

Bereavement Benefit changes: frequently asked questions

Updated 17 July 2023

Introduction

- The Bereavement Benefits (Remedial) Order extends eligibility for bereavement benefits to cohabiting couples with children, from 9 February 2023, and allows people to make retrospective claims back to 30 August 2018.
- These FAQs set out our best understanding of the current situation. There are still some areas we are unclear about, and we will update these FAQs as soon as we have more details.
- These FAQs are for general information and are not legal advice. If you need more details on your own situation, please contact an adviser. We are not able to offer direct advice to parents. You can get advice from your local [Citizens Advice](#) or find an adviser via the [Turn2Us](#) tool.
- If you are working with an adviser, you can recommend they read [this article](#) by Child Poverty Action Group.
- You can also contact the Department for Work and Pensions (DWP) [Bereavement Service Helpline](#) 0800 151 2012 (Monday to Friday 8am to 6pm)
- For more information, visit <https://childhoodbereavementnetwork.org.uk/cohabiting>

Using these FAQs

- The changes under the Remedial Order can look very complicated. This is partly because they relate to two benefits, depending on when someone's partner died. To help you find your way to information that is more relevant to your circumstances, please click the link below.
 - If your partner died **before** 6 April 2017 [click here](#) for FAQs about making a retrospective claim for Widowed Parent's Allowance
 - If your partner died **on or after** 6 April 2017 [click here](#) for FAQs about making a claim for Bereavement Support Payment.

Widowed Parent's Allowance (WPA)

This section is for people bereaved before 6 April 2017. [Click here](#) if your partner died on or after 6 April 2017.

Timing of partner's death

My partner died several years ago. Can I still put in a retrospective claim for a period from 30 August 2018?

Yes, provided you met all the eligibility criteria for WPA on 30 August 2018. You must claim within the 12-month window (i.e. before 9 February 2024) to get your maximum entitlement.

My partner died before April 2001. Can I make a claim?

You will not be able to claim under these circumstances. The changes only relate to WPA (which was introduced for bereavements that happened on or after 9 April 2001) and to BSP. They do not relate to bereavement benefits available before that date.

Children

I did not have dependent children when my partner died, and I was not pregnant. Can I make a claim?

No. The new eligibility for cohabiting couples only relates to people with dependent children or who were pregnant when their partner died.

My partner is not on my child's birth certificate. Can I still claim?

Yes, as long as you meet the other eligibility criteria. Generally, eligibility is related to being entitled to Child Benefit, rather than being the child's biological parent. WPA can be paid if you were entitled to Child Benefit or were pregnant when your partner died. The Child Benefit must be for a child that was you and your partner's, or for whom either you or your partner were entitled Child Benefit when your partner died.

I didn't realise I was entitled to Child Benefit (CB) after my partner died and I haven't claimed. Should I still claim now?

Yes, if you would still be entitled to CB now. CB can be backdated for 3 months. You should claim for a child that's your and your late partner's child, or for a child that your late partner was getting CB for before they died. You can read more about making a Child Benefit claim here: <https://www.gov.uk/child-benefit>. This may limit any retrospective arrears of WPA you would be entitled to. If so, we recommend that you get advice.

I stopped being entitled to Child Benefit for our youngest child in April 2020. Can I make a claim for a period from 30 August 2018?

Yes, provided you met all the other eligibility criteria for WPA on 30 August 2018, you will be able to claim for back payments of WPA due between 30 August 2018 and April 2020.

My income is over £50k so I am subject to the High Income Child Benefit Charge. Can I still claim WPA?

Yes, provided you have claimed Child Benefit then, provided you meet all of the other criteria, you will be entitled to receive WPA.

If your adjusted net income is more than £50,000 and you are subject to the High Income Child Benefit Charge then this will not affect your entitlement to WPA – even if you end up effectively repaying the entire Child Benefit entitlement under the charge. Equally, your entitlement to WPA will not be affected if you have claimed Child Benefit but have specifically elected not to receive payments. In this case, as long as there is a Child Benefit claim, then your entitlement to WPA is protected.

If you have not claimed Child Benefit, you will need to do so before you can make a claim for WPA. Child Benefit can only be backdated for three months so you should do this as soon as possible. You can read more about making a Child Benefit claim here:

<https://www.gov.uk/child-benefit>

I am a grandparent bringing up my grandchildren. My partner died and I am under State Pension Age. Can I claim?

Provided you meet the other requirements (i.e. your partner had paid enough National Insurance contributions) and you are claiming Child Benefit for the children, you should be able to claim.

Relationships and living arrangements

My partner and I had only been living together for a few months when he died. I was pregnant at the time. Can I make a claim?

Yes, as long as you met all the other criteria. There is no minimum period of cohabitation for WPA.

My partner and I were living together and had a child. We later separated and my partner moved out – our child lived mostly lived with me and I claimed Child Benefit. My ex-partner died some years later. Can I make a claim?

No. To be entitled under the new rules, you had to be "living together as though you were married" when your partner died to claim WPA.

I was living with my partner when she died and we had children together. I subsequently married a new partner. Can I make a claim?

If you didn't move in with or marry a new partner until after 30 August 2018, you may be eligible for WPA payments between 30 August 2018 and when you moved in together or got married.

I was living with my partner when he died and we had a child together. He was still married to (but not living with) his wife, who also has a child. Will his wife and I both be entitled to support?

It depends on the timing. If your partner died and his wife was already claiming WPA before 9 February 2023, and you put in a successful claim now (i.e. you are the rightful or entitled claimant under the hierarchy described below), as long as you both met the entitlement

conditions before 9 February 2023, her claim will continue, and yours will start (she will get 'transitional protection').

If your partner died on or after 9 February 2023 then DWP will only pay one claim, prioritising the person who was living with your partner when he died. Where more than one potential claimant were living at the same address with the person who died, the DWP will use a hierarchy to decide who is entitled.

I am a grandparent (under State Pension age). My daughter was a solo parent and died in 2015. I am bringing up her children, and claiming Child Benefit for them. Can I claim?

No, as it is only the death of a partner that means someone might be entitled to WPA. You might be entitled to Guardian's Allowance paid on top of Child Benefit: check here

<https://www.gov.uk/guardians-allowance>

Other eligibility criteria

Do I need to be on a low income to claim?

No. WPA is not means-tested, so your other income does not matter.

How much National Insurance did my partner need to pay for me to be entitled to WPA?

The rules about National Insurance contributions are complicated. There are two 'contribution conditions' that your partner must have met for you to be entitled.

Our understanding is that the first contribution condition is that your partner must have paid enough Class 1, 2 or 3 NI contributions in any one tax year before they died to achieve a "qualifying year". This condition did not need to be satisfied if they were getting long-term Incapacity Benefit or the support or work-related activity component of Employment and Support Allowance in the year they died.

We understand that the second contribution condition is that your partner must either have paid, or been credited with, enough Class 1, 2 or 3 NI contributions for the required number of years (which varies according to a number of factors). If this condition was not met in the required number of years, you might get a reduced rate of Widowed Parent's Allowance, as long as the condition was met in at least 25 per cent of the required number of years.

If your partner died because of an accident at work or a disease caused by work, you will be able to claim regardless of their National Insurance contributions.

Making a claim

I appealed refusal of my claim and my appeal is 'stayed' behind the Remedial Order. Will I be contacted by the court and told what to do?

No, you will need to put in a new claim.

How will I be expected to prove I was living with my partner?

DWP will use their existing IT systems to verify the information you provide as part of your claim. That could be, for example, the records they hold about any joint benefit claims that you and your partner had. If they cannot confirm the information you provide, you will need to

provide two forms of documentary evidence, in line with that currently accepted by DWP for proof of address. If you are not able to provide documents and the claim is retrospective, DWP will take the customer declaration on the telephone.

I need my partner's National Insurance number to make a claim. Where can I find this?

You may be able to find this on an old payslip, P45 or correspondence from a pension scheme.

Amount of retrospective payment and impact on other benefits

How much back payment will I get?

You may be eligible for back payments of WPA for any periods from 30 August 2018 when you met the eligibility criteria. How much you get will depend on

- how much National Insurance your partner had paid,
- how much the weekly rate was for the periods you were eligible (this changes each year: for 2023/24 the maximum is £139.10 per week before tax), and
- how long you meet or met the other eligibility criteria for (i.e. being entitled to Child Benefit, being under State Pension age, not living with a new partner).

Your back payment may also be affected by how much other benefit you received during the time you would have received WPA if you had been married or in a civil partnership with your partner. This is so that you are not treated more generously than people who were married or in a civil partnership, whose WPA reduced their other benefits and entitlements in this way.

Read this section carefully as it could mean that you receive little or no benefit by putting in a claim.

- If you received **legacy means-tested benefits** (income-related Employment and Support Allowance (irESA), income-based Jobseeker's Allowance (ibJSA), Income Support (IS)) then these amounts will be taken off (offset from) your back payment, which will be paid net.
- If you received **overlapping benefits** (e.g. contribution-based Job Seeker's Allowance (cbJSA), contribution-based Employment Support Allowance (cbESA), Maternity Allowance (MA), widow's pension (WP), retirement pension (RP), severe disablement allowance (SDA), Carers Allowance (CA)) these will be taken off (offset from) your back payment, which will be paid net.
- If you received **Universal Credit (UC)**, the back payment will create an overpayment of Universal Credit, which you will need to pay back, either as a lump sum or through your UC monthly payments.

How will the back payment affect my other benefits?

Under legacy benefits (ESA, JSA, IS), anything that is left over following offsetting of the back payment (see above) will be treated as capital/savings and ignored for 52 weeks. In Scotland it will be disregarded for Council Tax Reduction in the same way.

Under UC, the back payment will be ignored for 12 months from the date you are paid for calculating your ongoing UC payments, but at the same time it will have created an overpayment against the amount of UC you have received in the past (when you should have been getting WPA). You can either pay off the overpayment all at once, or it will be deducted from your monthly UC payments until it is paid off.

For Housing Benefit, DWP have said that the back payment will be treated as capital and disregarded for the period specified in the Remedial Order. These payments are not treated as income for Housing Benefit purposes and therefore there is no requirement for Local Authorities (LAs) to reassess Housing Benefit entitlement for the period covered by the payment. Therefore, you will not see a reduction in your Housing Benefit already paid and no overpayments will be created.

See [below](#) for information about the interaction with tax credits.

Income tax liability and High Income Child Benefit Charge

Back payments of WPA made under the Remedial Order will be treated for income tax purposes as if the award had been made at the correct time. That means that, if you make a successful claim, you may have a revised tax liability for tax years 2018-19 onwards.

Do I need to tell HMRC about this revised tax liability?

If you Pay as you Earn (PAYE), we understand DWP will automatically share information about your WPA award (retrospective payments and any ongoing payments) with HMRC and you will not need to tell HMRC about these payments. HMRC have said they will calculate any underpaid tax and collect through your PAYE tax code going forward.

If you fill out a self-assessment tax return, we understand you will need to either declare your WPA retrospective payments on your self-assessment tax returns for each tax year or write to HMRC to include these payments on previous tax returns. If you are within self-assessment and are unsure what to do, we recommend you contact HMRC. You can find their contact details here: <https://www.gov.uk/government/organisations/hm-revenue-customs/contact/self-assessment>

Is it possible to reduce my tax liability for the relevant years, e.g. by making pension contributions or charitable donations that could be treated as if they were also made in those years?

Broadly the answer is no.

Pension contributions can only be treated as made in the year they are actually paid, there is no ability to carry contributions made now to an earlier tax year.

In very limited circumstances it can be possible to treat some charitable Gift Aid donations as being made in a previous tax year, but the application of this is very narrow. You can read about this on GOV.UK (see heading 'getting tax relief sooner':

<https://www.gov.uk/donating-to-charity/gift-aid>

Receiving WPA will take my income over £50k. Will this mean I am liable for the High Income Child Benefit Charge?

Yes, as taxable income, ongoing WPA will be taken into account in determining your 'adjusted net income' for the High Income Child Benefit Charge. You can read more about the charge here <https://www.gov.uk/child-benefit-tax-charge>

We expect that back payments of WPA will also be taken into account in determining previous tax years' High Income Child Benefit Charge, which could mean that you have to pay back some or all of the Child Benefit you received during this time.

Tax credits and Universal Credit

Any back payment of WPA made under the Remedial Order will be treated as income for tax credit purposes. It will be assessed in the year of payment rather than the year of entitlement, so no adjustments will be needed to tax credits received in previous tax years.

How will a back payment of WPA affect my tax credits and migration onto Universal Credit?

As explained above, your back payment will be assessed in the year it is paid. You must tell HMRC about any back payment.

The back payment will likely affect your entitlement to tax credits in the year it is paid. That might also affect your entitlement to other benefits which you can access because of your tax credits, such as free school meals or help with funeral expenses (these are called 'passport benefits'). We recommend that you seek welfare benefits advice to understand your position.

Universal Credit is gradually replacing tax credits and it is expected that most people claiming tax credits will be invited to move onto Universal Credit by the end of 2024. Depending on how you move onto Universal Credit, your income may or may not be protected so you are no worse off under UC (this is called 'transitional protection').

We are not yet clear what difference your WPA back payment (including any effects on your tax credits) might have on your transitional protection and other aspects of your entitlement to Universal Credit. We will update these FAQs when we hear more.

Until this is clearer, we strongly recommend that you get independent benefits advice about your own situation, including whether there is a better or worse time for you to claim a back payment of WPA within the 12-month window for claiming.

Bereavement Support Payment

This section is for people whose partner died on or after 6 April 2017. [Click here](#) if your partner died before then.

Timing of partner's death

My partner died several years ago. Can I still put in a retrospective claim?

Yes, provided your partner died on or after 6 April 2017, and you met all the eligibility criteria for BSP when they died. Make sure you claim within the 12-month window (i.e. before 9 February 2024) to get the full amount you are entitled to.

Children

I did not have dependent children when my partner died, and I was not pregnant. Can I make a claim?

No. The new eligibility for cohabiting couples only relates to people with dependent children or who were pregnant when their partner died.

My partner died in September 2018 and I stopped being entitled to Child Benefit in December 2018. Can I make a claim?

Yes, provided you met all the eligibility criteria at the point at which your partner died, it does not matter if you stop being entitled to Child Benefit before the 18 months of payments end.

I didn't realise I was entitled to Child Benefit (CB) after my partner died and I haven't claimed. Should I still claim now?

Yes, if you would still be entitled to CB now. CB can be backdated for 3 months. You should claim for a child who was residing with you or your late partner immediately before they died. You can read more about making a Child Benefit claim here: <https://www.gov.uk/child-benefit>. This should not limit any retrospective payments of BSP you would be entitled to - if it does, get advice.

My partner is not on my child's birth certificate. Can I still claim?

Yes, as long as you meet the other eligibility criteria. BSP can be paid if you were eligible for Child Benefit or were pregnant when your partner died, or you became eligible for Child Benefit for a child who was living with you both immediately before your partner died.

My income is over £50k so I am subject to the High Income Child Benefit Charge. Can I still claim BSP?

Yes, provided you have claimed Child Benefit then, provided you meet all of the other criteria, you will be entitled to receive BSP.

If your adjusted net income is more than £50,000 and you are subject to the High Income Child Benefit Charge then this will not affect your entitlement to BSP – even if you end up effectively repaying the entire Child Benefit entitlement under the charge. Equally, your entitlement to BSP will not be affected if you have claimed Child Benefit but have specifically

elected not to receive payments. In this case, as long as there is a Child Benefit claim, then your entitlement to BSP is protected.

If you have not claimed Child Benefit, you will need to do so before you can make a claim for BSP. Child Benefit can only be backdated for three months so you should do this as soon as possible. You can read more about making a Child Benefit claim here:

<https://www.gov.uk/child-benefit>

I am a grandparent bringing up my grandchildren. My partner died and I am under State Pension Age. Can I claim?

Provided you meet the other requirements (i.e. your partner had paid enough National Insurance contributions) and you are claiming Child Benefit for the children, you should be able to claim.

Relationships and living arrangements

My partner and I had only been living together for a few months when he died. I was pregnant at the time. Can I make a claim?

Yes, as long as you met all the other criteria. There is no minimum period of cohabitation for BSP.

My partner and I were living together and had a child. We later separated and my partner moved out – our child lived mostly lived with me and I claimed Child Benefit. My ex-partner died some years later. Can I make a claim?

No. To be entitled under the new rules, you had to be "living together as though you were married" when your partner died to claim BSP.

I was living with my partner when she died and we had children together. I subsequently married a new partner. Can I make a claim?

If you met the eligibility criteria for BSP at the time of your partner's death, you may be eligible for back payments even if you later moved in with or married a new partner.

I was living with my partner when he died and we had a child together. He was still married to (but not living with) his wife, who also has a child. Will his wife and I both be entitled to support?

It depends on the timing. If your partner died and his wife was already claiming BSP before 9 February 2023, and you put in a successful claim now (i.e. you are the rightful or entitled claimant under the hierarchy described below), as long as you both met the entitlement conditions before 9 February 2023, her claim will continue, and yours will start (she will get 'transitional protection').

If your partner died on or after 9 February 2023 then DWP will only pay one claim, prioritising the person who was living with your partner when he died. Where more than one potential claimant were living at the same address with the person who died, the DWP will use a hierarchy to decide who is entitled.

I am a grandparent (under State Pension age). My daughter was a solo parent and died last year. I am bringing up her children, and claiming Child Benefit for them. Can I claim?

No, as it is only the death of a partner that means someone might be entitled to bereavement benefits. You might be entitled to Guardian's Allowance paid on top of Child Benefit: check here <https://www.gov.uk/guardians-allowance>

National Insurance contributions

How much National Insurance did my partner need to pay for me to be entitled to BSP?

Your partner must have actually paid sufficient Class 1 or 2 National Insurance contributions for at least 25 weeks in any one tax year since 1975.

If your partner died because of an accident at work or a disease caused by work, you will be able to claim regardless of their National Insurance contributions.

My partner was too sick to work and make National Insurance contributions. Can I claim?

The recent changes to the eligibility criteria for cohabiting parents do not change the eligibility criteria about National Insurance contributions. However, there is a separate campaign to extend eligibility to people whose partner was not able to make NI contributions because of illness or disability. Seek benefits advice if you are in this position, and ask your adviser to look into the cases *R (Jwanczuk) v. Secretary of State for Work and Pensions* [2022] EWHC 2298 (Admin) and *O'Donnell v. Department for Communities* [2020] NICA 36.

Other eligibility criteria

Do I need to be on a low income to claim?

No. BSP is not means-tested, so your other income does not matter.

Making a claim

I appealed refusal of my claim and my appeal is 'stayed' behind the Remedial Order. Will I be contacted by the court and told what to do?

No, you will need to put in a new claim.

How will I be expected to prove I was living with my partner?

DWP will use their existing IT systems to verify the information you provide as part of your claim. That could be, for example, the records they hold about any joint benefit claims that you and your partner had. If they cannot confirm the information you provide, you will need to provide two forms of documentary evidence, in line with that currently accepted by DWP for proof of address. If you are not able to provide documents and the claim is retrospective, DWP will take the customer declaration on the telephone.

I need my partner's National Insurance number to make a claim. Where can I find this?

You may be able to find this on an old payslip, P45 or correspondence from a pension scheme.

Income tax liability, tax credits and benefits

How will a back payment affect my income tax, tax credits or benefits?

The back payment of BSP will be treated like ongoing BSP. It will not be taxed and will not affect your tax credits. It will not immediately affect the Benefit Cap or Universal Credit or legacy means-tested benefits: it will be disregarded for a year.

Amount of retrospective payment

How much back payment will I be entitled to?

Usually, higher rate Bereavement Support Payment is paid as an initial payment and 18 monthly instalments. The first of those monthly instalments is payable one month after your partner's death.

The amount of back payment you will be entitled to depends on whether your partner died before or after the court ruling on 30 August 2018 that the eligibility criteria were unlawful. If you met all the other criteria,

- If your partner died **before** 30 August 2018, you will be entitled to a back payment of the number of monthly instalments you would have been entitled to after that date (to a maximum of 18 payments) of £350 each. You will not receive the initial payment.
- If your partner died **on or after** 30 August 2018, you will receive a back payment made up of the initial payment of £3,500 and 18 monthly instalments of £350 each. Some of these might be made as ongoing payments rather than being included in the back payment, if you claim within 18 months of your partner's death.