will. It is therefore important that reasonable steps are taken to find out if the deceased left a Will, and which is their last Will. Next-of-kin/spouse may know if a Will exists, and may know where it is located, however the only person who truly knows if they wrote a Will, and which is the last Will is the deceased.

Conducting a Will Search shows reasonable steps have been taken to ascertain if a Will, or later Will than one already identified, exists, before distributing an estate, therefore reducing the risks involved in administrating/distributing an estate for all involved. It can be very costly to put this right after an estate has been distributed on an incorrect basis.

National searches are offered via The National Will Register, allowing a quick, easy and thorough search to take place. A Certainty Will Search checks if a Will has been registered on The National Will Register, and for Wills that have not yet been registered, by making contact with solicitors and Will writers in the area(s) where the Will was most likely to have been made.

The National Will Register, offer a variety of Will Search services. Certainty Will Searches are used and recommended by both the legal profession and the majority of insurers allowing law firms, Executors and Administrators to obtain a full report giving evidence that they carried out an appropriate search prior to assuming the estate was intestate, or endeavouring to prove a last Will.

You can conduct a search directly via the website www.nationalwillregister.co.uk or by contacting the Will Search helpline on 0330 100 3660, alternatively you can ask a solicitor to do this on your behalf.

You may also like to take this time to discuss Trustee Inheritance Insurance (which is also commonly referred to as Missing Will and Trustee Indemnity Insurance).

Trustee Inheritance Insurance (Missing Will and Trustee Indemnity Insurance)

Missing Will Insurance protects the personal representative (PR), beneficiaries, trustees, executors, and administrators from claims arising should a Will, or subsequent Will, appear after the estate has been distributed, which would alter the way in which the estate has been distributed.

The policy would pay up to the full value of the estate, and without such a policy the claimant(s) could look to the executor, administrator, trustees, and /or beneficiaries for compensation.

WHO WOULD TAKE OUT THIS TYPE OF INSURANCE AND WHY?

The only person who can be 100% certain whether a Will was written or not is the Testator themselves, and the solicitor/Will writer they used to assist in drafting it. Therefore this type of insurance can benefit in every probate matter.

IN POSSESSION OF A WILL?

If you are in possession of a Will, can you be 100% sure that it is the last Will? Could it have been superseded?

NO WILL?

If no Will has come to light, and you are proceeding as an intestacy, can you be 100% sure that there is definitely no Will out there, that should it come to light, alters the way in which the estate would be distributed?

If you feel there is little, or no risk in the matter, many executors take this type of Insurance as a comfort policy, as it protects against the risk of claims arising, allowing beneficiaries to spend their inheritance freely.

The Funeral

PAYING FOR THE FUNERAL

It may be that you are able to **access funds from the deceased's bank account** to pay for the funeral directly. If the deceased's financial assets have been frozen and you need them to pay for the funeral, their bank or building society may be prepared to release a cheque payable to the funeral director before probate has been granted. However, this may not be possible and expenses will need to be reimbursed to you from the estate at a later date.

If you are claiming **social security benefits**, you may be eligible for a **Funeral Payment** from the Social Fund. Ask for details at your local social security office. It is best to apply as early as possible so that you know when you are planning the funeral whether or not you will receive any financial assistance.

If the deceased was employed, you may receive a **death in service payment** from the employer, or you may be eligible for payments from a **benevolent fund** or an **occupation pension scheme**. To find out more, contact the company directly.

If no-one is able to pay, the **local authority** will arrange a simple dignified funeral at their expense.

For more information about getting financial help if the person who died did not have enough money to pay for their funeral, contact your local authority for further information. Please be advised that deadlines may apply.

ARRANGE THE FUNERAL

The deceased may have left a **written record**, told **family and friends** about their funeral wishes or have a **pre-paid funeral plan** in place. It is advisable to check prior to arranging the funeral. Funeral wishes could also have been specified as part of their **Will**, and so endeavours should be taken to find their last Will before arrangements are put in place for a funeral. It may be that what has previously been expressed as the deceased's wishes, differ from those written in an updated Will. It may also be that certain wishes did not want to be discussed for personal reasons. It is therefore very important the last Will is located.

Most families choose to hand arrangements over to a professional **Funeral Director** who will be able to offer advice and help. Don't be afraid to shop around and ask for a detailed breakdown of costs, as **funeral fees** can vary considerably. Family and friends may also be able to offer recommendations.

When looking for a Funeral Director, it is a good idea to ensure they are members of a trade association, most commonly the **National Association of Funeral Directors (NAFD)**.

If specific requests are unknown, a range of decisions will need to be made. We have provided some guidance questions you may wish to use as a starting point to think about in the table below. There is also some space for you to add some notes.

GUIDANCE QUESTIONS: THINGS TO THINK ABOUT FOR THE FUNERAL

| |
|---|
| <p>Do you want to spend time with your loved one at the Funeral Director's Chapel of Rest, or perhaps bring them home before the funeral? Is the coffin to be open or closed? This may affect preservative treatments of the body.</p> |
| <p>Will a burial or cremation be taking place, if this is not predetermined by your religion or culture? This decision will help to determine where the funeral will take place.</p> |
| <p>Do you want a private burial or cremation followed by a thanksgiving/memorial event?</p> |
| <p>What style of funeral is required - religious, a civil funeral, or a funeral with no religious content?</p> |
| <p>You may wish to place an announcement of the death and funeral plans in a national or local newspaper (if so we advise not to include the home address of the deceased).</p> |
| <p>What type of coffin would you prefer? There is a huge range available from traditional solid wood, wicker, or maybe cardboard decorated with artwork using a picture or photo of your own choice.</p> |
| <p>If you are arranging a cremation there are many choices available for what you want to do with the ashes (cremated remains). There is also a wide variety and style of urns that can be used to store the ashes, if this is what you wish to do. The ashes can be stored at the crematorium or funeral directors premises, as well as at home.</p> |

Your answer to the questions about the style of the funeral will influence other content such as ideas about music and readings. You may also want to note here any specific anecdotes about the person that you would like included in any tribute (also referred to the eulogy), and who might like to say a few words.

Readings:

Hymns:

Eulogy:

You will need to decide who will carry the coffin during the funeral service. This may include family and/or friends of the deceased, otherwise the funeral director will be able to provide bearers to carry your loved ones coffin. This may seem daunting for those who have never done so before, so it is a good idea for those chosen to speak to the funeral director before the day of the funeral on what to do when performing this duty, and provide the reassurance and confidence to ensure that everything runs smoothly.

Do you want a funeral cortege (i.e. the hearse and any following cars) to leave from a family home, or will people assemble at the place of the ceremony?

Your funeral director will have a range of transportation to meet your needs. The usual choice is the motorised hearse, followed by a number of limousines of your choice to transport close family and friends of the deceased to and from the funeral ceremony. Another popular type of funeral transportation is traditional horse drawn hearse. If you want something unique to suit the deceased's personality (e.g. motorcycle hearse) talk to your funeral director and they will be able to advise further.

Flowers always play an important part as they are a way of paying tribute to the deceased and a sign of showing sympathy to the deceased's family and friends. A funeral director can help you to order these, and can also record and collect the card messages. You may want to consider what happens to them after the service. It may be possible to donate them to your local hospital, hospice or nursing home. Again your funeral director will be able to advise accordingly.

Do you require any seating plan at the ceremony venue for family and friends? You may wish to reserve the front row(s) as guests are likely to be seated by the time the family arrive.

You may wish to produce an order of service. This can include a photograph of the deceased, with a few words about them. Your funeral director should be able to help you produce this and they should be able to show you a few samples to help you decide on the design and layout.

A book of condolences can provide great comfort to the deceased's family and friends after the funeral ceremony. This is usually set up on a table in the foyer/entrance to the venue. You may also like a larger photograph of the deceased on display alongside the book, with some candles.

Many mourners appreciate some guidance on what to wear. Although this is traditionally black, there may be mourners from different faiths/cultural traditions who will appreciate some guidance about any specific requirements/customs. Some families request that mourners wear specific colours – these could, for example, be reflective of a supported football club.

Many funerals include a gathering of mourners after the ceremony with refreshments served. The venue might be your own home, a church hall, a pub or a more formal setting such as a hotel. You will want to think about your budget, and how many people may attend to help make this decision. Legally most of the expenses associated with the funeral can be claimed from the deceased's estate; however the gathering of mourners is not usually covered, as it is not considered an essential cost.

You can take time to decide on the design of the headstone for a grave (and also to save up for it), or you may want to consider an alternative memorial, such as a bench or a tree.

The number of decisions to be made for the funeral can seem daunting. Unless you have to arrange a funeral quickly, for whatever reason, you can take your time, talk with family members and close friends, or ask as many questions of your funeral director as you need to. Make a note here of any other questions/ideas/thoughts that come to mind so you can refer back to them.

Starting the probate journey

FINDING OUT ABOUT 'PROBATE'

Dealing with a loved one's estate can be a difficult task as there are many factors which could complicate matters.

Have you thought about...

- Closing bank accounts and paying debts?
- Dealing with shares and investments?
- Redirecting post?
- Dealing with business assets?
- Re-homing any pets?
- Insurance for an unoccupied property?
- House clearance and sale of high value belongings?
- Selling the house?
- Any specialist legal work?
- Inheritance Tax and Income Tax forms?

The whole process is called **Estate Administration** and part of the process may involve having to apply for a **Grant of Representation**. A **Grant of Representation** is a legal document issued by the courts that proves you have the authority to administer the estate. It is often referred to as obtaining 'Probate'.

There are three main stages in the process:

- Collecting the information about all of the **assets** and **debts** of the deceased;
- Preparing the statutory **Tax Returns** and the application to the **Probate Registry** for the legal authority to administer the estate (the **Grant of Probate**);
- Gathering in the assets, paying debts and expenses, and distributing the estate to beneficiaries.

If a person had assets in their sole name, Probate may be required to enable these assets to be distributed following their death.

WHAT ARE THE OPTIONS?

There are options available to you if you have been asked for probate by a bank or other asset holder.

Many people choose to employ a **professional** to take on all or some of the **legal responsibilities** on their behalf. However, you do not have to appoint a professional; some people choose to deal with the **estate administration** themselves. It is important to make an honest appraisal of your time limits and ability to take on a task that can be complex and very time consuming. If you do consult a professional legal firm, expect a clear and straightforward price based on the amount of work involved. Some firms may offer a price based on a percentage of the estate value or hourly rates.

If you are comparing quotes make sure they are like for like.

WHO IS RESPONSIBLE?

The Personal Representatives – Executors (named in the Will) or **Administrators** (the next of kin where there is no Will) - are personally, legally and financially responsible for administering the estate. They are accountable to HM Revenue and Customs and the beneficiaries.

WHAT IS INVOLVED?

A **Grant of Probate** is a court order that allows the executor of a Will, or their professional representative to deal with the property and financial affairs of the deceased. However the term 'probate' is most often used to describe the whole process of discovering what someone has left, going through the legal process of gaining authority to deal with it (whether there is a Will or not), paying off any debts and finally distributing the remainder to the people entitled to receive it. This is the administration of the estate, which can take several months on average, but may take longer depending on the complexity of the estate, and whether a property is involved.

DO I NEED PROBATE?

This is dependent on the value of the estate. An asset holder (e.g a bank) can insist that a grant be obtained for any amount over £5,000, although most have a higher threshold. This is the legal procedure, not one dictated by an asset holder, and is in place to ensure that the wishes of the deceased are adhered to, creditors are paid, and those named as beneficiaries receive what they are entitled to.

Finding out about benefits

A **change of circumstances**, especially the death of a partner, can change what you may be entitled to in terms of benefits. Income may fall due to a lost pension fund or wage, or may increase due to an inheritance, and therefore take you over the threshold for some benefits, or may result in paying tax.

The Department for Work and Pensions (DWP) has a dedicated bereavement service that offers simple processes for bereaved people to notify them of a death, which includes checking the eligibility for benefits of the immediate next-of-kin.

Below we have outlined the benefits that have been specifically designed for bereaved people:

- **Bereavement Benefit & Bereavement Allowance** - available to surviving spouses or civil partners, usually under state retirement age (Form BB1)
- **Widowed Parents Allowance** - this replaces Bereavement Allowance if a parent has children still in education or younger (Form BB1)
- **Guardians Allowance** - claimed from the tax office

Scotland - What differences should I know about?

Registration and any investigation of death in Scotland, is governed by **Scottish Law**.

Investigation into unexplained deaths is carried out by a **procurator fiscal**. Scotland does not have inquests, and so all deaths can be registered after the initial investigation, regardless of whether a post-mortem has taken place or not.

The death should normally be **registered within 8 days**, and can be registered at any register office in Scotland.

The process of distribution of an estate and the assets of someone who has died in Scotland are also governed by Scottish law, this process is known as '**confirmation**'. This is similar to 'probate' but there are some differences you will need to know about.

If you wish to carry out confirmation yourself, you can request assistance to complete any required forms from the Sheriff Court Clerk for estates under £36,000. For larger estates, and where a property is involved, professional assistance should be sought.

Further information on what to do after a death in Scotland is available on the Scottish Government website <https://www2.gov.scot/Publications/2012/02/6043/0>. A printed copy may be requested by calling 0131 244 3581

Do you have a Will?

Now that you have dealt with the pain of dealing with the deceased's affairs you should consider the following for your own estate:

- Do you have a valid Will?
- Does it need updating?
- Have you prepared a Lasting Powers of Attorney (LPA)?
- Have you registered your Will with The National Will Register so that it can be located upon your passing?

We hope you have found this guide useful, and as a gesture for downloading it we would like to offer you a free registration for your own Will. Visit www.nationalwillregister.co.uk and enter the promotional code **bguidfreereg** (worth £30)

The information contained in this guide is meant for information purposes only and you should seek your own legal or professional advice where applicable.

Glossary of terms

Below we have listed some of the common legal terminology which you may meet when administering an estate, along with a brief outline of what it actually means.

Administrator:

A person who has been appointed to manage and distribute the estate if there is no Will

Administration:

The process involved in ensuring all beneficiaries receive their inheritance in accordance with the rules of intestacy

Assets:

The property owned by the deceased e.g house, car, savings etc.

Asset Holder:

A person or company who has money or other items of value e.g shares that have belonged to the deceased.

Beneficiary:

Anyone who will receive a gift as per the contents of the Will.

Bequest:

A specific item or sum of money given by a Will. Also see Legacy below.

Chargeable Gift:

A gift on which Inheritance Tax may be applicable.

Chattels:

Personal possessions, such as a car, furniture or jewellery.

Codicil:

A further legal document making a change or adding to an existing Will, rather than replacing a Will. Codicils can affect a Will, by altering, cancelling or adding provisions to it.

Confirmation (Scotland):

The document that confirms to the executor that they have authority to act, and which validates Wills in Scotland; also refers to the wider process that relates to the distribution of the deceased's estate under Scottish law.

Coroner:

A government official who confirms and certifies the death of an individual within a jurisdiction.

Deed of Variation:

A legal document changing a Will or Intestacy made after death.

Devise:

A gift by Will of a freehold property

Disbursement:

A payment made to a third party

Distribution:

The process involved in ensuring all beneficiaries receive their inheritance in accordance with the Will.

Estate:

The total value of possessions, whether money, property or chattels which are left when someone dies.

Executor:

The person or persons appointed in a Will to deal with the estate of a person who has died.

Grant of Probate (England, Wales, Northern Ireland):

A document issued by the court that confirms to executors that they have authority to act, and which validates the Will. It is also used to refer to the greater legal process of administering the Estate, by resolving all claims and distributing the person's assets under the valid Will.

Grant of Representation:

Gives you the legal right to administer a deceased person's Estate. 3 main types are (i) Grant of Probate; (ii) Grant of Letters of Administration; and (iii) Grant of Letters of Administration with Will annexed

Guardian:

Someone who is appointed to look after the interests of a child under the age of 18 in England, Wales and Northern Ireland, or under 16 in Scotland.

Inheritance Tax:

Tax payable when the value of the estate is over the inheritance threshold (check current thresholds). Also see, Nil Rate Band.

Intestacy:

Dying without making a valid Will; a person is then said to have died intestate.

Legacy:

A specific item or sum of money given by a Will. There are various types of legacy:

Pecuniary legacy - a sum of money

Residuary legacy - a gift of the residue of an estate or a share in it

Specific legacy - an individual item e.g. a picture

Letters of Administration:

The formal legal proof that a Will is valid and the Executors are entitled to deal with the estate.

Liability Holders:

This person or persons are owed money from the estate.

MCCD:

Medical Certificate of Cause of Death.

Nil Rate Band:

Transferring any unused Inheritance Tax allowance from a late spouse or civil partner to the second spouse or civil partner when they die. This can increase the Inheritance Tax threshold of the second partner.

Personal Representatives:

A personal representative is either an executor for the estate of a deceased person who left a Will, or the administrator of an intestate estate (i.e where the deceased died without a Will).

Post-Mortem:

Examination, or autopsy, of a corpse in order to determine cause of death.

Potentially exempt transfer (PET):

A gift made during ones lifetime that is exempt from Inheritance Tax if the donor lives for seven years after making the gift.

Predeceased

Someone who dies before the person who has made the Will.

Probate

See Grant of Probate above

Procurator Fiscal:

A public prosecutor in Scotland, who investigates all sudden and suspicious deaths.

Residue:

The sum that is left in an estate after payment of debts, expenses, tax and legacies.

Section 27 Notice:

Section 27 of the Trustee Act 1925, which refers to the placing of notices in The Gazette.

Section 28 Notice:

Section 28 of the Trustee Act (Northern Ireland) 1958, which refers to the placing of notices in The Gazette.

Testator/Testatrix:

The man/woman who has made a Will.

The National Will Register

Providing assistance to find the last Will or Testament of the deceased.

Trust:

An arrangement by which assets are handed over to trustees to be administered for the benefit of the other people known as beneficiaries.

Trustee:

The person who holds property on someone else's behalf, and is responsible for administering the assets in trust.

Variation, deed of:

A legal document that allows the beneficiaries to change the terms of a Will, even after the person's death.

Will:

Instructions setting out how someone wishes to distribute their assets after death.
See The National Will Register.

Useful Contacts

The National Will Register

The National Will Register, provider of Will Registration and Will Search services in the UK, is chosen, endorsed and used by the legal profession, law firms, PI insurers, Government agencies, charities, the public and other associated sectors and organisations.

www.nationalwillregister.co.uk
enquiries@certainty.co.uk
0330 100 3660

Government Services and Information

The official website of all government departments helping you to get quick and accurate information.

www.gov.uk

Department for Work and Pensions

The Department for Work and Pensions (DWP) is responsible for welfare and pension policy and is a key player in tackling child poverty. It is the biggest public service delivery department in the UK and serves over 20 million customers.

<https://www.gov.uk/government/organisations/department-for-work-pensions>

NHS Choices

The official website of all NHS departments helping you to get quick and accurate information.

www.nhs.uk

National Association of Funeral Directors

A National Association of Funeral Directors (NAFD) member firm will guide you through the process and help you make arrangements at what can be a very upsetting time.

www.nafd.org.uk
info@nafd.org.uk
0121 711 1343

Citizen's Advice

The Citizens Advice service helps people resolve their legal, money and other problems by providing free, independent and confidential advice, and by influencing policymakers.

www.adviceguide.org.uk
08444 111 444

Age UK

Age UK believe that they can help everyone to make the most of later life. We do this by inspiring, supporting and enabling in a number of ways including areas such as Money Matters, Home & Care, Health & Wellbeing, Work & Learning, and Travel & Lifestyle.

www.ageuk.org.uk
020 8675 7200

Cruse Bereavement Care

Cruse Bereavement Care supports you after the death of someone close. Face-to-face and group support is delivered by trained bereavement support volunteers across the UK.

www.cruse.org.uk
helpline@cruse.org.uk
0844 477 9400

The Bereavement Register

The Bereavement Register can help reduce the amount of direct mail sent to their address, stopping painful daily reminders.

www.the-bereavement-register.org.uk
help@thebereavementregister.org.uk
020 7089 6403

Samaritans

The Samaritans supports anyone in distress, around the clock, through hundreds of branches across the UK and Republic of Ireland. Their service can help people before it's too late.

www.samaritans.org
jo@samaritans.org
08457 90 90 90

Who we work with



Appendix 1

Who should you advise about the death?

| ORGANISATION | TEL NO. | DATE | TIME | NAME OF PERSON I SPOKE TO OR POSTED INFORMATION TO |
|---|---------|------|------|--|
| Tell Us Once | | | | |
| Bank/Building Society ----- | | | | |
| Bank/Building Society ----- | | | | |
| Bank/Building Society ----- | | | | |
| Credit/Store Card ----- | | | | |
| Credit/Store Card ----- | | | | |
| Credit/Store Card ----- | | | | |
| Mortgage Provider or Equity release company ----- | | | | |

| ORGANISATION | TEL NO. | DATE | TIME | NAME OF PERSON I SPOKE TO OR POSTED INFORMATION TO |
|---|---------|------|------|--|
| Council Housing Office/ Landlord/ Housing Association | | | | |
| Housing Benefit | | | | |
| Loans/ Hire Purchase Agreement ----- | | | | |
| Loans/ Hire Purchase Agreement ----- | | | | |
| Loans/ Hire Purchase Agreement ----- | | | | |
| Student Loan Company ----- | | | | |
| Employer or Private Pension Provider ----- | | | | |
| Department for Work and Pensions | | | | |
| Trade Union/ Professional Association ----- | | | | |
| Financial Advisor ----- | | | | |

| ORGANISATION | TEL NO. | DATE | TIME | NAME OF PERSON I SPOKE TO OR POSTED INFORMATION TO |
|---|---------|------|------|--|
| Solicitor ----- | | | | |
| Share Provider (e.g Equiniti) ----- | | | | |
| National Savings/ Premium Bonds ----- | | | | |
| Electoral Registration Office | | | | |
| Council Tax | | | | |
| Building Insurance ----- | | | | |
| Home Contents Insurance ----- | | | | |
| Electricity Provider ----- | | | | |
| Gas Provider ----- | | | | |
| Water/Drainage Provider ----- | | | | |

| ORGANISATION | TEL NO. | DATE | TIME | NAME OF PERSON I SPOKE TO OR POSTED INFORMATION TO |
|------------------------------------|---------|------|------|--|
| Telephone Line Provider ----- | | | | |
| Cable/Satellite Provider ----- | | | | |
| Mobile Phone Provider ----- | | | | |
| Internet Service Provider ----- | | | | |
| TV License | | | | |
| Royal Mail Redirection | | | | |
| DVLA | | | | |
| Car Insurance ----- | | | | |
| Identity and Passport Service | | | | |
| Travel/Holiday Insurance ----- | | | | |

| ORGANISATION | TEL NO. | DATE | TIME | NAME OF PERSON I SPOKE TO OR POSTED INFORMATION TO |
|--|---------|------|------|--|
| Blue Badge/ Concessionary Travel Pass | | | | |
| Doctor | | | | |
| Hospital(s) | | | | |
| Dentist | | | | |
| Library | | | | |
| Club Membership(s) | | | | |
| Magazine Subscription(s) | | | | |
| Mail Order Catalogue(s) | | | | |
| Other ----- | | | | |
| Other ----- | | | | |

| ORGANISATION | TEL NO. | DATE | TIME | NAME OF PERSON I SPOKE TO OR POSTED INFORMATION TO |
|----------------|---------|------|------|--|
| Other ----- | | | | |
| Other ----- | | | | |
| Other ----- | | | | |
| Other ----- | | | | |
| Other ----- | | | | |
| Other ----- | | | | |
| Other ----- | | | | |
| Other ----- | | | | |
| Other ----- | | | | |
| Other ----- | | | | |

Appendix 2

Register the death - What do I need to take with me?

| | Available? Y/N |
|--|-------------------|
| Surname | |
| Forenames | |
| Maiden Name | |
| Any Previous Names (e.g if a woman has been married more than once) | |
| Any Others Names (usually known as, even if not their formal name) | |
| Date of Birth | |
| Place of Birth (town and county in England and Wales, or Country if born overseas) | |
| Place of Death | |
| Date of Death | |
| Date of Death | |
| Marital Status | |
| Occupations (or former occupation if retired) | |
| Name, address and occupation of spouse or civil partner (if surviving) or name and occupation if deceased | |
| National Insurance Number | |
| National Insurance Number of any surviving husband, wife or civil partner: | |



T: 0330 100 3660

E: info@certainty.co.uk

www.nationalwillregister.co.uk

The Mailbox, 101 Wharfside Street, Birmingham B1 1RF



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