

Public Health Funeral Policy

September 2024

Contents

1.	Introduction	3
2.	Scope	3
3.	Referrals to a local Authority	4
4.	Property Searches	4
5.	Last Will and Testament	5
6.	The Funeral	5
7.	Appointment of Funeral Directors	7
8.	Protection of the Public purse	7
9.	Publication of Data	7
10.	Notes	8
11.	Contact	9

Appendices

Appendix 1 – Removal of Items Inventory	10
Appendix 2 – Next of Kin Consent Declaration	11

1. Introduction

- 1.1 When someone dies this is often a painful and difficult time, especially if there are concerns regarding how a funeral will be paid for. When there is no surviving next of kin, next-of-kin cannot be located, or next of kin are unable or unwilling to arrange a funeral or they cannot afford to pay for the funeral, officers from the Environmental Protection Team may be able to arrange a public health funeral.
- 1.2 Section 46(1) of the Public Health (Control of Diseases) Act 1984 (the Act) states:
“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 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”.
- 1.3 If someone is concerned about how to pay for a funeral because of insufficient funds or low income, 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 of Work and Pensions.
- 1.4 More information about Department of Works and Pensions Funeral Expenses Payments is available on the following website www.gov.uk/funeral-payments

Derby City Job Centre
The Council House
Corporation Street
Derby
DE1 2FS
Telephone: 0800 169 0190
Textphone: 0800 169 0314

- 1.5 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.

2. Scope

- 2.1 This policy is intended to provide an outline on how Derby City Council (DCC) will undertake Public Health Funerals and provide a dignified, respectful funeral 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.

- 2.2 DCC will only arrange a Public Health Funeral when the deceased died within the Council's administrative boundary. DCC will not be responsible for a Public Health Funeral if the deceased lived within Derby but died within another local council's administrative boundary, the responsibility rests with the council in whose administrative boundary the death occurred. Funeral arrangements for persons who have died in hospital are administered by the NHS.
- 2.3 DCC cannot become involved when funeral arrangements have already been made under contract with a funeral director, or if the funeral has already taken place. The Council are unable to provide any funding for funeral arrangements to families, whether the funeral has taken place or not.

3. Referrals to a local authority

- 3.1 If there is nobody willing or able to make the funeral arrangements the case may be referred to DCC, who will then be responsible for making the funeral arrangements under Section 46 of the Public Health (Control of Disease) Act 1984 ("**the Act**"). Referrals to the Council are also made by the Coroner's Office and local care homes.
- 3.2 If the deceased had next of kin who are unable or unwilling to make suitable arrangements, the nearest surviving relative will be required to sign a declaration (**Appendix 1**) confirming that they waive their right or entitlement to do so and confirming that they have no objection to the Council exercising its powers under the Act.
- 3.3 There is no legal requirement on DCC to locate next of kin. However, after reasonable enquiries have been made and no known next of kin can be located, the Council will carry out the necessary funeral arrangements in accordance with the Act.

4. Property Searches

- 4.1 The Council will secure the property of the deceased as soon as possible after a referral has been received. A visit to the home of the deceased will be carried out as soon as possible following the referral. The purpose of the visit is to attempt, in the first instance, to locate information such as details of next-of-kin, a Will, identification documents such as passport or driving license or any other relevant documentation including details of bank or building society accounts.
- 4.2 Landlords must not enter or explore the property or remove any items from the deceased's home until given permission to do so by an authorised officer of the Council. The Council is not responsible for clearing or cleaning the property.
- 4.3 To safeguard the Council against accusations of theft or misconduct, two officers must conduct the search and must stay together at all times. Officers may at times also be accompanied by a Housing Association officer or Police officer. All persons attending on behalf of the Council or

other must carry with them suitable official authorisation documents.

- 4.4 Where next of kin would like to be present at the property search or wish to look through the property, we will facilitate accompanying our officers. But until an inventory is completed by officers, the role of next of kin will be as an observer only and a record of this agreement will be recorded on the inventory form. Where next of kin do not agree to this arrangement, a search and inventory cannot be undertaken. Therefore, the Council will assume its powers under the Act have not been engaged, and next-of-kin will bear responsibility for making funeral arrangements.
- 4.5 A written inventory of assets including monies recovered will be recorded (**Appendix 2**)
- 4.6 Any monies found in the property will be counted on the premises and managed according to the Council's cash handling policy.
- 4.7 Any items removed from the property and not subsequently used to recover expenses will be held under secure conditions by the Council in accordance with the provisions of section 41 of the Local Government (Miscellaneous Provisions) Act 1982 ("**the 1982 Act**"), or be passed to the Bona Vacantia Division of the Government's Legal Department, authorised to administer under their own powers.
- 4.8 Unless a Will exists and this identifies an Executor(s) or the deceased's next-of-kin or the Council are presented with Letters of Administration, following completion of the search the property will be secured and the keys returned to the landlord.
- 4.9 If the property was owned by the deceased and there are no known next of kin, the case will be referred to the Governments Legal Department and their instructions regarding the property will be followed.

5. Last Will and Testament

- 5.1 Where the existence of a Will is established, the funeral arrangements must be passed to the Executor and no further action will be taken by the Council. The Council will notify the Probate Registry and, if applicable, lodge any claim for costs that it may have been incurred prior to the Executor(s) being identified. If the Executor revokes their duty and/or refuses to take on the responsibility for the deceased's funeral, the Council will carry out all necessary funeral arrangements.

6. The Funeral

- 6.1 Where the Council has taken on the responsibility of the funeral, an authorised officer will register the death. Death certificates will only be obtained for administration purposes only.
- 6.2 The Government 'Tell Us Once' service will be used where suitable when next-of-kin cannot be traced.
- 6.3 The authorised officer will liaise with the appointed funeral director to make the required arrangements and arrange payment for the funeral. Where

the Council are responsible, the most economic funeral will be arranged.

- 6.4 A cremation service will normally be held, 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 and there is space available 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.
- 6.5 If a burial is required and the deceased did not own a grave, a burial will take place in an unmarked grave chosen at the discretion of the Council on a date and time decided by the Council and the funeral director, at Nottingham Road Cemetery. A memorial headstone will not be provided.
- 6.6 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 confirm the reasons why these cannot be accommodated.
- 6.7 Where no specific religious or cultural beliefs have been identified, the Council will provide a cremation service at Markeaton Crematorium on a date and time decided at the discretion of the Council and the funeral director.
- 6.8 The Council will not routinely arrange for a minister of religion, a representative of faith or other celebrant to officiate at the funeral unless there is certainty that it was the wish of the deceased, or it is requested by the deceased's next-of-kin and in all circumstances, it is reasonable and affordable to accommodate the request.
- 6.9 Where no minister, faith representative or celebrant is engaged to conduct a service; the pallbearers will take the coffin into the Chapel of Rest and pay their respects. If anyone attends, they will be afforded a little time to pay their respects. All music will be supplied by the Council's audio provider.
- 6.10 If no mourners will be attending the Council will provide a Direct Cremation and no service will be held.
- 6.11 Following the cremation service the ashes will be scattered in the Garden of Remembrance at Markeaton Crematorium without witness, unless a request is made by the next of kin for the ashes to be returned to them. Next of kin can either nominate an individual who will take responsibility to collect the ashes or whichever next of kin makes contact first in time, will have a right of first refusal.
- 6.12 The Council is not able part-fund a funeral. The Council will not provide flowers, orders of service, transport for mourners, a wake or memorials and will not accept contributions for these.

7. Appointment of Funeral Directors

- 7.1 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.

7.2 These services are tendered for every three (3) to five (5) years. The tendering process is carried out in compliance with the Corporate Procurement Guidelines. Details of the current provider can be found on our website (link).

8. Protection of the Public Purse

8.1 The Public Health (Control of Disease) Act 1984 provides the local authority with the right to recoup the cost of a public health funeral from the deceased's estate, including the fixed administration fee of £350.

8.2 The Council is not empowered to administer the estate.

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

8.4 Where there are known family, the case cannot be referred to the Bona Vacantia Division. Under these circumstances the Council will hold all property, money and effects until the receipt of Letters of Administration from the Courts or statutory declaration. 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.

8.5 Where assets have been removed from the deceased's property and all costs have been recovered, these items will normally 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 assets in accordance with the provisions of Local Government (Miscellaneous Provisions) Act 1982 ("**the 1982 Act**").

8.6 Where the deceased has part-ownership of a property, the Council will place a charge against the property so that its costs can be recovered when the property is sold.

9. Publication of Data

9.1 Disclosing the full name and address of the deceased may 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 will be applied so far as it may be possible to do so, to protect the personal information of living relatives.

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

- 9.3 The Council will publish information annually in relation to this area of the service. <https://www.derby.gov.uk/council-and-democracy/open-data-freedom-of-information/publication-scheme/lists-registers/>

10. Notes

- 10.1 This Policy is consistent with:
- 10.1.1 Public Health (Control of Disease) Act 1984. <https://www.legislation.gov.uk/ukpga/1984/22/section/46>
 - 10.1.2 The Institute of Cemetery and Crematorium Management Guidance. <https://www.iccm-uk.com/iccm/guidance/>
 - 10.1.3 House of Commons Library document “Arranging and paying for a funeral”. <https://commonslibrary.parliament.uk/research-briefings/sn06242/#:~:text=If%20a%20deceased%20person%20left,would%20generally%20have%20this%20responsibility>
- 10.2 To choose a funeral director:
- 10.2.1 <http://www.nafd.org.uk/funeral-advice/funeral-arrangements/choose-a-funeral-director.aspx>
 - 10.2.2 <http://www.nfda.org>
 - 10.2.3 <http://www.saif.org.uk/members-search/>

11. Contact

- 11.1 Persons requiring advice about Public Health Funerals should contact the Council’s Environmental Protection Team:
- Email: environmental.services@derby.gov.uk
- Telephone: 01332 642020

Appendix 1

Removal of Items from Premises

Case No. _____ Date _____

Deceased _____

Leading Officer _____

Supporting Officer(s) _____

Evidence Bag No.		Removed By	Witnessed by

Appendix 2

Environmental Protection Team
Derby City Council
The Council House
Corporation Street
Derby
DE1 2FS
Tel: 01332 642020

Email:
environmental.services@derby.gov.uk
www.derby.gov.uk

Our Ref:

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 Derby City Council 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 _____