

What to do when someone dies

This is our free guide designed to help you on your way with what can be a daunting task.

It will answer your immediate questions on topics that we hopefully don't encounter on a too regular basis.

We work with a panel of experts and can therefore help with all aspects of the process from the legal work through to and including clearing and selling property.

If you have any questions not covered in this guide, please do not hesitate to contact us.

Call us on **0333 005 0072** or email us at **hello@mylifelaw.co.uk**



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Registering the death

This is a legal requirement to formally acknowledge the ending of a life. A death should be registered within 5 days (including weekends and Bank Holidays) at a register office. A register office is a British government office where births, deaths and marriages are officially recorded and civil marriages take place. You are free to go to any register office, however, if you use the one in the area where the person died, you'll be given the necessary documents on the day. If you plan on using a different register office, then the documents will be sent to the office in the area where the person died, before they can be issued to you, which means there will be a wait of a few days.

When the cause of death is known and is from natural causes, a doctor who was caring for the person who died prior to them dying will issue a Medical Certificate of the cause of death. This will give the name of the person who has died, their age, place of death and the cause of death. The doctor will also state when they last saw the patient.

If the cause of death is unknown or it was sudden or unexplained then it may be reported to the coroner. Coroners are government officials who are appointed directly by the Crown. They are completely independent and have extensive qualifications as a lawyer, a medical doctor or sometimes both. Coroners investigate all deaths where the cause is unknown or where there is reason to think the death may not be due to natural causes. The Coroner will investigate each case in an appropriate way.

It may be as simple as consulting with the doctor who last treated the person who has died, or a post-mortem examination may be needed. In some cases, the coroner may open an inquest which is a judicial inquiry into the death.

The process of registering the death is quite informal and it involves a face-to-face interview with the registrar. You may feel more comfortable taking somebody along with you.



Who can register the death?

- A relative
- Someone who was present at the time of death
- An administrator from the hospital (if the person died in hospital)
- The person(s) in charge of making the funeral arrangements
- The executor named in the Will

Details required for registering the death

The register office will need certain information from you. In the early stages of bereavement, many people struggle to recall even basic information and so it may be best to write this information down to take along to your appointment. This will include information such as the name and address of the person who has died, as well as their date and place of birth and the details of their spouse/partner.

The death certificate will be issued, along with a “Certificate for Burial or Cremation” which will enable you to arrange the funeral with a Funeral Director and to begin dealing with the assets.

You must register the death before the funeral can take place.

Securing an empty property

Where the person who has died has left a property, which is now unoccupied, it is important that you take the appropriate steps to secure this. This will include things such as making sure there is adequate insurance, allowing for vacant periods and where appropriate changing locks, draining down the water supply and keeping the property well maintained. If anything were to happen to the property and you hadn't taken the steps to secure it, then you could well find yourself personally liable and at risk of having to pay for any damages, repairs or lost property out of your own pocket.

If the intention is to sell the house, then you can place it on the market straightaway, however, you will not be able to complete on the sale until you have obtained the correct legal documents.



Sadly, vacant properties are at risk of being broken into and as such it is important to take the following steps to help safeguard against this:

- Make sure you cancel any regular deliveries, such as milk and newspapers
- Arrange for the property to be cleared of furniture and belongings as soon as is possible
- Rearrange for the post to be redirected with Royal Mail
- Visit the property frequently and consider installing timers to work the lights to give a 'present feel' to the property
- Take the necessary steps to stop direct mail / junk mail, this can often be achieved online. However, ensure that you use a reputable company and not one that will sell your data
- Remove any valuable items from the property and keep in safekeeping
- If the person who has died owned a car, then the car insurance becomes invalid, and it is important to notify the insurers as soon as possible.

Arranging the funeral

Organising the funeral will often be the family's priority and focus following the death of a loved one. However, many families will struggle with the preparations since they will want to follow the wishes of the person who has died but they may not have discussed these prior to them dying. It may well be that the person who has died left guidance or instructions in their Will or a letter accompanying the Will or they may have purchased a prepaid funeral plan and recorded their wishes for their loved ones to carry out.

Most people will want to follow the wishes of the person who has died, however, it is important to remember that it's okay not to follow a loved one's wishes – perhaps if they are too expensive, or maybe a little too 'out there' or laid back.

A funeral director will guide you through the whole process and can make all of the practical arrangements on your behalf. This will include:

- Taking care of the person who has died
- Ensuring that all of the necessary documentation is completed to legally allow the burial or cremation to take place
- Advising you and helping source additional items, such as funeral flowers



- And finally, bringing it all together to make sure the funeral takes place with respect and dignity.

Planning a funeral can be stressful. There's a lot to think about and don't forget you are grieving. It is important that you don't feel rushed and you should be free to take your time.

We've included a number of things you may wish to consider below:

Should there be a ceremony?

There is no law requiring a ceremony takes place, however, most people will want this to happen so that they can say their final goodbyes. This may be governed by faith or spiritual beliefs. You can decide how formal or informal the ceremony should be, where it will take place and who will be invited.

What type of coffin?

Some people will opt for something 'cheap and cheerful', whilst others may want something 'green' and friendlier to the environment. Whatever the preference, there are many different types of to choose from, ranging from solid wood or wicker, to recycled materials and even cardboard. You should be able to find a suitable coffin to fit your budget. You can choose decorations, such as flowers or football colours as well as the coffin fittings.

How should I let people know?

Placing a notice in the local paper is a good way of making the funeral details known to friends and family. The cost will depend on the length of the obituary, and you may need to show the death certificate to the paper before they can place the notice. Please remember not to advertise the address of the person who has died as sadly many houses are burgled during funerals.

Should there be a wake?

Many people choose to provide a place for people to go following the funeral, often a buffet is provided



Did the person who died wish to be buried or cremated?

This may be recorded in the Will or you may be aware of this from conversations you had had. This could also be determined by faith, cultural traditions or may be due to cost since cremation tends to be less expensive.

How do I get to the funeral?

You might want to use limousines provided by a funeral director for the close family to travel together to the funeral, this can relieve anxiety around time keeping. You can decide where the funeral will start, this could be from the home, and everyone follows a procession to the funeral.

Will I need a printed Order of Service?

Many people value these, however, it's entirely up to you, this will detail how the funeral will be conducted and in what order. You can include a photograph as well as a personal message.

Flowers or donations?

You can choose for donations to be made to a certain charity in remembrance of the person who has passed away or you can choose whether or not to accept flowers or restrict whether flowers should be from family members only, for example.

Paying for the funeral

The person signing the papers at the funeral directors is effectively entering into a contract with that funeral director and as such becomes responsible for payment of the funeral. It is usual that the funeral director will want payment within 30 days following the funeral and some may ask for a deposit upfront. Many people will use credit cards or loans to pay for the funeral. However, usually the funeral is paid for from the estate, i.e. the belongings of the person who has died. Paying funeral expenses takes priority over other payments that need to be made. When someone dies, the bank accounts are usually frozen, however, often the bank will release the funds upon receipt of the funeral account.



Where there is not enough money belonging to the person who has died, the family will need to meet the costs. Many families will struggle and some may even face financial hardship. Most people will not want to have to cut back on the funeral they would want for their loved one, however, sometimes this may be the only way to keep the funeral affordable. All SAIF (Society of Allied & Independent Funeral Directors) and NAFD (National Association of Funeral Directors) members have pledged to provide simple funerals in these situations and will quote a package price, which is usually cheaper than standard charges.

If there is not enough money belonging to the person who has died to pay the funeral then you may be eligible to help from the government. The government can help with funeral costs in two ways.

- First, with a Funeral Expenses Payment, which can be given to people on certain benefits to cover basic costs
- Second, with a Bereavement Support Payment, which is for people under state pension age whose partner has passed away

Caring for dependents

The person who has died may have left behind young children they were caring for and you will need to ensure that they are taken care of without delay. Often, a parent will leave a Will appointing legal guardians or they may have completed the necessary form under section 5 of the Children Act 1989 to appoint a guardian. A guardian will have all the same rights and responsibilities as they would if they were the parent. If there is a surviving parent, they may have rights over the children and may automatically become their guardian.

If a child has no living parent and no guardian has been appointed, then an application must be made to the court for a guardian to be appointed, this will usually be a willing family member or friend. As an absolute last resort, the children may be taken into care by Social Services as a temporary arrangement whilst the formalities are being dealt with.

The person who died may well have been the sole carer of an elderly or dependent person who relied upon them for their daily care. If so, you may have to help organise alternative arrangements for this person, and it might be



necessary to move them temporarily into a home. Social Services will be able to assist; and they may be able to help the elderly person continue to live at home by providing extra support.

Caring for pets

The person who died may well have been a pet owner and so it is important to ensure that all pets are taken care of. You may find instructions left by the person who has died outlining their wishes as to what should happen to their pets. This information might be contained within a Will or in amongst their personal papers. They may have already made arrangements with an animal welfare charity and so it is worthwhile checking. More often than not, family members will take the pets into their care rather than re-home them.

Coping with your loss

Bereavement is a very sad and difficult time, and grief is a natural and normal response to the death of someone who was very important and significant.

Each individual's experience of grief is unique, and will often depend on their own personality and the relationship they had with the person who has died, as well as the circumstances surrounding the loss. There are also other factors, such as upbringing, beliefs or religion, age and our physical and mental health, which are all factors.

For many people, the feeling of grief is unbearable and overwhelming, however, it is a very important and necessary process. The intensity of anguish can reflect the strength of the love and affection you had for the person who has died. You may feel shocked by the intense and extreme feelings and the pains can feel physical as well as emotional.



Often, people are taken aback by the feelings and emotions they experience during this time of sadness and people act in many different ways, which may not be typical of that person. Grief is natural and consists of several key emotions:

- Anxiety
- Helplessness
- Shock, numbness or disbelief – all very understandable emotions
- Anger, including feeling angry at the person who has died for ‘leaving you behind’
- Feeling withdrawn
- Sadness
- Guilt

These are common responses to grief and knowing this can help people to feel they are normal and it is important to know that these feelings will pass. There is no time limit on how long someone will feel this way and some people will need longer than others. You will eventually adjust to your loss and these intense feelings will ease.

Make sure you give yourself time to grieve and allow yourself a period of adjustment. Be patient. The following may provide some comfort:

Talking – Can help the healing process and soothe painful emotions. Many people find comfort in sharing their story with others.

Sadness – You’re allowed to feel sad and crying helps your body to release tension. Don't feel ashamed to cry.

Sleep – Dealing with such intense emotions can make you very tired, be sure to rest whenever you need to.

Eat – A healthy, well-balanced diet can help you cope with your emotions. Try to avoid things that “numb” the pain, such as alcohol. You may be left feeling worse once the affects wear off.

Some people, after losing somebody close to them, like to have a keepsake made in memory of the person who has died, this can be a great comfort and



might include preserving funeral flowers or having a cushion made from clothing belonging to the person who has died by way of an example.

Accepting help should not be seen as weakness and you may find it helps you to talk to:

- Your family and friends
- Your local hospital, Patient Advice and Liaison Service (PALS)
- Your GP, many surgeries are able to offer counselling and for some people bereavement can trigger depression so it could be beneficial to visit your doctor
- Many church parishes can provide a bereavement visiting team
- Some funeral directors are able to offer bereavement support services
- Cruse is the largest national organisation supporting bereaved people in the UK providing one to one support by trained volunteer support workers.
- Private counselling is available and they will charge for their service. Usually the scale of fees is determined by your own income.

It is important for you to seek help if:

- You don't feel able to cope with overwhelming emotions or daily life
- The intense emotions aren't subsiding
- You're not sleeping
- You're becoming dependant on alcohol or drugs
- You have symptoms of depression or anxiety
- Your relationships are suffering
- You're having sexual problems
- You're becoming accident-prone
- You're caring for someone who isn't coping well



Tell Us Once

This is a service that allows you to report a death to most government organisations in one go and the registrar will let you know if this service is available when you register the death. If it is available then you must register to use this service within 84 days after you register the death.

A similar service, called the Death Notification Service; exists for notifying several banks and building societies.

Organ Donation

Organ donation in England has moved to an 'opt out' system, often referred to as 'Max and Keira's Law'. This means that all adults in England will be considered to have agreed to be an organ donor unless they have recorded a decision not to donate or are:

- Under the age of 18
- Lacked the necessary mental capacity to understand the new arrangements and take the necessary action Visitors to England and those not living here voluntarily
- People who have lived in England for less than 12 months prior to their death

A person's faith, beliefs and culture will continue to be respected and this will be discussed with you. If you know that your relative would have wanted to donate organs and / or tissue, then please speak to the medical or nursing staff to find out if this will be possible. If the coroner is involved, then he will need to give permission for the procedure to go ahead and will usually be organised by the hospital's transplant co-ordinator. The earlier you talk to someone, the more likely it will be for the donation to be able to take place.



Estate administration (probate)

When someone passes away, the persons appointed as Executor in the Will, or the next of kin/beneficiaries (Personal Representatives) where there is no Will, are legally responsible for finalising the affairs of the person who has died. This is known as Estate Administration but often generically referred to as Probate. The work involved includes such things as:

- Closing bank accounts/investments
- Selling property
- Paying tax (income and inheritance tax) and other liabilities
- Applying to the Court for a Grant of Representation (either a Grant of Probate or Letters of Administration)
- Paying the inheritance to the beneficiaries.

But dealing with the death of a loved one can be one of the most difficult and emotional times in our lives. Dealing with these things will be overwhelming for some people and many will struggle to cope. Bereavement isn't an everyday experience and for many, it will be their first experience of dealing with grief and they will be left feeling unsure about what to do and where to turn. After all it's something that most individuals have no experience of, it carries a high administrative burden and can involve language that we simply are not familiar with.

But don't worry, you're not on your own and there are range of ways to get help. Whether you want to talk to a specialist to simply be pointed in the right direction or if you would prefer to have help with the 'legal bit' or even hand the responsibility and burden on to someone else entirely, then there are services which can be tailored to meet your individual needs.

You can choose how much or how little help you need and our advice would be to choose a solution where the price is fixed in advance rather than opting for any hourly rate. Know what you will pay in advance before agreeing to proceed.



Review your own circumstances

If you have inherited or are due to, now is the time to ensure your own affairs are in order.

Having an up-to-date Will and Lasting Powers of Attorney are cornerstones of good estate planning, not only making sure your wishes are met but also making things simpler and more cost effective for those you leave behind.

We work with a panel of experts and can therefore help with all aspects of the process from the legal work through to and including clearing and selling property.

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