

PLANNING FOR LATER LIFE

A GUIDE FOR LESBIAN, GAY
AND BISEXUAL PEOPLE

FOREWORD

The Co-operative Funeralcare is proud to have partnered with Stonewall on what is a ground-breaking piece of research. We commissioned this guide to better understand the specific issues that the lesbian, gay and bisexual community face when it comes to later life planning.

At The Co-operative Funeralcare we believe everyone is special and every funeral should be a personal and fitting tribute. Every client we look after should expect the same high standard of care from us, and that's why we continually invest in our employees to provide a professional, respectful service.

As one of Stonewall's top UK employers, diversity awareness forms a crucial part of The Co-operative's skills training and we receive exceptional feedback from our clients for our high standards.

We are part of an organisation that is fully supportive of equal rights and treatment for lesbian, gay, and bisexual people. The Co-operative Group was the only business to give evidence in support of Equal Marriage in UK Parliament, and this guide is another example of how we're here for lesbian, gay and bisexual people at every stage of life.

George Tinning

Managing Director, The Co-operative Funeralcare

Getting older can be a challenging time for many of us, thinking about what to have in place to support us and our loved ones is often something we put off until it is too late. For the hundreds of thousands of older lesbian, gay and bisexual people getting older can be more complex still. Stonewall's research into the experiences of older lesbian, gay and bisexual people found that many experience isolation, growing old without friends or family, and are quite rightly concerned about later life and how to plan for it.

Since 1989 we have made great strides towards lesbian, gay and bisexual equality in this country, from the overturning of Section 28 through to equal marriage. Yet many of us, quite rightly, still feel unsure about how we will be treated and what we need to do to make sure we and our loved ones are provided for. That's why we have written this guide, to help lesbian, gay and bisexual people plan for their future and help you through the process of planning for later life. From financial planning, making a will and arranging a funeral this guide sets out what you need to know to help you be better prepared for later life.

Ruth Hunt

Acting Chief Executive, Stonewall

WHAT'S IT ALL ABOUT?

We all need to plan for the future to make sure that loved ones are taken care of after our lifetime.

This guide sets out information you might need when planning for later life including legal matters such as will writing, financial matters such as inheritance and planning a funeral.

WHY'S IT SO IMPORTANT TO PLAN ANYWAY?

Planning for later life is something that many of us put off, sometimes until it is too late.

Many older lesbian, gay and bisexual people tell us that planning for later life is something they haven't spent that much time thinking about. Some tell us that the fact they have been criminalised in their lifetime means they never really thought about planning for later life.

Polling conducted by YouGov for The Co-operative Funeralcare and Stonewall found, of lesbian, gay and bisexual people aged 45 years and over,

- **Half** (55 per cent) of lesbian, gay and bisexual people over 45 have no financial provision for their funeral
- **1 in 10** have faced poor treatment in the past when arranging or attending a funeral from family members, friends, religious leaders, funeral staff and graveyard staff
- **Almost a quarter** (23 per cent) are very worried or somewhat worried about being treated poorly by funeral directors or staff because of their sexual orientation
- **Almost half** (48 per cent) expect to face significant or some barriers as a result of their sexual orientation when trying to claim bereavement benefits
- **A third** (30 per cent) expect to face significant or some barriers as a result of their sexual orientation when financial planning for later life
- **A quarter** (24 per cent) expect to face significant or some barriers as a result of their sexual orientation when planning a funeral



Gay people should be treated with the same respect as everybody else, and that's all we are asking.

We're not asking to move mountains and earth.

All we're asking for is some equality and some respect, and I think in this day and age we've earned it. **Andrew, North East**

ARE THERE ANY LAWS I NEED TO KNOW ABOUT?

Yes! There are lots of laws to protect you and your partner (if you have one) from discrimination and poor treatment because of your sexual orientation. They are in place to make sure later life services treat you fairly and equally; if they don't you can complain.

The key things to remember are that you can't be discriminated against when using goods and services, and if you are in a civil partnership or marriage you have the same rights as a heterosexual married couple.

For information on the Equality Act 2010 visit

www.stonewall.org.uk/equalityact

For information on marriage and civil partnership visit

www.stonewall.org.uk/marriage



Financial issues didn't come up, not even in your forties and fifties. But now in your seventies, you're seriously wondering about making sure you have a budget. **Jean, London**

GETTING YOUR FINANCES IN ORDER

At some point in our lives we all need to think about putting money aside for our future, whether it's for a rainy day, for friends or for our children.

Stonewall research has found that older lesbian, gay and bisexual people are less likely to be able to rely on support from families and partners, and less likely to rely on their home as a financial asset for the future. It is therefore important that we think about saving money when we can.

There are a number of ways of managing your finances such as savings accounts and ISAs, however old you are. Remember, there are laws in place to protect you if you think you have been treated badly because of your sexual orientation. This covers places like banks, mortgage advisors, insurance companies and other financial service providers.

WHAT ABOUT MY PENSION?

Prior to the implementation of the Civil Partnership Act, employees in same-sex relationships did not have the same statutory right to pension benefits as their married counterparts. Changes brought about by the Civil Partnership Act now mean one-off lump sum payments are payable to the surviving partner on the death of a scheme member along with a continuing monthly pension. This is now extended to same-sex married couples. However, it is important to consult your pension provider about your circumstances.



A couple that has been together for a long time and then one dies can mean there might be no one around for the surviving partner to talk to. You can be exposed to all kinds of problems over the family coming in, and the disrespect you might get. **Roy, London**

MAKING A WILL

Making a will is important because it lets people know what you want to do with your assets and can also include other instructions for people that are important to you. Older lesbian, gay and bisexual people have told us that they are worried about who might try and take control of their finances when they die, so it is important to have a will in place as it means you can be clear about who your savings and possessions will go to. If you are in a civil partnership or a marriage, money and property is transferred to your partner and exempt from inheritance tax, no matter the value.

Most stationery shops sell will-making packs, but it's advisable to go through a professional, such as a solicitor, so that issues don't arise when you die. Experts recommend you update your will every five to ten years to accommodate any changing circumstances – for example if you get married, divorced or become a parent.

WHAT IF I AM SINGLE OR CO-HABITING?

If you are single or living with your partner, but not in a civil partnership or a marriage, there are a few things to think about (see page 11). Under the law, co-habiting partners do not automatically get your estate if you die. That's why it is important to make a will.



My sisters would try to take over the process and gain access to my estate, although neither of them are beneficiaries. They might try to control my niece, or obstruct her in the process as executor. I have specified no religious involvement, but I suspect my sisters will try to override this. **Cliff, West Midlands**

WHAT IF I DON'T MAKE A WILL?

If you don't get round to making a will your property may not go to the people you want it to. The exact rules depend on who is alive when you pass away, but if you are in a civil partnership or a marriage and you have a child, your partner will be entitled to the first £250,000 of your estate and your possessions. If it exceeds this, your children are entitled to some of your estate. If you don't have any children your partner will be entitled to at least the first £400,000. Different rules apply in Scotland. Contact Stonewall for more advice.

If you are not married or in a civil partnership, your estate will go to your relatives in a certain order. If you have children it will go to them, if not, it will go to your parents, if not, then to your siblings. If you don't have any surviving family members it will go to The Crown.

Remember, if you get married or enter a civil partnership you will need to amend your will to reflect this change in your circumstances.

POWER OF ATTORNEY

A Lasting Power of Attorney (LPA) is an important legal tool for decision making in the future. LPA allows you to nominate people you trust (your '*attorneys*') to take certain carefully specified decisions on your behalf if you ever become mentally or physically unable to make those decisions yourself. You can nominate anyone you like – your husband, your wife, civil partner, friend, or family member. Whoever you nominate, services like hospitals or care homes have to respect those wishes.

This process can be complex, so it's worth thinking about sooner rather than later. A solicitor or local advice agency will be able to help guide you through the process and the options available. The role of attorney can involve a great deal of responsibility so it's vital you trust the person you choose.

FUNERALS

No one likes to think about what happens when a loved one dies, but by discussing your funeral with those close to you, you can ensure your funeral is carried out the way you want it to be and leaving those close to you reassured that they've done the right thing for you. Therefore, you might want to think about funerals – either your own or someone else's – sooner rather than later.

PLANNING A FUNERAL

Most funerals are arranged at the point of need immediately following the death of a loved one, and it is usually the responsibility of the deceased's partner or family members to make these arrangements. When arranging a funeral there are a lot of decisions to make from deciding if it should be a burial or cremation, to the choice of music, flowers, charitable donations, transport and so on. Making many decisions, quickly, can be stressful for those close to you, particularly when they are grieving. By discussing your funeral wishes with them in advance can help protect them from emotional burden. Alternatively, you can arrange and pay for your funeral in advance by purchasing a Pre-paid Funeral Plan.



After my partner died,
I wrote down that I
wanted a cremation with
no religious content...
I put it in my will that
I only want white flowers,
which coffin I like and
which music I want. **Cathy, Wales**

PLANNING AHEAD

A Pre-paid Funeral Plan has a number of advantages such as relieving loved ones of worry and uncertainty, reducing the financial burden of those you leave behind and protecting yourself from the rising cost of funerals. There are different types of Pre-paid Funeral Plans available from tailor-made options that provide full choice and flexibility to set options which cover all of the essentials and are easy to arrange.

I'M WORRIED ABOUT HOW I OR MY PARTNER MIGHT BE TREATED BY FUNERAL STAFF

There are laws in place to protect you from poor treatment because you are lesbian, gay or bisexual. Remember, they cannot turn you away for being lesbian, gay or bisexual or refuse to provide a service to you. If they make you feel uncomfortable then they probably aren't the right Funeral Director for you.

WHAT TO DO WHEN SOMEONE DIES

Losing a loved one is never easy. For those without friends or family around, knowing what to do can be confusing and complicated.

If someone dies –

At home or in a nursing home: Contact the deceased's doctor. In the case of a nursing home death, their staff should liaise with the doctor.

In hospital: Nursing staff will see you if death occurs in hospital and advise you accordingly.

Away from home or abroad: Report the death to the local authorities there and let the UK authorities know too. The British consulate, embassy or high commission in the country will be able to help and provide advice.

WHAT ELSE DO I NEED TO DO?

Once a loved one has passed away, you will need to have a think about financial and legal matters concerning the deceased's affairs. Did they have car or house insurance? Do they have life insurance? Is there an unoccupied property? Do benefits need to be stopped? What about stopping unwanted future mail?

Typically, you might want to let the bank or building society know, as well as things like insurers and utility companies.

You may need to speak to your solicitor. If you don't have one you can speak to your local Citizens Advice.

PROBATE

Probate is a term that means applying to take care of a loved one's estate once they die. It gives you the legal right to deal with their money, possessions and property.

Typically, you can apply through a solicitor. If there is a will in place, you can apply for probate if you are named as the executor. If there is no will in place, or no named executor of a will, then next of kin can apply for probate (e.g. a civil partner, children or family member). In Scotland, where different laws apply, this process is known as confirmation.

If you are not a civil partner or married partner you may not be able to apply for probate and you are not automatically entitled to get any of your partner's estate. If you are unsure about what to do you should get legal advice. Stonewall's Information Service can help point you in the right direction.

COPING WITH LOSS

Losing a loved one can be an emotional time, and you may want to talk to someone. You can call **Stonewall's Information Service** on **08000 502020** and they can point you in the right direction.

BEREAVEMENT ALLOWANCE

You may be eligible for Bereavement Allowance (a weekly benefit for up to one year after your partner's death) if you are:

- **45 or over when your husband, wife or civil partner died**
- **You are under state pension age**
- **Your late husband, wife or civil partner paid National Insurance Contributions**

Your local Citizens Advice will be able to help determine if you can claim.

YOUR RIGHTS UPON THE DEATH OF A PARTNER

	Civil Partnership/ Marriage	Unmarried/ not civilly partnered
Registering their death	✓	✓
Securing recognition under inheritance/intestacy	✓	1
Claim tenancy succession rights	✓	✓2
Claim survivor pension	✓	
Receive compensation in case of a fatal accident	✓	
Claim bereavement benefits	✓	

- 1 If you have been living together for two years before your partner dies, you will be able to make a claim in court. It will require specialist legal advice.
- 2 If you are a council tenant, the council could decide to move you to a different property.

BUT I STILL HAVE MORE QUESTIONS!

We know that planning for later life can throw up all sorts of questions about finances, inheritance, and how your loved ones will be looked after. So if there's more you'd like to know then you can call our **Information Service** on **08000 502020** or email us at **info@stonewall.org.uk** or visit our website **www.stonewall.org.uk**

For advice and guidance on arranging a funeral or a Pre-paid Funeral Plan you can contact The Co-operative Funeralcare
Tel: 0800 088 4860
www.co-operativefuneralcare.co.uk

For legal advice and guidance you can contact
The Co-operative Legal Services
Tel: 0800 587 5266
www.co-operativelegalservices.co.uk

Methodology YouGov surveyed a sample of 522 lesbian, gay and bisexual adults in November 2013. The survey was conducted using an online interview administered to members of the YouGov Plc panel of over 280,000 individuals. The responding sample is weighted to the profile of the sample definition to provide a representative sample.

ABOUT THE CO-OPERATIVE FUNERALCARE

The Co-operative Funeralcare is the UK's leading funeral director with over 900 funeral homes nationwide. Available 24 hours a day, 7 days a week – their promise is to help you arrange or plan a funeral with care, respect, clarity and reassurance. Their team of professionals are there to listen, advise and guide you through all your options.

The Co-operative Funeralcare is a trading name of Funeral Services Limited. Funeral Services Limited, registered in England and Wales with number IP30808R at registered office 1 Angel Square, Manchester, M60 0AG. VAT registered 403 3146 04. Part of Co-operative Group Limited.

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LIFELONG FRIENDS

We all need to plan for the future to ensure that our families, partners and friends are provided for after our lifetime.

LEAVING A LEGACY

It's important to think about who you might want to benefit from your will. It's not only your relatives who you might want to leave money or estate to, it could be causes you believe in or charities you support. It is important to give enough information in your will so there's no doubt about the identity of where or who money or possessions should go to.

Did you know you can also leave a gift to Stonewall in your will and help future generations of lesbian, gay and bisexual people around the world?

It's probably easier than you think – just visit www.stonewall.org.uk/legacies or contact us on 08000 50 20 20 for more information.



Stonewall

the lesbian, gay and bisexual charity

Charity Number 1101255