

Public Health Funerals Policy

1.0 Introduction

- 1.1 This document sets out the Council's public health funeral policy and how Guildford Borough will exercise its duty under Section 46(1) of the Public Health (Control of Disease) Act 1984 (the Act) which states:

“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.”

- 1.2 The policy aims to clarify roles and responsibilities and provide details of the funeral provision provided.

2.0 Referrals

- 2.1 If no individual is willing or able to make the funeral arrangements for the deceased, the case may be referred to the Council, who will then be responsible for making the arrangements under S46 of the Public Health (Control of Disease) Act 1984.

- 2.2 Referrals to the Council are only accepted in the following ways:

- A section 46 of the Public Health (Control of Disease) Act 1984 notice from the Coroner detailing time of death and place of death
- Social Services or similar care providers
- Nursing or residential care homes

- 2.3 The Council will deal with the organisation of a funeral including registering the death, liaising with the funeral directors and paying for the funeral.

- 2.4 The Council has no duty in the following situations and therefore will not take responsibility for funeral arrangements:

- the death occurred in a National Health Service premises
- funeral arrangements have already been made
- the funeral has taken place
- the death occurred outside of the Borough but where the person's main residence is in the Borough

3.0 Persons not able to make arrangements

- 3.1 If the deceased has a family, but they are unable or unwilling to pay for the funeral. The nearest surviving relative will be asked to inform the Coroner who may supply a S.46 form to the Council. The Council will not accept direct referrals from relatives.

- 3.2 The nearest surviving relative will then 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.

4.0 Property

Gathering information – property search

- 4.1 The Council will conduct an inspection of the property in which the deceased passed away and/or in the case of a nursing home death the main residence of the deceased. Officers will follow the searching procedure when undertaking the inspection.
- 4.2 The search will focus on finding a will, evidence of family or friends, and any items that may be used to pay for the funeral costs. The Council has a power of entry under Section 61 of the Act. Unless access has been supplied by the Coroner or a keyholder, a warrant is required to force entry.
- 4.3 Any shared accommodation will require the consent of any other occupier.
- 4.4 If the relevant property is in another borough or district we will inform that authority, but will still inspect that property.
- 4.5 Any items removed by Council Officers from the property will be retained under secure conditions at the Council Office for a minimum of 6 months following the funeral.
- 4.6 The inspection, carried out by two Council Officers, is to ascertain whether there is a will, any relatives, personal information to be able to register the death and assess the financial status of the deceased in order to fund the funeral.
- 4.7 No other persons such as friends, neighbours or relatives are able to access the property with the officers.
- 4.8 In cases where the deceased's will is found and the executor is traced, the executor would be expected to organise the funeral. If the executor wishes to revoke their duties, we will request they must make a formal renunciation of the will and declare that they wish to have no further involvement in the funeral arrangements.

Rented accommodation

- 4.9 Landlords should be advised not to enter or remove any items from the deceased's accommodation until after the house search has taken place. Please note that this is often unavoidable as the Landlord may have entered before having been given this advice.
- 4.10 The Council is not responsible for clearing or cleaning the property and cannot deal with services or property matters. However public health matters

such as pest infestations and statutory nuisance can be addressed if appropriate.

- 4.11 Following the completion of the search the property will be secured and the keys returned to the landlord.

Owner Occupier

- 4.12 If the property was owned by the deceased, the case will be referred to the Treasury Solicitor after the funeral and their instructions regarding the property will be followed, unless there is a living relative, an executor or a will.
- 4.13 If the family have already removed any possessions from where the deceased lived, the Council may request their return to pay for the funeral costs.

5.0 Registering deaths

- 5.1 Subject to guidance from the Coroner; the Council will register the death at the Guildford Registry Office. On registering a death, the Council needs to supply the necessary details to the Registrar including; date of birth, marital status, occupation, medical and national insurance numbers and confirm that they will dispose of the body in an appropriate manner including naming the funeral director.
- 5.2 Only one death certificate will be purchased to allow the Council to make funeral arrangements.
- 5.3 Where an inquest is being held, the Coroner can release the body and issue an interim death certificate to the Council or the designated funeral director. The death will not be registered by the Council.
- 5.4 Where the death occurs in a nursing or residential home, the Coroner is not normally involved. The manager of the home can register the death but is often unable or unwilling to do so if there are no funds. The home will forward all details of the death including the doctor's medical certificate, financial status and Social Service contacts as required. On receipt of the relevant material an officer will register the death.

6.0 The funeral service

- 6.1 A cremation service will normally be held at a local Crematorium, unless it is established that the deceased would have chosen burial for religious, cultural or personal reasons, or if a check of the Council's burial records reveals that the deceased owned a grave in a local 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 cemetery.
- 6.2 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.

- 6.3 The Service will not normally include a minister of religion or a representative of the faith of the deceased to lead the service unless this is specified in a will.
- 6.4 The Council will not pay for flowers, orders of service or any other expenses.
- 6.5 The Council will inform family and friends of details of the funeral and invite them to attend.
- 6.6 Family and friends may attend the funeral service but will have no choice as to where and when it is held. As long as there is no additional cost to the authority, family and friends can also choose a eulogy and music. The Council will agree one nominated contact to liaise with the funeral director.
- 6.7 If a cremation is chosen, the Council will give the ashes of the deceased person to the family or friends if requested, at no cost to the family or friends. Where family or friends wish to collect the ashes from the crematorium, the authority officer acting as the Applicant for the Cremation should nominate them to do so on the Application for Cremation, if known. After this date the next of kin should request the ashes from the Council within 6 months of the funeral.
- 6.8 If following the cremation there are no persons to take the cremated remains within 6 months of the funeral, they will normally be interred in an unmarked, but recorded location in the Gardens of Remembrance at a local Crematorium.

7.0 Estate Administration

- 7.1 The Council is entitled to recover the costs of making funeral arrangements under Section 46 of the Public Health (Control of Disease) Act 1984. The Council is 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, the Council will refer the case to the Treasury Solicitor under Bona Vacantia.
- 7.2 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.
- 7.3 Under no circumstances will money or property from the estate be given to any family member without proper lawful authority.

8.0 Information and additional matters

- 8.1 The Council cannot provide advice and guidance to relatives regarding the deceased's estate.
- 8.2 In cases where the Council does not have a duty, family and friends will be referred to the Citizens Advice Bureau or other agencies for advice and guidance.

8.3 ICCM Guidance - <http://www.iccm-uk.com/iccm/library/Public%20Health%20Funerals%20-%20ICCM%20Position%20Statement%20August%202018.pdf>