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Circular: 2024HOC0040MR

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To: All Members

Dear Brother/Sister

Bereavement Benefits (Remedial) Order 2023: surviving cohabiting partners with dependent children

This circular gives guidance on the Bereavement Benefits (Remedial) Order 2023. The Order extends to England, Scotland, Wales and Northern Ireland. The Order will not affect the majority of members other than surviving cohabiting partners with dependent children.

Background

The Supreme Court and the High Court ruled that the legislation governing Widowed Parent's Allowance (WPA) and the higher rate of Bereavement Support Payment (BSP) is incompatible with article 14 of the European Convention on Human Rights. It was found that, in restricting eligibility to people in a legal union, the current legislation discriminated between children on the grounds of the legal status of their parent's relationship.

The Secretary of State decided to use a Remedial Order to amend the Social Security Contributions and Benefits Act 1992, the Social Security Contributions and Benefits (Northern Ireland) Act 1992, the Bereavement Support Payment Regulations 2017, the Bereavement Benefit Support Payment (No.2) Regulations (Northern Ireland) 2019, the Pensions Act 2014 and the Pensions Act (Northern Ireland) 2015 in response to the Declaration of Incompatibility. The Remedial Order was made on 9 February 2023 and has retrospective effect back to the date of the Supreme Court's ruling on 30 August 2018.

What this means

For the first time, bereaved cohabitees with children will be able to access bereavement support payment and its predecessor, widowed parent's allowance, supporting thousands more families with dependent children.

We are therefore reaching out to provide crucial information to surviving cohabiting partners with dependent children and to bring to their attention the approaching closing date to claim through the extended criteria enacted by the Bereavement Benefits (Remedial) Order 2023. Members who may be aware of those affected are encouraged to bring this circular to their attention as contacting those eligible through current FBU databases (including the AIF database) is difficult due to non-specific information retention.

Key Provisions of the Bereavement Benefits (Remedial) Order 2023

The order is retroactive to 30th August 2018, allowing claims to rectify historic under payments due to a bereaved parent's marital status.

Closing dates to make a claim:

- **Widowed Parent's Allowance (WPA) = 9th February 2024**
- **Bereavement Support Payment (BSP) = 9th November 2024**

It is crucial that any member who believes that they may be eligible for these benefits takes prompt action to make a claim within the specified time frames. Please also contact any surviving partners of members that you believe may also be eligible to make a claim.

How to Make a Claim

Please do not contact the Fire Brigades Union, instead contact:

Bereavement Service helpline 08001512012

Further information here:

<https://www.gov.uk/bereavement-support-payment/how-to-claim>

The Fire Brigades Union is unable to assist further on this matter, but we encourage all those that believe that they may be eligible to make a claim.

Yours in unity,

A handwritten signature in black ink, appearing to read 'Mark Rowe', with a stylized flourish at the end.

**Mark Rowe
National Officer**

MR/jr