

BABERGH DISTRICT COUNCIL and MID SUFFOLK DISTRICT COUNCIL

From: Corporate Manager – Private Sector Housing	Report Number: R71
To: Strategy Committee Executive Committee	Date of meeting: 3 December 2015 7 December 2015

JOINT PUBLIC HEALTH FUNERALS POLICY

1. Purpose of Report

1.1 To consider adopting a Joint Public Health Funerals Policy.

2. Recommendations

2.1 That the Joint Public Health Funerals Policy (attached as Appendix A) be adopted with immediate effect.

The Committee is able to resolve this matter.

3. Financial Implications

3.1 The Council is entitled to recover all costs from the estate of the deceased for making the funeral arrangements. However where there are insufficient funds the Council must pay for the funeral. There is budget provision for this expenditure.

4. Risk Management

4.1 This report does not link with any of the Council’s Corporate / Significant Business Risks. However there are risks which are set out below:

Risk Description	Likelihood	Impact	Mitigation Measures
Inappropriate or non-use of powers could lead to complaints	3 -probable	3 - bad	Adopt the joint Public Health Act Funerals Policy
Potential for awards of costs against the Council for unreasonable actions	3 - probable	3 - bad	Adopt the joint Public Health Act Funerals Policy

5. Consultations

5.1 The Housing and Environment Portfolio Holders have been consulted on the Policy.

6. Equality Analysis

6.1 No equality analysis is needed for this report.

7. Shared Service / Partnership Implications

7.1 This new Policy aligns the arrangements for Public Health Act funerals across the two Councils.

8. Key Information

8.1 Section 46 of the Public Health (Control of Disease) Act 1984 places a duty on Babergh and Mid Suffolk District Councils to make funeral arrangements for anybody who dies within their boundary where no other provisions are being or likely to be made.

8.2 The Act allows the Councils to reclaim from the deceased's estate (property and possessions) all of its cost spent in making the funeral arrangements.

9. Appendices

Title	Location
A Joint Public Health Funerals Policy	Attached

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PUBLIC HEALTH FUNERALS POLICY

BABERGH AND MID SUFFOLK DISTRICT
COUNCILS

Heather Worton, Corporate Manager, Private Sector Housing

Date: December 2015

Review date: December 2018

1.0 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 that no suitable arrangements for the disposal of the body have been or are being made. S46 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.

2.0 SCOPE

- 2.1 This policy is intended to provide an outline on how Babergh and Mid Suffolk will deal with Public Health Funerals under the Act. Due to the potentially complex nature of some of the cases this policy sets out the standards that can be expected. Some flexibility is required in order to respond to exceptional circumstances.

3.0 PUBLIC HEALTH FUNERALS

- 3.1 Where there has been a death in the Babergh/Mid Suffolk area and there is nobody willing or able to make the funeral arrangements the case will be referred to the Council. Referrals to the Council are usually made by the Coroner's Office. Local care homes may contact the Councils direct where it is known that there is no next of kin.
- 3.2 If the deceased lived in Babergh or Mid Suffolk but they died outside the boundary, the funeral arrangements will be the responsibility of the local authority where they died.
- 3.3 If the deceased has a next of kin who is unable or unwilling to make suitable funeral arrangements, the nearest surviving relative will be required to sign a form stating that they wish the Council to make the funeral arrangements. The form will state that they understand that costs will be recovered from the deceased's estate. If the family or friend has removed any possessions from the deceased's last place of residence, these may need to be returned to the Council because they form part of the deceased's estate.
- 3.4 Once the Council has accepted responsibility for the deceased, the Private Sector Housing team will deal with all aspects of the organisation of the funeral, including registering the death, dealing with funeral directors and paying for the funeral. Cremation or burial is at the discretion of the Council. Where it has been established that the deceased would have a preference for religious, cultural or personal reasons, or if a burial plot has been purchased, the Council will make the appropriate arrangements. If a burial has been chosen by the Council the burial will take place in an unmarked, but recorded, public grave.
- 3.5 The funeral director will provide everything necessary for a simple but dignified funeral including a coffin, transport of the deceased to the crematorium or cemetery and sufficient bearers to transfer the coffin from the hearse. There will be no provision for flowers or a minister. Occasionally a minister or representative of the faith of the deceased may offer to lead a simple service free of charge. Family and friends may attend the funeral but they will have no choice as to where and when it is held.

4.0 PROPERTY SEARCH

- 4.1 Prior to making the funeral arrangements, two Officers from Private Sector Housing will search the last known address of the deceased. The focus will be to find a Will, details of family and friends, financial paperwork and removal of any items that may be used to offset the funeral costs.
- 4.2 Any items removed will be retained under secure conditions at Babergh District Council offices for a minimum of 12 months following the funeral. The Council is not responsible for clearing or cleaning the property. Following the completion of the search the property will be secured and the keys returned to the owner of the property. If the property is owned by the deceased the case will be referred to the Treasury Solicitor, and their instructions regarding the property will be followed.

5.0 ESTATE ADMINISTRATION

- 5.1 The Councils are entitled to recover their costs when making funeral arrangements under Section 46 of the Public Health (Control of Disease) Act 1984. Where there is a surplus of over £500 once all costs incurred in making the funeral arrangements have been reimbursed, the Council will refer the case to the Treasury Solicitor under Bona Vacantia (literally means ownerless property that passes to the Crown).
- 5.2 Where there are known family, the case cannot be referred to the Treasury Solicitor. 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 to any family member without proper lawful authority.

6.0 FUNERAL PAYMENTS

- 6.1 The Department of Work and Pensions (DWP) have funding available for funerals. To qualify for the funding the person applying must be responsible for making the funeral arrangements, be in receipt of certain benefits and meet the rules on the relationship to the deceased. Further information about Funeral Payments, including an application form, can be found on www.direct.gov.uk