PUBLIC HEALTH FUNERAL POLICY STATEMENT

2016

PUBLIC HEALTH & WELL-BEING
Public Protection Service

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| Related Legislation / Applicable Section of Legislation | Public Health (Control of Diseases) Act 1984 Section 46 (1)  
National Assistance Act 1948 |
| Related Policies, Strategies, Guidelines Documents | Public Protection Service Enforcement Policy 2015 |
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Document Approvals;

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</table>
CONTENTS PAGE

1. Foreword
2. Policy Statement
3. Introduction
4. Resources
5. Funeral Provision
6. Procedure
7. Publication of data
1. **FOREWORD**

The term “Public Health Funeral” is used to describe the mechanism that Rochdale Borough Council uses to discharge statutory duties under the Public Health (Control of Diseases) Act 1984.

Section 46 of the Act places a duty on local authorities when an individual, resident or non-resident, dies within the area of Local Authority (LA) and it appears that insufficient arrangements are being made for the burial within the LA area, then the LA will be responsible for the burial.

2. **POLICY STATEMENT**

This document sets out the Council's Public Health Funeral Policy, resources and procedure. It clarifies roles and the level of funeral provision to provide a dignified, value for money funeral service. It also clarifies the Council’s strategy for the publication of data relating to public health funerals.

3. **INTRODUCTION**

Deaths outside a hospital setting usually have Police attendance. GMP officers will attend, identify the body and send the body to the mortuary. They then notify “reportable deaths” to the Police Coroners Officers (PCOs). The PCOs make enquires with the deceased’s GP and they trace and identify any next of kin or family members. The case is then referred to the Coroner who makes a decision as to what happens next. When a body is released by the Coroner, if there is no next of kin or family members the details are passed to the Public Protection Service to make appropriate arrangements for the disposal of the body.

The Public Protection Service also receives referrals from the PCOs when family members have been traced but they are either unable or unwilling to make the necessary arrangements for the funeral.

If a person dies whilst living in sheltered accommodation or a private or public care or nursing home, the manager or representative checks for next of kin. If no next of kin are found they refer the case to the Public Protection Service.

If a person dies in hospital and there are no next of kin, the hospital authority makes the necessary funeral arrangements.

The Service has seen a year on year increase in the numbers of referrals to the Service. There has been an increase in the number of referrals where families are unable / unwilling to make the necessary funerals arrangements. The reason
repeatedly put forward is that families cannot afford the cost of the funeral. They explain they are not eligible for the Department of Work and Pensions Social Fund and are happy to allow the Council to make the funeral arrangements and expect the Council to cover all the costs.

4 RESOURCES

The Service is delivered by staff within the Public Protection Service’s Environmental Improvement Team under the supervision of the Team Leader (Health Improvement) and managed by the Service Manager (Communities).

The act states that a local authority may recover costs from the estate of the deceased, a family member such as parent or spouse or any person who is liable to maintain the deceased under National Assistance Act 1948.

The act also states that costs of the funeral are recoverable summarily as a civil debt within 3 years after the monies are due. This is interpreted by Rochdale to mean that attempts to recover the costs of the funeral from any remaining estate should be within 3 years of the funeral taking place.

The Public Protection Service always tries to recover costs incurred including officer time, from any estate or assets. However it is common for people dying with no next of kin to have no assets. Therefore the Council may not always recover its costs. The net cost of the Service is met by Public Health.

When an estate is left “bona vacantia” ie without an owner, the Service has a duty to refer this to the Duchy of Lancaster.

5 FUNERAL PROVISION

The Council wishes to ensure that public health funerals provided are dignified and represent value for money. The Council therefore sets the following standard as the level of funeral provision when conducting a public health funeral;

The Council WILL provide;
- collection of the deceased from within the Borough
- a place at the Funeral Directors Chapel of Rest
- dressing in own clothes or a simple shroud
- a simple coffin with lining throughout
- arrangements and burial in a public grave (ownership of the grave plot retained by RBC)
- information to family members or friends if known, of the date and time of the funeral so they can attend if desired.
- if the wishes expressed within the deceased’s Will are for cremation
then burial will be replaced with cremation at a RBC crematorium

- in the case of cremation, ashes will be disposed of in the usual manner at the crematorium

The Council cannot provide;

- flowers or wreaths
- a minister to conduct a religious service at the graveside
- a celebrant to conduct a non-religious service at the graveside
- limousines / limousine service

6 PROCEDURE

If the referral indicates that next of kin or family members are unable / unwilling to make necessary funeral arrangements, the Team Leader will make contact and request information as to why they are unable / unwilling to make arrangements and request their current financial situation; income, expenditure, savings etc.

The Team Leader will complete a referral form and submit this to the Service Manager

The Service Manager will consider the information and make a decision as to whether to authorise a public health funeral.

If authorised, the case is allocated to an investigating officer within the Service’s Environmental Improvement Team.

The investigating officer arranges a visit to the deceased’s property. A search is made for any information relating to a will, assets, estate or valuables and makes an inventory of all articles removed from the property.

The investigating officer registers the death and obtains a death certificate and authority to release the body for disposal.

The investigating officer will have regard to any wishes of the deceased expressed in a will and arrange an appropriate public health funeral for the deceased.

The investigating officer will make contact with the Funeral Director who has been awarded the Council’s contract, hand over the authority to release the body for disposal and make the necessary arrangements for the public health funeral.
The investigating officer will notify any known family and/or friends of the funeral date, time and location.

The investigating officer will reconcile income and expenditure and attempt to recover the Council’s costs including officer time from any estate or assets.

The investigating officer will notify the Duchy of Lancaster of any remaining “bona vacantia” estate (subject to value of estate being in excess of £500 following all funeral costs). This will be done by completion of the Duchy’s proforma BV 1 form.

7 PUBLICATION OF DATA

The Council will publish information each year in relation to this area of service. Appropriate information will be published after the financial year end figures have been collated.

The following information will be published on the Council’s website:

- Name
- Date of Birth
- Date of Death
- Sex – M/F
- Type of funeral – burial or cremation
- Referral to Duchy Lancaster – Y/N
- Annual cost to the Council of public health funerals

The following statement will also be published alongside the above information;

**Section 31 of the Freedom of Information Act 2000 – Law Enforcement (prevention and detection of crime).** Revealing details of the assets of an estate before the Duchy of Lancaster has undertaken their own enquiries would provide an opportunity for criminal acts to be committed (for example theft or fraud). Similarly, there would be concerns about making the last known address of the deceased public, as the property is likely to be unoccupied and might contain the deceased’s identify. Taking into account the above issues, the Council considers that there is no over-riding public interest in releasing the information requested. Any public interest would be best served by upholding the exemption under section 31 of the Act as disclosure of the information would be likely to prejudice the prevention of crime by enabling or encouraging the commission of offences.