



BEDFORD
BOROUGH COUNCIL

Bereavement Services

Public Health Funeral Policy

June 2020

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1. Introduction

- 1.1 Bedford Borough Council is responsible for making funeral arrangements for anybody who dies within their district, where no other arrangements are being made 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 also 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).
- 1.2 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 Government. Please check their website www.gov.uk/funeral-payments. If someone does not have access to a computer they can telephone: Telephone: 0800 169 0140 or Textphone: 0800 169 0286
- 1.3 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.
- 1.4 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.
- 1.5 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 Bedford Borough Council may be able to arrange a Public Health Funeral in accordance with the Act.

2. Scope

- 2.1 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.

3. Policy Outcomes

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

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 Bedford Borough Council can only arrange a Public Health Funeral when the deceased died within the Council's administrative boundary. Bedford Borough Council cannot arrange a Public Health Funeral if the deceased lived within Bedford 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 Bedford Hospital, within a ward other than Accident and Emergency, then their funeral will be administered by Bedford Hospital NHS Trust.
- 4.3 Bedford Borough 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.
- 4.4 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.
- 4.5 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

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 Bedford Borough 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.
- 5.2 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
- 5.3 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.

5.4 If the deceased died outside Bedford Borough Council's boundary, the funeral arrangements will be the responsibility of the local authority where they died, even if they had lived in Bedford.

6. Property Searches

6.1 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).

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

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

6.4 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. Photographs are taken of every room prior to the search commencing and kept on file.

6.5 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.

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

6.7 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.

6.8 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.

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

6.10 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.

7. Last Will and Testament

7.1 Where a Will is established the funeral arrangements must be passed to the Executor and no further action will be taken by the Council.

7.2 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.

8. The Funeral

8.1 Once the Council has accepted a case, the Bereavement Services team 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 be held at Norse Road 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, a burial will take place in a marked public grave in Norse Road Cemetery.

8.2 The Council's contracted funeral directors 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 neither provision for viewing of the deceased within a chapel of rest, dressing the deceased in his/her own clothing, provision for flowers nor transport for any relatives. The funeral director will also arrange for a minister of religion or 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 (Business As Usual, it is the first full service of the day Monday – Friday). To the casual observer, the funeral will appear no different to a simple ceremony not arranged by the Council.

8.3 Following the cremation, the cremated remains 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.

8.4 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.

8.5 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 Norse Road Cemetery on a date and time decided at the discretion of the Council and the funeral director. An exclusive right of burial and right to erect a memorial will not be provided and no purchase in the future of it, can take place.

8.6 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.

9. Estate Administration

9.1 Bedford Borough Council are entitled to recover the 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.

9.2 The Council is not empowered to administer the estate.

9.3 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 Government's Legal Department under Bona Vacantia.

9.4 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.

9.5 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.

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

10. Publication of Data

10.1 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.

10.2 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 quarterly in relation to this area of the service. The following information will be published on the Council's website www.bedford.gov.uk.

- Name of Deceased
- Date of Death
- Cremation or Burial
- Next of Kin
- Referral to Treasury Solicitor

11. Contact

Persons requiring advice about Public Health Funerals should contact the Council's

Bereavement Services Team:

Email crem@bedford.gov.uk

Telephone 01234 718150

Appointment Only: Norse Road Cemetery Complex

104 Norse Road

Bedford

MK41 0RL

Monday – Thursday 9am – 5:15pm

Friday 9am – 4:45pm

Appendix 1

Please ask for:

Direct line: 01234 718150
E-mail: crem@bedford.gov.uk
Fax no: 01234 718150
Your ref:
Our ref: BS/PHF
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 Bedford Borough 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 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 _____

Appendix 2

Removal of Items from Premises

Case No. _____ **Date** _____

Deceased _____

Leading Officer _____

Supporting Officer(s) _____

| Evidence Bag No. | Removed By | Witnessed By |
|-------------------------|-------------------|---------------------|
| | | |
| | | |
| | | |
| | | |
| | | |

Appendix 3

Please ask for:

Direct line: 01234 718150
E-mail: crem@bedford.gov.uk
Fax no: 01234 718150
Your ref:
Our ref: BS/PHF
Date:

Public Health (Control of Disease) Act 1984 Section 46

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 _____