

Breckland Council's Public Health Funerals Policy

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1. Help for paying for funerals

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.

If you are concerned about how you are going to pay for the funeral, it is important that you discuss this with your chosen Funeral Director at an early stage in the arrangements. Please be aware that once you have a contract with the funeral director you will be responsible for paying their costs.

If you or a partner 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, you may be entitled to a funeral payment from the Social Fund. Further information about Funeral Payments, including an application form, can be found on the Direct Gov website at:

http://www.direct.gov.uk/en/MoneyTaxAndBenefits/BenefitsTaxCreditsAndOtherSupport/Bereaved/DG_10018660

2. Public Health Funerals

Under Section 46 of the Public Health (Control of Disease) Act 1984, the Local Authority is under a legal duty to cause to be buried or cremated the body of any person who has died or been found dead in their district where it appears that no suitable arrangements for the disposal of the body have been or are being made.

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).

Breckland Council's Public Health Funeral Service usually extends to the provision of an unattended direct cremation. It will be the Council's decision to offer a burial. This will be determined on the deceased's personal or religious wishes. If a burial is carried out, the grave will be without the provision of a headstone or other memorial.

The deceased cremated remains will be retained at Breckland Crematorium and may be given into the care of the deceased executor, or if there was no will, to the next-of-kin. The ashes may be given into the care of another family member or friend if the next-of-kin agrees with the arrangement. If the remains are not collected within 2 months, they will be scattered in an unmarked but recorded location in the The Gardens of Remembrance at Breckland Crematorium.

At times there may be dispute between family members about the arrangements for the ashes. In these cases, we respectfully ask that all parties find a way to settle their dispute and reach a mutual consensus. We will not act as mediator, but the parties involved may wish to engage in mediation. If a dispute cannot be resolved within a reasonable time, the Council will scatter the ashes in The Gardens of Remembrance at Breckland Crematorium without witness.

The Council will deal with all aspects of the organisation of a Public Health Act Funeral including:

- Registering the death
- Dealing with the funeral directors and organising burial or cremation
- Recovering the expenses from any estate left by the deceased
- Paying for the funeral when there is no estate left by the deceased

This policy is intended to provide an outline on how Breckland Council will deal with Public Health Funerals and provide a dignified, value for money 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.

No two Public Health Funerals are the same and therefore how they are investigated may differ, however, in all cases, burial or cremation is conducted in a thoroughly dignified and respectful manner as any privately funded funeral would be.

3. Breckland Council will not

- Accept part payment for funerals organised by the Council.
- Erect a headstone or other memorial to the deceased's resting place or permit others to do so.
- Contribute to the costs of funerals organised by family or friends of the deceased.
- Become involved when funeral arrangements have already been made, or if the funeral has already taken place.
- Administer the estates on behalf of others.
- Pay for funerals for persons who died in other Council's administrative boundary – even if the deceased lived within the Breckland District boundary
- Pay for funerals for Breckland residents who died in a hospital managed by an NHS Trust.
- Pay for funeral cars or limousines for relatives or family friends.
- Arrange or pay for the attendance of a minister or the conduct of any ceremony or service.

4. Referral of cases to the Council

Referrals to the Council are usually made by the Coroner's Office. However, local care homes may also contact the Council directly where it is known that there are no next of kin. Referrals are usually accompanied by names for the next of kin or other relatives and will be passed to the Council's Private Sector Housing Team who are responsible for the Public Health Funeral.

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 or if the deceased next of kin or family are unable or unwilling to make suitable arrangements, the Council will carry out the Public Health Funeral.

The Council should be informed of the death if a Public Health Funeral is required at the earliest opportunity. Residential accommodation occupied by the deceased should not be entered and should remain locked and secured and (in the case of private residential accommodation) the keys passed to the Council's Private Sector Housing Team. Rooms in nursing homes or residential care homes should be left undisturbed and advice sought from the Council's Private Sector Housing Team. Landlords should not enter the premises or remove any items from the property until authorised to do so by the Council's Private Sector Housing Team. If personal belongings of the deceased are missing or misplaced, then the key-holder or landlord may be held liable for intermeddling with the estate. If possessions have been removed from the deceased's last place of residence, these may need to be returned to the Council to help offset the funeral costs.

5. Property Searches

After a referral has been received and prior to making any funeral arrangements, officers from the Private Sector Housing Team will search the last known address of the deceased. To safeguard the Council against accusations of theft or misconduct, a minimum of two officers must conduct the search and always stay together.

The purpose of the property search is to locate:

- A will – to identify deceased wishes for cremation or burial and to identify an executor who may wish to carry out the funeral
- Funeral payment plan with a chosen funeral director
- Address books – to identify Next of Kin
- passport, driving license, birth certificate, marriage certificate, utility bill etc., - documents which are useful for registering the death and completing the Governments Tell Us Once service
- Cash, valuables, building society/bank details or funeral plans – to pay for the funeral
- Details of their last occupation (prior to retirement if applicable) – for registering death

Officers have the authority to enter properties for this purpose under the National Assistance Act 1948 (Section 48). There are no charges payable to the Council should relatives be found at this point.

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

All items removed from the property will be recorded and stored in secure conditions at the Breckland Council Offices. If cash is found in the property this will be counted on the premises by two officers and then removed to secure conditions at the Breckland Council Offices before it is banked.

Any items removed from the property and not sold to recover the costs of the funeral will be held under secure conditions at the Breckland Council Offices for a minimum of 12 months following the funeral and may be disposed of, passed to next of kin if a will is found, or passed to the Bona Vacantia Division of the Government's Legal Department.

Following the completion of the search the property will be secured and the keys returned to the appropriate person.

6. Executors of a Will

In those cases where an executor is identified, no funeral arrangements will be made by the Council. However, if the executor makes a formal renunciation of the will and states that they are rejecting their duties as an executor and will not be involved in undertaking any arrangements for the funeral, the Council will make the arrangements.

7. Appointment of Funeral Directors

The Council currently gains 2 quotations for an unattended funeral from local Funeral Directors to ensure best value. The funeral directors provide everything necessary for the funeral of the deceased with complete dignity and respect. The Council is currently investigating a process to tender for a contracted 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.

8. Estate Administration

The Council is entitled to recover the full cost of the funeral, plus an administration fee (charged at officer hourly rate plus on costs) from the estate of the deceased under Section 46 of the Public Health (Control of Diseases) Act 1984.

The Council is not empowered to administer the estate.

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 Treasury Solicitor under Bona Vacantia. Where there are known family, however, the case cannot be referred to the Treasury Solicitor. Under such circumstances, the Council will hold all monies until a legally entitled person demonstrated their suitability to administer the estate through the holding of letters of administration from the court. Under no circumstances will money or property from the estate be given to any family member without proper lawful authority.

Appendix 1

BRECKLAND DISTRICT COUNCIL

PUBLIC HEALTH (CONTROL OF DISEASE) ACT 1984

Public Health Act Funeral removal of personal items (PHAF01)

- 1. Name of deceased:.....
- 2. Address where search undertaken (if relevant):

Deceased:- owner occupier []
tenant []
no fixed abode []

The following items have been recovered for safekeeping:

- Will(s)
- Insurance Policies
- Bank Books
- Building Society Books
- Building Society Statements
- Share Certificates
- Cheque Books
- Cheque/Credit Cards
- Credit Card Statements
- Cash
- Other Valuables
-
-
-

Officer (1) Date:.....

Officer (2) Date:.....

Evidence bag(s) number(s)

Appendix 2 - Next of Kin Consent Declaration (PHAF02)

Dear *XXXX*,
Our Ref: *[SRU Number]*

Public Health (Control of Disease) Act 1984 Section 46

I *[NOK Name]* residing at: *[NOK Address]* declare that I am next of kin of the late *[Deceased Name]* of: *[Deceased address]*.

I am not able to undertake the commitment of making the funeral arrangements for *[Deceased name]* and therefore I ask that Breckland District 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 and 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 and 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.

Print Name	
Signed	
Date	

Witness 1

Print Name	
Occupation	
Address	
Signed	
Date	

Your Sincerely,

Private Sector Housing
Breckland District Council

Appendix 3 - Hand over of funeral responsibility and belongings when executor or Next of Kin come forward (PHAF03)

Breckland Council were advised of the death of [name of deceased] and informed there were no next of kin and that there were no relatives/friends able to or willing to make the necessary arrangements for a funeral.

I understand that, as required under The Public Health (Control of Disease) Act 1984 (The Act), the Council made reasonable attempts to find the next of kin and carried out an inspection for documents in [name of deceased] home. This inspection revealed [name of deceased] will and consequently I have been identified as the executor.

I am [name of executor/solicitor] [title/executor] dealing with the estate of the late [name of deceased] [on behalf of their NOK/family].

I am collecting [name of deceased] personal belongings from [name of person handing over the items] at Breckland Council, Elizabeth House, Walpole Loke, Dereham, NR19 1EE, where they have been securely held whilst the Council investigated their duty under The Act.

These items are:

Signed:

Printed name:

Signature of person handing over items:

Printed name:

Designation:

Appendix 4 - Letter to bank requesting payment (PHAF04)

Dear Sir/Madam

Public Health (Control of Disease) Act 1984

[Deceased Name]

Date of birth: XXXX Date of death: XXXX

Bank account number: [Deceased account number] Sort code: [Deceased sort code]

I am writing to confirm arrangements regarding payment of the funeral costs relating to **[Deceased Name]**.

Under the above legislation it is the duty of the local authority to make arrangements for the burial or cremation of any person who has died in their area where no suitable alternative arrangements have been made. In these circumstances the authority may recover from the estate of the deceased person the expenses incurred.

The Council has registered **[Deceased name]** death, please also find enclosed a copy of his death certificate.

Funeral arrangements were made by Breckland Council under the above legislation and I enclose the invoice from **[Funeral Directors]**.

I would be grateful if you are able to release the necessary money **[Amount invoiced]** to be paid to Breckland Council as follows. Alternatively if there are not enough funds in his account please inform me of his current balance and we will have to seek to recover money from other assets.

Breckland Council a/c number: 53002926 Sort code: 20-62-61

(Please include the reference: Funeral refund – **Deceased name**)

If you have any queries, please contact me or Breckland Council finance team direct on accountsreceivable@breckland.gov.uk.

Yours faithfully

[Officer Name]

Private Sector Housing Officer

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Appendix 5 - Summary of the Council's responsibilities and actions we will take

Breckland Council will

Register the death
Liaise with the funeral directors, crematorium and the Coroner's service
Recover expenses from any estate left by the deceased
Pay for the funeral when there is no estate left by the deceased
Provide an unattended direct cremation or, at the Council's discretion, a burial.
Retain the cremation ashes at Breckland Crematorium. These may be given into the care of the deceased executor, or if there was no will, to the next-of-kin. The ashes may be given into the care of another family member or friend if the next-of-kin agrees with the arrangement.
Recover the full cost of the funeral, plus an administration fee from the estate of the deceased.
Where there is a surplus of over £500 once all costs incurred in making arrangements have been reimbursed, the Council will refer the case to the Treasury Solicitor under Bona Vacantia. Where there are known family, however, the case cannot be referred to the Treasury Solicitor. Under such circumstances, the Council will hold all monies until a legally entitled person demonstrated their suitability to administer the estate through the holding of letters of administration from the court.

Breckland Council will not

Become involved when funeral arrangements have already been made, or if the funeral has already taken place
Accept part payment for funerals organised by the Council
Contribute to the costs of funerals organised by family or friends of the deceased.
Keep the ashes indefinitely. If cremation ashes are not collected within 2 months, they will be interred in an unmarked but recorded location in the remembrance garden at Breckland Crematorium.
Erect a headstone or other memorial to the deceased's resting place or permit others to do so.
Act as mediator for areas of dispute between family parties. We respectfully ask that all parties find a way to settle their dispute and reach a mutual consensus.
Administer the estates on behalf of others.
Pay for funerals for persons who died in other Council's administrative boundary – even if the deceased lived within the Breckland District boundary.
Pay for funerals for Breckland residents who died in a hospital managed by an NHS Trust.
Pay for funeral cars or limousines for relatives or family friends.
Arrange or pay for the attendance of a minister or the conduct of any ceremony or service.
Clear or clean the home or residence of the deceased.
In those cases where an executor is identified, no funeral arrangements will be made by the Council. However, if the executor makes a formal renunciation of the will and

states that they are rejecting their duties as an executor and will not be involved in undertaking any arrangements for the funeral, the Council will make the arrangements.

Under no circumstances will money or property from the estate be given to any family member without proper lawful authority.