

[APPENDIX A]

Craven District Council
Public Health Funeral Policy

April 2015

1. Introduction

1.1 Craven District Council is responsible for making funeral arrangements for anybody who dies within their district where no other arrangements are being or are likely to be made, e.g. when the deceased has no family and they haven't left a will. This responsibility is placed on the Council by Section 46 of the Public Health (Control of Disease) Act 1984. Section 46 of the Act 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).

2. Scope

2.2 This policy is intended to provide an outline on how we as a Council will deal with Public Health Funerals under the Public Health (Control of Disease) Act 1984. Due to the potentially complex nature of some cases this document should be viewed as an outline as to the standards that can be expected. Flexibility needs to be maintained in order to respond to unforeseen circumstances.

3. Policy outcomes

3.1 The outcomes to be delivered by this policy are:

- Detail the process for dealing with a public health funeral
- Outline what a public health funeral will entail
- Detail how the deceased's estate will be handled

4. Public Health Funerals

4.1 When someone dies it can be a very distressing time for those arranging a funeral, especially if there are concerns about how the funeral is to be paid for. It is normally a partner, executor or other family members who would be responsible for making funeral arrangements for a deceased person, and they would also be responsible for the costs.

4.2 Craven District Council cannot get involved where 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.

4.3 When there is concern about how the funeral costs are to be paid, it is important that relatives organising the funeral discuss this with the chosen Funeral Director at an early stage in the arrangements. Once funeral arrangements have been made with the preferred supplier funeral director the

relatives will be responsible for paying their costs, in some cases a deposit may be required.

- 4.4 If a relative organising the funeral are receiving certain benefits, such as Income Support, Income-based Jobseekers Allowance, income-related employment and support allowance, pension credit, housing benefit, council tax benefit, working tax credit or child tax credit they may be entitled to a funeral payment from the Social Fund.

5. Referrals to a local authority

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

- 5.2 If the deceased had a family who are unable to make suitable arrangements, the nearest surviving relative will be required to sign a form stating that they are willing for the Council to make funeral arrangements, and understand that costs will be recovered from the deceased's estate. If the family have already removed any possessions from the deceased last place of residence, these may need to be returned to the Council to help offset the funeral costs.

- 5.3 If the deceased dies outside of Craven District Council's boundary, the funeral arrangements will be the responsibility of the local authority where they died, even if they had lived in Craven.

- 5.4 Once the Council has accepted a case, Environmental Health will deal with all aspects of the organisation of the funeral, including registering the death, dealing with the funeral directors to make the arrangements, and paying for the funeral. A cremation service will normally be held at Walton Wray's Crematorium, unless it is established that the deceased would have chosen a burial for religious, cultural or personal reasons, or if a check in the property of the deceased showed a burial plot had been purchased and this is confirmed with the appropriate cemetery and there is room for them to be buried in it. If a burial is required and the deceased did not own a grave, burial will take place in an unmarked grave in an appropriate cemetery.

- 5.5 The Council's preferred supplier will provide everything necessary for a simple but dignified service, including a coffin, transport of the deceased to the Crematorium or Cemetery in a hearse and sufficient bearers to transfer the coffin to the chapel. However there will be no provision for flowers. The funeral

director will also arrange for a minister of religion or a representative of the faith of the deceased to lead the service. If a non-religious service is appropriate, a civil funeral celebrant will be used. Family and friends may attend the funeral service, but they will have no choice as to where and when it is to be held. To the casual observer, the funeral will appear no different to a simple ceremony not arranged by the Council.

- 5.6 Following the cremation, the cremated remains will be scattered at the Garden of Remembrance at Walton Wray's Crematorium, where a different crematorium has to be used, the ashes will be scattered at that Garden of Remembrance. Where a burial has taken place the deceased will normally be interred in an unmarked but recorded location in the appropriate cemetery.
- 5.7 Where previous arrangements have been made before the Council takes responsibility for the funeral, these will need to be paid for by the person making these arrangements. Anyone giving instruction to a firm or funeral directors is responsible for any costs incurred. The Council will take on financial responsibility from when the Council moves the deceased. The Council is only able to do this before the final paperwork has been signed at the funeral directors confirming responsibility for the funeral.
- 5.8 Any requests received from relatives or other interested parties incurring additional cost will not be granted. The Council will not accept contributions for additional items at the funeral.

6. Property Search

- 6.1 Prior to making the funeral arrangements this Councils' Environmental Health Officers will search the last known address of the deceased. The search will focus on finding a will, evidence of family or friends, and any items that may be used to offset the funeral costs. This may entail removing personal possessions from the property, including address books, correspondence, legal documents, financial paperwork and possessions such as jewellery that may be sold to raise money. The Council has sole responsibility for searching and removing items in such circumstances.
- 6.2 The search will be conducted by two officers, and a written record will be made of each item removed from the property.
- 6.3 Any items removed from the property will be retained under secure conditions at Craven District Council offices for a minimum of 12 months following the funeral. Environmental Health officers are not responsible for clearing or cleaning the property.

6.4 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 Treasury Solicitor and their instructions regarding the property will be followed.

7. Executors of a Will

7.1 The Council will not be able to make funeral arrangements in cases where the deceased left a will and the executor is traced, in these circumstances the executor would be expected to organise the funeral. In some cases the named executor of a will is the solicitor that helped draft the will in the first place. If the executor wishes to revoke their duties, they must make a formal renunciation of the will and declare that they wish to have no further involvement in the funeral arrangements.

7.2 The executor must ensure that the persons desires expressed in the will are carried out. Practical responsibilities include gathering up the protecting the assets of the state, obtaining information in regard to all beneficiaries named in the will and any other potential heirs, collecting and arranging for payment of debts of the estate, approving or disapproving creditors' claims, making sure estate taxes are calculated, forms filed, and tax payments made, and in all ways assist the solicitors for the estate (which the executor can select).

8. Estate Administration

8.1 Craven District Council are entitled to recover their full costs (including Officer time) when making funeral arrangements under Section 46 of the Public Health (Control of Disease) Act 1984. They are not, however, empowered to administer the estate. Where there is a surplus of over £500.00 once all costs incurred in making the funeral arrangements have been reimbursed, the Council will refer the case to the Treasury Solicitor under Bona Vacantia.

8.2 Where there are known family, however, the case cannot be referred to the Treasury Solicitor. Under such circumstances, the Council will hold all monies until a legally entitled person demonstrates their suitability to administer the estate through the holding of letters of administration from the courts. Under no circumstances will money or property from the estate be given to any family member without proper lawful authority.

8.3 The time spent trying to contact family members, dealing with the person's effects and arranging the funeral will be recorded and this will be claimed from the estate.

8.4 Where the deceased had part-ownership of a property the Council will put a charge on the property so that costs can be reclaimed when the property is eventually sold.

9. **Death in a Hospital**

9.1 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. In guidance produced in 2005 the hospital may choose to have the local authority involved to take care of the funeral arrangements.

10. **Glossary of terms**

Bona Vacantia –Literally means vacant goods and is the legal name for ownerless property that passes to the Crown. They administer the estate of persons who die intestate without known kin and collect the assets of dissolved companies and failed trusts.

Intestate – Where no will has been made

Treasury Solicitor – The Treasury Solicitor's Department is the largest provider of legal services across Government, working with over 180 Government departments and agencies. It also collects bona vacant on behalf of the Crown.

Executor –The person appointed to administer the estate of a person who has died leaving a will which nominated that person.