

**EXPLANATORY MEMORANDUM TO**  
**THE SOCIAL SECURITY (CLAIMS AND PAYMENTS) AMENDMENT (No. 3)**  
**REGULATIONS 2010**

**2010 No. 1676**

- 1.** This explanatory memorandum has been prepared by the Department for Work and Pensions and is laid before Parliament by Command of Her Majesty.

**2. Purpose of the instrument**

Under existing regulations, a person wishing to claim certain bereavement-related benefits and funeral payments must do so in writing. This instrument allows anyone who wishes to do so, to claim such benefits and payments by telephone as an alternative to completing a claim form.

**3. Matters of special interest to the Joint Committee on Statutory Instruments**

None.

**4. Legislative Context**

4.1 Under provisions contained in the Social Security (Claims and Payments) Regulations 1987 a claim for a bereavement benefit (defined in those regulations as bereavement payment, widowed parent's allowance and bereavement allowance) or a funeral payment must be made in writing.

4.2 This instrument allows such benefits and payments to be claimed by telephone as an alternative method, unless the Secretary of State requires a written claim in any particular case. It also makes clear that such a claim is to be made to a telephone number which is specified by the Secretary of State for the purpose of claiming such benefits and payments.

**5. Territorial Extent and Application**

This instrument applies to Great Britain.

**6. European Convention on Human Rights**

As the instrument is subject to negative resolution procedure and does not amend primary legislation, no statement is required.

## **7. Policy background**

- ***What is being done and why***

7.1 Currently claims for bereavement benefits and funeral payments have to be made in writing. The proportion of written forms which have to be returned because their completion is defective is high. Many people therefore prefer to be able to make their claim by telephone and, where this option has been given, the experience is that it quickly becomes the preferred method of claiming. The interviewing member of staff can explain any question where required, and avoid asking certain questions if an earlier answer means that they will be completely unnecessary.

7.2 The Department is enabling both social fund funeral payments and bereavement benefits to be claimed by telephone because these benefits are typically claimed together. It would have been frustrating for customers to have been able to make a telephone claim for one but not the other.

7.3 Approximately 65,000 social fund funeral payment claims and 50,000 bereavement benefit claims are made each year. Once these regulations come into force, we expect the majority to be made by telephone.

- ***Consolidation***

7.4 Informal consolidation of this instrument will be included in due course in the Department's "the law relating to Social Security" (the Blue Volumes) which are available at no cost to the public on the internet at:

<http://www.dwp.gov.uk/publications/specialist-guides/law-volumes/the-law-relating-to-social-security/>

It is also the Department's intention to consolidate the Social Security (Claims and Payments) Regulations within the next two years, dependent on resource availability.

## **8. Consultation outcome**

These regulations were scrutinised by the Social Security Advisory Committee who decided that a formal reference was not required. A public consultation exercise has not been conducted because the proposal is a relatively insignificant administrative change which simply provides an alternative option in the making of a claim.

## **9. Guidance**

All current guidance (direct.gov / leaflets) will be amended to inform people that a claim can be made by telephone. Funeral directors and registrars will be informed of the changes to ensure correct advice is given to bereaved people.

## **10. Impact**

10.1 There is no impact on business, charities or voluntary bodies.

10.2 There is negligible impact on the public sector.

10.3 A full impact assessment has not been prepared for this instrument.

## **11. Regulating small business**

The legislation does not apply to small business.

## **12. Monitoring & review**

DWP will monitor the impact of allowing the Secretary of State discretion to accept telephone claims for bereavement benefits and Social Fund funeral payments and will also monitor the operational aspect of incoming post for these claims.

## **13. Contact**

Jane Millbank at the Customer Transitions Bereavement Strand Tel: 07919 303592, Email: [Jane.Millbank@dwp.gsi.gov.uk](mailto:Jane.Millbank@dwp.gsi.gov.uk) can answer any queries regarding the instrument.