

NASS POLICY BULLETIN 59

HELP WITH THE COST OF FUNERALS

1. PURPOSE

1.1 The purpose of this bulletin is to provide guidance to NASS caseworkers on handling requests for information about meeting the cost of funerals for deceased asylum seekers.

2. OVERVIEW

2.1 Death is not easy for anyone to deal with. It is often a time of great personal distress for relatives and friends as they strive to cope with their loss. Arranging a funeral is a daunting task. Ensuring that everything is as the deceased would have wanted is an important tribute to their memory. It can be even more distressing for asylum seekers, who may only recently have left their home, members of their family and their friends, and who may understand little or no English.

2.2 NASS supported asylum seekers are, by definition, destitute, and will not be able to pay for their relative's or friend's funeral costs. Single destitute asylum seekers may not have any family or friends to undertake the funeral arrangements.

2.3 All enquiries about funeral arrangements, and meeting the cost of funerals, should be handled with great sensitivity. An outline letter for replying to an enquiry for help with funeral costs is attached at Annex A.

3. NASS POLICY

3.1 It is NASS policy that we do not make any contribution towards the costs of funerals of deceased asylum seekers.

3.2 It is NASS policy that we do not make any contribution towards the cost of repatriating the body.

3.3 We do not consider that it would be proper for us to do so as such payments do not fall within the relevant legislation that describes the ways in which support can be provided (section 96 Immigration and Asylum Act 1999).

3.4 On receipt of notification that a NASS supported person has died, support for the deceased should be terminated; support for any remaining family members should be re-assessed.

4. SOCIAL FUND FUNERAL PAYMENTS

4.1 Asylum seekers are not eligible to apply for a Social Fund payment to meet the cost of a funeral unless they are in receipt of one of the relevant social security benefits. Asylum seekers and refugees who are in receipt of Income Support, or Job Seeker's Allowance, or Housing Benefit, or Council Tax Benefit, or Working Families' Tax Credit, or Disabled Person's Tax Credit, are eligible to apply for a Funeral Payment from the Social Fund.

4.2 However, an application for a Social Fund payment to meet the funeral costs of an asylum seeker, whether or not supported by NASS, who, for example, was given temporary admission, may be refused on the grounds that the deceased was not ordinarily resident.

4.3 The Funeral Payment is designed to cover the cost of a simple, respectful, low cost funeral within the UK. Payments are usually made in the form of a girocheque made payable to the funeral director.

5. ASSISTANCE FROM OTHER SOURCES

5.1 Asylum seekers may be able to obtain assistance with funeral costs from other members of the deceased's family or friends. Religious communities to which they belong may be willing to make special arrangements towards meeting the costs.

5.2 Assistance may be available from the NHS, or the local council.

6. ASSISTANCE FROM THE NHS

6.1 If the death occurs in hospital, family and friends will be asked whether they wish to make their own funeral arrangements, for which they will be responsible financially, or whether they wish the NHS Trust to provide the funeral, free of charge. In such cases the NHS Trust retains the right to make a claim upon the deceased's estate.

6.2 NHS Trusts will take responsibility for making the funeral arrangements of a person who dies in hospital if no relatives can be traced, or if the relatives are not able to afford the cost themselves and do not qualify for Social Fund Funeral Payments.

6.3 The NHS Trust will be sensitive to the wishes of the family and friends, and will take account of any known cultural or religious beliefs of the deceased. The funeral arrangements will be made by a funeral director who will be responsible for

the service, the burial or cremation, and for a memorial or plaque commemorating the deceased.

6.4 The funeral director will consult a minister of religion or appropriate religious representative of the deceased's faith about any special faith observances, and the minister or representative will be invited to the service. The location of the service and the burial place will also be appropriate to the deceased's faith.

7. ASSISTANCE FROM THE LOCAL COUNCIL

7.1 If the death occurs other than in a hospital, then the local council (environmental health department) has a duty to ensure that the deceased is buried or cremated respectfully, where no other arrangements have been, or are being, made. The local council retains the right to make a claim for the costs from the deceased's estate.

7.2 If the local council has reason to believe that the deceased did not wish to be cremated, then they will make arrangements for the deceased to be buried.

8. FAMILY & FRIENDS WHO HAVE MADE OR WISH TO MAKE PERSONAL ARRANGEMENTS

8.1 Family and friends may of course wish to make their own, personal, arrangements. However, they should be advised that unless they are eligible to apply for a Social Fund Funeral Payment, they will not be able to obtain any financial assistance with the cost from NASS, the NHS, or the local council.

8.2 Applications for NASS to pay for funerals that have been arranged privately should be refused. Caseworkers should construct a sympathetic letter – along the lines of the attached pro forma letter – to be checked by their line manager before issue.

Dear

Thank you for your letter dated.....

I was sorry to hear about *[your recent bereavement / the death of / your client's bereavement]*.

I am sorry to have to advise that NASS is not able to help with the cost of the funeral. The ways in which NASS is able to provide support is set out in the relevant legislation. These do not include providing assistance with funeral costs *[repatriation]*.

If *[you / your client / or a member of the deceased's family]* is in receipt of Income Support, or Job Seeker's Allowance, or Housing Benefit, or Council Tax Benefit, or Working Families' Tax Credit, or Disabled Person's Tax Credit, *[you / they]* may be eligible to apply for a Funeral Payment from the Social Fund.

1. *If the enquiry is about a funeral that has already been arranged:*

It is, of course, understandable that *[you / they / your client]* wished to make the funeral arrangements, but it is most unfortunate that *[you / they / your client]* *[have / has]* done so without having first established how *[you / they / your client]* would meet the costs of the funeral. I can confirm that although the NHS will make arrangements for funerals for patients who die in hospital, and that local councils have a duty to ensure that deceased persons are buried or cremated respectfully, they are not obliged to do so where other arrangements have already been made. *[You / they / your client]* may wish to make enquiries as to whether *[his / her / their]* religious community might be willing to provide financial assistance in this matter. I am sorry to have to send you such a disappointing reply, particularly in such sad circumstances.

2. *If the enquiry is about a funeral that has not yet been arranged:*

If *[the deceased / name / your client]* died in hospital, the hospital may be willing to provide a simple, respectful service, free of charge. The hospital will take into account the cultural beliefs of *[the deceased / the family / your client]* and an appropriate representative of *[his / her / their]* faith will be consulted on any special observances, and will be invited to conduct the service in accordance with that faith. The location of the service and burial place will also be appropriate to the deceased's faith.

If [*the deceased / name / your client*] did not die in hospital, then the local council may be able to help. They have a duty to make arrangements to bury or cremate the deceased where no other arrangements have been, or are being, made.

However, neither the NHS nor the local council will provide any financial assistance with funerals that have already been arranged.

Yours sincerely,