



Public Health Funerals Policy Statement 2018

1. Introduction

This document sets out the Council's public health funeral policy and procedure. It clarifies roles and the level of funeral provision to provide a dignified, value for money funeral service.

The term "Public Health Funeral" is used to describe the process that East Staffordshire Borough Council uses to discharge statutory duties under the Public Health (Control of Diseases) Act 1984 when there is no surviving spouse/partner, next-of-kin cannot be located, or there is a refusal to pay. Section 46(1) of the Public Health (Control of Diseases) Act 1984 (the Act) states:

"It shall be the duty of a local authority to cause to be buried or cremated the body of any person who has died or been found dead in their area, in any case where it appears to the authority that no suitable arrangements for the disposal of the body have been or are being made otherwise than by the authority."

When a body is released by the Coroner, if there is no next of kin or family members the details are passed to the Environmental Health Team to make appropriate arrangements for the disposal of the body. Where the deceased died within the council's administrative boundary and it is apparent that there is no-one able or willing to arrange a funeral East Staffordshire Borough Council will deal with all aspects of the administration.

Where the deceased is ex-service personnel then the Royal British Legion will be contacted as they may hold details of next of kin or be able to assist with the funeral arrangements

Where a next of kin has been identified but have concerns about how a funeral is to be paid for they will initially be referred to the Department of Works and Pensions as they may be entitled to a funeral payment. More details and advice on Department of Works and Pensions Funeral Payments is available on the following web page: www.gov.uk/funeral-payments/overview.

2. Property Search

A visit to the home of the deceased will be carried out as soon as possible following the request for a public health funeral. The purpose of the visit is to search for items such as: details of next-of-kin; a Will; identification documents such as passport or driving licence; any other relevant documentation; details of bank accounts; and to remove valuables.

When undertaking a search at least two officers will visit the property, keeping in the same area to ensure that probity is maintained. A written inventory of all items removed shall be signed by all officers undertaking a search; ideally if cash is found in a property, it should be counted on the premises then removed to secure facilities before it can then be banked.

All property that has been retained will be stored in secure conditions and may be disposed of with the proceeds used towards recovery of costs, to be passed on to next-of-kin or to be passed to the Bona Vacantia Department.

Landlords must not enter or explore the property or remove any items from the deceased's accommodation until given clearance by the officer responsible for the public health funeral. Where the next-of-kin wants to be present at the search or wishes to look through the property, they will be accompanied at all times.

3. Last Will and Testament

Where a Will is established the funeral arrangements must be passed to the Executor and no further action will be taken by the Council. If the Executor revokes their duty and refuses to take on the responsibility of the funeral they must make a formal renunciation of the will. If property or valuables have been removed from the property by the Executor they may be required to be handed to the Council if insufficient funds are available to cover the funeral expenses.

If the next-of-kin, partner or family of the deceased is unwilling to take responsibility for the funeral they will be required to provide supporting information about why they are unwilling / unable to make arrangements for the funeral. They will also be required to sign a document stating they acknowledge that East Staffordshire Borough Council are to make the funeral arrangements and that they understand that all costs will be recovered from the estate including officer costs before any funds are released to them.

4. Registration of the death

Where the Council has taken on the responsibility of the funeral a Council Officer will usually register the death as soon as possible. It may not be possible for a death to be registered if there is to be an inquest. If the coroner's office has released a body then there should be a pink certificate waiting at the registrars department, otherwise a medical death certificate will need to be obtained from the doctor attending the deceased at the time of death.

A council officer giving details should ensure that they have all possible information to prevent any changes needing to be made at a later date as changes can be extremely difficult to make. The Government 'Tell Us Once' service will be used when possible and where a next-of-kin cannot be traced.

5. Funeral Arrangements

The local authority will consider any wishes that the deceased may have had. In accordance with Section 46 part 3 of the Public Health (Control of Diseases) Act 1984 East Staffordshire Borough Council shall not request a cremation where they have reason to believe that this would be contrary to the wishes of the deceased. Similarly if it is clear that the deceased's religion specifically allows for burial then the authority must follow that course of action.

Where no specific wishes or religious beliefs have been identified then East Staffordshire Borough Council will provide a direct cremation service with no form of service. The crematorium used will be arranged at the discretion of Council and in conjunction with the undertakers. The Council will not pay for flowers or memorials and will not accept contributions for such items. Ashes will be scattered in the crematorium grounds 3 months after the funeral.

If it is clear that there was an expressed wish by the deceased for any other type of funeral, the Council will endeavour to carry out those wishes. Different religious beliefs have specific protocols and procedures that should be adhered to where possible. If the cost is deemed to be unreasonable, officers will produce a report, to be validated by the Environmental Health Manager, as to the reasons why the wishes of the deceased cannot be agreed to.

Where a direct burial is undertaken this will be into a common/parish grave, meaning that the grave can be used for multiple burials and therefore no memorial or headstone will be permitted.

Whilst a service is not provided as part of the Public Health Funeral, the Council would not prevent next of kin/friends organising their own service at a venue of their choice. They can also make arrangements to take possession of the ashes, provided they meet the costs.

6. Appointment of Funeral Directors

In line with Government Guidance, a funeral director will be appointed who is a member of:

- National Association of Funeral Directors; or
- The National Society of Allied and Independent Funeral Directors (SAIF)

The Council will, from time to time, request funeral directors to supply tenders for the provision of a service in respect of public health funerals.

7. Recovery of Funeral Costs

The Act allows the local authority to recover all costs incurred from the estate of the deceased; that is, from any effects, for example: cash found within the property, banks and/or the sale of property and possessions. Under section 34(3) of the Administration of Estates Act 1925 the first debt on a person's estate is that of the funeral and takes priority over any other debt.

East Staffordshire Borough Council will also recover officer expenses incurred in the administration of the funeral. This is charged at £400.

If the deceased had an account with a bank/building society, the authority should present a copy of the funeral invoice, a receipt for payment and a copy of the death certificate to them. Monies should then be released directly to the local authority by the bank. If the funeral bill has not been paid, the bank can issue payment directly to the funeral director. Where the deceased has part-ownership of a property, the Council will put a Charge against the property so that costs can be recovered when the property is sold.

Where there is no next-of-kin or partner to inherit and, after costs to the Council have been recovered:

- If the estate value is £500 or over, where there are no known family the balance will be passed to the Bona Vacantia Department; or
- If the estate value is under £500, the Act allows the Council to retain the money.

8. Estate Administration

Personal possessions will be dealt with in accordance with the Council's Public Health Funeral Guidance. Photographs or non-monetary documentation and any small items (for example: jewellery or watches) are subject to a different retention procedure than furniture, bedding or clothing.

If next-of-kin are established, they will be provided with a detailed account regarding the recovery of costs from the estate, details of disposal of any personal possessions and inventory and any effects before closure of the request. This will be signed by the next-of-kin, or their representative, and a Council Officer.

The Council will hold the deceased's property and effects until the receipt of Letters of Administration from a Court or a Statutory Declaration. All Council costs for storage/property insurance/ administration/etc. will be recorded and passed to the estate.

9. Publication of Data

The Council will publish information each year in relation to this area of service. Appropriate information will be published after the financial year end figures have been collated.

The following information will be published on the Council's website;

- Name
- Date of Birth
- Date of Death
- Sex – M/F
- Type of funeral – burial or cremation
- Referral to Duchy Lancaster – Y/N
- Annual cost to the Council of public health funerals

The following statement will also be published alongside the above information under Section 31 of the Freedom of Information Act 2000 – Law Enforcement (prevention and detection of crime):

Revealing details of the assets of an estate before the Duchy of Lancaster has undertaken their own enquiries would provide an opportunity for criminal acts to be committed (for example theft or fraud). Similarly, there would be concerns about making the last known address of the deceased public, as the property is likely to be unoccupied and might contain the deceased's identify. Taking into account the above issues, the Council considers that there is no over-riding public interest in releasing the information requested. Any public interest would be best served by upholding the exemption under section 31 of the Act as disclosure of the information would be likely to prejudice the prevention of crime by enabling or encouraging the commission of offences.