



## **FOREST OF DEAN DISTRICT COUNCIL**

### **PUBLIC HEALTH ACT FUNERALS PROCEDURE**

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## Forest of Dean District Council

### Public Health Act Funerals Procedure

#### Introduction

The Forest of Dean District Council has a legal duty under Section 46 of the Public Health (Control of Disease) Act 1984 to make funeral arrangements for anybody who dies within their boundary where no other arrangements are being or are likely to be made.

This duty only applies in limited circumstances e.g. when the deceased has no family and they have not left a will. It does not apply in any of the following circumstances:

- If the family have already entered into a contract with a funeral director;
- If the person dies in a nursing home and the family or social services are already managing the finances of the deceased;
- If the deceased was having their money managed by social services;
- If the responsible relatives of the deceased cannot afford to pay for the funeral. In these circumstances relatives may qualify for financial assistance under The Social Fund <https://www.gov.uk/funeral-payments/overview>
- When the death occurs in a hospital. In these circumstances the NHS guidelines state, "provider units have a duty at common law to dispose of patients who die in their hospitals where no arrangements are made by the relatives. They should arrange and pay for a funeral where:
  - a. Relatives cannot be traced or
  - b. Relatives cannot afford to pay for the funeral and do not qualify for Social Fund Funeral Payment."

However, if the relatives are unwilling to arrange and pay for a funeral but the unit has reason to think that they can afford to do so, the Council can be asked to arrange for a burial or cremation.

#### Procedure

##### Referral:

Upon receiving notification of the death officers should make contact and arrange an appointment with registrar if the death needs to be registered (n.b If the referral comes from the Coroner he/she will issue an interim death certificate to expedite funeral arrangements).

Upon receipt of the notification the Council will determine whether the case meets the criteria for a public health funeral, or whether it should be returned to the family to make the appropriate arrangements. If the case is deemed to be a public health funeral then the following steps will be followed:

1. Complete the authorisation form, detailing why the case meets the statutory criteria
2. If applicable, send the next of kin a consent form to obtain their consent for the Council to arrange the funeral. No further action should be taken until the consent form is completed and returned unless there are reasons why this

- should not be the case e.g. religious beliefs which require the funeral to be conducted within a particular timeframe
3. Start administrative expenses form and case notes (detailed case notes should be made throughout the process)
  4. Contact referring person/organisation to obtain as much information about the deceased as possible e.g. housing provider, landlord, neighbours, family members
  5. Notify the contracted funeral director and arrange for collection of the body pending the making of the funeral arrangements

Property and Possessions:

Prior to making the funeral arrangements it is important to ascertain if the deceased had any possessions on them, for example cash, jewellery, watch, and/or cards. If so arrangements should be made to collect the possessions, or have them delivered. A receipt for any goods should be given and a copy kept with the case notes.

If the deceased had an address it will need to be searched. The following steps should be followed in arranging and carrying out the search:

1. Undertake a risk assessment. If in doubt about contamination, seek advice from the Environmental Regulatory Service Business Support Manager
2. Contact the key holder, landlord, or home manager as relevant to arrange a date and time for the search. Emphasise that they must not remove any items from the property, nor allow anybody else to do so until you have concluded your search
3. Ensure that a minimum of 2 people attend the search on every occasion. If it is in a nursing home and the manager or other senior staff member is willing to be present and observe, it would be acceptable for one officer only to conduct the search. If it is in a private property a minimum of 2 officers should attend and conduct the search together
4. Before starting the search, take digital photographs of the outside of the property, including any boarding up undertaken by the police.
5. Consider informing any neighbours that you will be in the property so they are not concerned about hearing noises. Elicit any information about the deceased that you can from any neighbours. Ask the neighbours if they would like to be kept informed of the funeral arrangements.
6. Remember that the purpose of the search is to find a will; to find any information about possible relatives; or to recover cash, bank and other financial details, and any items that can be sold to offset the funeral costs.
7. Consider health and safety at all stages and do not put yourself at risk. If a room is too dangerous to search, do not search it.
8. Take photographs of each room prior to searching.
9. Search each room in pairs to ensure health and safety and prevent accusations of theft.
10. Only recover items that are going to be of use – do not recover everything, for example only take the latest bank statements rather than all of them.
11. It is not your responsibility to tidy or clean the premises, but you should report any public health concerns (for example evidence of rats) to the Environmental Regulatory Service Business Support Manager.

12. Record anything that you remove from the property on the Record of Items Removed From Property Form. Get the form countersigned by an appropriate person, for example; landlord, nursing home manager. If there is nobody else, the second officer can witness the signature. Give a copy to the counter-signatory, if appropriate.
13. It may not be possible to complete the search in one visit. If this is the case, ensure the property is secure and make arrangements to return as soon as possible.
14. When you are satisfied that no further search is required, return the keys to the appropriate person and advise them that you have concluded your searches.
15. Upon return to the office search through the items recovered from the property to ascertain if there are any contact details for family. If so, attempt to make contact, or ask the police or Coroner's Officer for assistance with this. Be aware that you may have to break the news of the death, so prepare for the telephone conversation and ensure that you ring from a room where privacy can be assured.
16. If there is family, make arrangements to hand over the property and funeral arrangements to them. If there is a will, contact the Executor and make arrangements to hand over the property and funeral arrangements to them. If the Executor has ceased trading or is no longer prepared to act then they will need to formally renounce the will and declare that they wish to have no further involvement in the arrangements.
17. If the search reveals no family or will then make contact with the funeral director to make funeral arrangements.
18. Place deceased belonging into secure storage.

## **The Funeral Arrangements**

Once the Council has accepted a case, it will deal with all aspects of the organisation of a funeral, including registering the death, dealing with the funeral directors to make the arrangements, and paying for the funeral.

A cremation service will normally be held at the nearest available Crematorium, unless it is established that the deceased would have chosen burial for religious, cultural or personal reasons, or if it was found that the deceased owned a grave in a 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, burial will take place in an unmarked public grave in a designated cemetery.

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.

The Council will not normally pay for additional items such as notices in newspapers, flowers, transport (other than the hearse) or minister fees. However, these may be provided at the discretion of the Council providing there are sufficient funds in the estate to cover the extra cost.

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

Following the cremation, the cremated remains will normally be scattered in the Gardens of Remembrance at the Crematorium. If requested the cremated remains may be given into the care of a close family member or friend.

### **Estate Administration**

The Council is entitled to recover its costs when making funeral arrangements under Section 46 of the Public Health (Control of Disease) Act 1984. They are not, however, empowered to administer the estate.

Where there is a surplus of over £500.00, once all costs incurred in making the funeral arrangements have been reimbursed, and where no family are known the Council will refer the case to the Treasury Solicitor under Bona Vacantia. If the funds are held in a bank account, the Council will notify the bank in order to recover the funeral costs. The bank is expected to administer any remaining funds it holds.

Where there are known family, 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 at which point the estate will be transferred to them.