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The Backhouse Guide to Bereavement

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DEALING WITH A DEATH

The loss of a loved one presents many emotional and practical challenges and quite often people are unsure what needs to be done and where to start.

This guide is designed to help you understand the key steps that need to be taken and provide an overview of what to expect in the weeks ahead.

While it offers general guidance, every situation is unique. Our experts can provide tailored advice and support every step of the way.

IMMEDIATE STEPS FOLLOWING A DEATH

In the days following a death, there are several steps that need to be taken, and this guide aims to help you understand what needs to be dealt with immediately and what can be left for the subsequent weeks.

- **INFORMING FRIENDS AND FAMILY**
- **SECURING THE PROPERTY AND OTHER ASSETS**
- **TAKING TIME OFF WORK**
- **REGISTERING THE DEATH**
- **LOCATING THE WILL**
- **ARRANGING THE FUNERAL**
- **PROBATE & ESTATE ADMINISTRATION**

IMMEDIATE STEPS FOLLOWING A DEATH

Informing family & friends

Ensure that anyone who needs to be informed about the death is contacted. Once the funeral plans have been finalised, you can let them know the arrangements.

The immediate family of the deceased may wish to place a notice of death in the announcements section of local or national newspapers, and this can be done online or by telephone. However, beware of giving too much information in death notices to avoid drawing attention to an unoccupied property.

Securing the property and other assets

If the deceased person lived alone, make sure that their property is secure as soon as possible. Any cash and small valuable items should not be left at the property unless locked away in a safe. The PRs should take such items into their possession to hold as part of the deceased person's estate.

Ensure that any pets are being cared for in the short term. If arrangements can't be made, they are the responsibility of the PRs until the Will is located. You should notify the insurance company about the death and check whether the current insurance is sufficient and valid. Make a full note of the conversation and put this with the insurance certificate.

Taking time off work

While there is no statutory right to bereavement leave, some employers will allow paid or unpaid leave and a set amount of time off for a bereavement. You must notify your employer as soon as possible, and the time you take must be 'reasonable'. Your employment contract, office handbook or your HR department should offer more information. In the instance where children will be taking time off school, the school should be informed in accordance with its authorised absence policy.

REGISTERING THE DEATH

Although registration is usually dealt with by a relative or someone present at the time of death, a personal representative may also do this if they are not a family member.

You must register the death within five days, unless the coroner grants special permission for a delay. The hospital or the coroner will issue the medical certificate of cause of death and will usually give some guidance about how to register the death. Details of the local register office and its appointment system for the sub-district where the death occurred can be found online at the Gov.uk website: Register a death.

What you will need:

You will be required to provide :

- ✔ Medical Certificate of cause of death
- ✔ Their birth certificate or passport
- ✔ Proof of their address
- ✔ Your ID document (passport or driving license)

What you might need:

If applicable, you may also need to know:

- ✔ Their occupation and the occupation of their widow(er)
- ✔ Any other names that they were known by
- ✔ Any marriage/civil partnership certificate(s)
- ✔ Their pension or state benefit book (including their NI number)

Once the registration is complete, you will be given the death certificate and a green form which needs to be passed on to the funeral director. It is advisable to purchase several certified copies of the death certificate, as banks and other financial institutions require these as proof of the death. You will also be provided with a registration form relating to state pensions or benefits.

To make things a little easier, many UK local authorities offer the free **Tell Us Once** service which allows PRs to notify central and local government services of the death in one step. The registrar will confirm if this service is available in your area when you register the death.

Locating the Will

If you locate the Will, you are able to check it only to ascertain the identity of the executors and note any funeral wishes, including any organ donation instructions.

If the Will cannot be found, it may be lodged with a solicitor or bank. If you know who to contact, this is the best place to start. They can confirm the identity of the executors and advise whether the Will contains funeral or organ donation instructions.

The Will may include any wishes or instructions regarding any pets. If there are no specific instructions, check whether the animals are registered with the RSPCA Home for Life Scheme or if friends or family can help longer term. As a last resort, contact a local animal shelter to arrange rehoming.

If there is no evidence that a Will exists, the individuals entitled to administer the estate as PRs are established under the legal *rules of intestacy*. They will be formally appointed in the *grant of letters of administration*. Your probate expert will explain how the intestacy rules apply and help you through the next steps.

Arranging the funeral

Often, the funeral is arranged by the next of kin, although this responsibility may fall to the PRs if they are not the same person. Before proceeding, check whether the deceased left any specific wishes, such as:

- organ donation
- burial or cremation preference
- funeral and memorial wishes etc.

Consult with immediate family members where appropriate. While there is no statutory obligation to follow the deceased's wishes, they should be given serious consideration.

When planning the funeral, it is important to establish what is included in the funeral director's quote, such as cremation certificate, crematorium or church fees, and memorial costs. The person arranging the funeral is responsible for payment initially, and a receipt should be obtained and can be submitted as a debt to be paid from the estate once the grant of representation has been issued.

In some cases, funds from the deceased's bank or building society account(s) may be used to pay funeral costs. If this is required, it should be discussed directly with the funeral directors. Funeral expenses may also be covered through a pre-paid funeral plan, life insurance policy, or a lump sum payment from the deceased's pension scheme.

NEXT STEPS

In time, it is necessary to start dealing with the legal aspects of administering the deceased's estate, which includes establishing what assets they owned, any debts they had and anything owed to them. Unless there are immediate financial concerns and/or property needs to be dealt with for commercial reasons, this can wait for a few weeks.

However, it should be noted that interest starts to accrue on unpaid inheritance tax (IHT) from six months after the end of the month in which the person died, and the filing deadline for the IHT account is twelve months from the end of the month in which the person died.

Following a bereavement, there are often many practical matters to manage, one of the most significant is dealing with the legal and financial affairs. **The Backhouse Guide to Probate** includes useful guidance and details of what to expect during this process.

HOW CAN WE HELP?

At Backhouse Solicitors, we understand that losing a loved one is an incredibly difficult time. Our caring and experienced team are here to guide you through the practical and legal steps that may follow. Our friendly experts offer clear advice and sensitive support when you need it the most.

If you would like to speak to someone about your situation, please contact us to arrange a free initial consultation.

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