CABINET REPORT

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Service Area Environmental Health
Committee Division Portfolio
Exempt/Non Exempt Non Exempt
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To: Chair, Ladies and Gentlemen

PUBLIC HEALTH FUNERALS

1.0 SUMMARY OF THE REPORT

1.1 The Public Health (Control of Diseases) Act 1984 requires local authorities to make suitable funeral arrangements where it appears to the authority that no suitable arrangements for the disposal of the body have, or are, being made. This is generally where no next of kin can be identified or located, but can include where relatives or friends fail to take responsibility (financial or otherwise) for funeral arrangements, or where executors named in a will renounce their responsibility.

1.2 As a result of restructuring within the Council and the loss of posts there has been some confusion as to who should take responsibility for making the arrangements for a public health funeral and what these arrangements should entail.

1.3 This report is intended to clarify the Council’s position and assist officers by clearly defining roles and responsibilities and the arrangements that will be made by the Council.

2.0 RECOMMENDATION(S) that

2.1 The requirements outlined in the report along with the indications where it will not intervene as a policy for dealing with Public Health Funerals be adopted.
3.0 INTRODUCTION AND BACKGROUND

3.1 Sometimes when someone dies, there are no relatives or friends available to arrange their funeral. In such cases the Council is responsible for arranging the funeral of any person who has died within our boundary, other than in hospital, where it appears that no other agency or persons are making suitable arrangements for the disposal of the body. These are commonly known as public health funerals.

3.2 Traditionally public health funerals are associated with ‘paupers’, i.e. those without the means to pay for a funeral. It is also often assumed that the deceased was homeless, and had no relatives or friends. However this is commonly not the case and the deceased may have owned or rented a property, and often there are relatives and friends either without the means or the will to make the funeral arrangements.

3.3 The Council has dealt with 3 Public Health Funerals in the last 12 months. Cases can be complex and emotionally draining. As the arrangements will commonly involve dealing with bereaved people and may involve advising family and friends of the death, the officers carrying out the duties must be suitably trained and be aware of the sensitivities involved.

4.0 LEGAL POSITION

4.1 The law governing funerals arranged by local authorities is contained in Part III, Section 46 of the Public Health (Control of Disease) Act 1984. Section 46 sub-section (1) is reproduced in full below:

“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”.

4.2 Section 46 sub-section (3) of the Public Health (Control of Disease) Act 1984 states that:

“An authority shall not cause a body to be cremated under subsection (1) or (2) where they have reason to believe that cremation would be contrary to the wishes of the deceased.”

4.3 It is 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 costs. Help is available from the Social Fund for those who are in receipt of certain benefits.
5.0 CIRCUMSTANCES WHEN THE COUNCIL WILL NOT UNDERTAKE A PUBLIC HEALTH FUNERAL

5.1 The Council will not make arrangements for a public health funeral in the following circumstances:-

5.1.1 The Council will not 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. 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. In such cases the Councils Legal Services will carry out the necessary administrative arrangements.

5.1.2 If the deceased died outside of the Borough Council boundary, the funeral arrangements will be the responsibility of the local authority where they died, even if they had lived within Merthyr Tydfil County Borough boundaries.

5.1.3 The Council will not become involved if any funeral arrangements have already been made or the funeral has already taken place. We will not part-fund a funeral or contribute to the cost of a funeral that has already been organised by someone else.

5.1.4 The Council will not undertake funeral arrangements if the deceased died in hospital or in an ambulance on the way to hospital. Under these circumstances the hospital authorities will take responsibility.

5.1.5 If the deceased person died in a care or nursing home managed on behalf of the Council then Adult Social Services will assume responsibility for the funeral, if no other arrangements have been made.

5.1.6 If the deceased died in a privately owned care or nursing home, it should be established initially by the home that there are no relatives to undertake the funeral and that no arrangements have been made. Contact should then be made with the Environmental Health Department. If the care or nursing home make any initial arrangements for the funeral they may be liable for these costs.

6.0 PROPERTY SEARCH

6.1 Where the coroner has notified us of a death where and as far as he or she is aware, there is no one willing to make funeral arrangements Environmental Health Officers will search the deceased person’s home.

6.2 Officers working in the Environmental Health Department have been granted authorisation to enter a property owned by the deceased and to exercise and discharge the functions of the Council, as provided for and in accordance with the Statutory Provisions contained in the Public Health (Control of Disease) Act 1984 as amended by the Health and Social Care Act 2008.
6.3 The purpose of the search is to find evidence of family or friends, and any items that may be used to offset the funeral costs. This may entail removing personal possessions from the property, including address books, correspondence, legal documents, financial paperwork and possessions such as jewellery that may be sold to raise money. Any items removed from the property will be retained under secure conditions at the Civic Centre Merthyr Tydfil for a minimum of 6 months following the funeral.

6.4 Where details of family and friends are found they will be informed of the death and invited to make the funeral arrangements.

6.5 Close relatives or partners will be asked to confirm in writing that they are not prepared to make arrangements for the funeral.

6.6 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. Landlords should not enter or remove any items from the deceased’s accommodation until after the house search has taken place.

6.7 If a will is found the named executor should be contacted by an Environmental Health Officer, or the Councils solicitor, and offered the opportunity to take over the funeral arrangements.

6.8 If the property search fails to find a will or other relevant documents then officers from Environmental Health will remove from the property any goods and personnel effects of saleable value in order to offset the cost of the funeral (Bona Vacantia).

6.9 The Councils Legal Service will also conduct a search of local solicitors for a will where the deceased was a local resident.

7.0 FUNERAL ARRANGEMENTS

7.1 A funeral director will be appointed by an Environmental Health Officer to undertake the funeral arrangements. Quotations should be obtained from 3 separate funeral directors who are not part of the same company and the cheapest quotation used.

7.2 As there is no crematorium in the Borough all public health funerals will be by way of burial unless the deceased person has left any paperwork, or had previously advised someone with whom the council has made contact that they specifically wanted to be cremated. In these circumstances the Council will make arrangements for a cremation service with its nominated funeral director.

7.3 The specification for the funeral arrangements shall comprise a basic coffin, with name plate, transport of the deceased in a hearse to one the cemeteries located in the Borough. No flowers are included within the cost for a public health funeral. Bereavement Services will provide the grave and bearers.
7.4 An Environmental Health Officer will liaise with the Coroner’s office to obtain the death certificate.

7.5 An Environmental Health Officer will register the death with the Registrar and take receipt of the “green form”.

7.6 An Environmental Health Officer will make arrangements with the funeral director and Bereavement Services regarding the date and time of the funeral.

7.7 Bereavement Services will make arrangements to inter the body in an unpurchased grave at one of the Councils cemeteries.

7.8 Family and friends may attend the funeral service, but will have no choice as to where and when it is held.

7.9 In all cases representative from the Environmental Health Department will be in attendance.

8.0 RELIGIOUS/NON RELIGIOUS CEREMONY

8.1 The decision as to whether or not to provide a ceremony as part of the funeral service is an emotive one. In some cases a person’s religious beliefs may be known in others not.

8.2 Some deceased persons will have the means from their estate to fund their wishes while others will not.

8.3 At the time of writing the report a simple ceremony conducted by a minister of religion costs approximately £80 for a religious and £160 for non-religious.

8.4 Where the religious belief of the deceased is known arrangements will be made for a minister of religion or a religious representative of the faith of the deceased to be present to conduct a simple service in accordance with that faith. If a non-religious service is appropriate, then this will be respected. In all other cases a ceremony will not be conducted as a part of the funeral service.

9.0 RECOVERING THE COST OF THE FUNERAL

9.1 The Council is entitled to recover its costs when making funeral arrangements under S46 if the Public Health (Control of Disease) Act 1984. They are not, however, empowered to administer the estate. Where there is a surplus of over £500, once all costs incurred in making the funeral arrangements have been reimbursed, the Councils legal services will refer the case to the Treasury Solicitor under Bona Vacantia. Where there are known family members, 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.
9.2 Wherever possible the Council will seek to recover the full cost of the funeral and officer time from the deceased’s estate.

9.3 In the event of the later discovery of an estate the Council is entitled to recover the costs of the funeral of the deceased, in the form of a civil debt recoverable within three years.

10.0 FINANCIAL IMPLICATION(S)

10.1 Every effort will be made to recover the cost of a Public Health Funeral. However, on occasions the deceased will not have any possessions or assets which if sold will meet the cost of the funeral arrangements. Currently a basic public health funeral currently costs approximately £250. Where a religious or non-religious service is conducted this comes at an addition cost of £80 or £160 respectively.

10.2 There are “hidden costs” to the Council in that property searches and tracing relatives can take up a considerable amount of officer time.

10.3 There is no budget set aside for public health funerals and the cost of the funeral is currently being met out of the Environmental Health budget to the detriment of other areas of service delivery. The cost of providing a grave and interning the deceased is borne by Bereavement Services.

10.4 The Council to consider making a financial provision for future public health funerals by including a sum of £1000 in future Environmental Health budgets.

11.0 SINGLE INTEGRATED PLAN AND SUSTAINABILITY IMPACT SUMMARY

11.1 The Single Integrated Plan & Sustainability Impact Assessment has been completed and the proposals do not impact on the Corporate Plan and Single Integrated Plan.

12.0 EQUALITY IMPACT ASSESSMENT

12.1 An Equality Impact Assessment (EqIA) form has been prepared for the purpose of this report. It has been found that a full assessment is not required at this time. The form can be accessed on the Council’s website/intranet via the ‘Equality Impact Assessment’ link.
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Consultation has been undertaken with the Corporate Management Team in respect of each proposal(s) and recommendation(s) set out in this report.