

**Funeral Expense Assistance and Funeral Poverty Reference Group Meeting
Grassmarket Community Project
12/12/2017**

Attendees

Jeane Freeman – Minister for Social Security (part of meeting)
John Birrell – Scottish Working Group on Funeral Poverty
Simon Cox – Dignity
Karen Hurst – Association of British Credit Unions Ltd
Ruth Mendel – Citizens Advice Scotland
John Williamson – National Association of Funeral Directors
Lucy Carmichael – Scottish Government (Chair)
Jane Moffat – Scottish Government
Colette Hughes – Scottish Government
Andrew Burke – Scottish Government
Cath McKenna – Scottish Government
Kate Donaldson – Scottish Government
Elaine Bell – Scottish Government
Fiona Rodger – Scottish Government
Mark Hartwood – Scottish Government
Amy Atkins – Scottish Government

Apologies

Mohammad Ali – Muslim Council of Scotland
Jeremy Bath – Catholic Diocese of Edinburgh
Jim Brodie – Society of Allied and Independent Funeral Directors
Nicola Dickie - COSLA
David Hilferty – Money Advice Scotland
Rose Jackson – Scottish Pensioners Forum
Heather Kennedy – Quaker Social Action
Bryan Kerr – Church of Scotland
Graeme McAusland – Funeral Planning Authority
Richard Meade – Marie Curie
Caroline Pretty – NHS Lothian
Garrick Smyth – COSLA
Bill Stanley – The Institute of Cemetery & Crematorium Management
Glenda Watt – Scottish Older People's Assembly
Mark Willis – Child Poverty Action Group
Stewart Wilson – CRUISE Scotland

Welcome and Introductions

1. The Chair welcomed all the attendees to the meeting and noted apologies.
2. The Minister for Social Security, Jeane Freeman, thanked members for attending the meeting and asked for introductions from the group.

Minister for Social Security – discussion on Funeral Expense Assistance (FEA)

3. The Minister mentioned several key points regarding the Illustrative Regulations for FEA. It was noted that the Illustrative Regulations are not yet in a final state; the Scottish Government is very much open to feedback and will undertake further engagement with stakeholders and people with lived experience as the draft regulations are developed.
4. Several improvements to FEA which are set out in the Illustrative Regulations were noted by the Minister. This included the decision to widen eligibility for applicants which was expected to provide assistance for an additional 2,000 people per annum; speeding up decision making process so completed applications are processed in ten working days; improving information that is available for applicants; and extending the application window to six months. It was noted that the Social Security Agency will offer pre-claims advice and assistance which will include engaging directly with applicants and giving a higher level support than is available at present.
5. The Minister informed the group that she looks forward to hearing feedback on the Illustrative Regulations and asked members for any questions or comments.
6. In discussion, the following points were raised:
 - I. Members of the group agreed that the policy changes made to the benefit were welcomed.
 - II. There was a gap between the level of payment and the cost of a funeral where stakeholders stated the continued cap of the £700 was disappointing. The Minister recognised stakeholders' disappointment on this matter, but made clear the Scottish Government's position - it is funded to provide the same level of benefits as England and Wales and that lifting the capped element of the benefit would have to come from within the Scottish Budget at a time when there is significant pressure on public finances. Even if the Scottish Government utilised its full taxation powers, there would still be insufficient revenue raised to meet all the asks being made of the social security system.
 - III. The Minister noted that increasing the level of payment is the issue for a number of benefits, however, it is not possible to do this and choices must be made by Ministers. The Minister stated it should not be implied there is no case for an increase in FEA payment and that the figure would continue to be reviewed, however, it is not something that she would commit to increasing at present.
 - IV. The group highlighted the issue of uprating of the capped element of the payment, stating that this should occur annually. It was noted that as long as the burial and cremation element of the benefit remains, it seemed unfair that the other part of the benefit did not also increase.

- V. On the issue of variation in Local Authority burial and cremation charges, the Minister made it clear to members that the Scottish Government does not have the power to cap Local Authorities prices. However, work with COSLA and local authorities was on-going on this issue and engagement on statutory guidance on costs was expected to commence early in 2018.
 - VI. A variety of reasons for funeral director cost increases were highlighted, including pressures and time delays caused by cuts in services by local authorities, delays in death certification and crematoria capacity issues.
 - VII. Stakeholders suggests areas where it might be desirable to widen FEA eligibility:
 - a) Pregnancy loss;
 - b) Student eligibility; and
 - c) Council Tax Reduction (CTR).
 - VIII. While any policy changes that would result in additional financial expenditure would require very careful consideration, the Minister indicated that the Scottish Government would undertake further work to analyse these areas.
 - IX. In relation to habitual residence, it was suggested that consideration should be given to individuals who may have temporarily moved to provide care. An individual may move to care for a sick relative who subsequently passes away and they may then arrange the funeral and apply for FEA. The Minister thanked stakeholders for raising this issue early in the process so it could be considered.
 - X. It was suggested that funeral directors could offer assistance on how to improve efficiency of the application processes. This was suggested as they felt it could provide a means by which to free up enough budget to enable uprating. The Minister noted the importance of including stakeholders in designing and testing stages, which will undoubtedly deliver a better system, and appreciated this offer.
7. The Minister stated she would be happy to attend further reference group meetings at a later stage more progress on both policy and service design had been made. She thanked members and officials for their attendance before departing.

[Minister departed.]

Action 1: Scottish Government to consider further widening eligibility for FEA to include students, pregnancy loss and CTR in certain specific circumstances.

Action 2: Complex cases for habitual residency to be shared with cross-cutting policy to inform development of policy on residency.

Further discussion on FEA

8. Lucy Carmichael asked members for further comments relating to the Illustrative Regulations.
9. The group highlighted discretion issues with the DWP application window. Members noted it would be useful to know details around FEA exceptional circumstances as using discretion can be unclear and confusing. It was suggested that by having an extended application window, awareness raising of the benefit and also by having multiple channels to apply, this could lessen the need for exceptional circumstances to be required. The risk of inconsistent decision making by having discretion to accept applications after 6 months was discussed.
10. The group discussed payment mechanisms where there were conflicting opinions between members. It was noted that payments currently made by Department for Work and Pensions (DWP) were often made directly to Funeral Directors (FD) at present, so there was no need for it to pass through the client first. The client has procured a service which often is delivered before any payment is made. On the other hand, some members of the group suggested the client should have a level of choice in how they are paid. The group generally agreed that having an option for direct payment to FD would be useful for clients who do not have access to a bank account. The important issue of potential fraud was raised, Scottish Government colleagues agreed to explore further.
11. National Assistance Funerals were discussed and it was noted that anecdotal evidence suggested that this type of funeral was increasing and this might be due to the gap between the DWP Funeral Payment and the cost of funeral. It was further suggested that there may be a tipping point if FEA payment levels are not updated. Lucy Carmichael noted that National Assistance funerals constitute a very small proportion (around 1%) of funerals but that the Scottish Government had discussed this issue with COSLA and LAs to see if it was possible to improve the evidence base to better understand the issues
12. Scottish Government summed up the discussion by recognising the range of opinions expressed and assuring that options would be explored in detail with user experience panels.
13. Scottish Government noted that this would not be the only opportunity to comment on the Illustrative Regulations and encouraged members to participate in all engagement so that their opinions are included in the development of both the policy and service design.

Action 3: Reference Group Members to provide any further views on the Illustrative Regulations to the Scottish Government.

Action 4: Scottish Government to provide further information on exceptional circumstances in relation to application windows.

Action 5: Scottish Government to explore details around potential fraud issues with SG counter- fraud colleagues.

Routine business

14. The minutes of the previous meeting on 6 September were agreed and would be published on the Scottish Government website.
15. The action tracker was reviewed where it was noted that action five was now complete and tabled in paper five.

Next steps – Our one team approach – Kate Donaldson

16. The group was asked to participate in an exercise to consider what actions should be taken forward to ensure effective work from team. More specifically, the group were asked to consider their own role with regards to the development of policy and service design, and the Scottish Government's role.
17. Scottish Government officials presented five short presentations to the group, which focused on:
 - Further policy development - Lucy Carmichael
 - Scottish approach to service design & experience panels – Kate Donaldson
 - Agile Service Design – Colette Hughes
 - Scottish Agency – Michael Gallagher
 - Communications – Fiona Rodger

Researching and ways of engaging

18. The group were asked to participate in another exercise to validate useful stakeholders / users and to identify any that have been missed.

Action 6: Scottish Government Digital colleagues to collate comments from both exercises and share outcome with the group

AOB

19. The issue of deductions was raised. At present, if someone has a small insurance policy then this is deducted from the award which can often leave families with a shortfall. The question of what the Scottish Government's proposals are on small insurance policies being deducted from FEA awards was asked.
20. In response to the above question, the importance of not making a double award was noted. It was highlighted that deductions process would be changing in April 2018 so that deductions for contributions made by friends, family and charities would no longer be made. Scottish Government colleagues stated they are happy to talk about the issue of deductions in more detail.

21. Lucy thanks attendees for all discussions.

22. Members of the group agreed that the next reference group meeting should take place in February 2018 and would be expected to focus on broader funeral poverty matter.

Action 7: Scottish Government to explore policy options around deductions

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