

SIAA Response

Funeral Expense Assistance Regulations

August 2018

- 1. Do you think that the draft regulations (Annex A) are likely to meet the policy intent set out in this document?**

Yes / No

If no explain:

Yes. However, we do have concerns around the gap between the FEA payment and the total cost of the funeral and would worry that people could still struggle to afford the high cost of a funeral despite receiving FEA and the impact that this can have on people in terms of debt issues and grief.

- 2. Can you identify and potential unintended consequences of the regulations?**

Yes / No

If yes explain:

Yes. The success of FEA will be dependent on people finding out about it, we are concerned that the regulations do not state how people will find out about FEA and believe it could be useful if there was a clearly stated duty to inform people about FEA. Alternatively people in receipt of certain benefits should automatically receive FEA.

- 3. Can you identify any gaps in the regulations?**

Yes / No

If yes explain:

Yes. As mentioned above, we have concerns around the gap between the FEA payment and the total cost of the funeral. We are also concerned that the 'flat rate payment, as a contribution for other expenses' has not been increased since 2003. However, we do welcome the commitment to an annual update of this element.

- 4. Is the application window for FEA clear?**

Yes. We welcome the extension of the application window. We support the aim of making applications as easy as possible for people who are entitled to FEA and these changes seem positive. However, we would also welcome some flexibility around the deadline (as is the present situation).

- 5. We have proposed that the applicant must usually have the nearest relationship to the person who has died, and in exceptional family circumstances, such as estrangement, that they explain to Social Security Scotland why they should be considered to be the appropriate person who will take financial responsibility for the funeral.**

Yes. We agree with this approach and feel like it is sensible and less intrusive than the current approach. We welcome the inclusion of 'a friend of long standing of the adult' as increasingly there are people living alone and who may not have living family members.

- 6. We have proposed that applicants must be habitually resident in Scotland, and the person who has died must be ordinarily resident in the UK, to qualify.**

No. However, we are pleased that the Scottish Government would welcome engagement with organisations and individuals on the issue of complex residency cases as they further progress the development processes to deliver FEA services. We are concerned that applicants having to be 'habitually resident' could exclude groups such as Refugees and Asylum Seekers or others who might not be considered to be habitually resident in Scotland but would find this entitlement beneficial.

- 7. We propose that qualification by being in receipt of UC should be an award of more than £0 in the month before or the month in which the application is made.**

Yes / No

If no please explain:

Yes

- 8. Is the qualifying benefit / tax credit eligibility clear?**

Yes / No

If no please explain:

Yes

- 9. We have proposed to continue with the presumption that where there is a bill outstanding and the applicant consents, the payment will be made directly to the funeral director. Where the bill has already been paid, the payment will be made to the applicant.**

Do you agree with this approach?

Yes

- 10. We have proposed not to make deductions from the payment award where there are assets in the name of the child who has died.**

Do you agree with this approach?

Yes

- 11. We have proposed that requests for an FEA re-determination should be made within 31 calendar days of receipt of notification of the original determination.**

Do you think this is an acceptable time period?

No. We would agree with Citizens Advice Scotland that the timescale for a re-determination should be extended to 42 days. This would enable individuals to gather and submit further evidence, as well as being able to seek and receive independent advice if they need it. We do, however, welcome the fact that Social Security Scotland will put aside the original determination and that a different, independent officer will undertake the full process of making a new determination.

- 12. We have proposed that an FEA re-determination should be processed within 15 working days of receipt of a request.**

Do you think that is an acceptable time period?

Yes

13. Do you have any additional evidence or impacts which are not covered in the EQIA or CRWIA?

Yes. We believe there are some groups who may be less likely to find out about FEA and within certain communities there may be stigma attached to claiming FEA.

The Scottish Independent Advocacy Alliance (SIAA) is Scotland's national membership body for advocacy organisations. The SIAA promotes, supports and defends independent advocacy in Scotland. It aims to ensure that independent advocacy is available to any person who needs it in Scotland.
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