

## Public Health Funerals Policy

### 1. Introduction

When someone dies it is often a very painful and difficult time, especially if there are concerns about how a funeral is to be paid for. If someone is concerned about how to pay for the funeral of a spouse, partner or member of the family because of insufficient funds or low income they may be entitled to a funeral payment from the Department of Works and Pensions.

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](http://www.gov.uk/funeral-payments/overview).

If someone does not have access to a computer they can go to their nearest Jobcentre Plus or call in to the Council Offices.

When there is no surviving spouse/partner, next-of-kin cannot be located, or there is a refusal to pay, officers from the Community section of the Council may be able to arrange a public health funeral.

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.”

Huntingdonshire District Council (HDC) will arrange a public health funeral 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. HDC will not be responsible for funeral arrangements if the deceased lived within Huntingdonshire but died within another local council's administrative boundary; the responsibility rests with the council in who's administration boundary the death occurred.

Once the council has accepted responsibility for a funeral, it will deal with all aspects of the administration.

### 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 (for example): 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.

As a safety precaution and to safeguard against accusations of theft or misconduct, two officers must conduct the property search and must stay together at all times. The officers will always consist of one Council Officer and, for example, a housing association officer or Police Officer.

A written inventory of assets will be recorded and property retained, under secure conditions and in accordance with Council's Public Health Funeral Guidance. These may be disposed with the proceeds used towards recovery of costs, to be passed on to next-of-kin or to be passed to the Government Legal Department.

A risk assessment will be conducted prior to the property search and will be conducted as advised in the Council's Public Health Funeral Guidance.

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.

### **4. Locating estate heirs**

Where next-of-kin cannot be expeditiously discovered, and a will cannot be established, the Council may use the services of companies who specialise in locating heirs and beneficiaries. These will be chosen in accordance with the Council's Public Health Funeral Guidance.

### **5. Registration of the death**

Where the Council has taken on the responsibility of the funeral a Council Officer will usually register the death. Death certificates will be purchased, for administration use, in accordance with the Council's Public Health Funeral Guidance.

The Government 'Tell Us Once' service will be used when possible and where a next-of-kin cannot be traced.

### **6. The funeral**

If the next-of-kin, partner or family of the deceased is unable or unwilling to take responsibility for the funeral they will be asked to sign a document stating they acknowledge that HDC are to make the funeral arrangements and that they understand that all costs will be recovered from the estate before any funds are released to them. The following will all be in accordance with the Council's Public Health Funeral Guidance:

- Where the Council is responsible, the most economical funeral available will be arranged.
- 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. If the cost is deemed to be unreasonable, officers will produce a report, to be validated by a Head of Service, as to the reasons why the wishes of the deceased cannot be agreed to.
- The Council will not routinely arrange for a minister of religion or a representative of faith at the funeral unless there is a certainty that it was the wish of the deceased or it is requested. Where no minister or celebrant is engaged to conduct a service; the pallbearers will take the coffin into the Chapel of Rest and pay their respects. If anyone attends they will be afforded a little time to pay their respects. Music, prayer, hymns, etc may be offered.
- The Council is not able to part-fund a funeral.
- HDC will not have the body cremated if they have reason to believe that the deceased did not wish it.

- The funeral will be arranged at the discretion of Council and in conjunction with the undertakers. The crematorium used will be at the discretion of Council.
- The Council will not pay for flowers or memorials and will not accept contributions for such items.
- If a burial is held; no memorial or headstone will be permitted.
- If a cremation is held, the ashes will be scattered in the crematorium grounds 3 months after the funeral.

**If there is a refusal to pay the funeral:**

- there will be no obligation to inform the family of the time and place of the funeral
- A visit to the Chapel of Rest will not be permitted.

**7. Appointment of Funeral Directors**

In line with Government Guidance (GOV.UK, 2016), a funeral director will be appointed who is a member of:

- National Association of Funeral Directors; or
- National Federation of Funeral Directors; or
- Society of Allied and Independent Funeral Directors (see Notes below - ii).

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.

**8. Protection of the Public Purse**

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.

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 Government Legal Department (formerly the Treasury Solicitor's Department); or
- If the estate value is under £500, the Act allows the Council to retain the money.

Where family is located following a public health funeral, 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.

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.

## 9. Disposal of personal possessions

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.

## 10. Retention of documents

The Council will retain documents in accordance with the Council's Document Retention Policy, i.e. 12 years, at time of publication.

## 11. Freedom of Information

Statutory data will be published quarterly on the Council's website at the end of June, September, December and March.

## 12. Notes

This Policy is consistent with:

- Public Health (Control of Disease) Act 1984.  
([www.legislation.gov.uk/ukpga/1984/22/part/III/crossheading/disposal-of-dead-bodies](http://www.legislation.gov.uk/ukpga/1984/22/part/III/crossheading/disposal-of-dead-bodies)).
- The Institute of Cemetery and Crematorium Management Guidance.
- House of Commons Library (Standard Note: SN/HA/6242) document "Arranging and paying for a funeral".

To choose a funeral director:

- <http://www.nafd.org.uk/funeral-advice/funeral-arrangements/choose-a-funeral-director.aspx>.
- <http://www.nffd.co.uk/>.
- <http://www.saif.org.uk/members-search/>.

Name of Policy	Public Health Funeral Policy
Person/posts responsible	Sue Merry, Environmental Protection Support Officer, Communities
Approved by	Cabinet on 22 <sup>nd</sup> June 2017