

Public Health Funeral's Policy

Swale Borough Council

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1. Introduction

- 1.1** Swale Borough Council is responsible for the funeral arrangements of people who die within their boundary, 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.
- 1.2** This responsibility is placed on the Council by Section 46 of the Public Health (Control of Disease) Act 1984. Section 46 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).
- 1.3** If a deceased resident died outside of the Swale Borough Council boundary, the funeral arrangements will be the responsibility of the local authority where they died, even if they lived in Swale.
- 1.4** Swale Borough Council will not be involved if funeral arrangements that have already been made, or if the funeral has already taken place. The Council cannot provide any funding for funeral arrangements to families.
- 1.5** Normally a partner, executor or other family member who would be responsible for making funeral arrangements for a deceased person, and they would also be responsible for the cost. Help is available from the Social Fund for those who are in receipt of certain benefits.
- 1.6** If no one is willing or able to make the funeral arrangements, the case may be referred to Swale Borough Council, who will then be responsible for making the arrangements under Section 46 of the Public Health (Control of Disease) Act 1984. Notifications generally, come from the Coroner's Office or a nursing home. The Council's Environmental Health Administration Team will make enquiries to see if there are any traceable family.
- 1.7** There have been occasions when the Coroner and the Police have made their own enquiries and drawn blanks, but Swale Council Officers have been able to locate family.
- 1.8** Swale Borough Council have appointed a company to work on tracing Next of Kin and this service is free of charge.
- 1.9** At time of publishing our policy we have appointed a company called Estates Research on a 3 year contract with possible extension of 1 year.
- 1.10** The Council receives frequent Freedom of Information requests about public health funerals, to obtain prior information on the deceased person before it is sent to the Treasury Solicitors.

2 . Aims of Policy

- 2.1** To ensure Swale Borough Council, carry out funeral arrangements in line with Section 46 of the Public Health (Control of Disease) Act 1984.
- 2.2** To provide a clear framework for officers undertaking Public Health Funerals, that they work in the best interest of the deceased and living relatives in a respectable way, and where possible to cover any costs incurred by the council.

3. Further Information Relating to Public Health Funerals

- 3.1** If the deceased had a family, the nearest surviving relative(s) will be required to sign a form stating that they are willing for the Council to make the funeral arrangements and understand that costs will be recovered from the deceased's estate. If the family have already removed any possessions from where the deceased lived, these may need to be returned to the Council to help offset the funeral costs.
- 3.2** Once the Council has accepted a case, the Environmental Health Administration Team will deal with all aspects of the organisation of a funeral, including registering the death, dealing with the funeral directors to make the arrangements, and paying for the funeral.
- 3.3** Cremation is currently the most economical option and in the absence of the deceased's wishes, the cremation service will be held at Vinters Park, Maidstone. If a check of the Council's burial records reveals that the deceased owned a grave in a Swale Borough Council Cemetery and there is room for them to be buried in it, this would also be carried out.
- 3.4** Requests for a burial, rather than a cremation are considered on a case by case basis. This may be required due to religious, cultural, or personal reasons. If the deceased did not own a grave, burial will take place in an unmarked public grave.
- 3.5** The Council's contracted funeral directors will provide 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. 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.
- 3.6** Following the cremation, the cremated remains will normally be scattered or interred in an unmarked but recorded location in the Garden of Remembrance at the Vinters Park Crematorium. In certain circumstances and by agreement the ashes may be given into the care of a close family member or friend

- 3.7** Where ashes are to be passed to family or friends, it will be their responsibility to collect the ashes from the Crematorium, with details of who will collect the ashes, date of collection, if known, so that we can inform the crematorium. The person collecting the ashes will need to take a form of identification.

4. Property Searches

- 4.1** Prior to making the funeral arrangements, 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.
- 4.2** This may entail removing personal possessions from the property, including address books, correspondence, legal documents, financial paperwork and possessions such as jewellery. We only take items to cover the cost of the funeral.
- 4.3** Any financial and legal documentation removed from the property will be retained under secure conditions for a minimum of 7 years. Following the funeral some items, such as jewellery may be sold to cover the cost of the funeral.
- 4.4** Swale Borough Council will not be responsible for clearing or cleaning of the property.
- 4.4** 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.

5. Executors of a Will

- 5.1** 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.
- 5.2** 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. They may need to go through a solicitor for this service.

6. Administration Of Estate

- 6.1** Swale Borough Council are entitled to recover their costs when making funeral arrangements under Section 46 of the Public Health (Control of Disease) Act 1984. Costs will be for the funeral and any administration costs incurred, which will also include recovering the cost of registering the Death. Admin Officer time is charged at £16.33 at time of writing this policy, admin team leader time is charged at £23.78 with Registration of Death costs £11.00.

- 6.2** They are not, however, empowered to administer the estate. Suitable enquiries of banks and building societies will be made and will put a stop on account transactions.
- 6.3** Where there is a surplus of over £500.00 from the deceased's estate, once all costs incurred in making the funeral arrangements including Officer time have been reimbursed, the Council will refer the case to the Treasury Solicitor under Bona Vacantia.
- 6.4** 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.

7. Death in a Hospital

- 7.1** 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.

8. Enquires about Help with Paying for Funerals

- 8.1** Enquiries to The Environmental Health Administration Team from people concerned about funeral, will be advised to discuss this with their chosen Funeral Director at an early stage in the arrangements.
- 8.2** If necessary, they should contact other funeral directors in case there are cheaper options. Enquirers will be told that there is no legal responsibility to hold a funeral, but that disposal through the crematorium or burial ground must be done legally.
- 8.3** Enquirers will also be informed that once they have entered into a contract with the funeral director, they will be responsible for paying their costs.
- 8.4** If the enquirer or a partner is receiving certain benefits, such as Income Support, Income-based Jobseeker's 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.
- 8.5** Further information about Funeral Payments, including an application form, can be found on the Gov website at:
http://www.direct.gov.uk/en/MoneyTaxAndBenefits/BenefitsTaxCreditsAndOtherSupport/Bereaved/DG_10018660.

8.6 There is another benefit payable to people to cover funeral costs paid from National Insurance contributions. If a person who died made National Insurance contributions, the husband, wife or civil partner may be able to get a one-off, tax-free, lump-sum Bereavement Payment of £2,000, but it will depend on whether:

- they were under State Pension age when they died
- and the spouse or civil partner was not entitled to Category A State Retirement Pension when they died

8.7 The Environmental Health Administration Team makes every effort to support enquirers in taking responsibility for the funeral arrangements, to allow family and friends the opportunity to grieve and celebrate the life of the deceased.

9. Appointment of Contract Funeral Directors

9.1 To enable the Council to provide the most cost-effective means of undertaking their duty to provide public health funerals, Swale Borough Council has entered an agreement with Maidstone Borough Council to jointly procure the same funeral director and to undertake all cremations at Vinters Park Crematorium.

9.2 The procurement process and appointment of the Contract Funeral Directors is carried out by the Bereavement Services Manager at Vinters Park and tender every 3 years.