

# Public Health Funeral Policy

May 2019

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## **Introduction**

The term Public Health Funeral is used to describe the process that Local Authorities use to discharge statutory duties under the Public Health (Control of Disease) Act 1984 (the Act) when there is no surviving next of kin, next of kin cannot be located, next of kin are unwilling or unable to arrange a funeral or they cannot afford to pay for the funeral

If someone is concerned about how to pay for a funeral because of insufficient funds or low income they may be entitled to a Funeral Expenses Payment from the Department of Work and Pensions.

More information about Department of Works and Pensions Funeral Expenses Payments is available on the following website [www.gov.uk/funeral-payments](http://www.gov.uk/funeral-payments)

If someone does not have access to a computer they can telephone

Telephone: 0800 169 0140  
Textphone: 0800 169 0286

To avoid many of the costs of a traditional funeral service, most funeral directors offer Direct Cremations which have the potential to significantly reduce the cost of a funeral.

The deceased is usually cremated in a simple coffin, there is no chapel service and mourners cannot attend the cremation. Families who choose this option can organise a separate formal memorial service at a date, time and location of their choice.

When there is no surviving next of kin, next of kin cannot be located, the next of kin are unwilling or unable to arrange a funeral or the next of kin cannot afford to pay for a funeral Solihull Council may be able to arrange a Public Health Funeral in accordance with the Act.

## **Scope**

This policy is intended to provide an outline on how we as a Council will deal with Public Health Funerals and provide a dignified, value for money funeral service under the Act. Due to the potentially complex nature of some cases this document should be viewed as an outline to the standards that can be expected. Flexibility needs to be maintained in order to respond to unforeseen circumstances.

## **Policy Outcomes**

The outcomes to be delivered by this policy are:

<b>Public Health Funerals Policy Outcome(s)</b>	<b>Link to Corporate Objective(s)</b>
<ul style="list-style-type: none"><li>• Detail the process for dealing with a Public Health Funeral</li><li>• Outline what a Public Health Funeral will involve</li><li>• Detail how the deceased's estate will be handled</li></ul>	Managing demand and expectation for public services

## **Public Health Funerals**

Solihull Council can only arrange a Public Health Funeral when the deceased died within the Council's administrative boundary. Solihull Council cannot arrange a Public Health Funeral if the deceased lived within Solihull but died within another local Council's administrative boundary or in a hospital managed by the NHS Trust. If a person passes away whilst in Solihull Hospital then their funeral will be administered by Birmingham City Council as this is the jurisdiction of Birmingham and Solihull NHS Trust.

Solihull Council cannot become involved when funeral arrangements have already been made, or if the funeral has already taken place. The Council cannot provide any funding for funeral arrangements to families, whether the funeral has taken place or not.

Where there is concern about how the funeral costs are to be paid, it is important that the applicant for the funeral discusses this with their chosen funeral director at an early stage in the arrangements. The funeral director should be able to advise them of the options available to them to try to keep costs to a minimum. Once funeral arrangements have been made under contract with a funeral director they will be responsible for paying the costs, in some cases a deposit may be required.

If the applicant for the funeral is in receipt of certain benefits and meets the criteria on their relationship with the deceased they may be entitled to a Funeral Expenses Payment from the Department for Works and Pensions. However if there is a close relative of the deceased who is not getting one of the benefits, they may not be able to claim. More information can be found on the following website [www.gov.uk/funeral-payments](http://www.gov.uk/funeral-payments)

## **Referrals to a local authority**

If there is nobody willing or able to make the funeral arrangements the case may be referred to Solihull Council, who will then be responsible for making the funeral arrangements under Section 46 of the Public Health (Control of Disease) Act 1984. Referrals to the Council are usually made by the Coroner's Office. However, local care homes may also contact us directly where it is known that there are no next of kin.

If the deceased had a family who are unable or unwilling to make suitable arrangements, the nearest surviving relative will be required to sign a declaration (Appendix 1) stating that they are willing for the Council to make the funeral arrangements on their behalf and understand that costs will be recovered from the deceased's estate. If the family have already removed any possessions from the deceased's last place of residence, these may need to be returned to the Council to help offset the funeral costs. The Public Health (Control of Disease) Act 1984 states that the first call on the deceased's estate is to cover any funeral expenses.

Where there is no known next of kin the Council may use the services of companies who specialise in locating heirs and beneficiaries. Where no next of kin can then be reasonably located the Council will carry out the necessary funeral arrangements.

## **Property Searches**

Prior to making any funeral arrangements the Council will secure the property of the deceased as soon as possible after a referral has been received and follow this up with officers visiting the property as soon as possible. The purpose of this visit will focus on finding a Will, finding evidence of family and friends and to identify any items of value that may be used to offset the funeral costs. During this visit officers will also search for items such as (for example), passport or driving licence, details of bank accounts and officers may remove valuables. Officers have the authority to enter properties for this purpose under the National Assistance Act 1948 (Section 48).

Landlords must not enter or explore the property or remove any items from the deceased's home until given permission to do so by the Council.

The Council is not responsible for clearing or cleaning the property.

To safeguard the Council against accusations of theft or misconduct, a minimum of two officers must conduct the search and stay together at all times. One of the officers must be of a managerial/supervisor level and at times may also be accompanied by for example a Housing Association officer or Police officer.

Where the next of kin would like to be present at the search or wishes to look through the property they will be accompanied by an officer at all times.

A written inventory of assets (Appendix 2) will be recorded and property removed will be stored in secure conditions by the Council.

If cash is found in the property this will be counted on the premises and then removed to secure conditions by the Council before it is banked.

Any items removed from the property and not sold to recover the costs of the funeral will be held under secure conditions by the Council for a minimum of 12 months following the funeral and may be disposed of, passed to next of kin or be passed to the Bona Vacantia Division of the Government's Legal Department.

Following the completion of the search the property will be secured and the keys returned to the landlord.

If the property was owned by the deceased, the case will be referred to the Government's Legal Department and their instructions regarding the property will be followed.

### **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.

### **The Funeral**

Once the Council has accepted a case they will deal with all aspects of the organisation of the funeral, including registering the death, dealing with the funeral director to make the arrangements and paying for the funeral. A cremation service will normally be held at Robin Hood or Woodlands Crematorium, unless it is established that the deceased would have chosen a burial for religious or cultural reasons or if the deceased had purchased a burial plot where there is room for them to be buried within it. If a burial is required and the deceased did not own a grave, a burial will take place in an unmarked grave at a Solihull Council Cemetery.

The Council will consider any wishes that the deceased may have had, in accordance with the Act. If the cost of this is deemed to be unreasonable, officers will produce a report as to the reasons why these cannot be provided.

Where no specific religious or cultural beliefs have been identified, Solihull Council will provide a cremation service at Robin Hood or Woodlands Crematorium on a date and time decided at the discretion of the Council and the funeral director.

If family members or friends wish to attend the service an officiator will be appointed according to the deceased's religious beliefs and the next of kin will be invited to speak directly with the officiator prior to the service to contribute to the eulogy and to choose three pieces of suitable music to be played at entrance to the chapel, committal and exit from the chapel. The Council will not provide an organist; all music will be supplied by the Council's audio provider.

The Council will not provide flowers, orders of service, transport for mourners, a wake or memorials and will not accept contributions for these.

If no mourners will be attending the Council will provide a Direct Cremation and no service will be held.

Following the cremation service the ashes will be scattered in the Garden of Remembrance at the Crematorium without witness, unless a request is made by the next of kin for the ashes to be returned to them. The person taking responsibility for the ashes will be required to sign a declaration (Appendix 3) stating that the ashes will be dealt with respectfully taking into account any known final wishes of the deceased. If there is any conflict between family members about the arrangements for the ashes, then the Council will scatter the ashes in the Garden of Remembrance at the Crematorium without witness.

If it is clear that for religious or cultural reasons another type of funeral is required, the Council will endeavour to provide this. Different religious beliefs have specific protocols and procedures that will be adhered to where possible. If the cost of this is deemed to be unreasonable, officers will produce a report as to the reasons why these cannot be provided.

If the deceased would have chosen a burial for religious or cultural reasons and did not own a grave, the burial will be in a grave chosen at the discretion of the Council at a Solihull Council Cemetery on a date and time decided at the discretion of the Council and the funeral director. A memorial headstone will not be provided.

If the deceased had purchased a burial plot where there is room for them to be buried within it the Council will arrange for this on a date and time decided at the discretion of the Council and the funeral director.

## **Appointment of Funeral Directors**

The Council will appoint a funeral director who is a member of the National Association of Funeral Directors, National Federation of Funeral Directors or Society of Allied and Independent Funeral Directors.

These services are tendered for every 2 years. The current provider, C Bastock Ltd was appointed in June 2018. The tendering process is carried out in compliance with the Corporate Procurement Guidelines.

## **Estate Administration**

Solihull Council is entitled to recover costs when making funeral arrangements under the Act. The Council will seek to recover the full cost of the funeral and a fixed administration fee of £300

The Council is not empowered to administer the estate.

Where there is a surplus of over £500 once all costs incurred in making arrangements under the Act have been reimbursed the Council will refer the case to the Governments Legal Department under Bona Vacantia.

Where there are known family the case cannot be referred to the Bona Vacantia Division. Under these circumstances the Council will hold all monies until a legally entitled person demonstrates their suitability to administer the estate through holding Letters of Administration from the Courts. Under no circumstances will money or property from the estate be given out to anyone without proper lawful authority. All Council costs for storage, property insurance, administration etc. will be recorded and passed to the estate.

Where items have been removed from the deceased's property and all costs have been recovered these items will be returned to the next of kin. Should no next of kin be found or they do not wish to take possession of the items the Council will dispose of the items as appropriate with any funds from this disposal being returned to the Council to offset the costs of Public Health Funerals. All items disposed of will be done so in accordance with the Corporate Procurement Guidelines and the Financial Regulations

If the estate value is under £500, the Act allows the Council to retain the money to offset the costs of Public Health Funerals.

## **Publication of Data**

Disclosing the full name and address of the deceased will lead to living relatives being identified; either by people who know the deceased or by someone making

further enquiries (such as a search of the Electoral Register). This might identify the spouse, partner or other relative who may (or may not) still reside in the property. We believe that these individuals would not want it made known that they had either declined or were unable to pay for the funeral. This is a private matter and therefore, Section 40(2) FoIA 2000 has been applied to protect the personal information of living relatives.

However, we recognise that there is a public interest in understanding the cost to the public purse of Public Health Funerals.

The Council will publish information annually in relation to this area of the service.

The following information will be published after the financial year figures have been collated on the Council's website [www.solihull.gov.uk](http://www.solihull.gov.uk)

- Year
- Number of Public Health Funerals
- Cost
- Number of Burials
- Number of Cremations

## Contact

Persons requiring advice about Public Health Funerals should contact the Council's Cemeteries, Crematoria and Bereavement Services Team:

Email [robinhoodcemetery@solihull.gov.uk](mailto:robinhoodcemetery@solihull.gov.uk)

Telephone 0121 709 7009

Face to Face The Cemeteries and Crematoria Office  
Ground Floor, Block A  
The Central Depot  
Moat Lane  
Solihull  
B91 2LW

Monday, Tuesday, Wednesday and Thursday 9am to 5pm  
Friday 9am to 4.30pm

**Appendix 1**

# Removal of Items from Premises

Case No. \_\_\_\_\_ Date \_\_\_\_\_

Deceased \_\_\_\_\_

Leading Officer \_\_\_\_\_

Supporting Officer(s) \_\_\_\_\_

Evidence No.	Bag		Removed By	Witnessed by

**Appendix 2**

Bereavement Services  
Central Depot  
Moat Lane  
Solihull  
West Midlands B91 2LW  
Tel: 0121-709-7009  
Email:  
[robinhoodcemetery@solihull.gov.uk](mailto:robinhoodcemetery@solihull.gov.uk)  
[www.solihull.gov.uk](http://www.solihull.gov.uk)  
Please ask for: Public Health Funerals

**Our Ref: BD**

Date:

**Public Health (Control of Disease) Act 1984 Section 46**

I \_\_\_\_\_

residing at:

\_\_\_\_\_  
\_\_\_\_\_

declare that I am next of kin of the late \_\_\_\_\_

of:

\_\_\_\_\_  
\_\_\_\_\_

I am not able to undertake the commitment of making the funeral arrangements for my relative and therefore I ask that Solihull Council should undertake this duty as required under section 46 of the above Act. As such I am aware that the Council will only provide a basic funeral and items such as costs incurred before the date listed below & extra costs such as, but not limited to, minister's fees, service sheets etc. will need to be paid for by the family.

I agree and understand that under Section 5 of the Act the proceeds of the deceased's estate will have to be used for the funeral & administration costs incurred by the Council and any possessions that have been removed from the deceased's

last place of residence following their death may need to be returned to the Council to help offset the funeral costs.

Name \_\_\_\_\_ Sign \_\_\_\_\_

Dated \_\_\_\_\_

Witness (1) Name \_\_\_\_\_ Sign \_\_\_\_\_

Address \_\_\_\_\_

\_\_\_\_\_

Dated \_\_\_\_\_

DRAFT

**Appendix 3**

Solihull Council  
Environmental Management  
Council House  
Manor Square  
Solihull  
West Midlands B91 3BT  
Tel: 0121-709 7009

Email: robinhoodcemetery@solihull.gov.uk  
www.solihull.gov.uk

**Our Ref: BD**

Date:

**Public Health (Control of Disease) Act 1984 Section 46 (1)**

I \_\_\_\_\_ declare that I am the \_\_\_\_\_ /  
next of kin of the late \_\_\_\_\_

I confirm that I wish to take responsibility for the ashes after the funeral. I declare that I will deal with the ashes respectfully taking into account any known final wishes of the deceased. If there is any conflict between family members about the arrangements for the ashes, I understand that the Council will scatter the ashes in the Garden of Remembrance at the Crematorium without witness.

Signed \_\_\_\_\_ Address \_\_\_\_\_

Name \_\_\_\_\_

Date \_\_\_\_\_

Witness 1 \_\_\_\_\_ Occupation \_\_\_\_\_

Name \_\_\_\_\_ Address \_\_\_\_\_

Date \_\_\_\_\_

Witness 2 \_\_\_\_\_ Occupation \_\_\_\_\_

Name \_\_\_\_\_ Address \_\_\_\_\_

Date \_\_\_\_\_