



Updated April 2020

Diploma in Funeral Arranging and Administration

Module 5 ENGLAND & WALES	Unit 14	Understanding Client Liability, Entitlement and Consumer Regulations within the Funeral Service.
---	----------------	---

Purpose and Aim of the Unit:	The purpose of the unit is to develop learners’ understanding of the significance of a valid will and a pre-paid funeral plan. Additionally, the unit aims to develop knowledge of client liability for payment of funeral expenses, any available financial assistance and the implications of current consumer regulations.
------------------------------	---

This unit has 6 learning outcomes.

LEARNING OUTCOMES	
The learner will:	
1	Know about client liability and options for meeting funeral costs.
2	Understand the implication of an available, valid Last Will and Testament.
3	Know where to search for a Last Will and Testament.
4	Know the potential financial assistance available to meet funeral expenses.
5	Understand the purpose and use of pre-paid funeral plans.
6	Understand current consumer regulations and current liabilities.



Learning Outcome 1

Know about client liability and options for meeting funeral costs.

Primary Responsibility

The primary responsibility for the disposal of a deceased person falls upon their personal representative. A personal representative can be an Executor to a Will, if the person that has died has a Will in place. A personal representative may also be the person authorised to deal with an estate where the deceased person has died intestate (without a Will in place).

The personal representative is entitled to recover from the deceased person's estate (if there is one), funeral expenses reasonably and properly incurred. The personal representative should consider what funds are available through the deceased person's estate to help pay the cost of the funeral arranged. They should also bear in mind any written instructions in respect of the funeral (including whether burial or cremation is requested) and whether a pre-paid/pre-arranged funeral plan is in place.

Funeral expenses have priority over other claims against a deceased person's estate, along with any legal expenses incurred in administering that estate. Reasonable funeral expenses may also include the cost of a memorial, for inheritance tax purposes. It is worth noting that primary responsibility does not necessarily fall to those who had 'Power of Attorney' over the deceased person's affairs when they were alive. Power of Attorney (a person appointed to help make decisions on behalf of someone or to make decisions on their behalf) ceases when the person dies.

Client Liability

Case law has established that if the Funeral Director and their client agree on the details of the funeral arrangement and the cost of that arrangement, a contractual relationship between the two exists. This enables the Funeral Director to recover fees and expenses incurred in line with that agreement. It should be noted that it is not necessary for the client to be the deceased person's personal representative (as defined above). Equally, the personal representative is not required to agree to or authorise payment from the deceased person's estate, to meet the cost of a funeral arranged by anyone other than themselves.

Learning Outcome 2

Understand the implication of an available, valid Last Will and Testament.



It is important for people to make a Will because:

If someone dies without a Will, there are certain rules which dictate how the money, property or possessions should be allocated. This may not be the way that an individual would have wished their money and possessions to be distributed.

Provides the opportunity to identify a named executor or executors. Executors are the people who will be responsible for carrying out the deceased wishes and for sorting out the estate. They will have to collect together all the assets of the estate, deal with all the paperwork and pay all the debts, taxes, and funeral and administration costs out of money in the estate. They will need to pay out the gifts and transfer any property to beneficiaries.

Unmarried partners and partners without a registered civil partnership cannot inherit from each other unless there is a Will, so the death of one partner may create serious financial problems for the remaining partner.

if there are children, a Will is essential to determine arrangements for the children if either one or both parents die.

If your circumstances have changed, it is important that you make a Will to ensure that your money and possessions are distributed according to your wishes. For example, if you have separated and your ex-partner now lives with someone else, you may want to change your Will. If you are married or enter into a registered civil partnership, this will make any previous Will you have made invalid



Learning Outcome 3	Know where to search for a Last Will and Testament.
---------------------------	--

A Will is a private document and in the majority of cases its location is unknown by the next of kin. Usually the original copy of the Will is stored at the office of the legal professional who drafted it with their Client and can be registered with Certainty National Will Register. A Will is a vitally important document in respect of a funeral as it may contain funeral wishes for example whether it is to be burial or cremation, or other specific wishes.

A Will also identifies the beneficiaries of the estate and therefore immediately identifies who should be settling the funeral expenses, thus reducing the chances of debt issues.

Certainty.co.uk has been set up to ensure that a person's Will is not overlooked, lost or untraced following his or her death, and secondly to ensure, as far as possible, a Will is administered in accordance with the testators wishes.

Indeed since 1988 solicitors specialising in Wills & Probate have been calling for a National Will Register. The Certainty Will register, Certainty.co.uk is now fulfilling this need. Thousands of solicitors all over the UK use certainty.co.uk daily, millions of Wills are being registered, and the public use Certainty every day and night of the week to search for missing Wills and also register their own.

Checklist

Does the person arranging the funeral hold a copy of the deceased's Will? Y/N

If No, have you explained the importance of the Will (i.e. that it may contain funeral wishes) and offered to carry out a Certainty Will search on their behalf? If yes, is it an old Will? Would the person like to conduct a search to try and ascertain if a newer Will exists?

Action

A. There was no Will found so the Funeral Director carries out the Will search on the client's behalf.

B. There was no Will found so the person arranging the funeral carries out the Will search.

C. There was an old Will found, therefore a Will Search is conducted to check no later Will exists. You or the person arranging the funeral can search for a Will using Certainty.co.uk who operates the National Will Register. The search is low cost and checks for registered as well as unregistered Wills through the national system. The search is inexpensive and quick to perform.

OVERVIEW RELATING TO SETTLEMENT OF ESTATES

Since an original Certified Copy of an Entry is required in many of the dealings in relation to the estate of a deceased person, it is good practice for the informant to the Registrar to obtain a list of who is qualified to act as an informant to purchase a number of copies of the Certified Copy of an Entry for that purpose.

It is worth noting that if a solicitor is dealing with the deceased person's estate, only one copy of the Certified Copy of an Entry is required, as photocopies can be made and certified by that solicitor.

Small estates

If there is no asset in the estate that exceeds a figure of £5,000, it is possible for the personal representative of the person that has died to obtain release of any assets and/or funds held by bodies such as National Savings & Investments, banks and building societies without the expense or formality of applying for and producing a Grant of Probate or Letters of

Administration.

Probate & Letters of Administration

Many funeral firms offer their client(s) the services of specialist estate services to help with any queries around Probate and/or Letters of Administration.

This section of the learning materials aims to briefly summarise both.

Probate

If the deceased person has left a Will with a named executor, the Will need to be 'proved' before the Principal of a District Probate Registry of the High Court of Justice.

The document from the Court certifying its approval of the will and the details of the estate is called a 'Grant of Probate'. This document is frequently required by the personal representative when administering the estate. The authority of a personal representative who has been named as the executor to the Will, will stem from the date of death of the deceased person, although it may be some time for the official Grant of Probate to be issued.

More detailed information can be found here: www.gov.uk/wills-probate-inheritance

Letters of Administration

If the deceased has died intestate (not having made a Will), the personal representative will be the person to whom the Court issues a document known as 'Letters of Administration'.

The person who might apply for Letters of Administration is usually the deceased's next of kin. Letters of Administration may not be issued if the person applying was the partner of the deceased but not their husband/wife or civil partner when they died.

It is the duty of the personal representative to ensure that the funeral expenses along with any legal expenses incurred, is paid out of the proceeds of the estate.

More detailed information can be found here: www.gov.uk/wills-probate-inheritance

Dying intestate, with no known heirs

Where the deceased has passed away intestate, with no known heir or next of kin, their estate



is administered by the 'Bona Vacantia' arm of the Government Legal Department. Bona Vacantia means vacant goods and is the name given to ownerless property, which by law passes to the Crown. The Treasury Solicitor acts for the Crown to administer the estates of people who die intestate and without known blood relatives.

Please note: if someone died while a resident of Cornwall or Lancaster, it will be the solicitor to the Duchy of Cornwall, or solicitor to the Duchy of Lancaster, who will administer the deceased person's estate. It is the duty of the Treasury Solicitors or solicitors to the Duchy of Cornwall/Lancaster to examine a funeral account before agreeing to meet it from the estate. If the amount of the account is more than can be properly and justifiably charged against the deceased person's estate, any excess may well be refused.

Note:

Funeral Arrangers and Funeral Directors should bear in mind that if there is reason to believe that a deceased person has died intestate, the estate is likely to be referred to the Treasury Solicitor or the Solicitor to the Duchy of Cornwall/Lancaster concerned for settlement of the funeral account. You can contact the office of the Solicitor/Duchy concerned to agree an acceptable figure for the funeral expenses.

More detailed information can be here: www.gov.uk/government/organisations/bona-vacantia

Learning Outcome 4	Know the potential financial assistance available to meet funeral expenses.
---------------------------	--

Social Fund Funeral Payment

The main funeral benefit is the Social Fund Funeral Expenses Payment which was increased to £1000.00 from April 2020. The fund is administered by the Department for Work and Pensions (DWP)

The Funeral Expenses Payment can help to pay for some of the costs of the following:

In the case of burial:

- The cost of reopening a grave and burial costs, or
- The cost of opening a new grave and burial costs (including the fee purchase of exclusive right of burial)
- The cost of any documents needed for the release of the money, savings and property of the person who has died
- When it is necessary to move the body over 50 miles within the UK to the premises of the Funeral Director or place of rest, the reasonable cost of that part of the journey which is over 50 miles.
- When the journey to the funeral is over 50 miles, the cost of that part of the journey which is over 50 miles for the transport of the coffin and bearers.
- The necessary cost of a return journey for the claimant to either:
 - Arrange the funeral, or
 - Attend the funeral
- Up to £1000 for any other funeral expenses, further details awaited from the Department for Work and Pensions at time of publication). This amount includes all other costs in connection with the funeral. This might include the coffin, vehicles and the Funeral Director's fees.

In the case of cremation:

- The cremation fee
- The cost of the Doctors' certificates
- The cost of removing a pacemaker or other medical device that must be removed prior to the cremation

Please note, if the claimant uses the services of a third party e.g. florist who invoices the claimant direct, the DWP will consider reimbursement if the amount paid to the Funeral Director for other funeral expenses is less than £1000.

Eligibility

How much a client will receive depends on their circumstances. This includes any other money that's available to cover the costs, for example from an insurance policy or the deceased person's estate.

The Funeral Expenses Payment will be deducted from any money received from the deceased person's estate. The estate includes any money or property they had, but not a house or personal things left to a widow, widower or surviving civil partner.

Clients can check their eligibility for a Funeral Expenses Payment by calling:

Telephone: 0800 169 0140

Textphone: 0800 169 0286

NGT text relay (if you cannot hear or speak on the phone): 18001 then 0800 169 0140

Welsh language: 0800 169 0240

Alternatively, clients can be directed to their nearest JobCentre Plus.

Who can claim?

The majority of funeral expense payments are made for funerals taking place in the UK. However, the DWP advises that if the funeral will take place in the European Economic Area (EEA) or Switzerland the claimant should contact the Social Fund to check if they are eligible.

The claimant must be one of the following:

- the partner of the deceased person when they died
- a close relative or close friend of the deceased
- the parent of a baby stillborn after 24 weeks of pregnancy.
- the parent or person responsible for a deceased child who was under 16 (or under 20 and in approved education or training).

Please see guidance below on the Children's Funeral Fund.

Qualifying benefits or entitlements

The claimant (or their partner) must be in receipt of one of the following qualifying benefits:

- Income support
- Income-based jobseeker's allowance
- Income-related employment and support allowance
- Pension credit
- Housing benefit
- The disability or severe disability element of working tax credit
- Child tax credit
- Universal credit

They might also be eligible if they are in receipt of a Support for Mortgage Interest loan.

A client can still claim Funeral Expenses Payment if they've applied for these benefits and they're waiting to hear about their claim. The claimant might not receive a Funeral Expenses Payment if another close relative of the deceased (such as a sibling or parent) is in work and is not receiving qualifying benefits.

Funeral Plans

The DWP will need to know if the person who has died had a pre-paid funeral plan/funeral bond or similar arrangement. They will require sight of the original plan together with any documents received from the plan provider showing the items and services that the plan provides for.

The DWP will then consider payment toward:

- The cost of any necessary items (as detailed above) that are not covered by the plan.
- The part-cost of any necessary items (as detailed above) that are only partly covered by the plan.
- Up to £120.00 for any other funeral expenses.

Deductions from amount allowable

The following may be deducted from the Funeral Expenses Payment:

- The amount of any assets of the deceased available to the claimant or any other

member of their family such as their partner and/or children.

- The amount of any lump sum due to the claimant or any other member of their family through any insurance policy, occupational pension scheme or burial club.
- The amount of any financial contribution from the following:
 - A charity
 - Relatives
 - Any other resource e.g. friends of the deceased person/claimant, crowd funding or other online fundraising activity to cover funeral costs

Processing claims

Claims, which must be made within six months of the funeral, can be made in three ways:

- In person at the nearest JobCentre Plus;
- By post, by downloading a form from the DWP website and sending to Freepost DWP Funeral Payments

Guidance to Funeral Directors

- At an early stage of the funeral arrangements, try to ascertain whether the client intends to make a claim from the DWP.
- Explain the financial limits available from the DWP so that discussions may take place and agreements made on how the excess owed by the client can be repaid.
- Funeral Directors are urged not to complete an invoice for exactly £1000 plus disbursements unless that is the actual charge. A detailed breakdown of the costs (both funeral and third party costs) should be provided.
- Advise the client to make a claim as soon as possible. A supply of SF200 Funeral Payment from the Social Fund forms may be kept in the funeral home and, if help is sought, Funeral Directors may feel comfortable in sitting down and helping the client complete the form.
- Encourage the client to allow the DWP to contact the Funeral Director should they require additional information. This question is part of the SF200 form.
- It must be made clear to clients that if their claim fails, the whole of the funeral account will become their responsibility.
- Payment will be made direct to the Funeral Director if the account has yet to be paid. If the



Funeral Director's account has been paid, payment will be issued direct to the client.

- For further information, please visit the Funeral Expenses Payment pages on gov.uk:

www.gov.uk/funeral-payments

THE CHILDREN'S FUNERAL FUND

The Childrens' Funeral Fund became available to parents in England from July 2019.

Under the Childrens' Funeral Fund arrangements, no bereaved family will have to pay the fees charged for a child's cremation or burial or for a number of prescribed associated expenses. The fund provides for burial authorities and cremation authorities to apply to government for the reimbursement of the fees which would otherwise be charged for the provision of the burial or cremation of an eligible child.

It also provides for Funeral Directors to apply for reimbursement of certain associated expenses, including a £300 contribution towards the price of a coffin.

If the person responsible for organising the burial or cremation chooses not to use a Funeral Director but makes the funeral arrangements themselves, they will be able to claim directly for those expenses from the fund.

The only conditions for the scheme are that the child is under 18 at the time of death or is stillborn after the 24th week of pregnancy, and that the burial or cremation takes place in England.

The scheme is not means-tested, and the residency or nationality of the deceased child, or of the person organising the burial or cremation, will not be relevant in determining eligibility.

A briefing note for Funeral Directors can be downloaded from the NAFD website:
<https://nafd.org.uk/wp-content/uploads/2019/07/190701-CFF-Stakeholder-Briefing.pdf>

ADDITIONAL FINANCIAL ASSISTANCE

In addition to the payment of funeral expenses, it may also be possible for the client to apply for a Bereavement Support Payment.

If successful, the claimant will receive a larger first payment followed by up to 18 monthly payments. The amount received will depend on the claimant's circumstances. Payments are made directly into the claimant's bank or building society account.

In order to be eligible for the Bereavement Support Payment, the claimant's husband, wife or civil partner must have died on or after 6th April 2017 and must have either:

- Paid National Insurance contributions for at least 25 weeks, and/or;
- Died because of an accident at work or a disease caused by work.

The claimant, when their husband, wife or civil partner died must have been:

- Under State Pension age
- Living in the UK or a country that pays bereavement benefits.

The claimant must make a claim within three months of the death to get the full amount. However, a claim is allowed up to twenty one months after the death, but the payments received will be less.

The claimant will not be eligible to make a claim if they are in prison.

NB: The Bereavement Support Allowance replaces the Bereavement Payment, Bereavement Allowance, Widowed Parent Allowance. If the claimant's husband, wife or civil partner died prior to 6th April 2017

More detailed information can be found here: <https://www.gov.uk/bereavement-support-payment>

CLIENTS WITH LIMITED FUNDS

If a client is unable to secure a Funeral Expenses Payment and has no other means of covering funeral costs, Funeral Directors may wish suggest these alternative options to them.

Local Health Authority (NHS)

If a person dies in hospital, the hospital administrator will arrange and pay for a very simple burial or cremation. This is usually done by way of asking local Funeral Directors to tender to the Health Authority to carry out this service for an agreed fee. This type of contract is usual where there are no relatives able to take responsibility for the arrangement/payment of a funeral.

Any money from the deceased person's estate may be used to pay for the funeral.

This arrangement can include stillborn babies. However, please review the section on the Children's Funeral Fund which provides support to families of stillborn babies in England.

Local Authority ('Public Health funeral')

Local authorities have a duty to arrange for the burial or cremation of a person that has died (or been found dead) within their area. However, they will firstly satisfy themselves that there is no other person available or willing to arrange the funeral themselves.

The Local Authority should not arrange for the cremation of a deceased person where they have any reason to believe that cremation would be contrary to the wishes of the deceased.

As with a Local Health Authority (NHS) funeral, the Local Authority may ask local Funeral Directors to tender for this service and any money from the deceased person's estate may be used to pay for the funeral.

War Pensions

On the death of a war pensioner, the family are able to claim the cost of a simple funeral from the War Pension Branch of the DWP, if the death was related to a disablement. This payment is made as a grant and is not recoverable from the estate of the deceased person.

Employer Pension Schemes

Some employers provide occupational pension schemes that include life insurance cover. This means that a lump sum is paid upon the death of the insured to help with the funeral costs.



Child Funeral Charity

The Child Funeral Charity (CFC) assists families financially in England and Wales who have to arrange a funeral for a baby or child aged 16 or under. Following the launch of the government's Children's Funeral Fund, the Child Funeral Charity will continue to fund the elements of the funeral that are NOT covered by the new fund, such as flowers, orders of ceremony, plaques etc.

<https://childfuneralcharity.org.uk/>

Trades Union

Some Trades Union are able to make grants upon the death of a member under certain circumstances.

Provident Associations, Friendly Societies, Clubs, Charities and Other Associations

There are some clubs and associations that are able to make grants upon the death of a member or their dependents under certain circumstances.

Crowd Funding/Family & Friends/Donations

Crowd funding (typically advertised through social media) is the practice of asking many people to contribute possibly small amounts of money. Family and friends of the deceased person and/or client may contribute toward the cost of the funeral.

Donations given to the family or collected by the Funeral Director may also be used to help pay for the funeral. It should be noted that any monies collected through these methods may be deducted from any amount awarded by the DWP, should the client be making a claim for financial assistance.

Learning Outcome 5

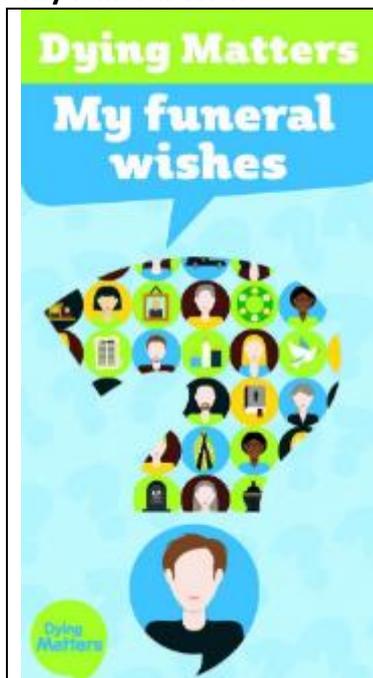
Understand the purpose and use of pre-paid funeral plans.

PRE-ARRANGEMENT/PRE-PAYMENT OF FUNERALS

Pre-arranging a funeral, or simply setting out wishes in relation to a funeral, is undertaken by some people to assist surviving relatives or their named executor after their death has occurred. This enables major decisions involved in arranging a funeral to be made in an atmosphere less charged with emotion than when death takes place.

Pre-arranging for a funeral does not necessarily include the pre-payment of those arrangements.

My Funeral Wishes



A number of organisations and funeral firms offer leaflets to assist people in setting out their funeral wishes.

Since 2013, the NAFD, in conjunction with Dying Matters, has operated 'My Funeral Wishes, a simple leaflet which encourages people to talk to their loved ones about their final wishes and record them, however informally, as a record for the future.

Pre-paid funeral plans

A funeral plan is an arrangement that allows a customer to pay in advance for theirs or another persons' funeral. The plan is a contractual arrangement with a provider, who assuming the plan has been paid for, is then responsible for paying for those elements of the funeral that are covered by the plans. Pre-paid funeral plans allow consumers to choose and agree the arrangements for the sort of funeral they wish to have, in advance. They also enable consumers to fix the cost of some elements of the funeral, and protect them from the future inflation of funeral-related costs.

There are a number of benefits to someone wishing to either pre-arrange or pre-pay for their funeral.

Some examples might be:

- They wish to make a record of their final wishes.
- They wish to reduce any financial burden on those left behind.
- They wish to fix the costs of the funeral (whether all or only some costs are fully covered depends on the individual pre-paid funeral plan).
- There is often a choice for the client to pay in full or by instalments.
- Whether pre-arranging or pre-paying, a client will be accepted regarding of health or age.

There are two main investment models underpinning funeral plans: trust funds and insurance policies. Plan providers have different terms and conditions in respect of the management and administrative charges they levy in respect of their plans – and there are a variety of plans available, including those which guarantee to cover all of the costs of the funeral and others which make a contribution towards them.

Your business may sell or accept plans offered by other providers, accept plans sold by third party agents, or operate its own funeral plan.

Regulation of funeral plans

At present, the pre-paid funeral plan market is not regulated by government, although this is set to change.

Currently, the Funeral Planning Authority (FPA), an organisation set up by the industry to regulate providers in the UK pre-paid funeral plan industry, aims to ensure that its registered providers are operating in a manner that will result in customers getting the funeral they have paid for when it is needed. All registered providers abide by a set of Rules and a Code of Practice, which exceed statutory requirements. Registration with the FPS is not mandatory.

The FPA also helps customers who have a complaint about a plan, or a provider, by attempting to resolve matters with the provider. If resolution is not possible it offers access to an independent dispute resolution process.

At the time of writing, HM Treasury is consulting on proposals to bring the regulation of the sale of funeral plans under the responsibility of the Financial Conduct Authority. At the same time, the Competition and Markets Authority is reviewing funerals paid for by a funeral plan in its market investigation of the funeral sector.

Until such time as the current regulatory scheme changes, the NAFD recommends that its members only work with plan providers that are registered with the Funeral Planning Authority

Choosing a plan provider to work with

There are a number of national, regional and local pre-paid funeral plan schemes providing a service to Funeral Directors.

Some of the benefits of using an existing scheme might be:

- It saves the cost of setting up a scheme and the challenges of administering it properly.
- The plan provider may already be registered with the Funeral Planning Authority and/or the Financial Conduct Authority.
- You will receive assistance with training any staff members that will be involved in the sale of funeral plans.
- You will be provided with promotional literature and other marketing tools.

- It can assist your business in acquiring a ready-made list of future clients.

However, it is also important to consider the potential disadvantages too:

- You may be required to conduct funerals at a price much lower than your normal price to a private client.
- There may be restrictions placed upon you in terms of how many schemes you are able to offer.
- You may find yourself tied to multiple Codes of Practice with different rules and disciplinary procedures.
- You may find yourself subsidising and promoting a potential or actual competitor.
- You may only find out that a funeral plan has been allocated to you after the plan holder dies and the family need to arrange the funeral.

It is recommended that Funeral Directors confirm with any plan provider they work how they will be informed about plans sold with their name against them, and any other terms and conditions under which the plan will be sold.

Advising a consumer on the purchase of a funeral plan

A funeral plan is a financial product. When meeting with clients who wish to pre-arrange or pre-pay their funeral, you should ensure you are fully conversant with any policies your business has in relation to funeral plans – particularly which plan providers your business has agreed to work with, the procedures for selling funeral plans to clients and which plan providers you accept funeral plans from.

Your plan provider will provide you with specific guidance on how plans are to be sold, including the process to be followed, the information to be provided and how the details of the arrangement or plan are to be recorded

However, in terms of general guidance, your firm should treat the sale of a funeral plan in the same way it does the arrangement of a funeral:

- The person selling the funeral plan should be well informed and well trained.
- Clients should be provided with clear, comprehensive and transparent information about



the plan and its prices.

- The client should be presented with all terms and conditions, and any limitations of the cover should be explained clearly to them.
- You should answer any questions the client may have and encourage them to involve their next of kin in the decisions they make.
- You should ensure the client is given enough time to adequately consider the choices they are making and the associated cost.
- The storing and recording of pre-paid funeral plan information should comply with GDPR regulations relating to the protection of data.

Until regulation of the funeral plan market changes, the NAFD continues to recommend that its members only work with and recommend plan providers that are registered with the Funeral Planning Authority.

Offering guidance to consumers

Funeral plans come in different shapes and sizes, just like all financial products and it's important that consumers choose one that's right for them.

The NAFD offers their members guidance that can be given to a consumer when considering buying a funeral plan. This may be of assistance to members when guiding clients and can be found on the NAFD's website – www.nafd.org.uk

Learning Outcome 6

Understand current consumer regulations and current liabilities.

Consumer Contracts

13th June 2014 saw changes to Consumer Contract Regulations when the Consumer Contracts (Information, Cancellation and Additional Charges) Regulations 2013 come into force. These new regulations govern the pre-contractual requirements of certain consumer contracts, including provisions focused on cost and cancellation rights.

The Notice of Right to Cancel

The funeral arrangements, as noted on a signed and agreed estimate/confirmation form, constitute a contract between the client and the Funeral Director. In case law, it is the person actually making the funeral arrangements and signs the form who is the client, and is therefore liable for payment of the account, regardless of their relationship to the deceased person, executor or next of kin.

Under the Consumer Contracts (Information, Cancellation and Additional Charges) Regulations 2013, the client has the right to cancel this contract if they so wish, by sending or taking a cancellation notice to the Funeral Director at any time within the period of fourteen days starting with the day of receipt of a notice in writing of the right to cancel.

Some funeral firms ask the client to sign the estimate, retaining a duplicate copy in the office. Your terms and conditions should be included in the documents, and they should be made clear to the client before the estimate is signed. The key areas to be covered with the client are:

- The client has the right to cancel the agreement made within 14 days.
- The cancellation must be made in writing.
- Any services or products provided to the client up to the point of cancellation will be charged for.
- In order for the Funeral Director/arranger to commence work on the client's behalf within the 14-day cancellation period, the client must sign allowing the Funeral Director/arranger to do so.



Before taking leave of the client, the Funeral Director should ask if there are any points that need clarifying or any questions or concerns they may have. They should remind the client of what actions he/she is going to take and hand the client a business card, if not already given at the beginning of the arrangement, and/or information about the firm.

A good way to complete the arrangement is for the Funeral Director to assure the client of his/her best attention and availability at all times.

Distance funeral arrangements

Whilst making a funeral arrangement via email or Skype, for example, is not ideal for the Funeral Director or, in particular, the client - it may sometimes be necessary.

Careful consideration must be given as to how signatures are obtained on all appropriate documentation as, often, crematoria or local authorities may require original signatures rather than e-signatures.



Notification of your right to cancel

(Name and Address of Business)

Notification of your right to cancel this Contract under the Consumer Contracts (Information, Cancellation and Additional Charges) Regulations 2013

Funeral Business:

Name of

Deceased: _____

Name of Client:

Your right to cancel this contract within fourteen days of receipt of this notice

You have the right to cancel this contract if you so wish. This right can be exercised by sending or taking a cancellation notice to the funeral business mentioned below at any time within the period of 14 days starting from the date of receipt of this notice in writing of your rights to cancel. Notice of cancellation will be deemed as having been served as soon as it is posted or sent to us at the address below or, in the case of electronic mail, from the day it is sent to us.

You should understand that, should you choose to cancel the contract having given your authority to commence work, you may be charged for services provided or disbursements incurred.

You may use the cancellation form provided if you wish, but you are not obliged to.

Signed (client): _____

Date: _____

Print Name: _____

CANCELLATION NOTICE

Complete and detach this form ONLY IF YOU WISH TO CANCEL THIS CONTRACT. If you wish to cancel this contract you MUST DO SO IN WRITING and deliver it personally or send (which may be by electronic mail) this notice to the business named below. You may use this form if you want to, but you do not have to.

To: _____

(Funeral Director/Arranger to insert name, address and email address of business to which the notice must be given)

I hereby give notice that I wish to cancel the contract for the funeral of -----with the above named business.

Signed (client): _____

Date: _____

Print Name: _____



Commencement of work relating to the contract prior to the end of the cancellation period

Regulation 9-(1)

Where the consumer enters into a specified contract and he wishes the performance of the contract to begin before the end of the cancellation period, he must request this in writing.

(2) Where the consumer cancels a specified contract in accordance with regulation 8 he shall be under a duty to pay in accordance with the reasonable requirements of the cancelled contract for the goods and services that were supplied before cancellation.

This element of the regulations is likely to apply in all instances that a Funeral Director will be involved with. Therefore, in order to ensure - should cancellation of a contract occur – that you have the ability to charge for services provided; the client’s authority to commence work should be obtained.

Client Signature Requirement – the purpose is as follows:-

- a) Client to sign to acknowledge receipt of the form.
- b) Client agrees commencement of Contract and recompense goods and services supplied if contract is cancelled i.e. pay for all work up to point of cancellation.

AUTHORITY TO COMMENCE PERFORMANCE OF THE CONTRACT WITHIN THE CANCELLATION PERIOD

If you wish the performance of this contract to commence within the cancellation period you should sign this authority to enable work to commence in agreement with the contract to provide the goods and services associated with the contract. **(Client to complete in own hand writing)**

I authorise: _____
_____ (name of funeral business) to
commence work relating to the funeral of the late _____ before the cancellation
period has expired.

Signed (client): _____ Date: _____

Print Name: _____

Address: _____
