



**OFFICIAL REPORT**  
AITHISG OIFIGEIL

# Social Security Committee

**Thursday 21 June 2018**

**Session 5**



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Pàrlamaid na h-Alba

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**SOCIAL SECURITY COMMITTEE**

**16<sup>th</sup> Meeting 2018, Session 5**

**CONVENER**

\*Clare Adamson (Motherwell and Wishaw) (SNP)

**DEPUTY CONVENER**

\*Pauline McNeill (Glasgow) (Lab)

**COMMITTEE MEMBERS**

- \*George Adam (Paisley) (SNP)
- \*Jeremy Balfour (Lothian) (Con)
- \*Michelle Ballantyne (South Scotland) (Con)
- \*Mark Griffin (Central Scotland) (Lab)
- \*Alison Johnstone (Lothian) (Green)
- \*Ben Macpherson (Edinburgh Northern and Leith) (SNP)
- \*Ruth Maguire (Cunninghame South) (SNP)

\*attended

**THE FOLLOWING ALSO PARTICIPATED:**

- John Birrell (John Birrell Consultancy)
- Colin Brown (Scottish Government)
- Paul Cuthell (National Association of Funeral Directors)
- Delia Henry (Age Scotland)
- David MacColl (Glasgow City Council)
- Ann McVie (Scottish Government)
- Ruth Mendel (Citizens Advice Scotland)
- Paul Stevenson (National Society of Allied and Independent Funeral Directors)

**CLERK TO THE COMMITTEE**

Anne Peat

**LOCATION**

The Sir Alexander Fleming Room (CR3)



## Scottish Parliament

### Social Security Committee

Thursday 21 June 2018

*[The Convener opened the meeting at 09:00]*

### Decision on Taking Business in Private

**The Convener (Clare Adamson):** Good morning and welcome to the 16th meeting in 2018 of the Social Security Committee. I remind everyone to turn mobile phones and other devices to silent mode so that they do not disrupt the meeting or the broadcasting system. No apologies have been received for today's meeting, but my colleague Ben Macpherson will have to leave for a short period of time to attend a meeting of another committee.

Under agenda item 1, the committee is invited to agree to take item 5, which is consideration of the evidence that we will take under item 2, and items 6, 7 and 8, which concern consideration of papers by the clerk and correspondence from the Minister for Social Security, in private. Does the committee agree to do so?

**Members** *indicated agreement.*

## Funeral Expense Assistance Regulations: Consultation

09:00

**The Convener:** Agenda item 2 is an evidence session on the Scottish Government's draft funeral expense assistance regulations. Today's session will feed into the Government's consultation on the draft regulations, which closes on 23 August.

I welcome our first panel: John Birrell is a bereavement consultant at John Birrell Consultancy; Paul Cuthell is from the National Association of Funeral Directors; and Paul Stevenson is the Scottish president of the National Society of Allied and Independent Funeral Directors.

I will open the discussion by asking about the increased flexibility that the new regulations appear to provide. Does there need to be additional flexibility to cover people who are not eligible on the day of application following a death, but who might well become eligible before the funeral takes place?

The Scottish Government is still developing its policy on the evidence that will be required to support a claim. What is the minimum evidence that should be required at the time of application? Given that it is a difficult time for people, is the burden of having to produce that evidence at the time of application appropriate?

Mr Birrell, would you like to have the first go at that?

**John Birrell (John Birrell Consultancy):** The Scottish Government has done a great deal to extend what we have known with the benefit that was provided by the Department for Work and Pensions. We welcome those extensions, particularly the extension of the timescale for making applications.

It is quite possible that somebody might be in the process of applying for benefits when they experience a bereavement, which could set them back in doing other things, because their focus is on the grief. Although the six-month window is welcome, I can foresee that there might be times when people's circumstances change within those six months. We are still talking about just how flexible the new social security system will be in responding to that.

**Paul Cuthell (National Association of Funeral Directors):** I agree with what John Birrell said. The new system seems to have greater flexibility. Ultimately, we must remember that we are looking after the bereaved, and it is the bereaved who will

be affected. Anything that assists them in any way is certainly advantageous.

**Paul Stevenson (National Society of Allied and Independent Funeral Directors):** I concur. People's circumstances can change because of a bereavement, which means that they might be entitled to DWP support, or any support that is provided in the future.

**The Convener:** Thank you. I will now bring in my colleagues.

**Jeremy Balfour (Lothian) (Con):** Good morning, and thank you all for coming.

I want to explore a couple of areas. I presume that the figure of £700 does not cover the whole of a funeral expense for a family. Can you help us to work out—I will choose my words carefully—what the bare minimum is that you can offer a family that comes to you and says, "Our granny has died and we have this £700"? How much extra do you charge beyond that, and how does it work? Perhaps Paul—either of the Pauls—can start with that.

**Paul Cuthell:** I am happy to begin. We have to start by remembering that the £700 figure has remained static since 2003. Going back a bit further than that to the mid-1990s, the amount that was paid by the social fund in funeral expenses was around £95 million. The amount that was paid in 2015—20 years later—was £43 million, which is a drop of 50 per cent. In that time, the criteria for claiming did not change, apparently, but funerals changed drastically.

I have worked in our family business for 20 years and, when I first started, we would expect, as a matter of routine, that if someone passed away on a Thursday morning, for example, their funeral would be held on the Sunday or, if not, the Monday. The reality now is that, if someone dies this morning, their family probably will not get the medical certificate of cause of death until later today. They will then need to phone the registrar to make an appointment, which might be tomorrow but, realistically, will probably be Monday. Although we will meet the family today, the delay in meeting the registrar automatically adds on another three or four days, so the funeral will take place towards the end of next week.

Funeral directors now have a far greater involvement. Deceased people are in our care for far longer and we have far more interaction with families during that time period. People stay further afield than they once did, so there is a wait for them to return for funerals. There is also increased pressure on local authorities. For example, for three months in the early part of this year there was a high volume of deaths and we were finding that it could take two weeks before we got a time slot at our local crematoria. The

cemeteries were not as bad, but there was still a delay.

The answer to your question about how little a funeral director can do for a family is that that is not always in our control. Families come to us with a great burden on them. It is a time when they need to be loved, cared for and guided and, although we try to work with them to keep a funeral within their means, they very often try to have a funeral according to the expectations of society.

Faith plays a large part in that. It is very common in the Roman Catholic community that the deceased is brought to rest in church the evening before the funeral and there is a funeral mass the following day. All those things mean an additional involvement for us, but we cannot say to a family that we cannot allow our staff or hearse to be available the evening before the funeral because there is an additional cost for that. In the Jewish culture, funerals must take place very quickly after death, which goes to the other end of the spectrum. It is very difficult for us as funeral directors to say to people, "This is the minimum that we can do and I'm afraid that we cannot do any more for you".

**Jeremy Balfour:** I am not saying that we should go down this road, but I am looking for a realistic, neutral figure that would cover your costs, although you would not make any money. What amount would we be looking at? I appreciate that that would vary around Scotland, but can you give us an indication of a figure?

**The Convener:** I appreciate that it is commercially sensitive for you to answer those questions.

**Jeremy Balfour:** Mr Stevenson, for example, has that on his website, which I checked last night, so I am not looking for a breach of commercial confidentiality. As an industry, what are we looking at, roughly?

**Paul Stevenson:** I would suggest a figure of £1,500. As everybody knows, the £700 figure has been fixed since 2003, but third-party costs have gone up incredibly since then. Even in the past three years in my local authority, North Ayrshire Council, the purchase of a new lair is up 30 per cent. In 2015, it cost £519 and, today, it is £744. A cremated-remains lair—a small hole—cost £201 when purchased in 2015 but, today, it costs £408, which is an increase of 103 per cent.

We do not want that to be capped either, because that would increase the gap that families would have to find the money to fill. We just want a reasonable and fair price for the family, and £700 was not enough in 2003. Speaking for myself—it is not commercially sensitive information—our simple funeral price guide is £1,560 plus the

disbursements; that has not changed since 2015. The Bank of England's inflation calculator would bring the amount up to just over £1,100, but that is at the 2003 price, which was not enough then. The calculation that we make takes it to about £1,500.

**The Convener:** A couple of members have supplementary questions.

**Pauline McNeill (Glasgow) (Lab):** Are you able to give the committee any information about repayment plans? If a family is awarded £700 and that is not enough, are they offered a repayment plan for the rest? If so, can you give us any guidance about what percentage or numbers of families do that?

**Paul Stevenson:** I do not have a credit licence.

**Pauline McNeill:** Do some funeral directors have one?

**Paul Stevenson:** I believe so.

**Paul Cuthell:** I believe that some of our members have one. In my business, if people do not have the means to pay for a funeral, we say to them, "You have trusted us to look after you, so we will trust that you will come and pay us when you are in a position to do so." We ask the family to set up a standing order and pay it over a period that we decide with them. We do not charge them interest for doing that.

**Pauline McNeill:** Do you need a credit licence for that?

**Paul Cuthell:** No.

**Paul Stevenson:** It is an informal arrangement.

**Jeremy Balfour:** Do you hear any of your members who are funeral directors in areas that have a higher rate of poverty saying that they simply cannot afford to do some funerals because they are either not getting the money back or it is costing them too much? Is there any danger that there are parts of the country where it is more difficult for people to find someone to direct a funeral for them, or are your members coping with the situation at the moment?

**Paul Stevenson:** The fear is the bad debt. In an area of higher poverty a lot more of those funerals obviously come to a funeral director. It is about communication—a chat with the family. There are occasions when there is no money at all above the £700, and it is impossible to do the funeral.

**Paul Cuthell:** The difficulty that we have in trying to run commercial businesses is that people come to us who do not have the money and they ask us to look after a funeral service for them, but the cemetery or crematorium authority that we liaise with on behalf of the family requires to be paid immediately upon its invoice, as will the florist and the newspaper, the organist on the day of the

funeral, fees for the church, if they apply, or the celebrant who is taking the funeral—those kinds of things.

That creates a difficulty for funeral directors. The vast majority will now ask for any third-party costs to be paid in advance of the funeral, because the funeral director simply does not know whether the family will receive assistance towards the cost of the funeral until afterwards. On the current system, the DWP will not make a decision unless it has the final invoice from the funeral director. Our code of practice says that the client has the right to change the funeral arrangements at any time, and our members would be in breach of that code if they were to issue an invoice in advance of the funeral.

We tell our members that they must give the client an estimated cost of the funeral at the time that the arrangements are discussed, which will then be followed up by a full written estimate as far as is practically possible. That accurately records the funeral director's costs based on the instructions that they have been given, and those seldom change after that. Occasionally a limousine may be added or taken off or something like that, but the costs that are not known before the funeral are often things such as the florist's invoice or the costs for catering. Those costs can be estimated to a degree, but the challenge is that the decision about whether assistance will be given is not made until after the funeral.

09:15

**John Birrell:** Therein lies a major issue. Although we all welcome the Government's undertaking to try to process such applications within 10 days, the bereaved family signs a contract with the funeral director possibly for as small an amount as they can arrange or possibly for more they can afford because they assume that they will get the benefit. They commit themselves financially before they know whether they will be eligible for the funeral payment.

Funeral directors do their best to give the family advice but they are not financial advisers and there is a limit to how much they can ask about the family's finances but the family take a gamble, sign the contract and commit themselves to the bill. The average funeral costs about £3,500 but, even if the family are eligible for the benefit and, therefore, the disbursements are paid, they still commit themselves to the £1,500 minimum standard charge for a basic funeral without knowing whether they will get even the £700 towards that.

**The Convener:** Does the funeral director have the first conversation with the family about the possibility of funeral expenses being paid for or

are people aware of the possibility when they approach you?

**Paul Stevenson:** Things have changed over the years. It is now important to have the conversation about how the funeral will be paid for. It may be paid for from an estate, from insurance or by the DWP. In my experience, most people who are on benefits are well aware of what they will get or not get so they are able to come up with a figure. However, even if the family pay for their floral tribute, the tea and the newspaper themselves, £700 is not nearly enough for all the funeral director's arrangements—the hearse, the coffin and the trained, professional staff.

**Michelle Ballantyne (South Scotland) (Con):** Mr Cuthell, in your submission, you talk about the need to

“reduce the number of refusals”

and

“unexpected debt faced by bereaved people”.

You also said that some sort of screening needs to be put in place.

I assume that people come to you potentially within a couple of days of the person dying. When you say “refusal”, are you talking about saying that you will not take the funeral on the basis that you do not think that the family can pay? Is that based on what the family says?

**Paul Cuthell:** It would be not on the basis that we do not think that the client can pay but on the basis that the client has said that they are not able to pay the funeral invoice when we have had the discussion with them.

We need to understand that the initial conversation with a bereaved family could be at 3 o'clock in the morning when a person has died in the family home. When I answer the phone at 3 o'clock in the morning, the first thing that I say to them will not be, “How are you going to pay for the funeral? Can you give me your credit card details, please?” It is just not appropriate to do that. The family has someone who has died and who might be lying on the bathroom floor. They need someone to look after them and, unfortunately, they cannot get in touch with any other people who would assist them. That would be the first thing. Thereafter, we would certainly discuss the funeral arrangements with the family and, as our members should, we would discuss the cost of the funeral with the client.

However, it is not in the interests of any business to take on business that it knows it will not be paid for. In such an instance, the funeral director might feel that they are not able to look after a family purely because the family is unsure whether it will get assistance and does not have

the money to pay the additional, third-party costs that we pay on their behalf at the outset. The question would be how they intend to pay for the rest of the funeral service.

**Michelle Ballantyne:** So that refusal can come after you have collected the body and it is on your premises.

**Paul Cuthell:** It might come after we have collected the deceased.

**Michelle Ballantyne:** What happens then?

**Paul Cuthell:** The funeral director would certainly not turn their back on the family. In my business, we would look on that situation very sympathetically, and I know that many of our members would do so, too. If neither the funeral director nor the bereaved family had been aware that the family would not get assistance, I suspect that the funeral director would not make a charge for the services that they had provided up to that point, because they had simply done what was essential to get the family to that stage. It is very different if the client turns round and says, “I'm sorry, but I can't do this,” after they have fully engaged the funeral director, a contractual agreement has been entered into and the costs have been discussed. By that time, the funeral director might have confirmed the times with the clergy, the cemetery, the newspaper and all the different people involved. A fair amount of work will have taken place.

**Michelle Ballantyne:** I am curious about the situation in which you make an assessment and you think that someone is not going to pay. That might or might not be because they have made an application for support from the DWP; in future, of course, it will be the Scottish social security system that will provide such support. If the deceased is in your care and the family says that they do not know whether they will be able to pay and you are not confident that they will be, what happens then? How many people are we talking about?

**Paul Stevenson:** It is a very difficult situation. At the end of day, we are a business but, in many ways, it is a unique business. It is extremely difficult to make such judgment calls and assessments. If a family were refused a bank loan to pay for the funeral and then asked us to pay it up, it would be the same thing.

**Michelle Ballantyne:** I am not criticising such decisions; I am asking what happens next. We are looking at issues to do with the granting of the right amount of assistance and what problems can be encountered. The word “refusal” leapt out at me. I understand that you might have to do that on commercial grounds, but what does the family then do? What happens to the deceased? What timeframe are we talking about?



**Paul Stevenson:** We are an integral part of the community. As Paul Cuthell said, if someone died at 3 o'clock in the morning, we would not have that conversation—it would take place after we had brought the person into our care. If we turn down a funeral, we will not charge for bringing someone into our care. The family would be free to select another funeral director who was willing to take the hit.

**Paul Cuthell:** As funeral directors, we would make the client aware that they should speak to the DWP at the outset to find out whether they might be eligible for assistance, because if someone does not have the means to pay for a deposit for a funeral service, it is clear that they are in financial hardship. We would encourage them to speak to other organisations that might be able to offer support, such as charities for former service personnel. We would discuss with them how to keep a funeral within their means.

A question was asked about the bare minimum and what we would class as a basic funeral. The vast majority of funeral directors will offer a basic or simple funeral package, but that will often have minimal involvement on the part of the funeral director. It will cover the essential care of the deceased, but it will not allow for the provision of a service prior to the burial or cremation, nor will it allow for limousines, for family coming to pay their respects or for—

**Michelle Ballantyne:** In the past, the term “pauper’s funeral” was used.

**Paul Cuthell:** If it becomes apparent that the family just do not have the finances available, we will suggest that they discuss matters with the local authority, which might provide what would traditionally have been called a “pauper’s funeral”—an environmental health funeral. In that case, it would be the local authority’s duty to undertake the funeral service. That would happen when there was no family involvement at all and it was clear that no one was able to look after the funeral service.

**Michelle Ballantyne:** What is the time lag? Time seems to be key in this process. How long do people have? What turnaround do we need in the system to ensure that such difficulties do not occur?

**Paul Cuthell:** We need a decision in principle before the funeral, which would help the bereaved and the funeral director to know where they stand, but that does not happen at the moment in the system, unfortunately. The reality is that a bereaved family of a deceased person and a community want to know when a funeral will take place—that is the first thing that people ask when they hear that someone has died. At that time, the family get the death certificate from the hospital or

general practitioner and make an appointment to see the registrar, and the next thing will be to speak with the funeral director and the DWP. When people come to us, they often say that they have already been in touch with the DWP and got the documents, but the DWP needs an invoice. We cannot issue an invoice until the funeral has taken place; we can give a full typed estimate but cannot issue an invoice until the full funeral service has been provided.

**Michelle Ballantyne:** Therefore, there is a process problem. Thank you.

**The Convener:** Does Mr Griffin want to come in on the issue of what happens when there is no family?

**Mark Griffin (Central Scotland) (Lab):** Yes. Before I go on to funeral expenses assistance, I ask Mr Cuthell to outline what happens when a person who has no family members dies.

**Paul Cuthell:** In that instance, there are a number of scenarios. The person may have made provision in a funeral plan or a will with a solicitor named as their executor. A neighbour or a close friend may look after the funeral and may end up paying for it along with some of the deceased’s funds. Ultimately, if there is absolutely no one, a local authority would step in and take ownership of arranging the funeral service.

**Mark Griffin:** When a close friend or neighbour takes responsibility, would they qualify for funeral expenses assistance if they met the qualifying criteria but were not a direct family relative?

**Paul Cuthell:** I am sorry, but I am unsure and am not confident about answering either way. I am not saying that it would not happen, but I am not clear.

**Paul Stevenson:** A neighbour or close friend would have to meet the criteria, whatever they are, but I do not know whether they would.

**Mark Griffin:** The reason for the question is that I spoke to a social worker at the weekend about a client who has died with no funds to pay for a funeral. The social worker has arranged the funeral off his own bat because he was close to the client. If someone like that, or a neighbour or close friend, took on the responsibility, the issue is whether we should make sure that they have available the assistance that a family member would have, if in receipt of the qualifying benefits. What are your views on that issue?

**Paul Stevenson:** It would certainly be helpful.

**Paul Cuthell:** I agree.

**Mark Griffin:** Thank you.

**Alison Johnstone (Lothian) (Green):** The written evidence suggests that many crematoria

and cemeteries do not accept bodies without a coffin. Is that so, and would such charges not come under essential costs?

**Paul Stevenson:** In reality, a funeral director is not needed, but a local authority or crematorium will not accept a body without a coffin.

**Paul Cuthell:** Such a burial would only take place for cultural beliefs. In some areas, a Muslim community may take the deceased to a burial place and remove them from the coffin. That is not the case for the Muslim area in the cemetery in my area, but other faith groups offer that approach. I agree with Paul Stevenson that a deceased person would not be accepted at the crematorium if they are not in a coffin, whatever that structure may be.

**Alison Johnstone:** What would be the minimal cost for a coffin? How inexpensive could it be? Citizens Advice Scotland has suggested that the average cost of a funeral is £3,550, but you suggest that £1,500 could deliver the essentials. Can £1,500 deliver the dignity that we would all want to see?

09:30

**Paul Stevenson:** In my local authority, if there is an open, new lair, that is £1,500 off straight away, so my average is now down to £2,300. The paper notice and the floral tribute, which could cost £100, are not essential, so you could start taking those things off. If it is direct to the crematorium or the cemetery, you do not have any church fees. That is how the figure starts coming down, and then I could be on an average of £1,500. That is for the funeral director's side only.

**John Birrell:** I submitted in my written evidence the suggestion that the coffin is an essential, whereas the funeral director, although hugely important, is not essential. You can go ahead without one, but my suggestion was that the cost of the coffin should be moved over into the first part of the payment, covering the cost of the burial or cremation and of basic transport. I believe that the cost of the coffin should sit within that part of the benefit and not have to come off the £700, for exactly the reason that you cannot really arrange a funeral without a coffin. It is an essential.

**Alison Johnstone:** The death registration process is taking longer, the written evidence speaks of the land deficit, of more private companies moving into the cremation side of things, and of an increasingly commercialised market, and there is also evidence suggesting that some local authorities are using floating squads. All those things seem to suggest that everything will take longer. I want to understand the difference that that time makes to the cost. Does

the fact that things take longer make it more expensive?

**Paul Cuthell:** Yes, I would say that it has a cost implication. There is a lot more interaction with the client and a lot more involvement on the funeral director's part. As a business, we have our own fully qualified embalmer, which we did not have within the business domain two years ago, because there just was not a need for that service. The reality is that, because deceased people are with us for far longer, and we want to ensure that they are cared for to the highest possible standard, we often need to have a conversation with the client to seek their permission to carry out embalming, to ensure that everything remains as it should between the time of the death and the time of the funeral.

On the cost of the coffin, we have also noticed a marked increase in levels of obesity, meaning that larger coffins often have to be provided. The result is that more staff are required and there has to be more investment in equipment to ensure that we can look after the welfare of our staff and that the deceased is transported in a dignified manner. All those things have a cost implication as well.

**Alison Johnstone:** I understand that the DWP previously had bereavement officers but no longer has them, and that you have had to fill that gap too.

**Paul Stevenson:** That happens online and by telephone, so we have the conversation with the family and assist them in filling in forms. It is difficult to do that over the phone when somebody has just had a bereavement, and they may want to know whether money is even available to them before they approach a funeral director.

To add to what Paul Cuthell said, we have installed more refrigerated units in our business, because the length of time from the time of death to the time of registration is longer, and we cannot embalm until after registration. Those refrigerated units are running 24/7, so there are all sorts of costs involved.

**Ruth Maguire (Cunninghame South) (SNP):** I want to ask about the relationship to the deceased of the people who are applying. One of the strongest criticisms of the system at the moment is that questions can be intrusive when the DWP is trying to establish the connection to the family. Will the new Scottish proposals, which will introduce a hierarchy of family relationships, help to avoid some of those intrusive questions? Death and money are two topics that will always feel uncomfortable and a bit intrusive to be asked about, but might some of the changes help to address that?

**Paul Cuthell:** Yes, I think that they will help. We would welcome anything that makes the process easier for the bereaved.

At present, the DWP will look into whether there are other family members who might have had no contact with the deceased for a considerable time and with whom our client might not have had any contact. Our client might be the sole carer for the deceased but there could be another four siblings who have been estranged from the family for a period. It can be distressing for a client to have to outline that and get in touch with people with whom they might not have been in communication for many years. Emotions run very high at that point. They are always heightened at the time of the funeral and we are often in the middle of conflict.

**John Birrell:** The proposal in the draft regulations goes further than you suggest, Ms Maguire, because it also says that the Government will not chase people even if there is someone else on the same level in the hierarchy who might have the money to pay for the funeral but who is not the person who has stepped forward to arrange the funeral. That is hugely generous on the Government's part and I welcome that. The DWP has a reputation for trying to find somebody that it can land the cost of the funeral on so that it does not have to pay. It is constantly trying to hold back on payments, but the Scottish system is taking a much more sensitive and generous approach than that.

**Ruth Maguire:** Do you think that the discretion that will be afforded to ministers is at the right level? It sounds like you do from your first response.

**John Birrell:** Yes.

**Paul Stevenson:** Are you talking about the monetary level?

**Ruth Maguire:** No, in terms of the hierarchy of relationships that we are talking about.

**Paul Stevenson:** If it is transparent and simple, we as the funeral directors can help the family in the decision process. However, we are taking a risk in doing it anyway.

**The Convener:** You mentioned that some people will have a will and have appointed an executor or solicitor. Can people choose before death who they want to be responsible? What influence would it have in law and with the DWP if somebody wanted a particular son or daughter to be responsible and another person was eligible to get the assistance? Are you aware of what the implications might be?

**Paul Stevenson:** The executor would have full autonomy to deal with the estate. They do not

need to be a family member. It could be a friend or the solicitor.

**The Convener:** Could they change a written request from the deceased person?

**Paul Stevenson:** Yes. It is a request. Somebody might request to be cremated but, in the circumstance of death, the procurator fiscal might say that the funeral can go ahead but can only be a burial because a body can be disinterred at a later stage but, after cremation, there is no redress.

**Pauline McNeill:** Would it be possible to get a breakdown of the figure of £1,500 that you have given the committee for a basic funeral so that the committee could see—

**Paul Stevenson:** Are you asking what arrangements are made?

**Pauline McNeill:** Yes. It is a basic funeral, so are we talking about transport costs, for example?

**Paul Stevenson:** We are talking about making all the funeral arrangements. That includes providing professional advice on the certification and registration of the death and any related documentation for the crematorium or local authority. It also involves the removal of the deceased to a suitable resting place. Under our code of practice, we say that it will be within a 25-mile radius. If that does not happen in practice and it is further, we still do it for the same price.

It is also supposed to be within normal working hours. However, we are 24/7 and if somebody dies at 3 o'clock on a Saturday morning, we will bring them into our care. We provide a simple veneered coffin and the conveyance of the hearse direct to the crematorium or place of burial. The code of practice also says that it is without a choice of day, date and time of the funeral, but funeral directors are very flexible on that as well. We also provide the funeral director and all the necessary personnel to carry out the works.

**Pauline McNeill:** We have established that, when the body is to be cremated, the crematorium will not accept a body without a coffin but that there is no requirement for a funeral director. Is it possible for families to do the funerals themselves, with permission? Has that happened, that you know about?

**Paul Stevenson:** I saw one on television once.

**Paul Cuthell:** It does happen. People look after funerals as a family. The reality is that, when faced with the rawness of a bereavement, a family may have the best of intentions to look after the funeral, but they may engage a funeral director to carry out some part of the service while they carry out other parts. Families may want the coffin to travel on the chap's pick-up truck as opposed to using a

hearse, but we will still look after other aspects of the funeral service.

A family can have as much or as little involvement as they want in a funeral. The thing to remember is that there is ultimately an unpleasant side to death. As funeral directors, we often act as the cushion between the reality of death and the bereaved family. The unpleasant side of it may prevent a family from looking after a funeral that they had hoped to look after themselves.

**Paul Stevenson:** One of the biggest things is the care of the deceased. That is quite hard for a family to deal with.

**Pauline McNeill:** All of us on the committee are concerned about the rising costs of funerals for families. We are dealing with people who might qualify for a small benefit that will not cover the costs, and there are families with a low income who do not qualify for the benefit and for whom £3,500 or even £1,500 is a lot of money to find. In your view, should other options be explored? I do not know whether funeral loans exist or whether credit unions provide them.

**Paul Stevenson:** Yes—all of those. There are certain charities, and multinational companies such as EDF accept applications for contributions towards the cost of funerals.

**Pauline McNeill:** That is helpful—thank you.

**The Convener:** Mr Stevenson, you mentioned the increasing costs in your area of North Ayrshire of 30 per cent for one type of plot and 103 per cent for another. Can we get an idea of the picture across Scotland and what the variation in costs is across local authorities?

**Paul Stevenson:** There is not a huge difference between most of the authorities. They seem to have taken the attitude that they will come to the average, and the average increases. I have figures here from across the board: in Aberdeen the cost is £1,400, in Angus it is £1,200 and in Fife it is £1,700—they are not far away from each other.

**Paul Cuthell:** In my trading area, which is Falkirk, it would cost £592 to purchase a lair in the cemetery and a further £537 to open the lair for the burial. Our office in Bo'ness often looks after the bereaved in South Queensferry, which comes under the City of Edinburgh Council. The cost there is £1,307 to purchase the lair alone, and a further £1,150 to open the lair. We need to remember that, although the £700 has been capped since 2003, the DWP has always paid the local authority charges, and we have given you an idea of the variation in those.

A bereaved family can go to a funeral director and discuss the costs. If they are not able to pay for the funeral, they may want to try to find lower

costs elsewhere. It is a commercial market and funeral directors set their charges at a level that they believe is right and fair for the service that they provide. There are varying levels of service and varying levels of investment by funeral directors in their business; not all of them have the same facilities or offer the same services.

However, the bereaved family may not have a choice over the crematorium that they will use, for instance. Scotland is a big country. When people die in the north-west of Scotland, the reality is that the nearest crematorium is in Inverness and the family may face a two or three-hour drive to get there. Ultimately, that will also impact on the funeral director's involvement, because an additional five or six hours is needed for that funeral. In my local area, I would average a 25 to 30-minute journey to the crematorium.

**Paul Stevenson:** I asked North Ayrshire Council to come up with a type of indemnity form, whereby we would act as the family's agent but send the invoice direct to the family. The council came back and said that it would have to be paid up front for the lair and its opening. The council is taking no risk whatever—the risk remains with the funeral director. The council asks the very people who cannot afford it—people who are waiting for the DWP money to come in—to pay for the lair up front. It does not affect the council, because those charges are not capped and are paid anyway, in addition to the £700. However, North Ayrshire Council asks for that money up front.

**Paul Cuthell:** As another example, I had a lady who was arranging her brother's funeral—

**The Convener:** I am sorry—can I just pause you there. We have a problem with the broadcasting.

09:46

*Meeting suspended.*

09:53

*On resuming—*

**The Convener:** I apologise for that brief suspension due to technical difficulties. I think that Mr Stevenson was just finishing off his answer. Is there anything that you would like to add?

**Paul Stevenson:** No.

**Pauline McNeill:** I was really surprised to hear about the staggering variation in fees across local authorities. I can understand why there is variation in transport costs, but I have difficulty understanding why there is such variation across local authorities in the costs of digging out a lair—from £500 to £1,000. Does that reflect actual costs? It does not sound as though it does.

**Paul Stevenson:** You perhaps need to ask local authorities that question. North Ayrshire Council says that it runs at a deficit of £950,000 a year.

**Pauline McNeill:** What is the deficit from?

**Paul Stevenson:** It is from bereavement services.

**Paul Cuthell:** Local authorities offer varying levels of services. At some cemeteries, we expect there to be two cemetery staff, so we take additional staff with us because normally it takes four people to carry a coffin. At other cemeteries there are four cemetery staff, and our staff are not allowed to handle the coffin at all, for health and safety reasons.

If I arrange a cremation for someone in the Falkirk area, the cost of cremation is £669. If I arrange a cremation for someone who resides in Stirling, where there is not a crematorium at present, the cost rises to £920. There is a higher charge because the person is not resident in the area. The same applies to burials. I said that it costs £592 to dig a grave, but if the person is not from the area, the cost rises to £867. There are differences across local authorities. The trouble is that not all local authorities have their own crematorium. Most have their own cemetery, but a family—

**Pauline McNeill:** It seems a bit unjust that costs go up just because a person lives in an area whose local authority does not have a crematorium and so must go elsewhere. If there is a desire—I think that there should be—to allow low-income families, particularly those that do not qualify for the benefit, to have a funeral that costs within £1,500, we need transparency in local authority costs so that we can see whether there are ways to get the costs down. I hope that the committee will look at that issue. If the costs do not go down, I do not see how we could begin to build a plan for allowing families to have a basic funeral for within £1,500.

**Paul Stevenson:** With all due respect, that is on the funeral directors' side. The money on the local authority and crematorium side is not capped, so it will be paid anyway. That will not affect the family.

**Pauline McNeill:** So, the cap will not affect those who qualify for the funeral benefit.

**Paul Stevenson:** That is right: it will not affect them.

**Pauline McNeill:** However, there will be lots of low-income families that will not qualify for the benefit.

**Paul Stevenson:** That is probably the saddest part of this. Such families are on low income, but are not on any benefits. They might have five

purses with money for utilities, savings for Christmas and so on in them, but will not qualify for the funeral benefit. That is the hardest group.

**John Birrell:** We have not mentioned the increase in direct cremation, which is a change in the funeral industry generally. That increase is arising partly for the very reasons that Ms McNeill is talking about. Direct cremation is when the deceased is collected by a funeral director from the place of death, taken into care and then taken to a crematorium of the funeral director's choice at a time that suits them. There is normally no family present at the funeral, so it is more of a disposal service than a funeral. It is then up to the family to arrange whatever memorial event they want, at their own time and place. That might be as simple as asking family and friends to meet in the pub on Saturday night and all drinking his health, or the family might arrange a full memorial service in a local church.

That kind of service is not becoming common, but it is becoming more common. The two large national funeral director companies—Dignity and the Co-op—now offer a direct cremation service for a total of less than £1,500, which includes the disbursements. That service can be purchased in Scotland for less than £1,000. Although that is good news in one sense, it is sad if people are forced into having what they might not see as a proper funeral because of their lack of resources. However, direct cremation is a growing trend in the industry.

**Paul Cuthell:** I agree with John Birrell. Our business has implemented direct cremation, and our local authority has just implemented an unattended cremation slot. I have just checked, and that cremation costs £334, compared with £669. The time slot that is available is 8.30 or 8.45 in the morning, and no one can attend the cremation other than the funeral director and the crematorium staff. Other local authorities are providing that service.

There are instances when people choose not to have a funeral: the client asks the funeral director to take care of the cremation and the ashes are returned to the client, who would have a memorial service or some form of celebration of the person's life. However, that is not the culture in Scotland. Bereavement charities have expressed concern that that means there is no opportunity for people to come together formally and support one another as they do at a funeral service. There are also concerns about the impact on the grieving process thereafter.

10:00

**Paul Stevenson:** We, too, offer direct cremation. We do not want to take away from the

family the choice to have a traditional standard funeral. However, I would not want families to have to take that option because of a lack of resources.

**The Convener:** That is a point well made, Mr Stevenson.

**Michelle Ballantyne:** I want to visit the application process for the funeral grant. From your submissions, there seems to be an argument that if someone is on qualifying benefits and there is a good hierarchy of relationships, part of the benefit award should state that they would be entitled to funeral expenses in the event of a death in that hierarchy of needs. I take it that that does not happen at the moment. If it did, it would not need to be an unknown quantity in an application process because it would already be granted by dint of the fact that the person had the benefits. Has that been discussed at all?

**Paul Stevenson:** The grant is also means tested.

**Michelle Ballantyne:** Benefits are already means tested.

**Paul Stevenson:** Yes—but the means test for funeral benefit is slightly different. There might also be insurance policies on the person's death, which would affect the benefit.

**Michelle Ballantyne:** Is there any way that that could be built in so that it is clear at the time of application?

**Paul Stevenson:** The funeral benefit is means tested at the time of the claim. If it said on the form, "You will get £X at the time of death", but your mother had savings of £1,000, that would affect the benefit.

**Paul Cuthell:** Just to echo Paul Stevenson's point, we might have a family that is receiving assistance towards the cost of a funeral and the award could be as low as £103. However, on average, the amount that the family receives is usually about £1,004. There are many factors that influence how much assistance a person is given—for example, whether they have their own savings or whether contributions towards the cost of the funeral have already been made. However, Michelle Ballantyne's suggestion would certainly be helpful.

**John Birrell:** There was a request in the previous consultation process for the Government to include some kind of ready reckoner or digital system so that people could see what they would be entitled to. The concern about that was that there are so many variables, so that families might go ahead on the basis of the ready reckoner and it might not equate to what they received in the final analysis. It takes us back to the concern about the

time delay in getting a clear idea of what benefits a person might receive.

**The Convener:** I welcome back Ben Macpherson. We covered your question earlier on, but if we have not done so fully we can write to the witnesses for further information.

I thank the panel for attending the committee and for providing us with briefings beforehand.

10:03

*Meeting suspended.*

10:06

*On resuming—*

**The Convener:** We now turn to our second panel of witnesses. Delia Henry is the director of Age Scotland, David MacColl is the bereavement services manager at Glasgow City Council, and Ruth Mendel is a policy officer at Citizens Advice Scotland.

I will open with a general question. Do you think that the flexibilities that are proposed in the new system are sufficient to ensure that people who are entitled to the benefit receive it?

**Ruth Mendel (Citizens Advice Scotland):** We welcome what appears to be a simple structure, particularly in relation to family members at the same level of hierarchy. Frequently, people come to our bureaux with questions about the funeral of a former partner who has parents or siblings.

A simpler process, particularly in relation to estrangement, is a positive step forward. When people are very vulnerable and dealing with grief, it is helpful to have a simpler process. It is very important to ensure that the process is clear for people who are applying for the benefit, but also that it is clear for organisations such as citizens advice bureaux that will be providing advice and support at that difficult time. You have already spoken about some of the kinks in relation to friends and neighbours; it is important to ensure that those sorts of things are decided beforehand so that there is no confusion when the benefit goes live.

**Delia Henry (Age Scotland):** I endorse that. We welcome the Government's proposed approach. However, clarity is critical. People who call our helpline are very confused by the current system. We need clarity for advisers and for people who are bereaved. It is so difficult.

Our colleague from Citizens Advice Scotland is right that we have to try to make it simple for people who are extremely distressed. We need to take a human rights approach and think about people. How would you feel in those

circumstances? If you needed support and help, you would want as many of those complexities as possible to be removed. We welcome the proposals, but it is critical that the process is simple and uses plain language.

**David MacColl (Glasgow City Council):** We are at the end of the process, and so my opinions are probably less relevant to the matter. However, simplification with appropriate robust protections is key.

I am concerned that we capture all the people who might be affected. I am concerned about people on lower incomes who may not be on benefits. There is a gap in the market there—excuse me for using the term “market”. We need to think about how we can assist those people.

**Ben Macpherson (Edinburgh Northern and Leith) (SNP):** I have a few questions. I am interested in the point about qualifying benefits in the Citizens Advice Scotland submission. Perhaps you could elaborate on that.

**Ruth Mendel:** It comes down to the simplification of the system. Universal credit should be included as a qualifying benefit with no further qualifications. It is about making eligibility clear to individuals and advisers. In the way that the full service universal credit operates, it is not necessary to have the qualification that there should be an award of more than £0 because, in those circumstances, the claim would be closed.

**Ben Macpherson:** Your submission also raises an interesting point about residence with regard to people who temporarily move to provide care. Will you provide more detail on that?

**Ruth Mendel:** The Scottish Government has mentioned that it is looking at that part of the regulations, which we welcome. The example that we are thinking about is where someone comes up to Scotland to care for a loved one who is ill, but does not know how long it will be to the end of their relative’s life. That comes back to our point about making sure that those things are worked out before the system goes live, so that people do not struggle at that point to navigate a complex system.

**Ben Macpherson:** I might have some questions later, convener, if that is okay.

**The Convener:** If you have questions, I think that that will be okay.

**Jeremy Balfour:** I want to go back to the issue of funeral directors that we talked about with the earlier panel. In particular, perhaps Ruth Mendel could comment on her experience in CAB offices. Have you heard stories of families going to funeral directors who have said, “I’m afraid that you just don’t have enough extra money beyond the £700

for us to do the funeral”? If you have heard of such experiences, do you know what happened?

**Ruth Mendel:** We have not seen a huge number of such cases. Generally, people come to an adviser to say that they do not have money to pay for a funeral, but they might not necessarily say the particular reasons why.

One thing that was touched on by the previous panel was the difficult situations that arise when people do not know how much money they will get. For example, someone might not be able to apply for the benefit because they do not have a date for the funeral as they have not been able to pay an up-front deposit but, because they are not getting the benefit, that prevents them from arranging the date with a funeral director. That comes back to the flexibility that we have been talking about and it ties into the uptake of benefits more generally.

The CAB can play an important role, which was touched on, when people become eligible in the time period. However, there have also been cases in which people were eligible for a qualifying benefit but did not know that. Dealing with those issues could really help to support people who are on a low income.

People are struggling. An example of that is somebody who came into a bureau who had lost her son to suicide. She had no money and she was not able to pay any up-front payments for his funeral. She was extremely distressed because she did not want him to have a local authority funeral, but she simply did not have the money to pay for it. As I mentioned, funeral directors really try to work with people when they come in. It is about choice, dignity and being able to show respect for a loved one. It is a hard situation.

**Jeremy Balfour:** Again, I will go slightly beyond our remit and ask whether you have experience of people who do not get the grant or get the burial or cremation costs covered because their income is just slightly over the limit. Do you have experience of people saying that they have to pay the whole £1,500, or whatever the local authority charges? How do they deal with that? How flexible are local authorities over whether payment must be made up front? Are they at all accommodating towards people whose income is just above that level but who still really struggle financially?

10:15

**Ruth Mendel:** I can talk a little bit about the work that CAB advisers would do with people who are struggling. However, I will probably defer to David MacColl on the local authority question.

The Scottish Government has funded training for advisers on planning for funerals and how to

pay for them. The process that an adviser would go through with an individual would involve looking at whether they might qualify for the benefit, which they might not. They would also talk about whether family and friends might be able to help or support them. As has been mentioned, charitable grants may be available, so advisers would help and support people in looking for those.

I should say that some people get a funeral benefit payment but are still unable to pay for and cannot afford the funeral. For example, we see cases in which people have to put the cost on a credit card with zero interest, or even go into high-cost credit, neither of which we would want to see. When I was looking over cases, I saw an example of someone having gone into food poverty. One of the factors was that they had had to pay for a family funeral, which meant that they then did not have enough money to be able to eat.

**The Convener:** That is an important area, but I remind members that we are focusing on the draft regulations today. However, we are also doing an inquiry into in-work poverty, which we might be able to add into, given the evidence that we have had on funeral poverty.

**Jeremy Balfour:** While David MacColl is here, can I just ask him about what happens in Glasgow or other local authorities when someone who wants to arrange an interment is struggling financially? Would they be asked for a payment up front, or would the funeral director be asked for that? Is there any way in which it can be paid over a period of time?

**David MacColl:** To be fair, we do not often get such an approach. As I mentioned in my opening remarks, we are at the end of the process, and we rarely know the full circumstances of our customers. It is rare for someone in such circumstances to come to the council bereavement services; they would probably approach a citizens advice bureau, social work or other council departments first.

The key factor is communication between the various departments that assist people. We must ensure that there is awareness, so that we can consider what we can do. I have not been required to offer such help, and it has not been requested of me in my years with Glasgow City Council or when I worked for other authorities previously. However, if folk do not know that they can do it, that is why we have not had such an approach.

**Ben Macpherson:** I recognise what the convener said about the committee's focus today. I had wanted to ask whether Citizens Advice Scotland has experience of the involvement of credit unions in provision. However, perhaps that is not on topic, so I am happy to come back to it at a future date.

**The Convener:** Ruth Mendel might want to respond to that.

**Ruth Mendel:** The advice process might involve talking to people about where they might want to go for money. A local credit union could be an option. When people are thinking about planning their funerals, part of the conversation could be about having a savings product with a credit union.

**Alison Johnstone:** Written evidence to the committee suggested that, in 2014-15, 6,300 people in Scotland made applications to the DWP social fund for funeral payments. Only 4,300 of them received awards, so 2,000 were refused. That is a lot—it is a third of the applications. We can only imagine the stress that that would have caused at the time. What can the Scottish Government do to ensure that the process is better? Earlier, we discussed using plain English and making sure that the language is understandable. Is that part of the issue? How can we best help people to understand what they are entitled to, and make sure that the process is streamlined and efficient and that people are not being disappointed at what is already a very stressful time?

**Delia Henry:** We did a survey last year as part of our money matters project. I know that we are not talking about debts just now, but the figures showed that only 61 per cent of the applications for DWP funeral expenses were successful, which endorses what you said. We have more than 1,000 older people's groups across Scotland, and the demographic is at least 60-plus, which is the group of people that is not uniquely but most liable to be affected. It was unclear what people were going to qualify for. They obviously thought that they would qualify, but only 61 per cent were successful. We therefore recommend that clarity about the criteria is important, but clarity about affordability is also important, although I know that we are not touching on that too much today.

In the same study, only 35 per cent of people said that they had thought about making provision for funeral costs, and only 38 per cent had made a will, so all of that is relevant. You heard earlier from funeral directors about people being prepared and having thought about it. I suppose that people do not think or talk about end of life. It is a certainty that people do not want to face and it is a very distressing time. It is about preparing for that, but it is highly significant that only 61 per cent of people were successful with their applications.

**Ruth Mendel:** I definitely agree with everything that has been said. We see people struggling to understand the criteria, and the application process can be demanding, particularly when people are vulnerable and are experiencing grief, which can make things difficult. The fact that the application window has been extended from three



to six months is a positive step. What is really important is communication about the benefit in plain English with the CAB or with the people at Age Scotland who will be advising people and supporting them through the process.

I had a case of someone who was refused a funeral payment for her partner's funeral. She had borrowed money from her family and expected that she would be able to pay it back. She was put in a very difficult position and an adviser tried to support her to contact the Department for Work and Pensions, but they were kept waiting for a long time and were transferred between different departments. She said that she felt she was being given the runaround by an agency that should have been able to help her while she was going through the grieving process. It is about the application process, but it is also about treating people with dignity and respect.

**Delia Henry:** We have had similar cases. We had a situation that was dealt with through our helpline—fortunately, the person was aware of the helpline and called us—where an individual had taken responsibility for his sister-in-law's funeral and was then told, when he made the application, that he should not have done that, because there was another member of the family hierarchy who was not on benefits. As it turned out, our adviser spoke to the family, and the individual who it was suggested should have taken responsibility qualified for benefits. We were able to advise on that, but can you imagine being in that situation, where someone in your family who is close to you has died and you are having to scabble around with the DWP as you try to qualify for the benefit? It must be so stressful. If we can take that out of the system, that can only be a good thing.

**Alison Johnstone:** Some of the written evidence raises concerns about the eligibility criteria, particularly for older people. Are the panel members convinced that we have got the criteria right and that we will not end up excluding people who should be eligible for assistance?

**Ruth Mendel:** As we have already said, the key thing is about making sure that people are on the benefits that they are entitled to, and trying to support them with that. It is about the take-up of benefits.

**Delia Henry:** I endorse that. In the case that I highlighted, the man was not receiving benefits that would have qualified not just him as an individual but the family, but they did not know about the criteria. There is a lack of clarity about eligibility, which is compounded by the difficult situation of bereavement. We welcome the fact that the criteria are to be broadened, but we need to get it right for people.

**Michelle Ballantyne:** The Age Scotland submission raises concerns about mixed-age couples. Will you comment on that?

**Delia Henry:** We have already touched on the issue. I will give an example. Perhaps someone in a couple works and is on a low wage but does not qualify for benefits. I know that we are not touching on that issue too much, but being in that situation can remove eligibility and cause great distress. Perhaps the committee could consider that. We are concerned about the matter because people have called our helpline about it. People, particularly women, are working longer and on low wages, which can remove eligibility for the grants and cause a lot of distress.

**The Convener:** I return to Ms Mendel's point about universal credit being a benefit that should be used as a qualifying benefit. You mentioned a zero award for universal credit. I am trying to get my head around that, and my understanding of it could be wrong. People who are self-employed or on zero-hours contracts can sometimes receive a zero award but still be in the universal credit system because, the next week or month, their earnings could drop to zero—is that correct?

**Ruth Mendel:** My understanding is that a recent change was made so that the benefit would close to a person with a zero award. I am happy to come back and clarify that, if that would be helpful.

**The Convener:** That would be really helpful, especially to me. Thank you very much.

**Ben Macpherson:** One of the strongest criticisms of the system is that, when the DWP is trying to establish whether it is reasonable that someone take on funeral costs, the questions can be intrusive. Family estrangement may be an area in which it would be difficult for any system to avoid questions that could be considered intrusive. Do you have any thoughts on whether the proposals would avoid intrusive questioning of family relationships, particularly in cases of family estrangement, when there is a need to depart from the hierarchy of relationships?

**Ruth Mendel:** It is positive that estrangement is mentioned as a complicated situation, because that needs to be recognised. As I have said, such complex situations need to be thought through while the regulations are being developed, so that the criteria are clear for not only the advisers but the people who are making the decisions. The hierarchy makes it slightly clearer and, hopefully, slightly easier. Again, it is about remembering that people are in a difficult situation at the time, trying to make the process as easy as possible and treating them with respect.

**Delia Henry:** That is right. If someone is estranged, such questioning could be massively distressing to them, to a family member or to a

friend who is close to an individual. It is important to think through the process in those specific situations, given the distressing circumstances that people are inevitably in because they are bereaved. It will not be easy, but that must be considered. I welcome the fact that the matter has been mentioned.

**The Convener:** No other member has a question. I know that the panellists sat in on our earlier session. Is there anything that we have not covered today that you want to bring to the committee's attention?

**Ruth Mendel:** We welcome the Scottish Government's commitment to uprating the capped element of the benefit annually in line with inflation. That is important, as it will ensure that the gap between what the benefit covers and the costs will not grow. A lot of what we have heard today has been about people who cannot afford to pay for a funeral even when they get the benefit. Those people are in very difficult situations with very little money, and we have seen funerals paid for by high-cost credit or by someone selling their mother's jewellery. I echo the earlier panel in saying that we would like to see the benefit increased. John Birrell mentioned a figure of slightly over £1,000. It is important that it has been uprated, but, since 2003, when it started, the other cost element has not been increased although the cost of funerals has increased significantly.

10:30

**Delia Henry:** I endorse that point. It is important to consider an increase. The significant changes between 2003 and 2018 and their impact have been described by funeral directors this morning. I welcome the fact that the Government is considering an inflation increase, but I ask members to be cognisant of the evidence that you have heard this morning.

**Pauline McNeill:** You pointed out earlier that women are working longer, and we have all been involved in the women against state pension inequality campaign. Those women who have been forced to work longer would not qualify for any benefit but they might have to deal with a deceased person who has no estate.

**Delia Henry:** Our submission included the mixed couple example to illustrate exactly the situation that you have described. We have been talking about people who qualify for benefits but, all morning, members have heard allusions to how tragic the situation can be for people on very low incomes. That is worth bearing in mind.

**Pauline McNeill:** In view of that, it may be fairer to allow a wider group of people access to that sum of money. We could argue for an uprating from £700 to £1,000, but the same people as now

would be eligible and would benefit while lots of other people, such as the WASPI women, would get nothing.

**Delia Henry:** That is a possibility. We are talking today about the funeral benefit, but you are right—the evidence is pulling out the fact that people on low incomes are often really challenged by this situation and do not qualify. A benefit always has thresholds, and people will and will not qualify for it. I am sure that, because of that, citizens advice bureaux get lots of visits from people on very low incomes who are in distressing circumstances and do not qualify. Women would fall into that category. That is an example of the calls that we get.

You are right to say that widening the eligibility is something to think about. We would need to look more at the evidence around that, as we have not done that as much.

**Pauline McNeill:** I would be interested in any information on that. On the face of it, people who work may qualify under the eligibility criteria—if they receive child tax credit, for example, but older women may not receive child tax credit. Do you agree that the eligibility criteria help mainly people on benefits?

**Delia Henry:** It looks like that.

**Pauline McNeill:** On balance, the eligibility criteria tend to exclude low-paid people, although they might just qualify if they receive child tax credit.

**Delia Henry:** Yes.

**The Convener:** Do you have anything to add, Mr MacColl?

**David MacColl:** I refer to the first panel's discussion of the cost of the right of burial and the burial fee, and I ask the committee to bear in mind that a lot of factors affect those costs. When we sell a right of burial for 100 years, we have a duty of care to maintain the plot for that period, including the structure. There are a fair amount of additional unseen costs attached to the sale of a right of burial. We also need to bear in mind the fact that, throughout Scotland, there are a variety of geographical and social reasons why costs have to vary to accommodate those services. I could qualify that statement, but it may not be appropriate at this stage.

**The Convener:** That is fine. Thank you very much.

As there are no more questions, I thank everyone for their evidence, which has given us a lot to consider in our deliberations. I suspend the meeting to allow the panels to change over.

10:35

*Meeting suspended.*

10:42

*On resuming—*

## **Subordinate Legislation**

### **Scotland Act 1998 (Agency Arrangements) (Specification) Order 2018 (SI 2018/626)**

**The Convener:** Agenda item 3 is subordinate legislation. Scottish Government officials have been invited here to brief the committee on the Scotland Act 1998 (Agency Arrangements) (Specification) Order 2018 (SI 2018/626) and answer any questions that we might have. The instrument is subject to negative procedure in the Scottish Parliament and at Westminster.

We welcome Ann McVie, the deputy director of the social security policy division, and Colin Brown, a solicitor in the social security directorate, both from the Scottish Government.

I refer members to paper 6, by the clerk. The Delegated Powers and Law Reform Committee has drawn the instrument to the attention of the Parliament on the ground that the meaning of article 2 could be clearer.

I invite Ann McVie or Colin Brown to explain the purpose of the instrument and the procedure that is to be followed.

**Colin Brown (Scottish Government):** The purpose of the instrument is to allow the Scottish Government and the United Kingdom Government to enter into agency arrangements as part of the devolution of existing benefits. It links to the safe and secure transition, from the UK Government to the Scottish Government, of those benefits that are to be delivered on a devolved basis, which the committee will be familiar with. As part of that transition, the Scottish and UK Governments will undoubtedly wish to make arrangements whereby, for transitional periods, benefits will still be delivered by the UK Government. The instrument enables the Governments to make those arrangements. It allows the committee to look at that as a proposal and say that you are happy that that should happen. I do not think that anybody has difficulty with that as a principle.

The most immediate need will be in relation to carers allowance, because the arrangements for devolution of responsibilities provide that, when the carers allowance supplement is introduced, the Scottish Government will become responsible for the delivery of carers allowance. At that point, the Scottish Government will wish to have an arrangement in place to enable the UK Government to continue to deliver carers allowance for a transitional period until the Scottish version, which the committee has seen through the Social Security (Scotland) Bill, is

developed and ready to be delivered. At that point, further transition will undoubtedly be arranged between the two Governments.

That is what the order is about. Does the committee want me to address the Delegated Powers and Law Reform Committee's point now?

**The Convener:** It would be helpful if you covered that now.

10:45

**Colin Brown:** The Delegated Powers and Law Reform Committee picked up on an example—as sometimes occurs in these cases—of drafters knowing what is meant by the words that they have put on the page but, because they know what is meant by them, missing the fact that others who are not looking at those words with the same background knowledge may think that they mean something different. The DPLR Committee asked whether the meaning could be made clearer—frankly, it could. It also said that the Government should consider whether there is a need to amend the order to address that issue. The view of the UK Government and the Scottish Government is that the order does not need to be amended to address the issue.

As you will appreciate, such orders are drafted as co-productions of the UK and Scottish Governments and a number of people are involved. The DPLR Committee has raised concern over a reference to the end of the period of transition. To the drafter, that is a reference to the periods when the executive responsibility for benefits will transfer. However, under the Scotland Act 2016 (Transitional) Regulations 2017, which are already in place, there could be four different periods for four types of benefit: disability benefits, industrial injuries disablement benefit, severe disablement allowance and, most relevantly, carers allowance. The drafter intended that arrangements could be made at the end of the transition period for each of those four benefits.

If you do not approach it in that blinkered way, you may wonder whether that reference in the order is ambiguous and could mean something else. It could mean one of two things: either the period when the first of those benefits becomes a devolved responsibility or the period when the last of them does. The view of both Governments is that a person looking at the way in which the provision is drafted would intuitively think that, surely, it must have the first meaning, because that is when those arrangements would be needed. Looking at the policy background, it is immediately obvious that it is about making a feasible arrangement when the first of those benefits becomes a devolved responsibility. I do not expect that the issue would ever end up in a

tribunal or a court to be assessed, but, if it did, the other meaning would clearly be seen as irrational, as it does not fit the policy and simply makes no sense.

Ultimately, both meanings fit what the Governments intend to do. The order delivers the policy intention and, therefore, there is no need to amend it.

**Ann McVie (Scottish Government):** I will briefly go back to the basic purpose of the order. As Colin Brown said, the use of agency agreements is part of the incremental approach that we are taking to transition, which is in line with Audit Scotland's recommendation to ensure that people who are already in receipt of carers allowance continue to receive their benefit, week in and week out, until the new agency is in a position to take on delivery of that benefit by its own hand. The use of the agency agreement also enables us to deliver the carers allowance supplement earlier than otherwise would have been the case. Without the agreement, we would have to wait until we were in a position to take on responsibility for carers allowance in the round. The use of the agency agreement allows us to deliver the supplement by the end of this summer.

**The Convener:** If members have no questions, I thank both witnesses for their attendance.

Under agenda item 4, the committee is invited to note the Scotland Act 1998 (Agency Arrangements) (Specification) Order 2018. Does the committee agree to note the order?

**Members indicated agreement.**

10:49

*Meeting continued in private until 11:17.*

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