



Public Health Funeral Procedure

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1.0 Introduction

- 1.1 Buckinghamshire Council is responsible for making funeral arrangements for anybody who dies within their district, where no other arrangements are being or are likely to be made, e.g. when the deceased has no family and they haven't left a will. This responsibility is placed on 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. their property and possessions).

2.0 Scope

- 2.1 This procedure is intended to provide an outline on how we as a Council will deal with Public Health Funerals under the Public Health (Control of Disease) Act 1984. Due to the potentially complex nature of some cases this document should be viewed as an outline as to the standards that can be expected. Flexibility needs to be maintained in order to respond to unforeseen circumstances.

3.0 Public Health Funerals – referrals to local authority

- 3.1 When someone dies and there is no one willing or able to make the funeral arrangements, the case may be referred to Buckinghamshire Council, who will then be responsible for making the arrangements under Section 46 of the Public Health (Control of Disease) Act 1984. Referrals to the Council are usually made by the Coroners Office. However, local care homes may also contact us directly where it is known that there are no next of kin.
- 3.2 If the deceased had a 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 has already removed any possessions from the deceased last place of residence, these may need to be returned to the Council to help offset the funeral costs. Where no next of kin can be reasonably located the Council will take on this role and authorise the funeral arrangements to be made.
- 3.3 Buckinghamshire Council will not get involved where funeral arrangements have already been made, or if the funeral has already taken place. The Council cannot provide any funding for funeral arrangements to families, whether the funeral has taken place or not. If a relative organising the funeral are receiving certain benefits from the DWP they may be entitled to a funeral payment from the Social Fund.

3.4 If the deceased died outside of Buckinghamshire Council's boundary, the funeral arrangements will be the responsibility of the local authority where they died, even if they had lived in Aylesbury Vale.

4.0 Funeral arrangements

- 4.1 Once the Council has accepted a case, the Council 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 service will normally be held at the Council's contracted crematorium unless it is established that the deceased would have chosen a burial for religious, cultural or personal reasons, or if a check in the property of the deceased showed a burial plot had been purchased and this is confirmed with the appropriate 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 an appropriate cemetery.
- 4.2 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. However, there will be neither provision for flowers nor transport for any relatives. The funeral director will also arrange for a minister of religion or a representative of the faith of the deceased to lead the service. If a non-religious service is appropriate, a civil funeral celebrant will be used. Family and friends may attend the funeral service, but they will have no choice as to where and when it is to be held. To the casual observer, the funeral will appear no different to a simple ceremony not arranged by the Council.
- 4.3 Following the cremation, the cremated remains will be scattered at the Garden of Remembrance at the Crematorium where the service took place. Where a burial has taken place the deceased will normally be interred in an unmarked but recorded location in the appropriate cemetery.
- 4.4 If a request is made by a family member, usually the next of kin, for the ashes of the deceased to be returned to them all reasonable arrangements will be made with the Council to allow for this. The person taking responsibility for the ashes will be required to sign a form stating that the ashes will be dealt with respectfully taking into account any known final wishes of the deceased. If there is any conflict between family members about who should have the ashes they will be scattered at the Garden of Remembrance at the Crematorium where the service took place.

5.0 Property Search

- 5.1 Prior to making the funeral arrangements, Council officers will search the last known address 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 etc. that may be sold to raise money.
- 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 Buckinghamshire Council offices for a minimum of 12 months following the funeral. Council officers are not responsible for clearing or cleaning the property.
- 5.3 Following the completion of the search the property will be 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 helped draft the will in the first place. 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.

7.0 Estate Administration

- 7.1 Buckinghamshire 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. 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.

8.0 Death in a Hospital

8.1 If the deceased died as an in-patient in a hospital managed by an NHS Trust and there are no relatives, the NHS Trust may assume responsibility for the funeral arrangements and recover their expenses from the deceased's estate. 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, it shall fall upon the local authority to make arrangements.

9. Glossary of terms

Term	Definition
Bona Vacantia	"Bona Vacantia" literally means vacant goods and is the legal name for ownerless property that passes to the Crown. They administer the estates of persons who die intestate without known kin and collect the assets of dissolved companies and failed trusts.
Intestate	Where no will has been made
Treasury Solicitor	The Treasury Solicitor's Department is the largest provider of legal services across government, working with over 180 government departments and agencies. It also collects bona vacantia on behalf of the Crown
Executor	The person appointed to administer the estate of a person who has died leaving a will which nominates that person.