

Subject: Public Health Act Funerals

Report to: EMT 29th September 2016
Environment Committee 12th October 2016

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SUBJECT MATTER/RECOMMENDATIONS

This report seeks to advise members of the Councils duty under The Public Health (Control of Diseases) Act 1984 to carry out the funeral of persons for whom no funeral arrangements have been made.

The Committee is recommended to note this report

1. INTRODUCTION

Under section 46 of the Public Health (Control of Disease) Act 1984, the Council 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 area where it appears to the local authority that no suitable arrangements for the disposal of the body have been or are being made.

There has been a marked increase in the number of funerals undertaken by the Council in recent years as seen in Appendix 1.

2. PUBLIC HEALTH FUNERALS

In respect of those funerals arranged by the Borough Council, the council can recover from the estate of the deceased person the expenses incurred by the local authority in carrying out this duty. Where there is no or insufficient money or saleable goods, the Council will cover the costs. It is important to note that the Council does not administer the estate of the deceased.

There is no obvious explanation for the sharp rise. It is speculated that it has been linked to economic factors with the deceased person not making provision for their funeral; friends, family and next of kin not having money to carry out the funeral and people being aware of the fact that no person is obliged to undertake to do a funeral (knowing that the Council has a duty to carry it out).

The Council has a major hospital within its boundaries (The James Paget Hospital) and the Council is obliged to undertake the public health funeral actions for those persons that die in hospital, irrespective of where they live. Therefore, the Council has carried out a number of funerals for persons who are not resident in the Borough

but lived in Waveney, South Norfolk and Norwich. These in the main are burials in the district where they lived unless there is information to say they wish to be cremated.

Where there are next of kin the officer will give advice on applying to the Department of Work and Pensions (DWP) for a Funeral Payment and wherever possible will seek to persuade persons other than the Council to take on the responsibility for the funeral. Frequently, friends and relatives will rethink about taking on the funeral once they have been given information on how to proceed with making funeral arrangements, ways in which they can obtain funds to do so and when the limitations on what the Council is prepared to do are explained. There has been a good success rate at diverting the arrangements from the Council. It is estimated that some 35 funerals were diverted in 2015/16. There is no doubt the number of funerals coming to the Council would have been substantially higher, and this is seen as time well spent by Officers.

The guidance of the Institute of Cemeteries and Cremation Managers (ICCM) states that there should be dignity provided in death for all people – there should be no obvious differences between a ‘normal’ funeral and a public health funeral. Environmental Services tries in general to adhere to these principles. As part of the arrangements, if there are friends and relatives who wish to attend the funeral an arrangement is in place for a Church of England minister or a funeral director to say a few words at no extra cost, provide music at the crematorium (free) and a single hearse is provided as part of the contract costs. Cremations are held at 09:00 hours and burials within the Borough at 09:30 hours.

Frequently friends and relatives try to influence the proceedings requesting additions for example limousines, but these are never accommodated as the costs could be used to offset the funeral costs. The Council does not subsidise funerals. Often this leads to angry exchanges with friends and relatives.

3. FINANCIAL IMPLICATIONS

The cost to the Council can be seen in Appendix 1. Annual budget provision is made to cover this.

A typical funeral costs in the region of £1,000. This includes funeral directors fees, cremation or burial costs and doctors’ fees if appropriate.

The Council has a contract with a local funeral director to carry out the funeral. This was awarded following a competitive tendering exercise earlier this year in which all local funeral directors were given the opportunity to submit a tender.

4. COST RECOVERY

Cost recovery is carried out by Environmental Services staff only. It effectively begins once it is apparent that the funeral will be one for the Council to carry out. However, it must be borne in mind that many of the deceased do not have anything of value at all hence the Council carrying out their funeral in the first place.

Officers conducting the property search are ever mindful of the need to try to reclaim the costs of the funeral from the deceased's estate. The property search is extremely thorough – looking in all likely hiding places within a property for valuables and paperwork. High value, easily saleable goods are also removed by officers at this time

Since early 2014, Environmental Services has engaged the services of a local auction house to help remove and sell other possessions that may have a value. It is here that further conflict with friends and relatives can arise as they perceive monies (whether cash or in a bank account) and goods as being theirs rather than belonging to the estate of the deceased. This is an area of work that frequently leads to friends and relatives getting upset about inheritances that may have been 'promised' by the deceased.

Most deceased persons do have bank accounts; some have insurance policies and pension arrangements. Officers conducting the property search will remove any documents relating to such. However, the experience of Officers is that the financial institutions whilst they will release money for funerals eventually, they are very inconsistent when paying the funeral arrangement fees charged by the Council. For any given funeral it can take a number of months of letter writing and phone calling before any monies can be recovered to pay in part or whole for the funeral.

The Council cannot make a profit from a deceased's funeral and excess costs cannot be retained to offset the cost of the service in general. Any excess monies must be returned to the estate of the deceased or passed to the Bona Vacantia Division of the Government Legal Department.

Where there is next of kin money and goods can be passed to them but if there is no will this has to be in accordance with the laws of intestacy. The Council has a duty to ensure that any sums we do hold are only released to persons who have a right to receive it. Officers do insist on proof of identity in all cases.

It is important to reiterate that the Council does not take over the administration of the deceased's estate; something that is frequently not realised by next of kin and friends. Having said that however, advice from the Council's legal advisor is that the Council must always be open and transparent in the way it deals with these funerals and estates so as not to be accused of mal practice.

This area of work also attracts a large number of Freedom of Information requests from 'heir hunter' companies requesting details of deceased and funerals carried out together with a number of media enquiries. Environmental Services publish information on these funerals on a monthly basis on the Councils website.

5. **RISK IMPLICATIONS**

Most persons needing a Public Health Act funeral do so generally due to a lack of money or a person to take responsibility to pay for it. This means that the cost falls to the Council. Officers do recover as much of the costs as they can and this is around 50% of the total outlay for funerals in each year. The Council will never be in a position whereby it will recover all of its costs.

6. **RECOMMENDATIONS**

The Committee is asked to note the contents of this report

Areas of consideration: e.g. does this report raise any of the following issues and if so how have these been considered/mitigated against?

Area for consideration	Comment
Monitoring Officer Consultation:	No
Section 151 Officer Consultation:	No
Existing Council Policies:	No
Financial Implications:	Yes
Legal Implications (including human rights):	Yes
Risk Implications:	Yes
Equality Issues/EQIA assessment:	Yes
Crime & Disorder:	No
Every Child Matters:	No

Appendix 1

Numbers of Public Health Act Funerals

Year	No. of Funerals	Costs to Council (£)	Costs Recovered by Council (£)
2007/08	21	19,526	Not known
2008/09	9	8,804	Not known
2009/10	17	17,452	11,704
2010/11	11	14,245	6,160
2011/12	35	40,410	24,148
2012/13	36	45,726	26,069
2013/14	49	68,391	36,987
2014/15	56	69,108	39,058
2015/16	38	43,961	35,668
2016/17 to date	30	27,446	24,625

Please note that prior to 2011 cost recovery was undertaken by the Council's Legal Services. Since 2011 it has been carried out by Environmental Services. Due to the delays in recovering the monies, the costs recovered do not totally relate to the funerals carried out in each financial year.

Public Health Funerals – Procedural Arrangements

Formal notification of a death where there is no one to arrange a funeral can be received from a number of sources including the Coroner's Office, James Paget University Hospital, nursing and residential care homes, members of the public and occasionally may receive a 'heads up' from a funeral director.

Upon notification, if the deceased person lived alone, officers make arrangements (contact friends, relatives, landlords, the hospital or the Police to retrieve keys etc.) to enter the deceased's property as the earliest possible time. Experience has shown that whilst friends and relatives may not pay for the funeral, there are people who will enter the deceased's property and remove valuable items very soon after death. It is very important for Council Officers to enter the property as soon as possible before personal papers, valuable items and cash etc. are removed by others.

In cases where there is a surviving partner who cannot pay, the Council generally does not seize items but does discuss with the partner the possibility of contributions to the cost, perhaps via a Bereavement Payment from the DWP for example.

At this point officers will collect medical certificates, register the death if necessary and liaise with family and friends, the police, the coroner's officer, hospital, registrar, care home staff and the funeral director.

Property searches are always carried out in pairs. All cash found is removed together with any identity documentation relating to the deceased and possible next of kin such as bank accounts, pensions, insurance policies, address books etc. At this point high value easily transported items such as televisions and jewellery are also removed together with motor vehicles if insufficient cash to cover the cost of the funeral has been found. All material removed is documented and all cash paid into the Council's accounts (for interim safe keeping before paying back to the deceased's estate or Bona Vacantia Division of the Government Legal Department minus our costs). Property searches are often carried out in very unpleasant conditions – blood, body fluids and faeces are common particularly where the body has lain for some time before discovery. There is a need for Officers to be experienced in dynamic risk assessment and be appreciative of the health risks encountered in some of the properties.

The Officer then makes arrangements for the funeral liaising with our contracted funeral director. The Officer will try to track down relatives, often being the first person to break the news of the death. By talking to friends and relatives Officers try

to build a picture of the deceased as to their religion and whether they had expressed a desire to be cremated or buried. If there is no hint of a preference the Council will arrange for a burial to take place as the Council cannot cause a body to be cremated if they believe this would be contrary to the deceased's wishes.

Ashes after cremation are returned to Environmental Services for passing on to relatives or are scattered at the crematorium. Here again considerable delays can occur waiting for relatives to pick up the ashes which have to be stored until then in the Environmental Services office.

If a burial is to be undertaken within the Borough this will usually be either at the Magdalen Cemetery or the Caister Borough Cemetery. Bereavement Services locates a suitable plot. These plots are not purchased and friends and relatives of the deceased are made aware that the plot is a common grave. This may be reused at a later date and contain non family members. These plots are allocated by the Bereavement Services Manager and are normally those that would be difficult to sell for example around the edge of the site. If burial is required for non-residents of the Borough it is a significantly cheaper option for them to be buried in their own local authority area.