

RIBBLE VALLEY BOROUGH COUNCIL

REPORT TO HEALTH & HOUSING COMMITTEE

Agenda Item No. 6

meeting date: THURSDAY, 20 OCTOBER 2016
 title: PUBLIC HEALTH FUNERALS POLICY
 submitted by: MARSHAL SCOTT – CHIEF EXECUTIVE
 principal author: HEATHER COAR – HEAD OF ENVIRONMENTAL HEALTH SERVICES

1 PURPOSE

1.1 To consider, approve and adopt the Public Health Funerals Policy that delivers a consistent and transparent approach when dealing with such funerals.

1.2 Relevance to the Council's ambitions and priorities:

- Community Objectives - }
 - Corporate Priorities - }
 - Other Considerations - }
- The Council aims to be a well-managed authority; these proposals support this objective.

2 BACKGROUND

2.1 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.

2.2 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.

2.3 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.

2.4 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 to address the concerns of transparency.

2.5 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.”

2.6 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.

- 2.7 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.
- 2.8 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.
- 2.9 In certain circumstances a successful application to the Social Fund will help meet the cost of paying for a funeral including arrangement fee costs.
- 2.10 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.
- 2.11 These costs however can be offset through the removal and sale of possessions from the deceased estate.
- 2.12 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.

3 THE POLICY

- 3.1 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.
- 3.2 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.
- 3.3 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 to 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.
- 3.4 As well as clarifying what the Council will do, the 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.

3.5 Where the Council takes on funeral arrangements on behalf of next of kin, the next of kin will be provided with an information sheet explaining the process including the recovery of costs from the estate.

3.6 It is usual practice for the Council to arrange for a burial to be undertaken. The Council is not legally obliged to comply with the requests of any Will. However, where the deceased has made a Will requesting a cremation, this will be considered where sufficient funds are available in the estate to cover these costs where they are greater than the costs for a burial. Where there is no Will, the Council will not take into account any verbal wishes from friends/family members. The Council will take into account the person's religious beliefs when arranging the funeral and will try to follow the religious beliefs of the deceased.

4 RECLAMATION OF COSTS

4.1 If the deceased lived alone the Council is the first creditor to the estate and will use the estate to cover the costs of the funeral.

4.2 The time spent trying to contact family members, dealing with the person's effects and arranging the funeral will be recorded and this will also be claimed from the estate at an hourly rate of £49 per hour.

4.3 Any money belonging to the deceased, such as savings, money from insurance policies and pensions will be used to reimburse the Council for all incurred costs and expenses.

4.4 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.

4.5 After the funeral and administrative charges have been deducted, and if there are no other outstanding bills, any other money left will go to the Treasury Solicitor in accordance with their guidelines for referring estates in Bona Vacantia.

5 RISK ASSESSMENT

5.1 The approval of this report may have the following implications:

- Resources – No implications identified.
- Technical, Environmental and Legal – No implications identified.
- Political – No implications identified.
- Reputation – No implications identified.
- Equality & Diversity – No implications identified.

6 RECOMMENDED THAT COMMITTEE

- 6.1 Approve and adopt the Council's Public Health Funerals Policy and Procedure, including the proposed fee rate of £49 per hour for Council Officers' time.

HEATHER COAR
HEAD OF ENVIRONMENTAL HEALTH SERVICES

MARSHAL SCOTT
CHIEF EXECUTIVE

For further information please ask for Heather Coar, extension 4466.

REF: HC/EL/H&H/20101605



Ribble Valley
Borough Council

www.ribblevalley.gov.uk

PUBLIC HEALTH FUNERALS POLICY

**Environmental Health
Public Health (Control of Disease) Act 1984**

1 Introduction

- 1.1 Under section 46(1) of the Public Health (Control of Disease) Act 1984 it is 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.

2 Scope

- 2.1 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 Public Health Funerals

- 3.1 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.
- 3.2 Ribble Valley Borough 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. Referrals to a local authority

- 4.1 If there is nobody willing or able to make the funeral arrangements, the case may be referred to Ribble Valley Borough 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 Coroner's Office. However, local care homes may also contact us directly where it is known that there are no next of kin.
- 4.2 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 the 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's last place of residence, these may need to be returned to the Council to help offset the funeral costs.
- 4.3 If the deceased died outside of Ribble Valley Borough Council's boundary, the funeral arrangements will be the responsibility of the local authority where they died, even if they had lived in the borough.

5 Death in Hospital

- 5.1 If a person dies in hospital it is traditionally the responsibility of the hospital to make the funeral arrangements but in further guidance produced in 2005 the hospital may choose to have the local authority involved to take care of the funeral arrangements.

6 Social Fund

- 6.1 When the council is asked to undertake the funeral by a next of kin, the council will ask if the next of kin is in receipt of benefits. Where the next of kin is in receipt of benefits they may be entitled to help from the Social Fund administered by the Department for Work and Pensions. Any person enquiring about help with funeral costs will first be directed to the Social Fund.

7 Relatives Unable to Make Funeral Arrangements

- 7.1 Where there is a next of kin who is not prepared to make arrangements for the disposal of the body, they will be asked to confirm in writing that they are not prepared or able to make arrangements for the funeral.
- 7.2 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 under contract with a funeral director the relatives will be responsible for paying their costs, in some cases a deposit may be required.
- 7.3 If a relative organising the funeral are 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 Search of the Deceased's Home

- 8.1 A visit to the property will be carried out as soon possible after the report of the deceased has been received. The purpose of this visit is to search the property to:
- locate a Will;
 - find information about possible relatives – who may take on the funeral;
 - find anything of value within the property;
 - find information about bank accounts and savings.
- 8.2 The search will be conducted by two officers of the council, and a written record will be made of each item removed from the property.
- 8.3 Where a will is found, the details will be passed to the executor of the will and no further action is taken by the council.
- 8.4 The council will make reasonable efforts to contact family members. Dependent upon the circumstances this may include contacting the

deceased's previous employer, contacts in an address book or mobile phone contacts and talking to neighbours. It may also be possible to trace relatives/friends through telephone bills or correspondence found in the deceased's property.

- 8.5 Where any family members cannot be immediately found, a box of personal effects (non-monetary value eg photographs) from the deceased's property will be retained by the council for a period of 1 year from the date of the funeral. After one year the contents of the box will be disposed of.
- 8.6 Where the next of kin wish to be present at the search of the property, they must be accompanied by officers from the council at all times. Under no circumstances can relatives be left alone in the property.

9 Rented accommodation

- 9.1 Where the deceased lived in rented accommodation, the landlord must not enter the property or remove and items from the property until officers from the council have completed their enquiries. In most circumstances this will be undertaken without delay and the keys subsequently returned to the property owner who is responsible for clearing the premises.

10 Funeral Arrangements

- 10.1 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 of 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.
- 10.2 Where the council will be arranging the funeral this will be the most economical funeral available. This will include the council appointing an undertaker and cemetery for the deceased to be buried.
- 10.3 Any requests received from relatives or other interested parties incurring additional cost will not be granted. The council will not part fund a funeral and will only arrange a basic funeral with no discretionary items, for example a minister will not be present, and flowers will not be provided etc. The council will not accept contributions for additional items at the funeral.
- 10.4 Where the council takes on funeral arrangements on behalf of next of kin, the next of kin will be provided with an information sheet explaining the process including the recovery of costs from the estate.
- 10.5 It is usual practice for the council to arrange for a burial to be undertaken. The council is not legally obliged to comply with the requests of any will, however, where the deceased has made a will requesting a cremation; this will be considered where sufficient funds are available in the estate to cover

these costs where they are greater than the costs for a burial. Where there is no will the council will not take into account any verbal wishes from friends/family members. The council will take into account the persons religious beliefs when arranging the funeral and will try to follow the religious beliefs of the deceased.

- 10.6 Once the Council has accepted a case, the Environmental Protection 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.
- 10.7 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. Burial will take place in an unmarked public grave in an appropriate cemetery.
- 10.8 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 no provision for flowers.
- 10.9 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.

11 Reclamation of costs

- 11.1 If the deceased lived alone the council is the first creditor to the estate and will use the estate to cover the costs of the funeral.
- 11.2 Any money belonging to the deceased, such as savings, money from insurance policies and pensions will be used to reimburse the council for all incurred costs and expenses.
- 11.3 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.
- 11.4 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.
- 11.5 After the funeral and administrative charges have been deducted, and if there are no other outstanding bills, any other money left will go to the Treasury Solicitor in accordance with their guidelines for referring estates in Bona Vacantia.

Glossary of Terms

Term	Definition
Bona Vacantia	"Bona Vacantia" literally means vacant goods and is the legal name for ownerless property that passes to the Crown. They administer the estates 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 vacantia on behalf of the Crown
Executor	The person appointed to administer the estate of a person who has died leaving a will which nominates that person.



Ribble Valley Borough Council

www.ribblevalley.gov.uk

VISITING THE PROPERTY

1. Always visit in pairs.
2. Undertake a health and safety risk assessment (eg cluttered premises, loft access, security of transporting valuables from the premises).
3. Take the sealable evidence bags (stored by Health and Safety Team).
4. Search each room together and do not separate. Be mindful that cash/valuables could be stored in unlikely places e.g. food cupboards bathroom cabinets and particularly under beds.
5. List everything you are going to remove on the property receipt (QDoc 1501, modified as appropriate). You don't need to document every piece of paper, if it's a bundle of statements etc note this.
6. If money is found, both of you need to count on site and record the total amount on the property receipt.
7. If there are larger items of value that cannot be easily removed, take photos.
8. Once the property has been searched and everything has been itemised, then both officers need to confirm the contents of the evidence bag, sign the property receipt and place a copy in the bag. Seal the bag(s) and both officers need to note the barcode number in their pocket notebook.
9. A copy of the property receipt should be retained by the Case Officer. The third copy of the property receipt can be given to a third party where appropriate.

10. Both Officers must remain with the evidence bag(s) at all times.
11. On return to the office:
 - If there is money, both officers must take the sealed bag to a member of the Admin Team, open it together and count the money. Admin will then provide a receipt which should be scanned on FLARE.
 - Ensure the secure storage of the items.
12. Should there be expensive jewellery or watches discuss arranging for professional valuations with the Team Leader.
13. Scan the Property Receipt on FLARE.
14. If there are any discrepancies between the contents of the bag and those detailed on the property receipt, the Head of Environmental Health Services must be informed immediately.

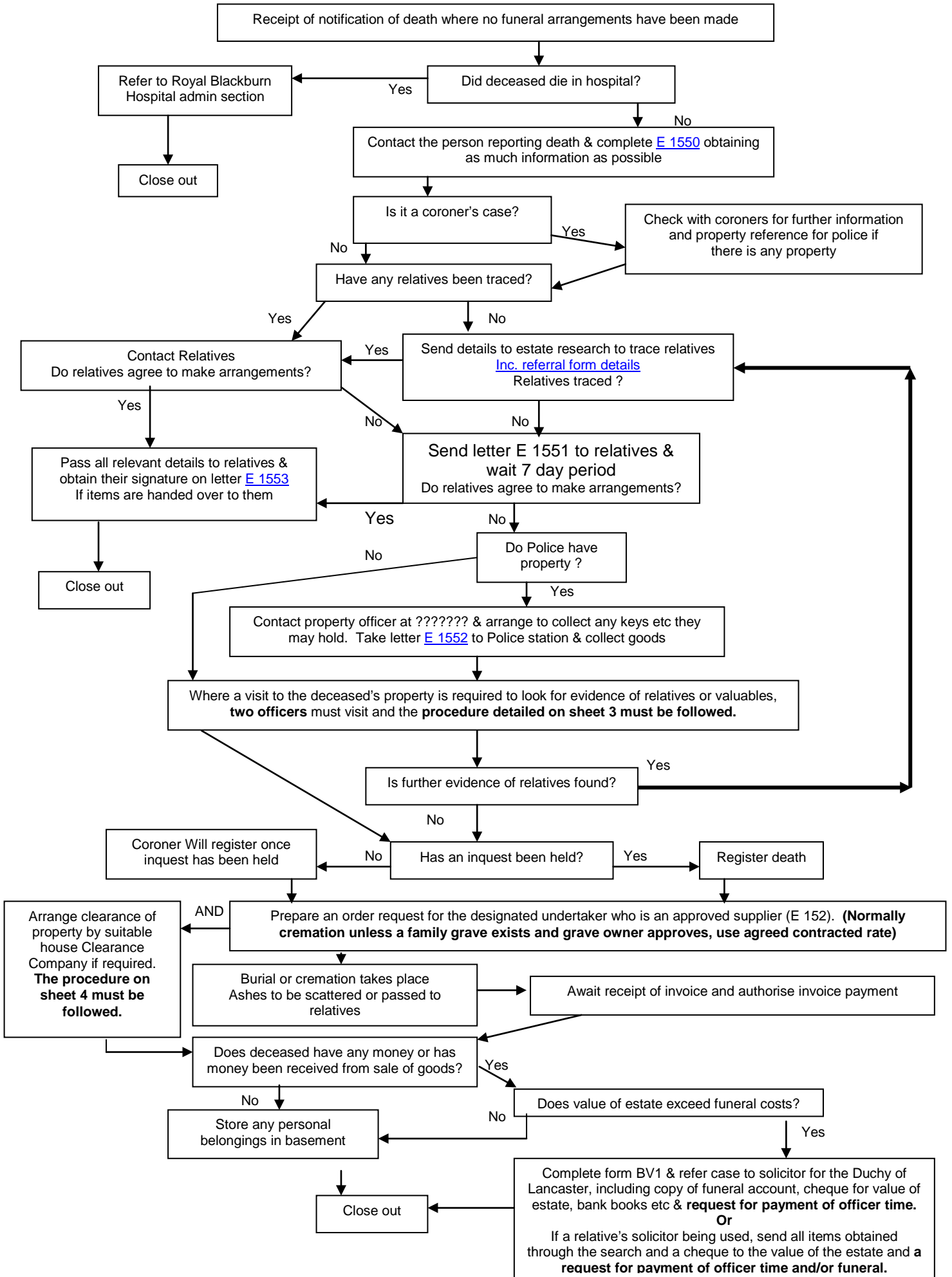
House Clearance

If there are a number of valuable items of furniture or electrical goods that could be sold to raise funds for the funeral, then obtain at least two quotes from a house clearance/buying services company.

Once you have accepted the quote and arranged the house clearance:

1. Always attend in pairs.
2. Itemise items sold and both sign, scan this on FLARE.
3. Obtain a receipt listing goods taken by the clearance company.

PROCEDURE - PUBLIC HEALTH FUNERAL ARRANGEMENTS MADE UNDER THE PUBLIC HEALTH (CONTROL OF DISEASES) ACT 1984 AND THE NATIONAL ASSISTANCE ACT 1948



RIBBLE VALLEY BOROUGH COUNCIL

please ask for:

direct line: 01200 41

e-mail:

my ref:

your ref:

date:

Council Offices
Church Walk
CLITHEROE
Lancashire BB7 2RA

Switchboard: 01200 425111
Fax: 01200 414487
www.ribblevalley.gov.uk

Dear

RE: PUBLIC HEALTH ACT FUNERAL - THE LATE *****

I understand no arrangements have been made for a funeral and as such this Department has been contacted to make arrangements under the above Act. I am contacting you as a relative of the deceased in order to give you the opportunity to make funeral arrangements. Advice on the availability of assistance with funeral costs may be obtained from the Council's Welfare Benefits Section on 906363.

Should you intend to arrange a funeral please contact me as a matter of urgency as unless arrangements for a funeral are made by ***** I will proceed to arrange a cremation for the week commencing *****.

You will be informed of the date of the cremation and ashes will usually be scattered at the crematorium. It is not possible for this Department to part fund funerals as our duty is to provide a basic funeral where no suitable arrangements have been made. The enclosed guidance sheet explains what will be provided in the case of a Public Health Funeral provided by Preston City Council.

The above Act also provides for the local authority to reclaim costs incurred from the deceased's estate. In accordance with this, officers from this department will arrange for disposal of any items of value from the deceased's property.

Should you have any further questions on this matter please contact ***** on ***** .

Yours sincerely

Name and address



Ribble Valley Borough Council

www.ribblevalley.gov.uk

Environmental Health Department

State Assisted Funerals

Ribble Valley Borough Council is required to make appropriate funeral arrangements where a death has occurred within the borough and there are no relatives willing, or able, to do so (this excludes persons dying in hospital as in these circumstances the necessary arrangements will be made by the hospital).

Where the Council makes arrangements following will apply:

The Council will carry out an investigation to establish whether all relatives have been asked to carry out a funeral. Where none are found, or none are willing to arrange a funeral, the Council will make the funeral arrangements. The Council's costs will then be recovered from the deceased's estate.

An announcement stating Ribble Valley Borough Council will be carrying out the funeral and stating the date and time of the cremation will be placed in the Clitheroe Advertiser. This notice will advise anyone requiring further information to contact the Environmental Health Department on 01200 425111.

The Council will make arrangements for the provision of a basic coffin, conveyance of the deceased to Blackburn Crematorium and a committal (no clergy will be provided).

Friends, or relatives, may make arrangements for clergy to be present, but the Council must be advised of this in advance and clergy paid for directly by the friends, or relatives.

There will be no formal service at the crematorium. The undertakers will carry the coffin into the chapel whilst music is played. Where no clergy are present a friend or relative is then allowed to briefly address the congregation prior to music being played again as people leave.

Where religious beliefs prevent cremation a burial in a public grave will be provided. A public grave space is used for more than one person and it is not possible to erect a headstone.

Friends and relatives will be able to attend the funeral, but it will not be possible to "add on extras" such as cars, or other items, to the funeral arrangements.

Should anyone wish to view the deceased this must be arranged directly with the mortuary at Royal Blackburn Hospital since no viewing at undertakers is permitted.

Should anyone wish to send flowers to the funeral, arrangements must be made to have them delivered directly to the crematorium.

[APPLICANT'S][OCCUPIER'S] COPY¹

Blackburn Magistrates' Court



WARRANT TO ENTER PREMISES

Visit us:

The Court House
Northgate
Blackburn
Lancashire
BB2 1AA

This warrant is issued under:²

The Environmental Protection Act 1990, Schedule 3, paragraph 2.

I authorise the person or person identified beneath to enter the premises indicated below, on the number of occasions indicated, to:³

Remove any sound electrical amplification equipment.

Person whose premises are authorised to be entered:⁴

Premises which are authorised to be entered:⁵

Number of occasions on which entry is authorised:⁶ One.

Person(s) authorised by me to execute this warrant:

Ribble Valley Borough Council and any person authorised by it.

Person(s) authorised by me to accompany those executing this warrant:⁷

Any other person who the authorised person thinks to be necessary.

This warrant was applied for by:⁸

an authorised officer of Ribble Valley Borough Council

This warrant shall continue in force until the purpose for which the entry is required has been satisfied.

Warrant issued by:.....
[District Judge(Magistrates' Court)][Justice of the Peace]

Signature or other authentication.....

Date:.....

Endorsement by Officer Executing Warrant

The record beneath must be completed in respect of the premises entered under the authority of this warrant.

Attach other records to this warrant as required.

Date and time of entry:

Premises entered: *[enter address or description]*

The following was found, for which entry was authorised by this warrant:

[List the material, etc. that was found, or enter 'none']

The following additional material, etc. was seized:

[List the additional material, etc. that was seized, or enter 'none']

Record completed by
(name of Endorsing Officer) of Ribble Valley Borough Council

Signed: (Endorsing Officer)

Date:

NOTES

(PLEASE REMOVE THESE NOTES WHEN THE FORM IS COMPLETED)

- ¹ Delete this heading from the warrant to be issued by the court. Delete as applicable for the applicant's and occupier's copies of the warrant.
- ² Specify the legislation that allows the court to issue this warrant.
- ³ Describe the action that needs to be taken, e.g. removal of electrical sound amplification equipment.
- ⁴ Enter the name of the person on whom the abatement notice was served.
- ⁵ Enter the details of the premises to be entered.
- ⁶ Enter the number of occasions on which entry is authorised, e.g. 'One', 'Two' or 'Unlimited'.
- ⁷ Delete this paragraph if not required.
- ⁸ Enter the name of the applicant.



INFORMATION REQUIRED FOR PUBLIC HEALTH FUNERALS

Name of Deceased:

Address of Deceased:

.....

.....

Date of Birth / Age:

Place of Birth:

Date of Death:

Place of Death:

Deceased's Occupation:

Deceased's Religion:

Marital Status & Maiden Name (if appropriate):

Has death been registered? YES / NO

If so, where is the certificate?:

Where is body at present?

.....

Inquest:

.....

Burial or Cremation:

Contact Name(s):

.....

.....

.....

Any relatives:

.....

Is there any money:

Property or other goods:

(include benefit books)

Any other information:

.....

.....

.....