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Office

Giving us feedback

If you need to get in touch with a British Consulate when you are overseas, we would welcome any comments on the help you received. Please send an e-mail to feedback_consular.services@fco.gov.uk.
www.fco.gov.uk/

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Guide for bereaved families



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The information contained in this guide is not meant to be a definitive statement of the law, nor is it to be taken as a substitute for independent legal advice. The UK Government is not responsible for the content of other organisations' websites and cannot accept any legal responsibility for any information or advice they give you.

Introduction

We have drawn this guidance together for families and friends of British people who die overseas. Laws and local custom vary widely from country to country. This guidance is therefore necessarily general.

You will be assigned a caseworker with knowledge of the country in which your friend or relative died. They can provide you with basic information about the practicalities of dealing with a death overseas, the steps you may need to take and what things may be done differently in the country where your friend or relative died.

If the death is being investigated as a murder or manslaughter, a member of the team dedicated to dealing with such cases will be assigned to provide you with consular support. Further information is available in our leaflet 'Consular Support for those bereaved through murder or manslaughter abroad'.

Where a death has occurred in suspicious circumstances which may lead to legal proceedings overseas, we can continue to keep you informed of developments and to offer guidance, long after a funeral or memorial service has taken place. But there is a limit on how involved we can be in any legal proceedings. Your caseworker can provide information if required.

Please note that some parts of this guidance will not apply in all cases. Your friend's or relative's death may have occurred naturally. If so, information about a police investigation is not applicable.

Keeping in touch

You may find it helpful to write down questions you have asked and what you have been told and keep copies of letters in a safe place. It may also help you to keep a note of important names and contact numbers. Your caseworker may fill in these details for you.

The FCO Caseworker:
The Coroner:
Coroner's Officer:
Family Liaison Officer (if applicable):
Other useful contact:
Other useful contact:

We hope you find the information contained in this guidance helpful. Some of it may be of immediate interest. Other information may be more useful at a later date

What you need to know now

You may be reading this very shortly after a death. The following will tell you things you may want to know straight away.

Identifying the person who died

After someone has died, they are usually taken to a mortuary, where they will need to be identified. If the person who died was travelling with a friend or relative they may be asked to do this. Otherwise, the local authorities may do it.

Seeing the person

Depending on the circumstances, you may have seen the person after death. If not, you may wish to travel to the country concerned to view the deceased. Depending on what country your friend or relative died in, this may prove difficult. Your caseworker will be able to offer some guidance.

If you do decide to travel, we can try to assist you where we can, but we cannot meet any costs involved in travelling overseas. If you are unable to travel overseas or seeing the deceased is not possible in the country concerned, you may be able to do so in the UK should you decide to repatriate the deceased to the UK.

Repatriation or local burial

When a friend or relative dies overseas, you will be faced with difficult decisions. For example, whether to repatriate them to the UK or conduct a service in the country where they died and whether to have a burial or a cremation. You should be aware that if you decide on a cremation overseas, there would not normally be an inquest in the UK.

Whatever decisions you make, consular staff will do all that they properly can to help implement your wishes. However, the Foreign and Commonwealth Office (FCO) is unable to pay any burial, cremation or repatriation expenses or settle any debts.

You should look, in the first instance, to the insurers to cover the cost. If your friend or relative was not insured, then friends and family will be asked to bear the cost. We can help transfer money from friends and family in the UK to pay these costs.

Our ability to assist with funeral arrangements is

dictated by the facilities, laws and culture of the country in which your friend or relative died. For example, burial or cremation facilities may be limited in certain countries. You should be aware that, in some countries, a lack of suitable storage may make it impossible to get the necessary international certificates to transport the body.

Personal possessions

Overseas, as in the UK, the police or hospital staff often look after the personal possessions of the person who died. You may want to arrange for the possessions to be returned to the UK. If you are having difficulty doing this, in exceptional circumstances, our consular staff may be able to secure them on your behalf and help to arrange for them to be returned. The cost of returning possessions to the UK must be met by the insurance company or by friends and family.

Personal items, especially of those travelling alone, often go missing. We can make initial enquiries at the hospital or with the police but anyone concerned about missing items may need to seek legal advice.

Unfortunately, if the person's property is to be used as evidence in a prosecution, it can take a long time before the items are released. If a prosecution is brought and someone is convicted, the property may need to be retained until that person is released from prison. Again, the precise rules surrounding this will vary from country to country. If you have any concerns you should raise them with your caseworker.

The passport

If your friend or relative has died overseas, we will cancel their passport. The normal process, irrespective of why the passport is being cancelled, is to cut the corners from the passport and stamp it as cancelled. The cancellation is also recorded on a database. This prevents the passport being used fraudulently, by a third party, at a later date. We will return it to you, if you wish, once it has been cancelled. Alternatively, we can dispose of it on your behalf.

The death certificate

All deaths must be registered in the country where the person died. We can advise you how to do this. You will need documents about you and the person who has died, including, for example, the full name, date of birth and passport number of the person who has died. The local authorities will need to be told if the person suffered from an infectious condition (such as hepatitis or HIV) so they can take precautions against infection.

Most countries, but not all, issue a death certificate for all deaths in their jurisdiction, including foreign nationals. Depending on the country, this may take longer than it would in the UK and it is likely to be issued in a different format and usually in the local language.

You can also register the death with the British authorities in the UK; this is called Consular Death Registration. To do so you must provide the local death certificate (with an official translation if necessary) and evidence of the deceased's British nationality (usually a copy of the British passport, or a UK birth/naturalisation certificate if no passport is available). Full details on how to register the death, including the fees, are available at www.gov.uk/register-a-death. The Foreign and Commonwealth Office issues Consular Death Registration certificates from the UK; it is not possible to register the death at a British Embassy/High Commission.

It is not necessary for you to obtain a Consular Death Registration for purposes in the UK; the local death certificate (with translation if necessary) should suffice. The benefits of Consular Death Registration are that the death will be recorded with the General Register Office (for England, Wales and Northern Ireland) and the National Records Office of Scotland.

You'll need to register the death with the foreign civil authorities and obtain a full foreign death certificate before you can apply for Consular Death Registration. The Consular Death Registration certificate won't include a cause of death as many foreign death certificates don't include this detail.

The Foreign and Commonwealth Office cannot normally carry out Consular Death Registration for deaths which occurred in Australia, Canada, New Zealand, Republic of Ireland and South Africa.

Coping with the media

If your friend or relative died in unusual circumstances, there may be some media interest. This interest may sometimes be difficult, even impossible, to avoid and such publicity may add to your distress. Any media inquiries made to the FCO will be directed to our press office, where a dedicated team handles such matters. Newspapers often want pictures of those who died or of their families, and will sometimes go to considerable lengths to get one. You may like to think about providing a photograph of the person who died in order to satisfy media interest.

Media intrusions

On the other hand, you may not want to co-operate with the media and you may find their interest in you, or the person who has died, intrusive or distressing. If you do, you should tell your caseworker. It may be possible to involve your local police, who may be able to take steps to reduce the level of intrusion or provide information on how to try to cope with it.

What can I do if I am unhappy about the media reporting?

It may be possible to persuade the editor of the newspaper concerned to withdraw a comment, or a complaint could be made to the Independent Press Standards Organisation (IPSO). The organisation is responsible for ensuring that newspapers adhere to the Editor's Code of Practice. The Code covers issues relating to accuracy, invasion of privacy, intrusion into grief or shock and harassment. A copy of the Editor's Code of Practice and details of how to complain are available on IPSO's website at www.ipso.co.uk. If you are being harassed by a journalist, you can call their 24 hour emergency helpline on 07659 152656.

Broadcasters should also deal sensitively with these matters and any complaints you wish to make should be directed to OFCOM the communications regulator. OFCOM ensures that people are protected from being treated unfairly in television and radio programmes, and from having their privacy invaded. Information on how to complain can be found on their website at <http://consumers.ofcom.org.uk/complain/> or you can contact them on 0300 123 3333 or 020 7981 3040.

The role of the coroner

This section and the section titled 'About the inquest' provide information about inquests and the role of the coroner in England and Wales. There are different procedures in Scotland, Northern Ireland, the Channel Islands and the Isle of Man.

The steps taken to investigate deaths overseas vary widely from country to country. In the case of a major catastrophe or terrorist attack, local practices overseas may change, and there may be delays with bodies being returned to the UK due to identification procedures. You may wish to seek information from your caseworker. However, if you are arranging for your friend or relative to be repatriated to England or Wales, there may be an inquest here. The decision to hold an inquest in England or Wales rests with the local coroner.

What does the coroner do?

In England and Wales, a coroner is an experienced doctor or lawyer appointed by a local authority to determine the cause of unexplained and violent deaths. The coroner is completely independent of the local authority, the police and the Crown Prosecution Service (CPS). His or her findings, made during a hearing known as an inquest, depend entirely on the facts. In deciding on a verdict, the coroner has to be satisfied on four points: the identity of the deceased; the date; the place; and the cause of death. It is not part of the coroner's function to determine who caused the death. That is for a criminal court. A coroner in England or Wales will normally hold an inquest if the person died a violent or unnatural death overseas and their body is returned to their district. In Northern Ireland, the coroner does not have a legal responsibility to hold an inquest where a person has died overseas.

There are no coroners in Scotland, but their functions are carried out by regional Procurators Fiscal. The Procurators Fiscal do not have a legal responsibility to enquire into the circumstances of any death overseas. If repatriation is to Scotland, then different laws apply and there will be no equivalent of a coroner's inquest or post mortem.

Similarly, the coroner, or other official performing the coronial role in the Channel Islands and the Isle

of Man, is not legally obliged to enquire into the circumstances of a death overseas.

In England and Wales, the coroner will request a copy of the post mortem and police reports from the relevant country. This is done through the Coroner's Liaison Officer in Consular Directorate, at the FCO. Depending on the country involved, obtaining these reports can take some time, perhaps running into several months, or even years.

A coroner's officer is a member of the coroner's staff who manages the proceedings on behalf of the coroner. You can ask to talk to the coroner's officer at any time and he or she will try to answer any questions you may have. Your caseworker will tell you how to contact the coroner's officer.

In some cases where a person has died overseas, the coroner may decide to seek the assistance of the local UK police. This is to help him or her gather evidence in the UK for the inquest and, perhaps, obtain information from the authorities overseas. In cases of this type, the UK police are likely to appoint a Police Family Liaison Officer (FLO) to support and communicate with you.

In the UK, FLOs are investigators, and an important part of the team investigating a murder or other critical incident. They obtain evidence and information from the family on behalf of the Senior Investigating Officer (SIO) and provide information on the investigation to the family of the victim. They are the link in the relationship between the SIO and family. However, it is highly unlikely that the UK police will be able to investigate a death overseas; that is for the authorities in the country where the death occurred. The involvement of UK police officers, at the request of the coroner or otherwise, is no guarantee that they will be able to obtain information or otherwise assist or advise in a foreign investigation. An investigation into the death of a British national overseas is entirely in the hands of the overseas authorities.

The post mortem

A post mortem is an intrusive medical examination of the person who died, to help establish the cause of death and, in cases of suspicious deaths, to gather forensic evidence.

Shortly after the person has died there may be a post mortem examination in the country concerned (also known as an autopsy) to determine the cause of death. In many countries they are carried out as a matter of course and may well have already taken place immediately following the death, without the permission of the next of kin. Our ability to influence this is very limited. In some countries, there are no post mortem facilities.

If a post mortem has been carried out overseas, there may not be the need for one in the UK. However, this is a decision for the coroner. He or she may require one in cases of unnatural or violent death; if there has not been one abroad; if there are concerns about the identification process; or for other extenuating circumstances.

In England and Wales, the coroner will give notice of the need for a post mortem, unless it has to be held urgently. Next of kin may be represented at the examination. If you want to be represented, the coroner must tell you, if it is reasonably possible to do so, when and where the examination will be made. A qualified doctor can represent you at the examination, but you cannot attend the examination yourself unless you are a qualified doctor.

In certain cases, there may be more than one post mortem examination. People who might want another examination include:

- > a defendant charged with an offence to do with the death (if there is more than one defendant, each one may ask for another, separate, examination)
- > the family of the person who has died, if they are unhappy with the results of the first examination.

Please note that if you do want another post mortem, you will have to pay for this yourself. It is likely to be expensive.

In order to be repatriated to the UK by air, the deceased must be embalmed overseas. In many

countries, the embalming process is so thorough that it prevents a second post mortem taking place in the UK.

The post mortem report

This report gives details of the examination of the body and will, in the majority of cases, give the cause of death. It may also give details of any laboratory tests that have been carried out. A post mortem report is a medical one and, as such, uses clinical terms which you may find distressing. Copies of the report are normally available to the next of kin. Countries that carry out post mortems will produce post mortem reports. But you should be aware that the standard of a report and the time that it takes to obtain one can vary significantly from country to country. In some countries, it can take many months or even years, and the final document may not give the level of detail you would like.

Organ retention

Almost every post mortem examination involves the taking of small tissue samples, known as 'tissue blocks'. These are less than a quarter of an inch thick and are embedded in a wax resin. From them, very thin slices are taken, ten times thinner than a hair. These are placed on glass slides so that they can be examined under a microscope. These 'slides', as they are known, are an essential tool in reaching a diagnosis. In some cases, it may be necessary to remove whole organs and retain them for a period of time, so that a proper diagnosis can be made.

When hospitals in the UK realised the distress some people had suffered by finding out only much later that tissue samples had been taken or organs retained, they took steps to change their approach. New arrangements are now in place in the UK to tell families, where possible, that a post mortem examination may take place and that it may be necessary to remove and retain organs for further tests.

About an inquest in England and Wales

In the UK, if an organ has to be retained until after the funeral has taken place, you have the option to choose how this will be handled when the organ is released. You may not want to know or you may want the organ returned. The hospital will take your wishes into account. If the organ is returned to you, there are several options: from a further ceremony or the organ placed in a separate casket to be reunited with the deceased. Your funeral director will be able to offer advice.

However, in many countries local law permits the removal and retention of organs without the permission, or prior knowledge, of the next of kin. As a result family and friends may be unaware that organs have been removed and that they have not been returned with the body to the UK. Sometimes it is possible for the deceased to be buried, cremated or returned to the UK before tests on removed organs are completed.

Specific practices vary from country to country. The FCO will do what it can to establish what has happened to your friend or relative's organs in any given country. If you have any concerns about this, you should contact your caseworker.

What is an inquest?

An inquest is a formal hearing conducted by a coroner to establish the cause of death in unnatural and suspicious deaths. Their purpose is not to apportion blame, but to confirm the identity of the deceased, the date and place of death and the cause. If, during the coroner's hearing, it becomes clear that the death could be due to murder or manslaughter, the coroner will adjourn the hearing and refer his or her concerns to the judicial authority in the country where your friend or relative died.

In most cases the coroner will open the inquest within a few days of a body arriving in his/her jurisdiction, and then adjourn the proceedings until further information is received from the enquiry abroad. This opening is a formality and usually takes only a few minutes. If you wish to attend, speak to the coroner's officer or your caseworker. In normal circumstances, after the opening of the inquest, the coroner will release the body for burial or cremation.

What happens at an inquest?

The coroner will decide which witnesses to call and the order in which they give their evidence. You may write to the coroner in advance of the inquest, suggesting that particular witnesses be called. Sometimes written statements are accepted by the coroner if witnesses cannot add any further information by being questioned (e.g. an identification statement can be read aloud). Witnesses may, if they give notice to the coroner, present themselves at any inquest if they believe their evidence is relevant. Penalties can be imposed on witnesses who, when asked, fail to attend the coroner's court, unless they ordinarily live overseas. Any person who has a 'proper interest' (which could include close relatives) may question a witness. The coroner's office will advise as to who will be able to ask questions, but certainly close relatives may do so.

Who can attend an inquest?

Close relatives and, where there is a Will, the executor/s, of the person who died must be given details of the time and place the inquest is to be held. You do not have to attend unless you are called as a witness, but many people choose to do so. Though inquests are distressing, many families want to know

how their friend or relative died. If you would like to attend, you may wish to familiarise yourself with the courtroom beforehand by visiting it. Ask the coroner's officer if you wish to do this.

Who else will be present?

This depends on the circumstances, but will always include the coroner and his/her officer; and can include police, legal, insurance and press representatives; and, since the courts are open to the public, anyone who wishes to attend.

What verdicts are open to the coroner?

The coroner uses the evidence to reach conclusions. Possible verdicts include natural causes, accident, death at their own hand, unlawful or lawful killing and open verdicts (where there is insufficient evidence for any other verdict).

Any of these verdicts can, in certain circumstances, be challenged. An application to do this must be made within three months and you will probably need the help of a solicitor.

What happens after the inquest?

The coroner will inform the Registrar of the verdict. You can ask to see the coroner's notes of evidence (called 'depositions') after it is over or copies may be obtained on payment of a fee. These are available from the coroner's office on written request. The cost of this may vary considerably across the country. The record may be a transcript from a taperecording or the coroner's own notes. There may not be a full, word for word, record.

Afterwards, many people feel that they expected too much from the inquest. However, it can be an important step in helping you to feel that everything was done to bring out the truth surrounding the death.

Funeral arrangements

Every culture has rituals and customs for funerals. The funeral or memorial service is a time when the reality of what has happened can start to sink in. It may be upsetting, but it is a time for saying goodbye to the person who has died and for celebrating their life. It gives family and friends the chance to support and comfort each other.

When can the funeral take place?

The answer to this question may be influenced by factors that are additional to those you would consider if your friend or relative died in the UK. For example, if you wish the service to be carried out in the UK, the speed at which a flight can be arranged will be a factor. If a service is to be completed in the country where your friend or relative died, local laws and customs may affect when and what type of service can take place.

Unfortunately, in cases of murder and manslaughter the funeral might take place quite some time after the death as evidence needs to be gathered. This applies wherever the funeral might be planned – in the UK or overseas.

England and Wales

In England and Wales a funeral can take place once the coroner has given permission to release a body for burial or cremation when a death occurs abroad.

Scotland

When a British national dies abroad and is to be cremated in Scotland, Scottish Ministers, through The Scottish Government Health Department, must give their authority in accordance with the terms of the Cremation (Scotland) Regulations 1935 and 1952 before cremation can take place. No cremation can take place until authorisation is given and the papers are lodged with the crematorium for 24 hours beforehand.

While all applications are treated as urgent, you are advised not to make any arrangements for a funeral until authorisation has been granted. This is because further investigations may need to be made with foreign authorities and this may create a delay in authorisation being granted.

In some cases, although this is very rare, authorisation for cremation may be refused. Refusal may occur if cause of death cannot be established or if a suspicion of foul play cannot be ruled out. In such instances you may still opt for a burial.

There are no special arrangements for burial in Scotland where death occurred abroad and you can proceed with arrangements for a burial without delay. You are also free to change your mind if you have sought an application for cremation but later wish to opt for burial. Where the deceased has been seen by a coroner in England or Wales en route to Scotland, the above procedures still apply. English and Welsh coroners do not have authority in Scotland when a death occurs abroad.

Arranging a funeral

Before you begin to arrange the funeral it is worth thinking about a few points:

- > Did the person who died have firm ideas about what they wanted their funeral to be like?
- > What sort of funeral do you, and other family and friends, want? Do you want a quiet family gathering or an elaborate ceremony? Will there be a religious service?

You may have to decide where to hold it, whether to hold a burial or cremation service, what should be said at the funeral, who to inform, whether to ask for flowers or donations and whether or not to have a memorial.

You may also need to consider instructions that have been left in a Will and the wishes of others close to the person who died.

Choosing a funeral director

If you want to return your friend or relative to the UK for a funeral service, you are likely to need the services of an international funeral director to make the necessary arrangements. In order for the person to be repatriated by air, you should be aware that embalming is an international requirement.

There are several international funeral directors. These companies will invariably arrange the repatriation through local undertakers, both overseas and in the UK. You will also need to choose a funeral director in the UK.

The choice of a local UK undertaker is important. The firm may be known to you personally, may be recommended by a friend or a religious adviser or may have a good reputation locally. There are three trade associations for funeral directors – the Funeral Standards Council, the National Association of Funeral Directors and the Society of Allied and Independent Funeral Directors. These associations have codes of practice which cover providing information on prices and which guarantee that a funeral will not cost more than any written estimate given to you.

It is important to get an estimate in advance and it is also a good idea to ask different firms to quote so

that you can compare costs and cut back on items you feel are unnecessary or you would rather not have.

Most people would probably require the funeral director to provide the following services as a minimum:

- > Take control of all necessary arrangements.
- > Provide appropriate staff.
- > Provide a suitable coffin.
- > Transfer the person to the funeral directors premises.
- > Care for the person who has died prior to the funeral.
- > Provide a hearse to the nearest cemetery or crematorium.
- > Arrange for burial or cremation as appropriate.

Other services that may be available include viewing of the person who has died, or providing a limousine for mourners. Embalming will take place overseas if the deceased is returned to the UK by air. The funeral director will help you to decide where the deceased should stay until the funeral, and the starting point, time and place of the funeral.

Don't feel embarrassed about asking for a 'basic funeral' – it is up to you to decide what sort of funeral you want. A simple funeral will still be a dignified service, followed by a cremation or burial.

How can I complain if I am not satisfied with the services of the funeral director?

If you have a complaint, discuss it with your funeral director. If you are still not satisfied you can also complain to whichever of the three trade associations the funeral director belongs to.

Paying for a funeral

Funerals can be expensive so remember to check where the money for the funeral will come from.

Police investigations

What you should check:

- > their travel insurance policy, if the person had one, as the insurance company may pay for the funeral
- > if the person died in work, a death in service payment may be available
- > any occupational or pension schemes -any pre-paid funeral plans

If the financial assets of the person who died have been frozen and you do not have access to money, the deceased's bank or building society may be able to help you until probate is granted.

If you find it difficult to pay for a funeral service in the UK, seek advice from your local Citizen's Advice Bureau as soon as you can.

Will there be a police investigation?

The loss of a friend or relative is deeply distressing, irrespective of how they died. However, if they died in unusual circumstances this can, understandably, cause additional distress. People often struggle to understand why such things happen and are keen to seek justice.

In most cases, British police have no jurisdiction outside the UK. When a crime, for example homicide, is committed overseas, the investigation is the responsibility of the police and judicial authorities in the country where the offence occurred. They will investigate it to their standards and experience and we cannot insist that it will be investigated as it might be in the UK. Neither can we insist that the British police carry out a joint investigation with the local police. Any suspect would face trial in that country and, if convicted, serve their sentence there. It is possible that your local UK police will appoint a Family Liaison Officer (FLO) to assist you. This would normally only be if there was an investigative role for the police in the UK. For example, if there was evidence or information to be gathered. However, they can be appointed in other extenuating circumstances; strong media intrusion may be one possible reason. Your local police will make the decision about the appointment of an FLO. As well as the support we can offer if someone dies from natural causes, where there is evidence of suspicious circumstances we can suggest the best way to raise concerns with the local authorities. We can offer basic information about the local police system and legal system, including any legal aid that is available. Consular staff in London are available to meet family representatives, and they can contact the next of kin if the investigating authorities tell us about any new developments. However, we cannot investigate deaths ourselves and, in many countries, investigating authorities and the courts will refuse to answer enquiries, including from British consular staff.

This is why we recommend that you appoint a lawyer to act on your behalf. This may seem strange and you may feel it an unnecessary and unwarranted expense. However, it is likely the lawyer will be recognised by the authorities as having a legal right to obtain information on your behalf.

Specialised forensic samples

There are times when, because of injuries sustained by the person who died, the police cannot positively identify him or her. In these cases identification has to take place by other methods such as dental records, or fingerprints from places where the person is known to have been to compare against those of the victim, or DNA from property such as a hairbrush or toothbrush. In some cases the identification might have to come from DNA samples taken from mouth swabs of natural living relatives. Your FLO, if you have one, will explain the reasons for these and how they are used to identify the victim.

Your caseworker will be able to tell you whether this option is appropriate in the country concerned and will provide you with a list of local English speaking lawyers. They cannot recommend one to you, and you would be responsible for the lawyer's fees.

Many law practices in the UK have links with legal firms abroad. Although this is likely to be more expensive, a company based in the UK may help in explaining the issues and guaranteeing the competency of the overseas company. Information can be obtained from the following Law Societies:

England and Wales

www.lawsociety.org.uk

0870 606 6575

Scotland

www.lawscot.org.uk

0131 226 7411

Northern Ireland

www.lawsoc-ni.org

02890 231614

How long will the police investigation take?

It is impossible to say how long any police investigation is likely to take. Nevertheless, it is possible to identify roughly how things work and at what speed on a country by country basis. Your caseworker will be able to tell you more about what the norms are in the country concerned. It is important to remember that we have no jurisdiction over the legal process of another country. This means that we cannot interfere or intrude in investigations or legal proceedings that take place abroad. Similarly, foreign governments cannot interfere in proceedings in the UK.

Court proceedings

You should bear in mind that in many countries the judicial process takes longer than in the UK. Where this happens, we cannot insist that your case is handled more swiftly than the norm; although we will consider making representations to the local authorities if there are concerns that the investigation is not being carried out in line with local procedures or if there are justified complaints about discrimination against the person who has died or their family.

Court procedures vary from country to country, and can take months, sometimes years, to complete. Your caseworker can provide basic information on what to expect.

If you wish to attend any court proceedings overseas, or to meet the police and other officials, consular staff can help to facilitate this, but you will be responsible for any costs involved in travelling. If you do not wish to, or cannot, attend, consular staff will do everything they can to keep you updated on proceedings. As part of this process, consular staff may occasionally attend key court dates if there is an exceptional reason to do so and resources permit. However, they are not legally trained and cannot give legal advice. If, once the case has ended, you are dissatisfied with the result you may need to consult a local lawyer. Your caseworker will be able to provide you with a list of local English speaking lawyers.

Claiming compensation

If your friend or relative died of non-natural causes overseas, you may wish to seek compensation for your loss.

The Criminal Injuries Compensation Scheme operated in the UK does not apply to deaths overseas. Any claim should be submitted in the country where the death occurred and considered through the normal judicial process in that country. We cannot make a claim on your behalf. If you wish to make a claim, you may wish to appoint a lawyer to help you. A lawyer can advise you on the system and the likelihood of being able to claim compensation in that country. Whether or not you are able to make a claim will depend entirely on what is permitted within the law of the country where your friend or relative died.

UK residents who are fatally injured as a result of a crime of violence in another country of the European Union (EU) can get help from the Criminal Injuries Compensation Authority (CICA) in Glasgow. The EU Compensation Assistance Team (EUCAT) based in Glasgow can help with the following:

- > Access to information about the system of compensation in the country where you were injured.
- > Provide the appropriate application form.
- > Provide guidance on any supporting documentation that you might have to supply.
- > Forward your completed application to the relevant authority in the EU country where your friend or relative was killed.
- > Provide advice on how to respond to requests for further information.

If you would like to contact EUCAT, please telephone 0300 003 3601, email eucat@cica.gsi.gov.uk or visit www.cica.gov.uk

Annex A

Who to tell about the death

It can be difficult to sort out practical matters while you are coping with losing someone suddenly. This section covers some of those practical matters and agencies that you are likely to need to contact.

If the person who died was receiving any welfare benefits, such as a State Retirement Pension, or if you were receiving welfare benefits, such as Child Benefit for a child who has died, you should inform the Department for Work and Pensions of their death and return any order books. The Registrar will give you a certificate to fill in and return with the books. Keep a note of any reference numbers, as you may need them later on.

If the person who died had a driver's licence, it will need to be returned to the DVLA. You will also need to let the Tax Office know about your change in circumstances.

Depending on the circumstances, you may also need to contact some other organisations and people. These could include:

- > personal or occupational pension schemes
- > insurance company
- > bank and/or building society
- > mortgage provider, housing association or council housing office
- > any hospital the person was attending
- > a child or young person's teacher, employer or college if a parent, brother, sister, grandparent or close friend has died
- > a car insurance company (if you are insured to drive the car under the person's name, you will cease to be legally insured)
- > the deceased's gas, electricity and telephone suppliers

- > the local council housing department, if the person who has died was living in a council house
- > the local council Housing Benefit/Council Tax Benefit section, if the person who has died was receiving Housing benefit and/or Council Tax Benefit
- > the Post Office so that they can redirect the deceased's mail.

Further, more detailed, information about such matters, including on dealing with tax and benefits is also available on the gov.uk website at <https://www.gov.uk/after-a-death> Information about what to do after a death in Scotland is available: <http://www.gov.scot/Publications/2016/11/6948>

Annex B

Financial considerations

Payments from the Department for Work and Pensions

Am I entitled to a Funeral Payment from the Benefits Agency?

From time to time, payments made by the Department for Work and Pensions change. For the most up-to-date information, you should contact your local Department for Work and Pensions office or Citizens Advice Bureau.

If you or your partner (spouse, civil partner or someone you live with as if you are married to them or in a civil partnership with them) receive Minimum Income Guarantee (Income Support), Housing Benefit, Jobseeker's Allowance, Council Tax Benefit, Working Families' Tax Credit or Disabled Person's Tax Credit you may qualify for a Funeral Payment from the Department for Work and Pensions to help pay for the funeral.

A Funeral Payment will cover the costs of a simple, low cost funeral within the UK. You will be paid the charges of the burial authority or crematorium, and up to £600 for other funeral expenses. You may not be entitled to a payment if expenses have been met by a pre-paid funeral plan.

A Funeral Payment may be reduced in certain circumstances. In particular, the following will be deducted from an award:

- > Any assets of the deceased available to you or your partner.
- > Any lump sum due on the death of the deceased for funeral costs.
- > Any contribution for the funeral from a charity or relative of both yourself and the deceased.
- > Any savings you have over £500 (£1,000 if you are aged 60 or over). The savings may be in your name or your partner's name.

The Widow's Payment does not count as savings.

Does the Funeral Payment have to be paid back?

Yes, if you receive a Funeral Payment, it will have to be paid back from any estate of the deceased. The estate means any money, property and other things like the insurance policies that the deceased owned. A house or personal possessions left to a widow or widower are not counted as part of the estate.

When should I claim a Funeral Payment?

You must make your claim within three months of the funeral. It is best to apply before the funeral takes place, as you may need to know whether you will receive financial help when planning the details of the funeral. Your funeral director, your local Department for Work and Pensions office or the Citizens Advice Bureau can help you to make a claim.

Welfare benefits

Many people have money worries after bereavement, so it is a good idea to check whether you are entitled to any welfare benefits. Some widows and widowers are entitled to special Bereavement Benefits and, if you now have less money coming in, you may also be able to claim a benefit such as Minimum Income Guarantee (Income Support) or Council Tax Benefit. The system can be confusing and difficult to navigate at this time. The Department for Work and Pensions should be able to talk people through any entitlements. For your nearest office look for the display advert under Department for Work and Pensions in the business section of the phone book. You can also receive advice from your local Citizens Advice Bureau. Again, your local branch will be listed in the telephone directory.

What is a Bereavement Benefit?

A Bereavement Benefit is paid to a widow, widower or surviving civil partner whose spouse or civil partner has died since 9 April 2001. The Bereavement Benefits are:

- > Bereavement Payment
- > Widowed Parent's Allowance (if the person who died had dependent children)
- > Bereavement Allowance (if the person who died did not have dependent children).

Who can claim Bereavement Benefit?

A widow, widower or surviving civil partner can claim any of the Bereavement Benefits if they went through a formal marriage ceremony with their husband or wife or had entered into a valid civil partnership with the deceased.

A widow, widower or surviving civil partner cannot receive any of the Bereavement Benefits if they:

- > were divorced from their late husband, wife or civil partner at the time of the death

- > re-marry or re-enter a civil partnership
- > are living with another person as husband, wife or partner
- > are in prison.

Bereavement Payment

A Bereavement Payment is a one-off tax-free lump sum payment of £2,000. A widow, widower or surviving civil partner can claim a Bereavement Payment if:

- > the person who died has paid enough National Insurance contributions
- > the person claiming the payment was below state pension age when their husband, wife or civil partner died
- > the person claiming was over pension age, their husband, wife or civil partner was not entitled to state retirement pension based on their own contributions when they died.

Claims for the Bereavement Payment must be made within three months of the death, unless they were not aware of the death. The person making the claim must provide his or her own National Insurance number or information, which will enable the number to be identified. If they do not have a National Insurance number, they should apply for one.

Widowed Parent's Allowance

Widowed Parent's Allowance is a weekly payment made to a widow, widower or surviving civil partner with dependent children. The husband, wife or civil partner must usually have died on or after 9 April 2001. However, a man whose wife died before 9 April 2001, who was under pensionable age when she died and who did not remarry before 9 April 2001 can also claim Widowed Parent's Allowance. A widow, widower or civil partner can claim Widowed Parent's Allowance if:

- > they are bringing up a child for whom they receive (or could receive) Child Benefit or she is a woman expecting her husband's or civil partner's baby. The child should be the son or daughter of the widow, widower or surviving civil partner and their late husband, wife or civil partner or a child for whom they were receiving Child Benefit at the date of death

- > their husband, wife or civil partner met the National Insurance contribution conditions. Widowed Parent's Allowance is made up of a basic allowance for the widow, widower or surviving civil partner and an additional amount for each dependent child. The amount a person receives will depend on the deceased person's National Insurance contributions and not on their own contributions.

A widow, widower or surviving civil partner should claim Widowed Parent's Allowance at the same time as they claim a Bereavement Payment. They can claim late, but the maximum backdating is three months.

A person making a claim must provide their National Insurance number or information that will enable the number to be identified. If they do not have a National Insurance number, they should apply for one. A person may also have to attend an interview.

The Allowance a widow, widower or surviving civil partner receives for him or herself is taxable, but the extra amounts they receive for dependent children are tax-free.

Widowed Parent's Allowance is paid until the widow, widower or surviving civil partner is no longer entitled to Child Benefit. If this happens within 52 weeks of the husband's, wife's or civil partner's death, the widow, widower or surviving civil partner will be able to claim Bereavement Allowance for the remainder of the 52 weeks. Payment of Widowed Parent's Allowance will end earlier if the widow, widower or surviving civil partner becomes ineligible for one of the reasons given previously.

Bereavement Allowance

Bereavement Allowance is a taxable weekly benefit paid to a widow, widower or surviving civil partner for 52 weeks from the date of the death of their husband, wife or civil partner.

The person claiming the allowance must be aged 45 or over (but below pension age). The allowance may also be paid to a person who stops receiving Widowed Parent's Allowance.

The allowance is paid at a reduced rate if the widow, widower or surviving civil partner is aged between 45 and 54 when their husband, wife or civil partner dies, or when their Widowed Parent's Allowance stops. It is paid at the full rate if they are 55 or over (but below retirement age) when their husband, wife or civil partner died or they stopped receiving Widowed Parent's Allowance.

Bereavement Allowance depends on the deceased persons National Insurance contributions and not on the contributions paid by the widow, widower or surviving civil partner themselves.

A widow, widower or surviving civil partner should claim Bereavement Allowance at the same time as they claim a Bereavement Payment. They can claim late but the maximum backdating is three months. A person making a claim must provide their National Insurance number or information that will enable the number to be identified.

If they do not have a National Insurance number, they should apply for one. A person may also have to attend an interview.

Widows, widowers and surviving civil partners living or going abroad

A widow, widower or surviving civil partner who is living abroad when their husband, wife or civil partner dies, or who subsequently goes abroad, may still be able to receive a Bereavement Payment, Widowed Parent's Allowance or Widows Allowance. If you are in this situation you should consult an experienced adviser, for example, at your nearest Citizens Advice Bureau.

Debts

You may have worries about debt, or about managing your finances, especially if you are not used to dealing with money and bills on your own. If you have money worries, you should contact your local Citizens Advice Bureau who will do everything they can to help you.

What is a personal representative?

The personal representative (also known as the executor if they are named as such in the Will or the

administrator if there is no executor named or no Will) is responsible for ensuring that what is specified in the Will is carried out.

Has a Will been left?

Wherever the death occurred, it is important to find out if the person who has died left a Will and, if so, who the executor is. The Will says what should happen to the money, property and possessions (known as the estate) of the person who has died. The personal representative is responsible for paying any debts, taxes and expenses, including funeral expenses. They make the payments from the estate, not from their own income or savings. Only when these duties are finished can the personal representative share out the rest of the estate.

What happens if no Will has been left?

If the person who has died did not leave a Will, but had money or property, an application for legal authority to administer the estate must be made to the Probate Registry in your area. To find your local Registry, call 0870 241 0109 if you are in England or Wales. You can make these applications yourself, but you may wish to take advice from a solicitor. If you decide to use a solicitor, he or she will be able to tell you what is necessary and make the necessary application on your behalf. It is a good idea to gather all your documents together, and make a note of questions, before you visit the solicitor as this will save on time, money and effort.

If you live in Scotland or Northern Ireland you will be subject to different rules and regulations. If you live in Scotland, you should contact the General Register Office for Scotland. They can be contacted on 0131 314 4243. Residents of Northern Ireland should contact the General Register Office (Northern Ireland). They can be contacted on 028 9025 2000. The relevant office will be able to give you appropriate guidance.

If your relative has an estate overseas

Local law governs the administration of all property in a third country. In some countries, a court or public authority appoints the personal representative; in others, the beneficiaries may be automatically entitled to administer the property.

Annex C

Dealing with the will and the estate

Where the deceased had little or no connection with the country where their property is situated, the local law may permit the personal representative, or the beneficiaries, to deal with the property. Where this applies, we can notify relatives and known beneficiaries of the nature and extent of the local estate, give the names of English speaking local lawyers and assist, where we properly can, in the event of problems arising.

Arrears of benefit

As the executor or administrator, you can claim any arrears of benefits still owing to the person who has died. There may be money due if the deceased was receiving or had recently claimed a benefit. Your local Department for Work and Pensions office will be able to give you a form to apply for any arrears. The procedure is the same whether benefit is payable at a Post Office or to an account. Arrears may sometimes be paid without the need to claim. You should ask the Department for Work and Pensions office for more information, as soon as you can, if the person who died was awaiting the outcome of an appeal against a decision about a benefit; or if you think he or she may have been eligible for a benefit but did not claim it. You may be able to act on his or her behalf and arrears of benefit may be payable to you.

Small estates

If the whole estate comes to less than £5,000 it may be possible for it to be released without proving the Will or obtaining letters of administration.

Debts

Normally debts, including funeral expenses, are paid out of the estate of the person who has died. The personal representative is responsible for paying all the debts of the estate. It is best to advertise for creditors (people to whom the person who has died owes money). This means putting a formal advertisement in a newspaper that has a local circulation. This should be after the grant of probate or administration has been made to you. Unknown creditors are given two months in which to make claims. If you do not advertise, you may be faced with personally paying claims made after the money has been shared out.

Tell the creditors the name of the personal representative. This may mean telling people such as the area telephone manager, and any company with whom the person who has died had a credit, hire purchase or rental agreement. One example of a claim that may arise is if the Department for Work and Pensions office finds they have paid too much Income Support and ask for the overpayment back. National Insurance owed at the date of death is also a debt of the estate. If this is not paid, it may affect the benefit of the surviving spouse.

Distribution of property

When all the expenses, debts and taxes have been paid, the personal representative may then distribute anything left of the estate. If there is a Will, the personal representative will follow the instructions in the Will to carry out the wishes of the person who died.

Marriage and divorce

Marriage will cancel any Will made in most countries. After a divorce, a former spouse cannot receive anything left to them from the Will, unless the Will clearly says otherwise. Divorce may also prevent the former spouse acting as a personal representative.

If there is no Will

If there is no Will, the personal representative can then distribute anything left of the estate. The personal representative shares out the estate according to rules that consider the rights of a surviving spouse, children, parents and other close blood relatives.

If there are no relatives

If there is no Will or entitled blood relatives, the Crown has a right to the whole of the estate. You should write to:

The Treasury Solicitor's Department (BV)
One Kemble Street
London
WC2B 4TS

Claims on the estate

Whether you are related or not, you can apply for a share of the estate if you were being supported financially in any way by the person who died, immediately before the death. If you qualify, you must apply within six months of the date on which probate or letters of administration are taken out. The court can allow later application in special circumstances. You should take legal advice on how to do this. Do not be rushed into parting with goods before taking legal advice. Hire purchase goods cannot be repossessed after a third of the purchase price has been paid unless the firm obtains a court order. Where a deceased partner has left a debt, you may need to check with an advice centre or a solicitor about any liability for the debt.

Tax

If the person who died was paying tax on income from investments or as a selfemployed person or as an employee, tell the Tax Office about the death as soon as possible. This will enable the tax affairs of the person who died to be settled. Depending on the circumstances, this may involve paying some more tax or claiming a repayment. The particular Tax Office to contact will depend on the circumstances. For instance:

- > if the person who died was an employee or had a pension from a former employer, the pay section of the employer or pension organisation will know the deceased's Tax Office
- > if the person who died was self-employed, contact the Tax Office nearest to the place of business
- > if the person who died was unemployed, or retired without a pension from a former employer, contact the Tax Office nearest to the home address.

You can find more information by contacting your local office and asking for a copy of their leaflet: 'What to do about tax when someone dies'.

Annex D

Useful organisations and support

Victim Support

Victim Support gives free and confidential help and support to all those affected by crime. They have specially trained volunteers, who are able to support people bereaved by violent crime. Police can put you in touch with your local Victim Support or you can contact them yourself. Look in the phone book for details of your local scheme or contact the Victim Supportline, Victim Support's national telephone helpline, on 08 08 16 89 111. Calls are charged at the local rate. The contact hours are Weeknights: Monday to Friday 8pm to 8am. Weekends: 24 hour service if you prefer, you can write to:

Victim Support
P.O. Box 11431
London
SW9 6ZH

Further information can also be found on their website at: www.victimsupport.org.uk

Murder Abroad

Murder Abroad offers understanding and support to families and friends who have been bereaved as a result of murder or manslaughter abroad, through the mutual support of others who have suffered a similar tragedy. They can be contacted on 0845 123 2384. Email address support@murdered-abroad.org.uk.

Further information can also be found on their website at: www.murdered-abroad.org.uk

RoadPeace

RoadPeace, UK's specialist road victim charity set up in 1992, works for and on behalf of bereaved and injured road crash victims, including those affected by a crash abroad. RoadPeace is affiliated to the European Federation of Road Traffic Victims (FEVR – which has UN consultative status) and represents road victims' interests at relevant European Union, United Nations and World Health Organisation meetings and collaborates with its European sister organisations. The RoadPeace helpline – 0845 4500 355 (open Mondays – Fridays 9am – 5pm) offers information, advice and assistance.

Further information can also be found on their website: www.roadpeace.org, or contact helpline@roadpeace.org

Suzy Lamplugh Trust

The Suzy Lamplugh Trust is a registered charity, which aims to minimise the damage caused to individuals and to society by aggression in all its forms – physical, verbal and psychological. The trust also campaigns on safety issues and provides general and specific advice to individuals. They can be contacted on 020 7091 0014. Otherwise, you can write to them at:

Suzy Lamplugh Trust
The Foundry
17-19 Oval Way,
London,
SE11 5RR

Further information can also be found on their website at: www.suzylamplugh.org

Samaritans

195 branches in the UK offer help to people who are suicidal or in despair. Look in the phone book for details of your local branch, or contact their 24 hour helpline on 116 123. Email address: jo@samaritans.org. If you prefer you can write to this address for free:

Freepost RSRB-KKBY-CYJK
Chris
PO Box 9090
STIRLING
FK8 2SA

Further information can be found on their website at: www.samaritans.org.uk

Cruse Bereavement Care

Nearly 200 branches offer counselling, advice and opportunities for social contact for all bereaved people. Contact their helpline on 0808 808 1677. Contact hours are Monday and Friday (excluding Bank Holiday) 9.30- 5pm and until 8pm on Tuesday, Wednesday and Thursday evenings. Email help is available at: helpline@cruse.org.uk

Further information can also be found on their website at: www.cruse.org.uk

The Compassionate Friends

Compassionate Friends is a self-help group offering friendship and support to bereaved parents or grandparents who have lost a child of any age through illness, accident, violence or suicide. They can be contacted on 0345 123 2304 or 020 8469 0022 or by email to info@tcf.org.uk. If you prefer, you can write to:

Compassionate Friends
14 New King Street
Deptford
London
SE8 3HS

Further information can also be found on their website at: www.tcf.org.uk

WAY Widowed and Young

WAY is the only national charity in the UK for men and women aged 50 or under when their partner died. It's a peer-to-peer support group run by a network of volunteers who have been bereaved at a young age themselves, so they understand exactly what other members are going through..

If you prefer, you can write to:
WAY Widowed and Young
Suite 17, College Business Centre
Uttoxeter Road
Derby DE22 3WZ

Further information can also be found on their website at: www.widowedandyoung.org.uk

Inquest

INQUEST may be able to arrange legal representation, either free or for a reduced charge if you are feeling too distressed to represent yourself adequately at an inquest.

You can contact INQUEST on 020 7263 1111 or by e-mail to inquest@inquest.org.uk or, alternatively, you can write to them at:

I
INQUEST
3rd floor
89-93 Fonthill Road
London
N4 3JH

Further information can also be found on their website at: www.inquest.org.uk

Brake

Brake provides services for people affected by road crashes, including information contained in a Bereavement Pack that is given to families following a death on the road. Brakecare also works to promote road safety through community campaigns including Road Safety Week, educational literature. You can contact Brakecare about their Bereavement Pack or about their road safety work on 01484 559 909 or e-mail them at brake@brake.org.uk. Alternatively, you can write to them at:

Brake
P.O. Box 548
Huddersfield
West Yorkshire
HD1 2XZ

Further information can also be found on their website at: www.brake.org.uk

Citizens Advice Bureau

Free, impartial, confidential advice and help, including access to money and legal advice. To search for your nearest Citizens Advice Bureau, go to <https://www.citizensadvice.org.uk>. A webchat service can also be accessed on their website, where you can chat online to an advisor.

A phone service is available area by area across England and Wales.

- For England call 03444 111 444
- For Wales call 03444 77 20 20
- TextRelay users should call 03444 111 445.

Additionally, online advice and information is also available by visiting www.adviceguide.org.uk

Local Authority Social Services

You can find details under the name of your local authority in your local telephone directory.

British Association for Counselling and Psychotherapy (BACP)

You usually have to pay to see a counsellor. For information on counselling services in your area you can contact the BACP on 01455 883300. Otherwise, you can write to them enclosing an SAE:

The British Association for Counselling and Psychotherapy BACP House
15 St John's Business Park
Lutterworth
Leicestershire
LE17 4HB

Further information can also be found on their website at: www.bacp.co.uk

Legal Aid Agency

For advice on legal aid and other legal issues, you can contact the Legal Aid Agency in regards to:

Civil general enquiries: 0300 200 2020
Crime general enquiries: 01158 526 000.

www.gov.uk/government/organisations/legal-aid-agency

The Bereavement Register

The Bereavement Register is a service which aims to reduce the amount of direct mail to those who have died. Originally launched in the UK in 2000, the service has since expanded into France and Canada. They can be contacted on +44 (20) 7089 6403 Alternatively, email them at help@the-bereavementregister.org.uk If you prefer you can write to:

The Bereavement Register
FREEPOST RTEU-JSHJ-LCTZ
1 Newhams Row
London
SE1 3UZ

Further information can also be found on their website at: www.thebereavementregister.org.uk.

Child Bereavement Charity

The Child Bereavement Charity (CBC), formerly CBT founded in 1994, provides specialised support, information and training to all those affected when a baby or child dies, or when a child is bereaved. They can be contacted on 0800 02 888 40 Alternatively, email them at support@childbereavementuk.org If you prefer you can write to:

Child Bereavement UK
Clare Charity Centre
Wycombe Road
Saunderton
Buckinghamshire
HP14 4BF

Further information can also be found at www.childbereavementuk.org

The National Bereavement Service

The National Bereavement Service is a not for profit organisation which can explain and help with the practical side of bereavement, including arranging an affordable funeral. They can also provide advice on legal issues such as probate and wills.

The Foreign and Commonwealth Office dedicated support helpline is 0800 023 5876 and they are available Monday to Friday 9am – 8pm and Saturday 9am – 5pm.

Further information can also be found on their website at: <http://www.nationalbereavementservice.org.uk/>.