

THE CHILDREN'S FUNERAL FUND FOR ENGLAND – TECHNICAL GUIDANCE

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1. Part 1 - Introduction and Eligibility

a) Description of the Children's Funeral Fund for England (CFF)

- 1.1. The CFF is established under The Social Fund (Children's Funeral Fund for England) Regulations 2019 (the 2019 Regulations).
- 1.2. It is a scheme to provide funding for the fees charged for a cremation or burial of a child under the age of 18 or stillborn after the 24th week of pregnancy and for the associated expenses stipulated in the 2019 Regulations. CFF funding is available regardless of the income of the child's parent(s), guardian or carer, but it is subject to eligibility criteria which are set out at 1.7.
- 1.3. 2.2 and 2.3 set out the fees arising from the burial or cremation that are covered by the CFF. These will be provided free to parents at point of need, with the burial and cremation authorities claiming reimbursement from the CFF. Information on how to do this is available at <https://www.gov.uk/child-funeral-costs>.
- 1.4. 2.4 sets out the associated expenses that are covered by the CFF. These will be provided free at the point of need, with burial authorities, cremation authorities or funeral directors claiming reimbursement from the CFF. Information on how to do this is available at <https://www.gov.uk/child-funeral-costs>.
- 1.5. If the person responsible for organising the burial or cremation (referred to in this guidance as "the responsible person") does not use a funeral director but makes the funeral arrangements themselves, they may need to pay for some of the associated expenses set out at 2.4 and claim reimbursement for these from the CFF. Information on how to submit a claim is available in Part 3. of this guidance and at <https://www.gov.uk/child-funeral-costs>.
- 1.6. The responsible person, whether they use a funeral director or not, will not be required to manage the payment for the fees charged by the burial authority and/or cremation authority as set out at 2.2 and 2.3. These will always be provided free at the point of need with reimbursement claimed by the burial authority and/or cremation authority.

b) Eligibility

- 1.7. CFF funding is available for the stipulated fees and associated expenses incurred in the burial or cremation of a child if the following conditions are met:
 - i. the child had not reached their 18th birthday at the time of their death; or
 - ii. the child was stillborn after the 24th week of pregnancy (as defined in section 41 of the Births and Deaths Registration Act 1953); and
 - iii. the burial or cremation takes place in England; and
 - iv. the burial or cremation is taking/ took place on or after 23rd July 2019.

c) Nationality and residency

- 1.8. There are no nationality or residency requirements for CFF eligibility.

d) Funerals without a body

- 1.9. Where there is no body for burial or cremation, CFF funding is available for the fees charged for the permission to erect a memorial.
- 1.10. If a body is recovered after the initial claim has been determined, a further claim may be made for the fees charged by burial authority and/or cremation authority as set out at 2.2 and 2.3 and for the associated expenses as set out at 2.4.
- 1.11. In these circumstances, the usual claiming process (see Part 3) would apply.

e) Those eligible to claim

- 1.12. 2.2 to 2.4 set out the fees that can be claimed from the CFF. These are categorised as fees charged by the burial authority and/or cremation authority and associated expenses.
- 1.13. Fees charged by the burial authority and/or cremation authority can be claimed from the CFF by these parties only.
- 1.14. Associated expenses can be claimed by:
- i. a burial authority or cremation authority with responsibility for providing burial and/or cremation services with regard to the child;
 - ii. the funeral director organising the burial or cremation; or
 - iii. the responsible person organising the burial or cremation, who has not used a funeral director.
- 1.15. Under the CFF, as defined in the Regulations, 'burial authority' means a person responsible for the management of a burial ground and 'cremation authority' means a person responsible for the management of a crematorium.

f) Relationship to the Social Fund Funeral Expenses Payments Scheme

- 1.16. Eligible persons on qualifying benefits may apply to the Social Fund Funeral Expenses Payments (FEP) scheme for any necessary reasonable costs or other funeral expenses within the scope of that scheme which are not included within the scope of the CFF, or for which a claim to the CFF is rejected in whole or in part.
- 1.17. However, they may not claim from the FEP scheme for any cost which falls within the scope of, and for which payment is made from, the CFF.
- 1.18. Eligibility for, and the scope of, the FEP scheme are set out in the guidance for Social Fund payments, found at https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/774194/dmgch39.pdf.

2. Part 2 – Claimable fees and expenses under CFF provision

2.1. Subject to the guidance on reasonableness set out at 2.2 and 4.9-4.13, the CFF will cover:

a) Fees charged by burial and cremation authorities

2.2. In the case of burial (whether of a body or of cremated remains):

- i. the fees for obtaining a burial plot (whether for a body or for cremated remains) and a right of burial, where required. As set out at 4.9-4.13, these fees should be reasonable, for example:
 - a plot for the burial of a body should be appropriate to the size of the child. However, if the responsible person wishes to purchase an adult sized plot for the purpose of being buried with the child in future, this may also be considered reasonable.
 - a double or family plot may only be considered reasonable if a single plot is not available or the fee for a double plot is cheaper than the fee for a single plot.
- ii. the fees for the carrying out of a burial (whether of a body or of cremated remains);
- iii. the fees for the maintenance of the plot, where payment of these is a condition of the right of burial, until the time when the child, if alive, would have reached the age of 18;
- iv. the fees for any renewal of the right of burial if it expires before the time when the child, if alive, would have reached the age of 18; and
- v. the fees for permission to erect a memorial (including a headstone), but not the price of any memorial.

2.3. In the case of cremation (whether or not followed by burial of cremated remains):

- i. the fees for the carrying out of a cremation;
- ii. fees for a private post-mortem examination where this is required by the medical referee before deciding whether to authorise a cremation;
- iii. the fees charged for the scattering of cremated remains;
- iv. the fees charged for the burial of cremated remains;
- v. the fees for the storage of cremated remains in a columbarium or similar facility, until the time when the child, if alive, would have reached the age of 18;
- vi. the fees for permission to erect a memorial (including a headstone), but not the price of any memorial.

b) Associated expenses

- 2.4. i. the price of a coffin, shroud, casket or other receptacle and/or covering for the body, up to a maximum of £300. This may include the price of goods or services which are required for the purpose of preparing the receptacle and/or covering for burial or cremation. The responsible person may incur expenses above the specified maximum amount, but the excess will not be reimbursed from the CFF and must be funded by the responsible person or by another means;
- ii. the fees charged by a third-party grave digger (whether for the burial of a body or of cremated remains), including the fees charged for the removal and replacement of any existing headstone and kerbing. This may also include the fees levied for the reopening of the grave, where the burial is in an existing shared grave;
- iii. the fee for the removal of active implantable devices – these are capped at £20 where the person undertaking the removal is not a registered medical practitioner;
- iv. fees for the completion of cremation certification, to cover:
- a. the medical certificate/ Cremation 4
 - b. the confirmatory medical certificate/ Cremation 5
 - c. the certificate of stillbirth/ Cremation 9
- v. the price of an appropriate receptacle for storage of cremated remains in a columbarium or similar, where the receptacle in which the cremated remains are returned is unsuitable for this purpose
- 2.5. Any excess amount is payable by the responsible person. If the responsible person is eligible, they may make a claim to the FEP scheme in respect of the excess as set out at 1.18.

c) Expenses arising from faith-based requirements

- 2.6. CFF funding is available regardless of the religious faith of the child, or that of their parent(s), guardian or carer.
- 2.7. However, CFF funding is not available for items relating exclusively to the requirements of the religious faith of the child, or that of their parent(s), guardian or carer that fall outside the expenses set out at 2.2, 2.3 and 2.4.

d) Allowable fees and expenses

- 2.8. The amount of the CFF payment will only be considered if all the conditions of eligibility are satisfied as set out at 1.7.
- 2.9. In relation to a burial, claims may only be submitted for the fees as set out under 2.2.
- 2.10. In relation to a cremation, claims may only be submitted for the fees as set out under 2.3.

3. Part 3 - Making a Claim

a) Submission of claims

- 3.1. Forms are available at <http://www.gov.uk/child-funeral-costs> for burial and cremation authorities to use when making a claim for the fees as set out at 2.2 and 2.3, and for funeral directors to use when making a claim for any of the expenses as set out at 2.4.
- 3.2. The responsible person who wishes to make a claim may use the digital service at <http://www.gov.uk/child-funeral-costs>. Alternatively, they may request a non-digital form by calling or emailing the CFF contact centre. Contact details for this request are available at <http://www.gov.uk/child-funeral-costs>.
- 3.3. Claims to the CFF may be submitted:
 - i. by post, using the non-digital form and sending to CFF, PO Box 611, Manchester, M14 0NS;
 - ii. by email, using the non-digital form and sending to cff@sscl.gse.gov.uk; or
 - iii. only in the case of the responsible person making a claim, by using the digital service at <http://www.gov.uk/child-funeral-costs>.
- 3.4. Claimants requiring assistance with submitting a claim should phone the contact centre at 0808 196 1759 (freephone within UK) or +44 1633 630904 (outside the UK) or email cff@sscl.gse.gov.uk.
- 3.5. To submit a claim, the claimant should complete the form (either the non-digital form or the digital service, if a responsible person) and return it to the contact centre with all required information, as instructed.

b) Evidencing of claims

- 3.6. All claims and all supporting documentation will be subject to scrutiny by the Decision Maker (DM).
- 3.7. Where the claimant is a burial authority or a cremation authority, they should provide the following:
 - i. business and contact details;
 - ii. details in relation to the deceased and to the burial/cremation;
 - iii. a copy of the Certificate for Burial or Cremation provided by the Registrar of Births and Deaths or a copy of a Coroner's Order for Burial or Certificate for Cremation (form Cremation 6);
 - iv. details of the fees in relation to the burial/cremation;

- v. receipts and/or invoices (originals or copies) for the fees as set out under 2.2 and/or 2.3, as appropriate; and
- vi. the lease / exclusive right of burial (original or copy), if claiming for fees for the maintenance of the plot, where payment of these is a condition of the right of burial as set out at 2.2(iii).

3.8. Where the claimant is a funeral director, they should provide the following:

- i. business and contact details;
- ii. details in relation to the deceased and to the burial/cremation;
- iii. a copy of the Certificate for Burial or Cremation provided by the Registrar of Births and Deaths;
- iv. details of the expenses incurred in relation to the funeral, as set out at 2.4; and
- v. invoices and/or receipts (originals or copies) for the expenses incurred as set out under 2.4, as appropriate.

3.9. In relation to 3.7(v) and 3.8(v),

- i. If the claim is in relation to an item or service that the claimant has provided themselves (e.g. a right of burial where the claimant is a burial authority), they should provide a copy of their own invoice i.e. the invoice they have or would have provided to their client.
- ii. If the claim is in relation to an item or service delivered by an external provider (e.g. a third-party grave-digger in the case where the claimant is a burial authority) and the claimant has not applied a mark-up, they can either provide a copy of the receipt or invoice issued by the external provider or a copy of their own invoice as under 3.9(i).
- iii. If the claim is in relation to a service delivered by an external provider and the claimant has not applied a mark-up, they should provide a copy of their own invoice as under 3.9(i).

3.10. An invoice submitted to the CFF as per 3.7(v) or 3.8(v) can be:

- i. a single invoice which includes both the fees being claimed from the CFF as well as any other fees charged by the claimant. The fees to be claimed from the CFF can be displayed in a separate section of the invoice or as a note within the invoice if the claimant finds it appropriate.
- ii. a standalone invoice that only includes the fees to be claimed from the CFF. Here, we appreciate that the invoice may not have been presented to the funeral director or responsible person arranging the funeral.
- iii. separate invoices for each of the items to be claimed for, if appropriate under the circumstances.

3.11. Each expense or fee being claimed for should appear as one item on any invoice provided in support of a claim. The DM will not accept an invoice that does not show a clear breakdown of the expenses or the fees claimed.

3.12. Where the claimant is the responsible person, they should provide the following:

- i. contact details;
- ii. details in relation to the deceased and to the burial/cremation; and
- iii. proof of the receipt for payment of an associated expense as set out at 2.4as appropriate. Where the amount paid for the associated expense under 2.4(i) exceeds £300 (the maximum claimable amount), a copy of a receipt for the full amount paid should be submitted.

3.13. Evidence of invoices for fees charged by burial and cremation authorities, of invoices/ payments made for stipulated associated expenses, and of the Certificate for Burial or Cremation provided by the Registrar of Births and Deaths may be provided by:

- i. uploading scanned copies or photographs of relevant invoices / receipts / documents, if using the digital service;
- ii. attaching invoices / receipts / documents to an email, if submitting using the non-digital form; or
- iii. sending copies or photographs of the relevant invoices / receipts / documents or the original invoices / receipts / documents by post, if submitting using the non-digital form.

c) Time limit for submission of claims

3.14. Claims must be submitted within six months of the date of the funeral. This time limit applies to all claimants and to all types of claim (whether for fees charged by burial and cremation authorities, associated expenses, or a combination of both).

d) VAT

3.15. The DM should allow any VAT charged or payable on the items or services listed at 2.2-2.4 as part of the claim.

3.16. Reimbursement of claims will be at the retail price, that is, the cost that would have been charged directly to bereaved families if CFF funding were not available.

e) Prevention of double payment

3.17. Only one claim may be made to the CFF for each of the fees charged by burial and cremation authorities and for each of the associated expenses arising from a burial or cremation.

3.18. The exceptions to this are:

- i. any claims for fees relating to the renewal of a burial right, plot maintenance or storage of cremated remains until the time when, if alive, the child would reach age 18; and
- ii. where a claim has previously been made in relation to an irretrievable body and the body is subsequently recovered, as set out at 1.9, further claims may be made for the fees charged by the burial authority and/or cremation authority as set out at 2.2 and 2.3 and for the associated expenses set out at 2.4.
- iii. where a claim needs to be re-submitted, due to missing or erroneous information, as set out at 4.7.

3.19. A claim cannot be made to the CFF for fees charged by the burial authority and/or cremation authority or for a stipulated associated expense for which payment has already been made from the FEP scheme, or from the equivalent Scottish Funeral Support Payment (FSP) scheme (once this comes into effect).

3.20. Similarly, a claim cannot be made to the FEP scheme or the FSP scheme for fees charged by a burial authority or cremation authority or for a stipulated associated expense for which payment has already been made from the CFF.

3.21. However, as set out at 1.16, a responsible person in receipt of a qualifying benefit may apply to the FEP scheme or FSP scheme for any amount paid above the £300 cap which applies under 2.4.

4. Part 4 - Determination of Claims

a) Determination of claims

- 4.1. All claims and all supporting documentation will be subject to scrutiny by the DM.
- 4.2. All claims will be acknowledged within five working days of receipt.
- 4.3. Claims will be acknowledged by email or in writing, as nominated by the person making the claim. If claim forms or enquiries are submitted by email, the claimant will receive an automatic notification that their claim/enquiry has been received.
- 4.4. A determination will usually be made and the outcome sent to the claimant within 15 working days of the claim being received. Where this is not possible, the claimant will be informed of the delay in the determination within 15 working days of the claim being received.
- 4.5. The claimant will be notified of the outcome of the determination by email or in writing, as nominated by the claimant.
- 4.6. If the DM is satisfied with the information provided by the claimant, the payment will usually be processed and made to the claimant within five working days of the date of the determination.
- 4.7. It is possible that a claim may be partially rejected, for example due to missing or erroneous information. If this is the case, the claimant will be notified accordingly and provided with instruction as to how to proceed.
- 4.8. At the discretion of the DM, these timings may be extended for any case requiring complex investigation.

b) Reasonableness of claims

- 4.9. Unless otherwise stated, there is no cap on the amount that can be claimed for the items and services listed at 2.2-2.4. However, all amounts claimed are expected to be reasonable within the parameters set out in this guidance. A claim may be rejected in whole or in part if the DM is not satisfied that it is reasonable in the circumstances in which the expenses were incurred.
- 4.10. In assessing reasonableness, the DM will have regard to the average price range for an item or service, while also taking into account the context of the individual claim. Where available, the DM will also take into account any published information on fees and charges relevant to the claim. A claim may be considered unreasonable where it differs significantly from the average price range and/or any published information and the context of the claim does not appear to justify this difference.
- 4.11. All claims will be considered in light of the information provided, and the DM may request additional details where necessary. In particular, with regard to a claim by a burial authority for items and services listed at 2.2, the DM may (depending on the context of the individual claim) request further explanation if the claim totals more than £1,000. Further guidance on burial fees is set out at 2.2.
- 4.12. If you have any queries about the assessment of reasonableness in relation to a particular case, you are strongly advised to phone the contact centre at 0808 196 1759 (freephone

within UK) or +44 1633 630904 (outside the UK) or email cff@sscl.gse.gov.uk in advance of offering or providing the relevant items or services to the bereaved family.

4.13. Claims to the CFF will be continuously analysed and this guidance may be reviewed in light of the information obtained.

c) Evidence for the determination

4.14. The DM should support the determination with evidence where the Regulations state that the claimable amount allowed for fees charged by burial and cremation authorities as set out at 2.2 and 2.3 should be “reasonable”.

4.15. In order to assess whether a claim is reasonable, the DM should:

- i. gather evidence by making enquiries online and, if necessary, in the local area about the range of fees charged by burial and cremation authorities;
- ii. analyse the information collected to decide the reasonable allowable fees for the area, but taking into account any other information specifically relevant to the individual burial; and
- iii. record the information and analysis to support the decision.

4.16. Based on the claims and information received, the MoJ will have assimilated data on the fees charged by burial and cremation authorities in given areas. This evidence will be used to support the DM in their determination of claims.

4.17. Data will be periodically reviewed in order to determine variations in cost, to check that the information still reflects current prices, and to further determine “reasonableness” when assessing claims.

4.18. This evidence is not needed for items and services allowable under ‘associated expenses’ as set out at 2.4.

c) Determination of claims submitted by burial and cremation authorities

4.19. For a burial, the DM should only allow claims for the fees, where they have been reasonably incurred, as set out at 2.2.

4.20. For a cremation, the DM should only allow claims for the fees, where they have been reasonably incurred, as set out at 2.3.

4.21. Claims submitted in respect of the fees set out at 2.2 and 2.3 should only be considered if they have been submitted by a burial or a cremation authority.

4.22. In addition to the forms as set out at 2.4(iv), the DM may also allow the cost of medical references, reports or other documentation required in order for the burial/cremation to take place.

5. **Part 5 – Appeals**

- 5.1. If the claimant wishes to challenge a decision by the DM to reject a claim in whole or in part, they can request a review of the decision.
- 5.2. The purpose of a review is to assess how the claim was handled in the first instance and to determine whether the original decision given was correct and will involve a re-examination of the original decision against the evidence provided.
- 5.3. The request must be made within one month of the date of notification of the decision.
- 5.4. The request must be made by email or in writing to:

The Coroners, Burials, Cremations and Inquiries Casework Team
Ministry of Justice
Post point 10.18
102 Petty France
London SW1H 9AJ
Email: coroners@justice.gov.uk
- 5.5. The claimant must provide:
 - i. their name and contact details
 - ii. the claim reference number as provided upon submission and acknowledgement of the initial claim
 - iii. a statement of the reasons for requesting a review
- 5.6. The request for a review will be acknowledged by email or in writing within five working days of the request being received.
- 5.7. The review decision will be sent to the claimant by email or in writing within 28 days of the request being received.
- 5.8. If the claimant is dissatisfied with the outcome of the review, they may appeal to the First-Tier Tribunal.
- 5.9. The Tribunal Procedure (First-Tier Tribunal) (Social Entitlement Chamber) Rules may be found at:
https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/488476/consolidated-sec-rules.pdf

Ministry of Justice

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