

## **What you need to know when losing a loved one - A bereavement guide from Stennett & Stennett Solicitors**

Dealing with death is invariably very difficult and stressful. Decisions however have to be made whilst grieving for the loss of a loved one.

It is helpful to know exactly what to do and what to look out for to ensure that everything is done properly and in a timely manner. The need to act correctly is more important if you are an executor under a will because the beneficiaries will expect you to act quickly, efficiently and with lawful authority. The following checklist aims to assist in these situations.

### *Check for funeral instructions*

Check the deceased's will if there is one. Does it contain guidance about the deceased's wishes? If the will is silent about the disposal of the body, find out if the deceased left written instructions. Such guidance, whilst not legally binding, can be used to honour the person's wishes and will help to avoid problems. The deceased may have belonged to a known faith, in which case it may be appropriate to contact their faith representative to help arrange the funeral. Some faiths require the funeral to take place very quickly in accordance with belief and tradition.

### *Are you qualified to register the death?*

Only "qualified informants" can register the death.

When the death occurred inside a house or public building such as a hospital the following people may register the death.

- A relative
- Someone present at the death
- The occupier of the house or an official from the public building where the death occurs
- The person causing the disposal of the body

Where the death happens elsewhere the following may register the death

- A relative
- Someone present at the death
- The person who found the body
- The person causing the disposal of the body

### *Find out if the Coroner needs to be involved*

The Coroner will investigate the death if the cause is unclear, the death appears sudden or violent, or if it happened under suspicious circumstances. There may have to be a post mortem or inquest or both. If the death needs to be investigated then an Order for Burial or Coroner's Certificate for Cremation must be issued before the funeral can be held. In this event you can apply to the Registrar for an interim death certificate to enable the practical estate administration to proceed.

### *Registering a death in England & Wales*

If the person died in England & Wales, an appointment to register the death with the Registrar must be made within 5 days, unless it has been reported to the Coroner. The

Registrar will need the medical certificate stating the cause of death prepared by the certifying Doctor. The certificate will be in a sealed envelope which should only be opened by the Registrar. You will also need the following information about the deceased:

- Their full name and time of death
- Any names previously used
- Their usual last address
- Their date and place of birth
- Their occupation
- The full name, date of birth and occupation of a surviving spouse or civil partner
- The date and place of death
- Whether the deceased had a state pension or any other allowance from the public funds

Do check that the Registrar has recorded all the details correctly before you sign the Register. The Registrar will issue a Death Certificate, a Certificate of Registration that you will need if the deceased received a state pension or benefits and a Certificate for Burial or Cremation. Work out ahead the number of certified copies of the death certificate you are likely to need so you ask for them at the time. Some agencies will not accept photocopies as proof of the death. There will be a small fee to be paid for each copy.

### *Arranging the funeral*

Go and see the Funeral Director. Don't be afraid to shop around to get the best deal. Check if the deceased had a pre paid funeral scheme or other funds to meet the cost of the funeral. Some banks may release funds from the deceased's account to executors named in a will to pay for the funeral. Families on low income who receive qualifying benefits may be eligible for Social Fund funeral payment. The person who organises the funeral will sign a contract with the Funeral Director and shall be legally responsible to settle the cost. Be clear with the Funeral Director about the services they provide. Does the fee include booking a "slot" with the relevant church or crematorium? Will they order the flowers?

### *And finally, don't forget other practical issues*

There are many people, organisations, and Government bodies who should be told about the death. The following practical issues must be addressed:

- The Death Certificate should be sent to any bank or financial institution with which the deceased held assets.
- Contact any creditors to ascertain the liabilities of the estate.
- Consider contacting the utility companies and if possible obtain up to date meter readings. This will be helpful later in the administration.
- Consider issuing a formal notice to creditors to protect the personal representatives of the estate against possible claims against them for unpaid debts.
- Send the Certificate of Registration to the Department of Work and Pensions.
- See if you can find an address book and contact people who knew the deceased. If the deceased was a member of a club or subscribed to periodicals, inform them about the death to avoid unwelcome literature in the future.
- If the deceased died in hospital or care home go there to collect their personal effects.
- If the deceased had a house or flat make sure that it is secured. Check the deceased had home insurance which provides cover when the property is empty.
- Did the deceased have pets? Do they need looking after?
- If the deceased died in a care home check whether there is a time limit within which the room must be cleared.
- Decide how to notify the beneficiaries about their entitlement. It is usually the job of the executors to make public the contents of the will.

- If you are an executor, locate the whereabouts of the deceased's will. Consider using a professional like a solicitor to handle the administration, particularly when you have limited time to undertake the task or existing tensions within the family that may make the job difficult. Acting as an executor can be like drinking from a poison chalice!

Stennett & Stennett Solicitors have over 25 years experience in helping bereaved families through probate. Please telephone us if you would like to discuss these issues further or attend one of our free advice clinics held on the first Wednesday of every month.