

Policy Committee – 9th June 2015

PUBLIC HEALTH FUNERALS POLICY



Report of the Director of Services

Ward(s) affected: All

1. **Purpose of Report** – To consider, approve and adopt the draft Public Health Funerals Policy that delivers a consistent and transparent approach when dealing with such funerals
2. **Recommendations** – Members are recommended to approve and adopt the Council's Public Health Funerals Policy.
3. **Background**
 - 3.1 A Public Health Funeral can be defined as a funeral arranged by Local Authorities for those people who have died and have no known relatives to arrange or pay for their funeral; or have relatives who do not want to; or are unable to arrange their funeral. Local Authorities have a responsibility to arrange such funerals.
 - 3.1 The Council does not currently have an adopted Public Health Funerals policy. This could possibly leave the Council open to legal challenge from interested parties if we take on a very basic funeral arrangement and the family wants something grander. The Council needs to ensure it has an adopted policy to provide both a basis for a procedural framework for staff and further provide a consistent and transparent approach to the public on how it deals with such cases.
 - 3.2 The introduction of such a Policy would also mean that local nursing homes would be aware of the local authority duty where no funeral arrangements for the deceased are in place.
 - 3.2 Intelligence from many local authorities across England suggests that the number of public health funerals is growing and councils across the country are increasingly introducing such policies (including those in North Yorkshire) to address the concerns of transparency.
 - 3.2 The provisions of section 46 of the Public Health (Control of Disease) Act 1984 state –

"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 has 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.”

- 3.3 The purpose of section 46 of the Public Health (Control of Disease) Act 1984 is to prevent the spread of disease through the proper disposal of bodies of deceased individuals where no-one else is willing or able to take responsibility for the funeral arrangements.
- 3.4 In many cases the lack of suitable arrangement is due to there being no known next of kin. These cases are generally referred to the Council by the Coroner's office but on other occasions family members are traced who are unable or unwilling to take responsibility for arranging the funeral.
- 3.5 Nationally there has been an increase in relatives being traced but unable or unwilling to make arrangements. In such circumstances the Coroner's and staff make every effort to encourage relatives to make an application to the Social Fund (administered by the Department of Works and Pensions rather than the Local Assistance Fund managed by North Yorkshire County Council)
- 3.6 In certain circumstances a successful application to the Social Fund will help meet the cost of paying for a funeral including arrangement fee costs.
- 3.7 Where the aforementioned cannot be achieved the Council has an obligation to make and pay for the necessary arrangements. The Council undertakes on average one/two public health funeral per year at a current cost of £1,500 per funeral.
- 3.8 These costs however can be offset through the removal and sale of possessions from the deceased estate.
- 3.9 In order to formalise the current arrangements the Council needs to adopt a clear and transparent policy on how it will deal with such funerals in the future.

4 **The Policy**

- 4.1 It is intended that the Policy provides an outline on how we as a Council will deal with Public Health Funerals under the provisions of the Public Health (Control of Disease) Act 1984.
- 4.2 Due to the potentially complex nature of some cases this policy should be viewed as an outline as to the standards that can be expected. There will be a need for flexibility from time to time to respond to unforeseen circumstances.
- 4.3 The draft policy at [**Appendix A**] sets out how the Council will deal with the key issues and actions necessary, namely

a) Referrals to a Local Authority – where the Council receives a referral from the Coroner's Office or possibly from managers of residential homes/ sheltered

accommodation where we've been advised there are no relatives willing or able to make the funeral arrangements.

- b) Property Search** – the action of Council Officers in the searching of a deceased property ascertain a will, next of kin, evidence of family and friends and any items that may be used to offset the cost to the Council of the funeral
- c) Executors of Will** – the Council's responsibilities where a will has been found
- d) Estate Administration** – the Council's entitlement to the recovery of costs from the deceased's estate

4.4 As well as clarifying what the Council will do, the draft Policy also sets out what the Council **will not** do. This will include:

- Arranging for a funeral where the deceased has left a will and an executor is identified and traced.
- Clearing or cleaning of the deceased's former residence
- Refunding the costs of funerals that have already been arranged or taken place.
- Paying for funerals of this Council's residents who have died outside the District.

5. Implications

5.1 Financial and Value for Money (vfm) Implications –

There are no significant financial implications arising from this report as the costs have been accounted for within existing budgets

5.2 Legal Implications – These are covered within the body of the report

5.3 Contribution to Council Priorities – The proposal directly contributes to the 'Priorities of a 'Greener Craven' and 'Working with Communities'

5.4 Risk Management –

There are no strategic risk management issues arising from the report other than reputational risk to the Council should we not deliver our statutory obligations

5.5 Equality Analysis –

An Equality Impact analysis has been undertaken and there is no negative impact resulting from the Council approving and adopting the new byelaws

6. Consultations with Others –

Director of Services, Finance Manager (Deputy S151 Officer), Legal Services Manager, Procurement, Payments and Risk Manager, Policy Development Officer

7. **Access to Information:** Background Documents – Nil

8. **Author of the Report –**

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Note : Members are invited to contact the author in advance of the meeting with any detailed queries or questions.

9. **Appendices –**

Appendix A – Draft Public Health Funeral Policy