

Your Bereavement Guide



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It is incredibly difficult to know where to start when your loved one passes away. Simply trying to cope and deal with the loss and emotional burden in itself, can be physically and mentally draining. On top of this, there are the important legal, financial and administrative duties that need to be addressed at this time, and whilst it is difficult to do so, it is really important at this stage to understand and prepare for the practical things that you need to do and how to prioritise them. This is where we can help.

Our experienced Bereavement Team has extensive experience of dealing with such sensitive matters. We understand the pain and hurt that you and your other loved ones are going through and can bring you the peace of mind and provide the professional support and guidance you need. Your personal legal advisor will handle the bereavement process on your behalf from start to finish, allowing you to focus on your family and friends at this difficult time.

To help prepare and inform you about this process, we have prepared this comprehensive guide to take you through the things that you'll need to think about and what steps need to be taken in the days and weeks, and indeed months, ahead following your loss.

The aim of this guide is to provide you with clarity and some immediate answers. We have a dedicated team to support you throughout the administration process and our role is to reduce both the legal and practical burdens as much as possible.

I have personally been involved in helping thousands of families through this period of their lives and I am acutely aware of the nature of this work and how people going through this process feel – and what they value.

My team of over 30 people at Jones Whyte are experts in this area and help over 140 families a month to conclude the work in both a timely and compassionate manner.

Please take your time to read this guide, and should there be any questions associated either with this guide or the estate administration generally please contact us on **0800 292 2037**.

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Stephanie Hutton

Partner
Bereavement Team



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1. Obtaining a Certificate of Death

The first stage of the process is acquiring a medical Certificate of Death in order to register the death. Who provides you with this certificate will depend on where your loved one has died.

If your loved one died in a hospital or a care home, the administrators at the hospital or care home or a nurse should give this to you.

If your loved one died at home, the GP may issue you the certificate directly or you may need to collect it from a surgery. The process has changed somewhat during the Covid-19 pandemic to the extent that some GPs are happy to send digital versions by email instead of having to pick these up at a surgery.

If the doctor is unsure on either the cause of death or the identity of the deceased, the medical certificate can't be issued immediately and the procurator fiscal in Scotland or the coroner in England will need to decide if they need to investigate the death. They will then either ask the GP to issue the certificate if they see no need to investigate matters further or they will order an autopsy/post mortem to be undertaken. It can potentially be several weeks before this is carried out.

Only once you have the certificate, can you register the death and it is important to do this as soon as possible. In Scotland you only have 8 days to register a death unless there are investigations. In England and Wales you have 5 days.

2. Registering the death - "Tell Us Once" service

The next part of the process is to register the death, which must be done by calling or emailing your local Registrar. Details of your local Registrar can be found on your local council website.

A Registrar at the Registrar of Births, Deaths and Marriages will explain the "Tell Us Once" service when you register the death. This service streamlines the death notification process, avoiding the need for the executor to issue duplicate correspondence to multiple parties. The "Tell Us Once" service will inform a central register of government departments, institutions (e.g. DVLA, Passport Office etc.) and local council services about the death.

The Registrar will either:

- complete the "Tell Us Once" service with you.
- give you a unique reference number so you can use the service yourself online or by phone.

The Registrar will also give you a number to call if you have any questions. You must use the service within 28 days of getting your unique reference number given to you by the Registrar.

If you cannot register the death because an inquest is underway, you can still ask a Registrar for a unique reference number. You'll need to get an Interim Death Certificate from the fiscal or coroner holding the inquest first.



2.1 Before you use the “Tell Us Once” service

As stated previously, you’ll need the “Tell Us Once” reference number that you got from the Registrar.

You’ll also need the following details of the person who died to complete your online notification form for the “Tell us Once” service:

- name
- date of birth
- address
- date your loved one died
- name, address and contact details of the person or company dealing with their estate (property, belongings and money), known as their ‘executor’ or ‘administrator’ (England and Wales only)
- if there’s a surviving spouse or civil partner, the name, address, telephone number and the National Insurance number or date of birth of the spouse or civil partner
- if there’s no surviving spouse or civil partner or their spouse or civil partner is not able to deal with their affairs, the name and address of their next of kin
- if they died in a hospital, nursing home, care home or hospice, the name and address of that institution - you’ll also be asked if the stay was for 28 days or more



If the deceased had either a passport, driving licence or owned a vehicle, you may also need:

- if they had a passport, their passport number and town of birth
- if they had a driving licence, their driving licence number
- if they owned any vehicles, the vehicle registration numbers
- if they were getting services from their local council, such as Housing Benefit payments or Council Tax reductions, the name of their local council and which services they were getting
- if they were getting any benefits, Tax Credits or State Pension, information about which ones they were getting
- if they were getting money from an Armed Forces Pension or Compensation Scheme, details of that scheme
- if they were getting money or paying into public sector pension schemes, details of those schemes

You need permission from any surviving spouse or civil partner, the next of kin, or anyone who was claiming joint benefits or entitlements with the person who died, before you give their details.

2.2 Organisations the “Tell Us Once” service will contact

HM Revenue and Customs (HMRC)

To deal with personal tax and credits

Department for Work and Pensions (DWP)

To cancel benefits and entitlements, for example Universal Credit or State Pension

Passport Office

To cancel a British passport

Driver and Vehicle Licensing Agency (DVLA)

To cancel a licence, remove the person as the keeper of up to 5 vehicles and end the vehicle tax

(you must contact DVLA separately if you either sell the vehicle or keep it and tax it in your own name)

Veterans UK

To cancel or update Armed Forces Compensation Scheme payments

The Local Council

To cancel Housing Benefit, Council Tax Reduction (sometimes called Council Tax Support), a Blue Badge, inform council housing services and remove the person from the electoral register

HMRC & DWP

Will contact you as executor about the tax, benefits and entitlements of the person who died

The “Tell Us Once” service will also contact some public sector pension schemes so that they cancel future pension payments. They’ll notify:

- My Civil Service Pension
- NHS Pensions for NHS staff in England and Wales
- Armed Forces Pension Scheme
- Scottish Public Pension Agency schemes for NHS staff, teachers, police and firefighters in Scotland
- Local Government Pension Schemes (LGPS) that participate in Tell Us Once

3. Arranging and paying for the funeral

Arranging the funeral and paying for it is one of the first things that you will need to deal with. The costs of the funeral are classed as a debt against the estate so as long as there are enough funds in the estate to pay for the funeral, you are authorised as executor/administrator to arrange for the funeral costs to come from the estate.

There are two key points to consider at this stage:

1. Did the deceased have a funeral plan in place?

If they did, then this will probably pay for most of the actual funeral but perhaps not for any food, drink or venue after the service. The plan will also give an indication as to which funeral director the deceased wished to be instructed in the funeral arrangements.

2. Does the deceased have funds to settle?

Once you have the death certificate, you will need to check the bank accounts of the person who died to see if there is enough money in the accounts to settle any funeral costs (if they don’t have a funeral plan). You should present the Death Certificate, a certified copy of the Will (which we as the solicitors can assist with) and the invoice from the funeral director. The bank will thereafter issue a cheque payable directly to the funeral director to settle their invoice.

If there are limited funds to pay for the funeral, you must make alternate arrangements to pay for it. Some funeral directors offer a payment plan and therefore it may be useful to talk to a few and ask if they have such plans available. Should you however meet the cost of any funeral and there is heritable property within the estate, then the funeral costs can be treated as an expense and reimbursed from any future sale proceeds.





4. Dealing with Confirmation (Scotland) /Probate (England and Wales)

The first point to consider from a legal perspective when administering an estate is whether there is a valid Will in place.

If a person dies without leaving a Will, their estate is classed as 'intestate'. As opposed to a 'testate' estate, where there is a valid Will. There are differences in the intestacy rules depending on whether the deceased lived in Scotland or in England and Wales.

Scotland

There is a common misconception that, when a spouse or civil partner dies without a Will, their whole estate will pass to the surviving partner. This is untrue. If you die without leaving a Will in Scotland, the law decides exactly how your estate will be distributed. This is done through the Rules of Intestacy, as per the Succession (Scotland) Act 1964. If a person dies without a Will, and the estate exceeds £36,000, it is necessary to petition the Court to appoint an Executor. The Executor is the person who will be responsible for the distribution of the estate and a petition to the Court is only required if there is no Will.

The Court has a preferred order of potential Executors, based upon the deceased's surviving family members who would benefit under the rules of intestacy. The second step is to get something called a Bond of Caution granted. This is a form of protection against the deceased's estate. A Bond of Caution is not required if the whole estate is payable to the surviving spouse. Most Bond of Caution providers require the Executor to appoint a solicitor to manage the estate. The Bond of Caution ensures that the appointed Executor distributes the estate in accordance with the Rules of Intestacy. Additionally, if someone who is not on the approved list attempts to apply for Confirmation, the Bond of Caution will protect the estate. An important restriction in an intestate estate is that the executor will not be allowed to administer the estate themselves. This means that the solicitor will ingather and distribute all assets in the estate.

Once the above steps have been followed, Confirmation can be applied for and the estate can be then be administered and distributed.





England and Wales

In England and Wales, the statutory rules that govern an intestate estate are set out in the Administration of Estates Act 1925, amended in the Inheritance and Trustees Powers Act 2014. Similarly to the Scottish process, the first step is to appoint someone who will be responsible for the distribution of the estate. Only those who are entitled to benefit from the estate can make the application to be an Administrator.

Up to four people may apply, however it is usually the most 'entitled' inheritor who will be appointed as Administrator. This is normally the closest living relative to the deceased, normally the husband, wife or civil partner. The Administrator must then complete a PA1A form before they can manage the deceased's estate. This is a paper form which must then be sent to HM Courts and Tribunals Service, along with any Inheritance Tax forms if relevant.

Confirmation/Probate

If a person dies with a valid Will in place, the above steps do not require to be undertaken and instead, depending on the value of the estate, you as Executor may need to apply for Confirmation/Probate.

The determining factor on whether Confirmation/Probate is required will depend on whether the deceased owned any property and the amount held in each bank or investment institution. Each bank or institution has their own threshold as to when they will request Confirmation/Probate before releasing any funds. Our team can talk you through this further. This document that may be requested is known as Confirmation (in Scotland), a Grant of Probate in England and Wales (when there is a Will), or a Letter of Administration in England and Wales when there is no Will (as outlined above).

These documents give the Executor the legal right to realise the estate and distribute assets. The nature of the process and timescales will vary depending on the complexity of the estate, number of assets and value of the estate. You may need to apply for tax relief depending on the value of the estate. There are further inheritance tax forms that require to be submitted when there is at least £150,000 of assets held within a lifetime discretionary trust and other asset holders (e.g. banks, building societies, share registrars, investment companies etc.) have requested Confirmation or a Grant of Probate.

As Executor, you have a responsibility to ensure correct submission of the estate application paperwork to the Court/Probate Registry and HMRC. If this is incorrect, you run the risk of potentially delaying the estate administration, penalties arising with HMRC due to delays or unhappy beneficiaries to name a few examples. It is therefore recommended that you obtain advice from experts in this area of law. For more information in relation to this, please contact our experienced bereavement team on **0800 292 2037**.



5. Property

It is crucial to deal with any property as soon as possible after someone dies. This is especially important if the property is now left empty following the death of your loved one. Here are some key steps that should be considered:



5.1 Security

Empty properties are vulnerable to break-ins. Please make sure all windows and doors are closed and locked and any alarms should be turned on. Any valuable items should be removed and stored somewhere safe and a list should be kept noting what the assets are that have been removed, ideally you should also keep photographs of the assets as a point of reference.



5.2 Mail

Uncollected mail can indicate to the outside world that the property is vacant which could leave it vulnerable to a break-in.

You can arrange for any post to be redirected by Royal Mail. This can be done either at any post office branch or can be done **online**.



5.3 Insurance

You must tell the current insurance provider that the person has died as this will effect the policy. The insurance provider also must be told if the property is now unoccupied. You may get asked questions about the type of locks that are on the property, whether there is an alarm and how often it is being visited. The insurance provider may decide that they do not want to insure the property anymore. If this is the case, you must arrange alternate insurance as soon as possible. Our bereavement team at Jones Whyte will be able to assist you with this should you require support.

5.4 Council tax and utilities

You will need to contact all providers to tell them that the person has died and when by letter. You will need to provide account numbers, meter readings and supply the death certificate and your contact details.

In terms of council tax, an exemption for council tax applies for 6 months normally. That is why it is important to start considering what the intentions are for the property in terms of transfer or sale as soon as possible to avoid bills starting to accrue unnecessarily. If you are a surviving partner living alone you could obtain a 25% reduction on your council tax.



6. Personal property

The Executor/Personal Representative has the authority to deal with personal belongings. Here are some steps you need to take to make sure you handle matters correctly:

1. Make sure the belongings are safe

As mentioned previously. It is important to make sure that the property is secure and anything of value is stored securely.

2. Keep a record

It is recommended to keep a log/record of all items and even take photographs (which will be dated) of any valuable items as soon after the death as possible.

3. Obtain a valuation

This can be done professionally and will avoid any dubiety amongst beneficiaries of an estate. We can also assist you with organising this when undertaking the administration.

4. Check against a Will

Making sure that the wishes of the deceased person are followed is paramount to the role of an Executor. The Will can tell you about any particular items that have been left to a person.



7. Digital assets

It is so important to think about the digital legacy of the person that has died.

Whilst these assets may not have monetary value, the sentimental value for our family and friends cannot be understated as they may find great comfort in being able to look at our social media accounts to help remember and reflect upon what they have lost.

Where no such provision is given by the deceased in a Will, the Executor's role becomes more complex as they have to consider and navigate the ever-growing world of social media when administering an estate.



7.1 What actually happens to social media accounts on death of the account holder?

Most social media sites will keep the account open indefinitely. Whilst this may provide loved ones with memories they might otherwise not have a record of, this also leaves the account open to hackers in search of inactive social media accounts. Hackers are drawn to inactive social media accounts as there is less chance of being caught than with an active account.

Another option for social media accounts is to delete them. All social media sites have different systems and procedures for the account to be removed. The Executor will most likely need basic information regarding the account (full name held on the account, username and email address), proof of their relationship to you, and a Death Certificate.

Once deleted, all the valuable memories held in the account will disappear with it.

Most social media platforms have a function to memorialise social media accounts. The social media site edits the account to make it clear that you are deceased by changing the way the account works and how it is presented. By memorialising an account, it is made more private so that only friends and family can view it. In terms of what you need to consider as Executor, it is to consider what the wishes of the deceased would have been in relation to these if it is not already stated within the deceased's Will.

7.2 The future

The guidance we have given so far has been focused on the practical considerations for you when undertaking the estate administration. What you should also consider is putting your own affairs in order. It will make sure that your wishes are followed as much as possible and reduce the stress and burden of the decision making process for your loved ones when that time comes.

Our recommendations are:

7.3 Make a valid Will

A Will ensures your assets are distributed how you want them to be on your death. It allows you to leave gifts to family members and appoint the people you trust on your death to be appointed your executors and ensure your wishes are followed. It will give you peace of mind to make sure that your estate will be dealt with as you wish.

A Will stops unnecessary upset for family and friends at what is already a difficult time. It also reduces additional costs in legal fees.

7.4 Have your Will reviewed

Even if you have already made a Will, as your circumstances have changed, it is important to ensure that your Will is up to date and reflects your current situation.

7.5 Lasting Power of Attorney/Power of Attorney

You should also think about making a Lasting Power of Attorney (England)/Power of Attorney (Scotland) in case you need help in the future with your property and finances or health and welfare. Make sure you plan for your future – especially after your loss.

7.6 Asset Protection

We specialise in Family Protection Trusts, which are a good way of managing assets and funds that often come into people's possession following a death.

At Jones Whyte, we have an expert team that undertakes both English and Scottish estate planning to make sure your wishes are fulfilled. If interested in discussing this further, please contact us on **0800 292 2037**.

What our clients say

“From the first greeting at reception through to completion. In dealing with my late Mum's estate I can honestly say the team at Jones Whyte were fantastic.”

“When a relative, in my case my Father, dies it is a difficult, emotional time. Lawyers have to show empathy in addition to legal skills. Nikki Bonini was great both from a supportive point of view and on the technical side. Although solicitors are rarely proactive, Nikki was and her communication skills were excellent.”

Service levels were high but the fees charged undercut other well known competitors. My brother and I are very grateful to Nikki, Stephanie and Jones Whyte generally.”

“Jones Whyte dealt with legal matters after the death of my Mother. They were very efficient and could not fault anything. I would recommend them to anyone.”

“Professional from the start. Great communication, process explained well & simply and very sensitive to our recent loss. I thank you sincerely for all your help.”

“Great service from the staff at Jones Whyte who were dealing with my case. Nikita dealt with my late Father's estate and Carole dealt with the house sale. Both were always approachable and very helpful with my many many questions. They were always reassuring and patient especially under the circumstances.”

Due to the overall experience I received I would recommend Jones Whyte to others and I would use them again in the future. Thank you.”

“Excellent company to deal with. I've used them three times and cannot fault them. First two times were in relation to the setting up of two separate Wills and POAs and sadly the third time was in relation to my late Mothers passing. They handled it with such tact, sensitivity and professionalism that enabled me to be guided smoothly through the legal process at a difficult time, without having to worry about it.”

Communication was excellent, continually keeping me in the loop and updated. Highly professional firm that provides a very personal service. I would have no hesitation in recommending them to others.”



Experts in the areas of:

Personal Injury • Property • Commercial • Dispute Resolution
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Contact us today

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