

Fenland District Council - Public Health Funerals Protocol

Our responsibilities under the Public Health Act 1984

Introduction

What is a public health funeral

When someone dies the cost of paying for a funeral can be a worry. Advice on how to pay for the funeral of a spouse, partner or member of the family can be found here:

www.gov.uk/funeral-payments/overview.

When there is no surviving spouse/partner and next-of-kin, or there is a refusal or inability by next of kin and family to make funeral arrangements, the council may be able to assist. This support is only available to those who pass away within the council's area, its 'administrative boundary' and it is apparent there is no-one able or willing to arrange a funeral.

This responsibility is placed on the council by the Public Health (Control of Disease) Act 1984. This Act also states that the council may recover all their costs incurred in making the funeral arrangements from the estate of the deceased (i.e. their property and possessions).

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

If next-of-kin take responsibility but are unable to finalise arrangements within a reasonable timescale the council reserves the right to further the funeral arrangements using their statutory responsibilities.

What checks do the council need to undertake in order to make funeral arrangements

In order to accept responsibility for the public health funeral the council will need to make a number of checks to confirm if the deceased had surviving next of kin, who they are and any other family member who may be able to assist with the funeral arrangements. Any known friends, acquaintances or neighbours of the deceased may also be able to help with providing details on the next of kin.

The council must also confirm the wishes of the deceased before proceeding with arrangements. It is usual to arrange a cremation for a public health funeral unless other information, such as a will or declaration suggests the deceased's wishes were different, for example burial for religious, cultural or personal reasons.

If a burial is required and the deceased did not own a grave, burial will take place in an unmarked public grave within one of our open cemeteries, usually closest to the deceased home address.

In undertaking these checks the council may also search local records.

Searching any records held by the local authority or by other local organisations on the deceased is a helpful first step in locating the next of kin. These can include any records held locally such as:

- Medical records held by hospitals or their GP
- Housing records – housing services, Land Registry
- Social services
- Care or nursing home (if applicable)

- Registrar's office for details of birth / marriage(s)
- Council Tax
- Electoral roll
- Cemetery and crematorium registers
- Missing persons registers

What other actions will the council take

In order to identify information relating to the deceased wishes, next of kin and any financial matters of relevance to the deceased estate a visit to the home of the deceased will likely be carried out. Items may well be removed from the property such as; 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 will conduct the property search and will stay together at all times. Staff are fully trained and will conduct themselves professionally and with respect for the deceased and any other people involved.

A written inventory of assets will be recorded, and property retained, under secure conditions and in accordance with council's procedures. These items may be disposed with the proceeds used towards recovery of costs, or to be passed to the relevant government department. The council will only recover reasonable costs and will not retain any assets or finances identified.

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.

If the deceased had a 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.

Who will register the death

Where the council has taken on the responsibility of the funeral a council officer will usually register the death.

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

Arrangements for 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 the council 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.

Where the council is responsible, the most economical funeral available will be arranged and there is no obligation placed on the council to inform relatives of the time and place of the funeral.

If it is clear that there was an expressed wish by the deceased for any specific type of funeral, the council will endeavour to carry out those wishes.

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.

The council will retain the deceased ashes for 3 months. If any next of kin or other friend or relative contacts the council, they may claim the ashes. A small fee covering reasonable costs will be charged.

In any event the council will make arrangements for ashes to be appropriately scattered after 3 months and records kept of the arrangements made.

How the council appoints Funeral Directors

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

- The National Association of Funeral Directors;
- National Federation of Funeral Directors;
- Society of Allied and Independent Funeral Directors

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

Considerations - protection of the public purse

The council is enabled by the Public Health Act to recover reasonable costs incurred from arranging the funeral. These costs will be recovered from the estate of the deceased. This will include:

- cash found within the property
- bank accounts
- 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, value over £500 will be passed to the Government Legal Department. 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.

Retention of documents

The council will retain documents in accordance with government guidance, i.e. 10 years from the date of receipt.

Freedom of Information

Statutory data will be published on the council's website.

Will the council assist if the deceased passed away in a hospital

If the deceased died as an in-patient in a hospital managed by an NHS Trust and there are no relatives, the NHS Trust may assume responsibility for the funeral arrangements and recover their expenses from the deceased's estate.