



Public Health Act Funeral Policy

1.0 Help with Paying for Funerals

- 1.1 When someone dies it can be a very distressing time for those arranging a funeral, especially if there are concerns about how the funeral is to be paid for.
- 1.2 If you are concerned about how you are going to pay for a funeral, it is important that you discuss this with your chosen Funeral Director at an early stage in the arrangements. Please be aware that once you have entered into a contract with the funeral director you will be responsible for paying their costs.
- 1.3 If you or a partner is receiving certain benefits, you may be entitled to a funeral payment from the Social Fund. Further information about Funeral Payments, including an application form, can be found on the Direct Gov. website at:
http://www.direct.gov.uk/en/MoneyTaxAndBenefits/BenefitsTaxCreditsAndOtherSupport/Bereaved/DG_10018660

2.0 Scope of Public Health Funerals

- 2.1 This policy 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 may need to be maintained in order to respond to unforeseen circumstances.
- 2.2 Melton Borough Council is responsible for making funeral arrangements for anybody who dies within their boundary 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. Referrals to the Council are usually made by the Coroner's Office. This responsibility is placed on the Council by the Public Health (Control of Disease) Act 1984 - Section 46. This 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).

- 2.2 If the deceased died outside of the Melton Borough Council boundary, the funeral arrangements will be the responsibility of the local authority where they died, even if they had lived within the Borough of Melton.
- 2.3 Melton Borough Council will not be able to be involved if 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.
- 2.4 It is normally a partner, executor or other family member who would be responsible for making funeral arrangements for a deceased person, and they would also be responsible for the costs. Help is available from the Social Fund for those who are in receipt of certain benefits. For advice about receiving help towards funeral costs please see the link above to the Government website.
- 2.5 If there is nobody willing or able to make the funeral arrangements, the case may be referred to Melton Borough Council, who will then be responsible for making the arrangements.
- 2.6 If the deceased had a family, 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 where the deceased lived, these may need to be returned to the Council to help offset the funeral costs. **If you are a Landlord, you should not enter or remove any items from the deceased's accommodation until after the house search has taken place.**
- 2.7 Once the Council has accepted a case, Officers will deal with the aspects of the organisation of a 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 most cost effective Crematorium within reasonable travelling distance, 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, but recorded, public grave usually in Melton Cemetery.
- 2.8 The Council's will obtain two estimates from local contractors and will work with the most cost effective funeral directors who will provide everything necessary for a simple but dignified service, including coffin, transport of the deceased to the Crematorium or Cemetery in a

hearse, and sufficient bearers to transfer the coffin to the chapel. There will not be a newspaper announcement or any flowers included within the cost for a contract funeral. The funeral director will lead the service. Family and friends may attend the funeral service, but will have no choice as to where and when it is held. To the casual observer, the funeral will appear no different to a simple ceremony not arranged by the Council. Following the cremation, the cremated remains will be scattered in the Gardens of Remembrance at the Crematorium, usually two weeks after the service. In exceptional circumstances, cremated remains may be given into the care of a close family member or friend.

3. Property Search

- 3.1 Prior to making the funeral arrangements, two Officers of Melton Borough Council 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 that may be sold to raise money. Any items removed from the property will be retained under secure conditions for a minimum of 6 months following the funeral.
- 3.2 Melton Borough Council Officers are not responsible for clearing or cleaning the property. Following the completion of the search the property will be secured and the keys returned to the landlord. Melton Borough Council Officers are not responsible for dealing with the estate but will utilise the 'Tell Us Once' service offered by the Registrar, where possible.
- 3.3 If the property was owned by the deceased, the case will be referred to the Treasure Solicitors and their instructions regarding the property will be followed, unless there is a living relative, an executor or a Will.

4. Executors of a Will

- 4.1 The Council will not 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. 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.
- 4.2 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).

5. Estate Administration

- 5.1 Melton Borough Council is entitled to recover its costs when making funeral arrangements under section 46 of the Public Health (Control of Disease) Act 1984. They are not, however, empowered to administer the estate. Where there is a surplus of over £500, 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. Where there are known family members, 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.

6. Death in Hospital

- 6.1 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 funeral arrangements and recover their expenses from the deceased's estate.