

Ipswich Borough Council

# Public Health Funeral Policy

<b>Author (Post Holder)</b>	Michael French	Bereavement Services (Parks & Cemeteries)
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### **1.0 Introduction**

#### **1.1**

Ipswich Borough Council is responsible for making the arrangements for the Funeral of any person who dies within our boundary where no other arrangements are being or are likely to be made. (e.g. When the deceased has no family or surviving next of kin and they have not left a will).

This responsibility is placed upon the Council by Section 46 of the Public Health (Control of Disease) Act 1984. 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. from their Property and Possessions)

## **2.0 Scope**

### **2.1**

This policy will provide an outline on how we as a Council will undertake Public Health Funerals in line with the Public Health (Control of Disease) Act 1984. Due to the nature of Public Health funerals and their complexity in some cases this document will only provide a basic outline as to the standard that can be expected.

## **3.0 Public Health Funerals**

### **3.1**

When someone dies it can be a difficult and distressing time for those involved in arranging the funeral especially if there are concerns about how the funeral would be paid for. It is normally a Partner, Executor or other family member who would be responsible for the costs.

### **3.2**

Ipswich Borough Council cannot get involved where Funeral arrangements are already in place, or if the Funeral has already taken place. The Council will not provide any funding for Funeral arrangements to families whether the Funeral has taken place or not.

### **3.3**

If there is any concern about how the costs for the Funeral are to be paid, it is important that Relatives organising the Funeral discuss this up front with the Funeral Director at the earliest possible stage in the arrangements. Once Funeral arrangements have been made under contract with a Funeral Director the relatives making the arrangements will be responsible for all the costs they have agreed upon, and in many cases a deposit will be required.

### **3.4**

If a relative organising the Funeral is receiving certain Benefits they may be entitled to help from <https://www.gov.uk/funeral-payments> providing they meet the necessary criteria.

## **4.0 Referral to a Local Authority**

### **4.1**

If there is no person willing or able to make the Funeral arrangements, the case may be referred to Ipswich Borough Council who will then be responsible for making the necessary arrangement under Section 46 of the Public Health (Control of Disease) Act 1984. Referrals are usually made by the Coroner's Office. However local care homes may also contact us directly where it is known that there is no next of kin.

#### **4.2**

If the deceased had family who are unable to make suitable arrangements, the nearest surviving relative will 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. If the family have already removed any possessions from the deceased last place of residence, these will need to be returned to the Council to help offset the funeral costs. Where no next of kin can be reasonably located an Officer from Bereavement Services part of Park & Cemeteries at Ipswich Borough Council will take on this role and authorise the funeral arrangements to be made.

#### **4.3**

If the deceased died outside of the boundary controlled by Ipswich Borough Council, the Funeral arrangements will be the responsibility of the Local Authority where they died.

#### **4.4**

Once the criteria has been met for the Council to accept a case, the Bereavement Services team will deal with all aspects of the organisation of the funeral, including registering the death, dealing with the funeral directors to make the arrangements, and paying for the funeral. A cremation will be held at either Ipswich Crematorium, unless it is established that the deceased would have chosen a burial for religious, cultural or personal reasons, or if during the property search of the deceased's evidence supported that a burial plot had been purchased within Ipswich 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 Ipswich cemetery and the deceased may be laid to rest with unrelated persons as is the nature of Public Graves.

#### **4.5**

Ipswich Borough 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. However, there will be neither provision for flowers nor transport for any relatives. The coffin will arrive at Ipswich Crematorium; there will be a basic committal service. Family will have no choice on where and when the cremation or burial will take place, and this will be arranged by the Council.

#### **4.6**

Following the cremation, the cremated remains will be scattered unwitnessed at the current Garden of Rest at Ipswich Cemetery. Where a burial has taken place the

deceased will be interred in an unmarked grave but details recorded of the location in the appropriate Ipswich cemetery Registers.

#### **4.7**

Under no circumstances will the cremated remains be returned to any family members for private scattering, to avoid any conflict the cremated remains have always been scattered in accordance with 4.6

### **5.0 Property Search**

#### **5.1**

Prior to making the funeral arrangements, two Bereavement Services officers will search the last known residence(s) of the deceased. The search will focus on finding a will, 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, cars and motorbikes or other items of significant value that may be sold to raise money to offset the Funeral costs

#### **5.2**

Any items removed from the property and not sold to recover the costs of the funeral will be retained under secure conditions at Ipswich Borough Council's Bereavement Services offices while still relevant to the case following the funeral. Bereavement Services officers are not responsible for clearing or cleaning the property in relation to any case.

#### **5.3**

Following the completion of the search the property will be re-secured and the keys returned to the landlord. If the property was owned by the deceased, the case will be referred to the Treasury Solicitor and their instructions regarding the property will be followed.

### **6.0 Executors of a Will**

#### **6.1**

The Council will not be able to 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. In some cases the named executor of a will is the solicitor that drafted the will initially. 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.

#### **6.2**

The executor must ensure that the person's desires expressed in the will are carried out. Practical responsibilities include gathering up and protecting the assets of the estate,

obtaining information in regard to all beneficiaries named in the will and any other potential heirs, collecting and arranging for payment of debts of the estate, approving or disapproving creditor's claims, making sure estate taxes are calculated, forms filed, and tax payments made, and in all ways assist the solicitors for the estate (which the executor can select).

## **7.0 Estate Administration**

### **7.1**

Ipswich Borough Council is entitled to recover their costs when making funeral arrangements under Section 46 of the Public Health (Control of Disease) Act 1984. The Council will seek to recover the full cost of the funeral plus a fixed administration fee of £450. 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, the Council will refer the case to the Treasury Solicitor under Bona Vacantia

### **7.2**

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 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.

### **7.3**

Where personal items have been recovered by the Council from the deceased's estate, after full costs have been recovered these items will be returned to the next of kin. Should no next of kin be found or they do not wish to take possession of the items the Council will dispose of the items as appropriate with any funds being returned to offset costs of public health funerals. (See 5.2)

## **9.0 Death in Hospital**

### **9.1**

If the deceased died in Hospital (A&E or fully admitted) within the Boundary controlled by Ipswich Borough Council and there are no relatives the responsibility for the Funeral arrangements would be Ipswich Borough Council and the process would begin as per 4.1

## **Glossary**

**Bona Vacantia:** Bona Vacantia literally translates as vacant goods and is the legal name for ownerless property that passes to the Crown. The Crown administers estates of persons who die intestate without known kin and collect the assets of dissolved companies and failed trusts

**Intestate:** Where no Last Will and Testament has been made

**Treasury Solicitor:** The Treasury Solicitor's Department is the largest provider of legal services across the UK government, working with over 180 other Government Departments and Agencies. It also collects Bona Vacantia on behalf of the Crown

**Executor:** The Person(s) appointed to administer the estate of a person who has died leaving a valid Last Will & Testament which nominates that Person.