



BRIEFING PAPER

Number CBP08610, 4 July 2019

Children's Funeral Fund for England

By Catherine Fairbairn

Contents:

1. Current position
2. Establishment of Children's Funeral Fund for England
3. Background: calls for children's funeral fund to be established
4. Wales and Scotland



Contents

Summary	3
1. Current position	4
1.1 Number of deaths	4
1.2 Funeral costs	4
1.3 Funeral payments from Social Fund	4
1.4 Prime Minister's announcement	5
2. Establishment of Children's Funeral Fund for England	6
2.1 Written Ministerial Statement	6
2.2 The Social Fund (Children's Funeral Fund for England) Regulations 2019	6
3. Background: calls for children's funeral fund to be established	9
3.1 Adjournment debate November 2016	9
3.2 Early day motion	10
3.3 Adjournment debate May 2019	11
4. Wales and Scotland	12
4.1 Wales	12
4.2 Scotland	12

Summary

Sections 1 to 3 of this briefing paper deal with the position in England. Section 4 outlines the position in Wales and Scotland.

Current position: England

Some local authorities and providers of funeral services waive part or all of their fees and expenses in the case of the death of a child. However, the financial pressures in paying funeral expenses can add to the distress suffered by bereaved parents at a very emotional time.

Payments from the Social Fund can be made to claimants who receive means-tested benefits and tax credits to help meet the costs of a funeral, including the funeral of a child. Further information is provided in another Library briefing paper, [Social Fund Funeral Payments](#) (CBP01419).

Carolyn Harris MP, whose own son, Martin, died, aged eight, in 1989, and others, have campaigned for the Government to meet the cost of funerals for children. Carolyn Harris has raised the issue in Parliament on several occasions, speaking of the difficulties bereaved parents face in meeting the cost of their child's funeral.

On 31 March 2018, the Prime Minister announced that she had asked for a Children's Funeral Fund to be set up in England, under which fees for burials and cremations would be waived by all local authorities and met instead by Government funding.

Establishment of Children's Funeral Fund for England

On 1 July 2019, junior Justice Minister, Edward Argar, announced that the [Social Fund \(Children's Funeral Fund for England\) Regulations 2019](#) were being laid before Parliament and would come into effect on 23 July 2019. These regulations will create the Children's Funeral Fund for England (CFF). Edward Argar summarised what would be covered:

Under the CFF, bereaved families will no longer have to meet the fees charged for a cremation or burial of a child under the age of 18. Rather, they will now be able to access this provision for free at the point of need, with the costs being met by Government funding and providers applying to the CFF for reimbursement. As a further gesture of this Government's commitment to supporting bereaved people, families in England will also be provided with a contribution of up to £300 towards the price of a coffin (or shroud or casket, where preferred), and will meet other specified expenses.

The Minister said that the provision would be universal, "available to all bereaved parents in England who have lost a child regardless of their means". A claimant will be entitled to a CFF payment if the funeral takes place in England **on or after 23 July 2019**. The CFF will run in parallel with the Social Fund Funeral Expenses Payment scheme. It will not be possible to make a claim under both schemes for the same item or service.

Edward Argar paid tribute to "the tireless work" of Carolyn Harris in bringing this issue to the Government's attention, saying, "As the Prime Minister has said, it is in memory of the hon. Lady's own son, Martin, that the CFF is being established".

Wales and Scotland

Both the Welsh Government and the Scottish Government have established schemes, under devolved powers, to make financial support available to providers of burial and cremation for children.

1. Current position

1.1 Number of deaths

Annually, in England there are approximately 3,800 deaths of children from birth up to and including age 17, and approximately 2,700 post-24-week stillbirths.¹

1.2 Funeral costs

The insurance company Sun Life publishes an annual report on the "cost of dying". Their report on the [Cost of Dying 2018](#) was published in September 2018. It estimated that the average cost of a basic funeral was £4,271 (up from £4078 in the 2017 report), but with considerable regional variations. This cost includes the fees for the funeral director, the fee for cremation or burial, the doctor's fees, and clergy/celebrant fees. Further information can be found in the full report.

The cost of a child's funeral may sometimes be less. Some local authorities and providers of services waive part or all of their fees and expenses in the case of the death of a child. The [Child Funeral Charity](#) states:

Arranging a funeral for a child is something no-one can imagine having to do. And at a very emotional time, financial pressures in paying funeral expenses can add to the distress.

Child Funeral Charity (CFC) assists families financially in England and Wales who have to arrange a funeral for a baby or child aged 16 or under. Whilst many funeral directors, the clergy and most celebrants do not charge fees, there are other funeral related expenses that bereaved parents struggle to find.²

1.3 Funeral payments from Social Fund

Payments from the Social Fund can be made to claimants who receive means-tested benefits and tax credits to help meet the costs of a funeral, including the funeral of a child.

Successive Governments have maintained that the scheme provides a "contribution towards the cost of a simple, low cost respectful funeral," but the adequacy of payments in relation to actual funeral costs has long been a source of complaint. The Funeral Payments scheme has also been criticised for having the potential for creating confusion, frustration, and further emotional distress.

The rules governing access to Social Fund Budgeting Loans have been changed to provide additional help to low income families facing funeral costs, although these are repayable.

Further information is provided in another Library briefing paper, [Social Fund Funeral Payments](#).³

¹ [Explanatory Memorandum to the Social Fund \(Children's Funeral Fund For England\) Regulations 2019](#), paragraph 7.2

² [Child Funeral Charity](#) [accessed 3 July 2019]

³ CBP01419, 4 October 2018

1.4 Prime Minister's announcement

On 31 March 2018 the [Prime Minister announced](#) that she had asked for a Children's Funeral Fund to be set up in England, under which fees for burials and cremations would be waived by all local authorities and met instead by Government funding.⁴

⁴ Gov.UK press release from the Prime Minister's Office, 10 Downing Street and The Rt Hon Theresa May MP, [Children's Funeral Fund for England](#), 31 March 2018 [accessed 3 July 2019]

2. Establishment of Children's Funeral Fund for England

2.1 Written Ministerial Statement

On 1 July 2019, junior Justice Minister, Edward Argar, announced that the regulations to create the Children's Funeral Fund for England (CFF) were being laid, with the intention that they would come into effect on 23 July 2019.⁵ He summarised what would be covered:

Under the CFF, bereaved families will no longer have to meet the fees charged for a cremation or burial of a child under the age of 18. Rather, they will now be able to access this provision for free at the point of need, with the costs being met by Government funding and providers applying to the CFF for reimbursement. As a further gesture of this Government's commitment to supporting bereaved people, families in England will also be provided with a contribution of up to £300 towards the price of a coffin (or shroud or casket, where preferred), and will meet other specified expenses.

The Minister said that the provision would be universal, "available to all bereaved parents in England who have lost a child regardless of their means".

Edward Argar concluded by paying tribute to "the tireless work" of Carolyn Harris in bringing this issue to the Government's attention, adding: "As the Prime Minister has said, it is in memory of the hon. Lady's own son, Martin, that the CFF is being established".⁶

2.2 The Social Fund (Children's Funeral Fund for England) Regulations 2019

The [Social Fund \(Children's Funeral Fund for England\) Regulations 2019](#) were laid before Parliament on 1 July 2019 (the Regulations).⁷ They will come into effect on 23 July 2019.⁸ An [Explanatory Memorandum](#) has also been published.⁹

The Regulations will establish the Children's Funeral Fund for England. The CFF will pay the fees charged by burial and cremation authorities, and some associated expenses, such as payment for a coffin, related to the funeral of a child under the age of 18. Payments from the fund will not be means tested.

Burial authorities and cremation authorities will apply to the CFF for reimbursement of the fees which would otherwise be charged for the provision of the burial or cremation of an eligible child. In addition,

⁵ [HCWS1681 \[Amendment to the Social Security Contributions and Benefits Act 1992\], 1 July 2019](#)

⁶ Information about Carolyn Harris's campaign is provided in section 3 of this briefing paper

⁷ SI 2019/1064

⁸ Unless either House stops (annuls) them within a fixed period after they have been laid – see [www.parliament.uk, What is Secondary Legislation?](#) [accessed 3 July 2019]

⁹ [Explanatory Memorandum to the Social Fund \(Children's Funeral Fund for England\) Regulations 2019](#)

funeral directors or other persons responsible for arranging the burial or cremation of a child will apply for reimbursement of the associated expenses set out in Regulation 5 (1):

- (a) where the deceased is buried, the fees levied by a private grave-digger, inclusive of the fees levied for the removal and replacement of headstones and kerbing;
- (b) where the deceased is cremated—
 - (i) the fees payable for the removal of any active implantable medical device as defined in regulation 2 of the Medical Devices Regulations 2002(1) save that, where that removal is carried out by a person who is not a registered medical practitioner no more than £20 may be met in respect of that removal;
 - (ii) the fees levied for the completion of cremation certification;
- (c) the price of a coffin, shroud, or casket in which the deceased is buried or cremated;
- (d) the price of an appropriate receptacle for storage of cremated remains where the receptacle in which the cremated remains are returned is unsuitable for this purpose.

Associated expenses are limited to what the Secretary of State considers to be reasonable in the circumstances, and must not include any element which relates exclusively to a requirement of the religious faith of the deceased or the family of the deceased.

A claimant will be entitled to a CFF payment if the funeral takes place in England **on or after 23 July 2019**.¹⁰

The CFF will run in parallel with the Social Fund Funeral Expenses Payment scheme,¹¹ which enables persons on qualifying benefits to apply for prescribed financial support with regard to a burial or cremation. It will not be possible to make a claim under both schemes for the same item or service.

The Explanatory Memorandum sets out what is being done and why:

7.1 The CFF is to be delivered as part of the Social Fund under powers in section 138 of the Social Security Contributions and Benefits Act 1992 (the "1992 Act"). The 1992 Act provides for prescribed payments from the Social Fund for stipulated maternity, cold weather, winter fuel and funeral expenses in defined circumstances, and for payments to a third party for the provision of goods or services to the applicant.

7.2 ...The CFF is part of a package of measures delivering the Government's commitment to ensure that all parents who lose a child are given the support they need. The CFF will contribute to this support by relieving bereaved parents of the stress of having to finance the burial or cremation of their child.

7.3 The purpose of this instrument is to ensure that the stipulated fees charged by burial and cremation authorities for the costs incurred in the burial and cremation of a child, and the stipulated associated expenses, are provided for by Government funding,

¹⁰ Regulation 3

¹¹ See section 1.3 of this briefing paper

8 Children's Funeral Fund for England

enabling bereaved parents to access these goods and services free at the point of need.

Applications to the CFF for reimbursement will be made by goods and services providers (burial authorities, cremation authorities and funeral directors), rather than by bereaved parents. This is intended to “minimise the emotional and financial burden for the bereaved”.¹² However, anyone choosing to make the funeral arrangements themselves, without using a funeral director, may claim directly for the associated expenses provided for by the CFF.

The only eligibility conditions are that the child is under 18 at the time of death or is stillborn after the 24th week of pregnancy, and that the burial or cremation takes place in England. The residency or nationality of the deceased child, or of the person responsible for organising the burial or cremation, are not relevant in determining eligibility.¹³

Technical guidance setting out the claims process for users is to be made available online.¹⁴

¹² [Explanatory Memorandum to the Social Fund \(Children’s Funeral Fund for England\) Regulations 2019](#), paragraph 7.5

¹³ [Explanatory Memorandum to the Social Fund \(Children’s Funeral Fund for England\) Regulations 2019](#), paragraph 7.7

¹⁴ [Explanatory Memorandum to the Social Fund \(Children’s Funeral Fund for England\) Regulations 2019](#), paragraph 11.1

3. Background: calls for children's funeral fund to be established

Carolyn Harris MP campaigned, with others, for the establishment of a children's funeral fund.

The charity, Clic Sargent, one of the campaigners, has published a [timeline](#) of progress towards the laying of the regulations.¹⁵

Carolyn Harris raised the matter in Parliament on a number of occasions, including the following.

3.1 Adjournment debate November 2016

On 28 November 2016 there was an Adjournment debate on [Children's funeral costs](#).¹⁶ The debate was introduced by Carolyn Harris, who spoke of the death of her eight-year-old son, Martin, in 1989. She said that no one expects to arrange a funeral for their child, and that parents who have to do so are totally unprepared, both emotionally and financially.

Carolyn Harris said, "I remember the day the bill [for the funeral] arrived and that fear in my stomach as to how I would pay it". The local community had a collection which covered three quarters of the funeral cost, and the remaining £750 was met by a bank loan. She gave examples of the difficulties faced by other bereaved parents:

A member of the House staff stopped me to say that he and his wife lost an 18-month-old baby and his local authority charged him for an adult funeral. He had to battle that local authority to get the cost reduced. Another gentleman wrote that he had lost two children, a one-year-old and a 17-year-old. This man told me that he was ashamed to ask for help to cover the funeral costs as he had wanted to give that to his children. Today I learned of a couple who had a very premature baby who passed away after four weeks in special care. When the parents weighed up the cost of a funeral, they just could not afford it so they had to leave the baby for the NHS to deal with. That is not uncommon.

A teacher told me that when her school lost a pupil, it held a non-school uniform day to help parents pay for the funeral. Just tonight CLIC Sargent, the cancer charity, contacted me about a survey that it has undertaken in connection with issues that most concern the parents of children with cancer, and many say that paying for the funeral is a very big worry. I was told of one family whose little boy's football club undertook fund-raising to help them cover the cost of a funeral.¹⁷

Carolyn Harris called on the Government to meet the cost:

It is a very small amount of money that I am asking the Government to put in. For £10 million, the fees for children's funerals could be covered right across the country. This is an easy and a small ask, but it would impact greatly on the cost of a

¹⁵ Clic Sargent, [CLIC Sargent in "momentous" campaign victory for grieving parents as Children's Funeral Fund finally announced](#), 30 June 2019 [accessed 4 July 2019]

¹⁶ [HC Deb 28 November 2016 cc1371-1376](#)

¹⁷ [HC Deb 28 November 2016 c1372](#)

funeral and in no small way give comfort to bereaved parents. At Prime Minister's questions recently the Prime Minister suggested that the social fund could be used to help, but I say to the Prime Minister that at the darkest moment of a parent's life, I could not even fill a kettle, let alone fill in a 35-page application form. I have subsequently written to the Prime Minister asking that she consider my request, but I have not yet received a reply.

I conclude by saying to the Minister please do this. Make this happen. It is the right thing to do, it is the respectful thing to do, and it is the compassionate thing to do."¹⁸

In his response, Marcus Jones, who was then a junior Minister in the Department for Communities and Local Government, said that a number of local authorities already chose to waive fees for children's funerals. Independent of central Government, local authorities are responsible for managing their budgets in line with local priorities, but he called on them to carefully consider their policy in this area.¹⁹

The Minister went on to highlight the role of the Department for Work and Pensions in operating the Social Fund Funeral Expenses Payments Scheme.²⁰ Barbara Keeley (Labour) interjected that parents "in a fog of bereavement cannot think of filling in DWP forms, and a grant of £700 goes nowhere towards the cost of a funeral in many parts of the country."²¹

In concluding the debate, the Minister said that the Government would reflect on the issue. He again called on local authorities to consider their approach to charging for child funerals, taking the views of their local residents into account.

3.2 Early day motion

In December 2016, Carolyn Harris tabled an Early Day Motion, [Children's Funeral Costs](#), which gained 169 signatures, with cross-party support:

That this House notes that approximately 5,000 infants and children pass away each year in the UK; further notes that the cost of children's funerals imposes a significant and unexpected financial burden on bereaved parents; recognises that some local authorities, as well as religious officiants and undertakers, currently waive all or a proportion of the fees associated with children's funerals; further recognises that many individuals, community groups and schools undertake fundraising to cover such funeral costs; acknowledges that the total annual cost of fees associated with children's funerals is £10 million; and calls on the Government to establish a specific fund, from which local authorities can draw, to pay the costs associated with children's funerals.²²

¹⁸ [HC Deb 28 November 2016 cc1372-1373](#)

¹⁹ [HC Deb 28 November 2016 c1373](#)

²⁰ See section 1.3 of this briefing paper above

²¹ [HC Deb 28 November 2016 c1374](#)

²² [EDM 775 of 2016-17](#)

3.3 Adjournment debate May 2019

On 1 May 2019 there was an adjournment debate on the [Children's Funeral Fund](#) led by Carolyn Harris, who questioned why, thirteen months after the Prime Minister's announcement, the fund had still not been implemented.²³

Junior Justice Minister, Edward Argar, said that he understood that Members and others wanted to see the scheme in place as soon as possible, and to be reassured of the Government's continued commitment to and progress towards that. He reiterated that it was important to get it right, adding:

We have therefore been working hard across Government to identify the most effective way to deliver the fund. For all the clear simplicity of what it seeks to do, it is none the less a complex and challenging policy legislatively and in delivery on the ground, bringing together a number of Government Departments, but it is a challenge that the Government and I have willingly accepted.

Edward Argar confirmed that work was ongoing for implementation of the fund in summer 2019. He set out what was being done:

Since I assumed responsibility for this, my officials have been working hard to develop both the necessary legislative vehicle and a delivery mechanism to ensure that it works on the ground. That has involved detailed discussions with the devolved Administrations ... to ensure that we learn from them, that we do not inadvertently create a cross-border gap in provision and that everyone has coverage.

More than that, as I alluded to earlier, this has required close working across Government to ensure that the children's funeral fund is compatible and works well alongside other state provision and, importantly, that it fully fulfils the vision for the scheme of the Prime Minister and the hon. Member for Swansea East [Carolyn Harris]. To reflect that, our intention is that provision should be universal and free at the point of need.²⁴

²³ [HC Deb 1 May 2019 cc319-326](#)

²⁴ [HC Deb 1 May 2019 c325](#)

4. Wales and Scotland

Both the Welsh Government and the Scottish Government have established schemes, under devolved powers, to make financial support available to providers of burial and cremation for children.²⁵

4.1 Wales

On 24 March 2017, the then Welsh First Minister Carwyn Jones announced that, in future, there would be no local authority burial fees for children in Wales.²⁶ The Welsh Government subsequently drew up a Memorandum of Understanding with Welsh local authorities on the issue, which came into force in November 2017.²⁷

Carolyn Harris is calling for the cost of children's coffins to be covered by the Welsh Government as part of this scheme.²⁸ The Welsh Government has said it will be reviewing the impact of its current scheme later this year. An official was quoted as saying that Welsh Ministers would "explore what further support families may need at this extremely sad time".²⁹

4.2 Scotland

On 30 May 2018, the Scottish Government confirmed that they would work together with the Convention of Scottish Local Authorities (COSLA) to remove local authority charges for child burials and cremations:

While most local authorities have already removed their fees, this new commitment - which is supported by Scottish Government funding - will see the removal of their fees consistently and completely across all areas.³⁰

Further information is provided by COSLA, [Local Authority Charges for Children's Burials and Cremations](#).³¹

²⁵ [Explanatory Memorandum to the Social Fund \(Children's Funeral Fund For England\) Regulations 2019](#), paragraph 4.3

²⁶ See: '[Child burial fees to be scrapped in Wales, says Carwyn Jones](#)', BBC News, 25 March 2017 [accessed 3 July 2019]

²⁷ Welsh Government website article, '[Child burial fees will no longer apply in Wales](#)', 23 November 2017 [accessed 4 July 2019]

²⁸ '[Carolyn Harris: Fund coffins for child burials in Wales](#)', BBC News, 30 June 2019 [accessed 3 July 2019]

²⁹ Ibid

³⁰ Scottish Government News, '[Child burial and cremation fees to end](#)', 30 May 2018 [accessed 4 July 2019]

³¹ June 2018

About the Library

The House of Commons Library research service provides MPs and their staff with the impartial briefing and evidence base they need to do their work in scrutinising Government, proposing legislation, and supporting constituents.

As well as providing MPs with a confidential service we publish open briefing papers, which are available on the Parliament website.

Every effort is made to ensure that the information contained in these publicly available research briefings is correct at the time of publication. Readers should be aware however that briefings are not necessarily updated or otherwise amended to reflect subsequent changes.

If you have any comments on our briefings please email papers@parliament.uk. Authors are available to discuss the content of this briefing only with Members and their staff.

If you have any general questions about the work of the House of Commons you can email hcenquiries@parliament.uk.

Disclaimer

This information is provided to Members of Parliament in support of their parliamentary duties. It is a general briefing only and should not be relied on as a substitute for specific advice. The House of Commons or the author(s) shall not be liable for any errors or omissions, or for any loss or damage of any kind arising from its use, and may remove, vary or amend any information at any time without prior notice.

The House of Commons accepts no responsibility for any references or links to, or the content of, information maintained by third parties. This information is provided subject to the [conditions of the Open Parliament Licence](#).