

12-21: SFFP - Meaning of funeral and effect of UT decision

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Introduction

1. The purpose of this memo is to inform DMs about a decision of the UT¹ which deals with what a “funeral” entails for the purposes of claims for SFFP.

1. *JEC v SSWP (CSIS/256/2020)* [CSIS 256 20.docx](#)

Background

2. For claims made prior to 2.4.18, the term “funeral” was defined as a “burial or a cremation” of human remains including those of stillborn children. A memorial service which was not part of a burial or cremation was not classed as a funeral. The legislation was amended in 2018 to revoke this definition to ensure that SFFP claims were not refused in cases where the deceased’s body has not been found or their remains cannot be recovered. Therefore, for claims made on or after 2.4.18 there is no definition of a funeral within the Regulations. This means that a SFFP can be made where there is no body or remains of the deceased.

The UT decision

3. The UT appeal concerned a SFFP claimant whose wife had passed away. A Christian church service was held in the UK to allow the attendants to view the deceased’s body and to celebrate her life. The Order of Service referred to this as a “Celebration of the Life” of the deceased. The Order of Service showed that several pastors were present and took part in the service. The deceased’s body was then transported to Zimbabwe for burial. The claimant made a claim for a SFFP in respect of the costs incurred in the UK for the funeral director’s invoice and the Celebration of Life service. The DM decided that the claimant was not entitled to a SFFP because the funeral took place in Zimbabwe and not in the UK. The claimant appealed this decision to the UT.

4. The UT held that despite the revocation of the definition of “funeral”, a funeral is an event involving the final disposal of the deceased’s body and ceremonies closely related to that in nature, time and place. It does not envisage a ceremony for the deceased taking place as one event separate from the event of disposing of the deceased’s body. The claimant’s appeal was therefore dismissed.

Effect of the UT decision

5. For SFFP purposes, a payment may be made with respect to the cost of the final disposal of the deceased’s body and a related ceremony which is held at or close in time and place to the disposal.
6. In the case where there is no body or remains of the deceased, a payment may be made for a single commemorative event.
7. In cases where there is more than one ceremony for the deceased, and one of these is distinctly separate from the event of disposing of the deceased’s body then a SFFP cannot be awarded for this event that does not encompass the disposal of the body. In these types of cases the funeral should only be classed as the single event which involves the final disposal of the deceased’s body.

Annotations

Please annotate the number of this memo (Memo DMG 12-21) against the following DMG paragraphs:
[39125](#), [39126](#)

Contacts

If you have any queries about this memo, please write to Decision Making and Appeals (DMA) Leeds, 3E zone E, Quarry House, Leeds. Existing arrangements for such referrals should be followed, as set out in – Memo [4/19](#) Requesting case guidance from DMA Leeds for all benefits.

DMA Leeds: October 2021

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